

Cabinet



The Cabinet will meet at Braintree District Council, Causeway House, Braintree, CM7 9HB on Thursday, 4th February 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 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

This agenda is available on
www.braintree.gov.uk/Braintree/councildemocracy

Nicola Beach
Chief Executive

PUBLIC INFORMATION

Question Time

Immediately after Declarations of Interests, 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 at least 2 working days prior to the meeting.

Health and Safety

Any persons attending meetings are requested to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding, you must evacuate the building immediately and follow all instructions provided by the fire evacuation officer who will identify him/herself. You will be assisted to the nearest designated assembly point until it is safe to return to the building

Mobile Phones

Please ensure that your mobile phone is switched to silent or is switched off during the meeting.

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

No	Title and Purpose of Report	Pages
1	Apologies for Absence	
2	Declarations of Interest To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.	
3	Public Question Time (See paragraph above)	
4	Minutes of the Previous Meeting To approve as a correct record the minutes of the meeting of Cabinet held on 30th November 2015 (copy previously circulated).	
5	HEALTH AND COMMUNITIES	
5a	Presentation from Fusion To receive a presentation from Mark Johnson - Divisional Business Manager and Claire Popperwell - Sports and Community Development Manager.	
6	OVERALL CORPORATE STRATEGY AND DIRECTION	
6a	Leader's Update The Leader of the Council to provide a brief update on key issues and activities.	
6b	Update on Greater Essex Devolution	6 - 13
6c	Corporate Strategy 2016-20	14 - 22
6d	North Essex Garden Settlements Joint Bid for Government Funding to Support Development	23 - 37

7 FINANCE AND PERFORMANCE

7a Council Budget and Council Tax 2016/17 and Medium Term Financial Strategy 2016/17 to 2019/20

Note: Members are requested to bring their copies of the Council Budget and Council Tax 2015/16 and Medium-Term Financial Strategy 2016/17 to 2019/20 report which has been published separately.

8 PLANNING AND HOUSING

8a Housing Allocations Policy 38 - 43

8b Use of land at John Barr House Panfield 44 - 50

9 ENVIRONMENT AND PLACE

9a Implications of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 51 - 57

10 REFERENCES FROM COUNCIL/COMMITTEES/GROUPS

11 REPORTS/ DELEGATED DECISIONS/MINUTES TO BE NOTED

11a Local Plan Sub-Committee - 2nd December 2015 58 - 62

Developing Democracy Group – 13th January 2016

Copy to follow.

- 12 URGENT BUSINESS AUTHORISED BY THE CHAIRMAN
- 13 EXCLUSION OF PUBLIC AND PRESS TO CONSIDER REPORTS
IN PRIVATE SESSION
for reasons set out in Paragraph 3 of Part 1 of Schedule 12(A)
of the Local Government Act 1972.

AGENDA – PRIVATE SESSION

No	Title and Purpose of Report	Pages
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Update on Greater Essex Devolution		Agenda No: 6b
Portfolio	Overall Corporate Strategy and Direction	
Corporate Priority:	Boost employment skills and support business, Securing appropriate infrastructure and housing growth Providing value for money, Improving our services through innovation	
Report presented by:	Councillor Graham Butland, Leader of the Council	
Report prepared by:	Nicola Beach, Chief Executive	
Background Papers:		Public Report
Cabinet reports on devolution - 30 th November 2015, 28 th September 2015 and 30 th March 2015.		Key Decision: No
Executive Summary:		
<p>This report updates Members on the Greater Essex devolution programme since the last report to Cabinet on 30th November 2015. At that meeting progress to date and the timeline were reported to Members; an update is provided below.</p> <p><u>Previous Timeline</u></p> <p>4 September – Statement of intent sent to Government 7 October – Further detailed submission to Government 17 November – Engagement with Education and Skills Board 24 November – Engagement with Greater Essex Business Board 3 December – Leaders Meeting 11 December - Engagement with SELEP 11 December 2015 – Further submission to Government - <i>updated position– a draft deal document was shared by officers with civil servants in late December</i> January 2016 – Final draft proposals – <i>updated position – ongoing dialogue with Government (civil servants) in late January and February.</i></p> <p><u>Update since December 2015</u></p> <p>At the Leaders’ devolution meeting on the 3rd December 2015, a draft deal document was presented which was generally well-received with some amendments and clarifications requested. It was agreed that an updated version should be shared with civil servants as background to setting up discussion meetings in the new year. This was done in late December and feedback received from civil servants was that the format and content of the draft deal document were helpful ahead of meetings commencing in late January 2016. The Leaders also agreed to change their meetings</p>		

to operate as a Devolution Board, with business conducted as a Board with agendas and reports produced in advance and notes to be agreed.

Communications and Engagement

Engagement with business organisations and the Universities continues to be very positive in helping shape the draft deal. There has also been further engagement with Members of Parliament and briefing sessions are being arranged.

A second Greater Essex Devolution Newsletter was published and shared widely in December 2015 – please see Appendix A.

The website is now live (www.greateressex.org.uk.) and content will be added and updated as the programme progresses.

Next Steps

Meetings and workshops are being arranged with civil servants in late January and February 2016 to discuss further the draft deal.

The next Leaders' Devolution Board will be held on 22nd January 2016. A further update from this meeting will be given verbally at Cabinet by the Leader.

It is anticipated that a second special briefing session for Members on devolution will be presented by the Leader and Chief Executive in February/early March, part of which will include sharing the latest draft deal document with Members to seek their views on it and proposed governance arrangements.

Decision

Cabinet are asked to note the progress of the devolution programme to date

Purpose of Decision:

For Cabinet to be updated on the work to develop a devolution deal for Greater Essex.

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

Financial:	Braintree District Council (along with other partner authorities) has already contributed £15,000 to this programme. Braintree District Council continues to act as banker for this partnership funding as the Chief Executive of the Council is the lead chief executive officer in this project.
Legal:	A Combined Authority is a legal entity which can be formed under the Local Democracy, Economic Development and Construction Act 2009.
Safeguarding	None at this stage.
Equalities/Diversity	None at this stage.
Customer Impact:	None at this stage.
Environment and Climate Change:	None at this stage.
Consultation/Community Engagement:	<p>Consultation is part of the governance review that has to be carried out as part of the process to formally establish a Combined Authority, but the partnership has not reached this stage yet.</p> <p>An engagement plan has been developed and is being implemented to include businesses, parishes, other partners and MPs</p> <p>A second newsletter has been published. A website has been launched. (www.greateressex.org.uk)</p> <p>Regular update reports on the devolution programme have been taken to Cabinet.</p> <p>A Member briefing session was held on the 17th September 2015 by the Leader and Chief Executive. It is anticipated that a second session will be held in February/early March 2016 to brief Members on the draft deal and proposed governance arrangements.</p>
Risks:	<p>The partnership starts to fragment (i.e. not all authorities agree to continue participation) and so does not deliver the scale or ambition sought by Government for a viable devolution deal.</p> <p>The devolution deal negotiated with Government does not result in the benefits envisaged by Greater Essex local authorities and so is not pursued.</p>

	<p>The governance ask of local authorities by Government is deemed undeliverable by the partnership.</p> <p>Financial and reputation risk transfers from Government to local government –a risk register will be developed to assess more detailed risks as the deal and governance proposals are developed.</p>
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In this second newsletter we pick up the latest news on Greater Essex devolution and focus on how we would work should a deal be successful

Devolution bill latest

The [Cities and Local Government Devolution Bill](#) has been progressing through Parliament since June 2015. The purpose of the Bill is to support the delivery of the Government's manifesto commitment to 'devolve powers and budgets to boost local growth in England'.

The Bill is due to return to the House of Lords in the New Year for consideration following recent amendments designed to streamline the process for creating a combined authority.

Previously in two tier areas both county and district had to agree to the creation of a combined authority for a particular area, but amendments tabled now mean that consent of either the district or the county is sufficient. The Secretary of State would still have to agree any proposals.

Our story continues...

Council Leaders have been meeting to explore and discuss how a deal with Government may look, which follows the letter submitted in September signed by all local authorities.

This has seen the work stream leads working to develop draft proposals which are then fed back to a monthly meeting of Council Leaders. You may remember that a number of work streams have been formed, which are

- Fiscal
- Economic Growth, Infrastructure and Connectivity
- New Homes and Communities
- Employability and Skills
- Governance
- Communications.

There is still much work to do and it is vital that any proposals put to government are acceptable to all councils across Greater Essex, providing benefit without creating additional bureaucracy.

Over the coming weeks and months we will be continuing to refine the proposals, with a view to preparing a final draft document which can then be discussed with Government.

What's the latest?

Within these newsletters we will look to update everyone on the work so far. At the last meeting of Leaders, one of the key areas of discussion was governance, and how it could work if a deal were successful.

Government is looking for devolution deals to demonstrate strong governance arrangements and, to allow this to happen, one proposal being discussed is the idea of a 'Combined Authority' and you may have seen mention of this elsewhere in the country.

Combined authorities are legal bodies with powers of decision making granted by Parliament and, if created, this would sit alongside our existing councils.

If leaders opt to go with this model, then the authority would become a board, with one member from each of the Greater Essex councils.

Recognising the diverse nature of Essex, leaders are also considering creating 'Growth Area Boards' which would sit under the Combined Authority and ensure decisions are taken at the most appropriate level.

These proposals are still taking shape, and more work needs to be done to determine the most effective way that we can ensure we would not only govern but also scrutinise. However four key principles will underpin our governance:

- enable new powers and resources to be devolved.
- recognise the role of Growth Areas.

- protect the sovereignty of the fifteen authorities across Greater Essex.
- establish strong links with the Local Enterprise Partnership as a key partner

Nicola Beach, Chairman of the Essex Chief Executive's Association, was invited to attend the SELEP Board on the 11th December and presented the key aspects of the Greater Essex devolution proposals, emphasising the synergy with the work of SELEP on skills, infrastructure and housing. The proposals were positively received and there will be ongoing engagement with SELEP (and local business groups) in the new year to help shape the deal.

Keeping in touch

This week has seen the launch of a dedicated website www.greateressex.org.uk.

This will be regularly updated over the coming weeks and months on the progress of the bid.

We are also on Twitter. Follow @greater_essex for all the latest news.

Your questions?

In each newsletter we want to answer any questions you may have about devolution. If you would like to submit a question please email jonathan.phillips@essex.gov.uk

There has been no formal input from the parish sector, will this come?

Yes – The first newsletter has been issued to all parish and town councils in Essex and, we, of course, want to hear your views. We are currently liaising with the Essex Association of Local Councils and will be meeting them to discuss their involvement.

What about other partners such as health and the police?

We recognise the importance of further engagement with both the public and private sector. Over the coming weeks and months lead officers will be in regular contact with partners to discuss the proposals.

Will this mean my Council is replaced?

No – Central to the discussion taking place is the importance of retaining sovereignty. No powers would be moved from an existing council without its permission, and any new body created would sit alongside existing councils.

Latest news from elsewhere

There are a number of other devolution proposals currently being developed.
Read some of the latest news here:

National - [DCLG launches review into devolution of council tax support](#)

Lincolnshire – [Lincoln Council supports bid](#)

Liverpool and West Midlands – [Deal signed with Government](#)

Sheffield – [Negotiations over devolution deal following launch of consultation](#)

Support the LGA Campaign

The LGA have launched a campaign to call for more devolution across England.
To show your support sign their virtual open letter at <http://devonext.org/>



Corporate Strategy 2016-20		Agenda No: 6c
Portfolio	Overall Corporate Strategy and Direction	
Corporate Priority:	Corporate Strategy	
Report presented by:	Cllr G Butland	
Report prepared by:	Nicola Beach, Chief Executive	
Background Papers:	Public Report	
Summary of consultation responses Corporate Priorities 2016-20	Key Decision: No	
Executive Summary:		
<p>This report sets out the priorities for the Council for the next four years.</p> <p>The Corporate Strategy informs the organisation’s Annual Plan and Business Plans for each service, which are all designed to deliver the priorities set out in the strategy. Progress against the Annual Plan is reported quarterly to Cabinet.</p> <p>Consultation on the corporate priorities was carried out using a survey on the website, via the Contact magazine which went out to every household in December and with key partners. This exercise was undertaken between November 2015 and mid January 2016 and the summary of results is attached.</p> <p>This consultation is complemented by an evidence base compiled from previous performance information, customer and business feedback, emerging issues both locally and nationally and research materials gathered both internally and externally. All of which has led to the development of the corporate priorities set out in the report.</p> <p>The climate within which Braintree District Council is operating is changing at a fast pace. To reflect this, there will be an annual review and refresh of the Corporate Strategy to ensure that the priorities still remain relevant throughout the life of the strategy.</p>		

Decision
Members are asked to recommend the Corporate Strategy for 2016-20 to Council for approval.
Purpose of Decision:
To recommend to Full Council the Council's priorities over the next four years.

Any Corporate implications in relation to the following should be explained in detail	
Financial:	Agreement of the priorities document will not have any financial impact. Each project to deliver the corporate priorities will have a business case which will detail financial implications.
Legal:	Agreement of the priorities document itself does not have any legal impact. Each business case will detail legal implications.
Safeguarding	There is a specific priority within the Health and Communities theme to protect the vulnerable, which encompasses our safeguarding responsibilities.
Equalities/Diversity	Equality impact assessments will be carried out for each project individually.
Customer Impact:	<p>The corporate priorities are designed to improve the quality of life, economic prospects, access to services and environment for our residents and businesses. A range of customer feedback has been used to develop the Corporate Priorities.</p> <p>Customer Impact assessments will be conducted as part of the planning for each document.</p>
Environment and Climate Change:	<p>Agreement of the priorities document will not have any environmental impact. The Environment and Place theme has a number of priorities that are designed to have a positive impact on the environment and climate change.</p> <p>Each Business Case will detail environmental and climate change implications.</p>

Consultation/Community Engagement:	A range of customer feedback and consultation/survey responses were used to develop the priorities. There has also been consultation carried out since the draft priorities were developed to get feedback on our plans.
Risks:	If the Corporate Strategy is not agreed, there will be no overall Council Plan from which to set our Annual and Business Plans.
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CORPORATE STRATEGY | 2016 - 2020

Welcome to our Corporate Strategy for 2016-2020



When formulating the Corporate Strategy, which sets out our priorities for the next four years, we were mindful that our district is changing, people are living longer; we need more homes,

more jobs, more investment and more opportunities for everyone who lives and works in the district. The district will grow significantly in the coming decades, so we need to make sure the right foundations are in place to support this growth whilst being careful to maintain the character and quality of the district that our residents value.

Like many organisations in the public sector we have had to tighten our belts, but through prudent management we are in a good position and have aligned our budgets to support the delivery of the key priorities within this Corporate Strategy:

Environment and Place:

We want to make sure our district is a pleasant clean place to live and work.

Strategic Growth and Infrastructure:

We want to ensure our district has the right foundations to support new and existing communities

Economic Development: We want more jobs and opportunities for everyone who lives and works in our district and we will do this by supporting local businesses






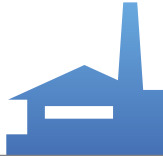






Health and Communities: We want our residents to be healthy and live well

Finance and Performance: We want to maintain our key services and provide our taxpayers with value for money



Councillor Graham Butland
Leader of the Council

Our priorities over the next four years are:

 Environment and Place Vision/Outcome A sustainable environment and a great place to live, work and play PRIORITIES <ul style="list-style-type: none">• Minimising the waste produced across the district• Maintaining high quality green spaces for all to enjoy• Reducing our energy and carbon consumption and supporting others to do the same• Keeping our district clean and tidy 	 Strategic Growth and Infrastructure Vision/Outcome A well connected and growing district with high quality homes and infrastructure PRIORITIES <ul style="list-style-type: none">• Developing a Local plan that meets the future needs of the district• Increasing the number of homes that meet the needs of our current and future residents• Improving the availability of affordable homes in the district• Supporting the delivery of strong sustainable transport infrastructure links 	 Economic Development Vision/Outcome A prosperous district that attracts business growth and provides high quality employment opportunities PRIORITIES <ul style="list-style-type: none">• Enabling suitable employment sites and premises• Providing support to help businesses to start and grow• Developing educational attainment and skills that are attractive to employers• Supporting our urban and rural economy• Securing modern high speed broadband links throughout the district to support our businesses 	 Health and Communities Vision/Outcome Residents live well in healthy and resilient communities where residents feel supported PRIORITIES <ul style="list-style-type: none">• Supporting our residents to be healthy and live well• Protecting the vulnerable• Improving services to meet the needs of older people in the district• Encouraging independent and resilient communities• Expanding access to services for young people 	 Finance and Performance Vision/Outcome A high performing organisation that delivers excellent and value for money services PRIORITIES <ul style="list-style-type: none">• Regularly review our services and processes to ensure that they continue to offer value for money• Strengthening the Council's financial independence• Improving performance in services that are a priority for our customers• Improving access to services through use of technology 	 Overall strategy and direction Vision/Outcome Delivering better outcomes for residents and businesses and reducing costs to taxpayers PRIORITIES <ul style="list-style-type: none">• Working with Councils, other public bodies and the private sector across Essex, to achieve greater local control of decisions to enable us to deliver better outcomes for residents, businesses and customers• We will continue to develop our strategic partnerships with public, private and voluntary organisations to provide excellent and cost effective services that are valued by our residents and businesses 
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Delivering the strategy

- Developing and governing organisation to meet the challenges of the future
- Delivering Customer Service Excellence
- Keeping people informed
- Emphasising our Business focus
- Robust and transparent performance management

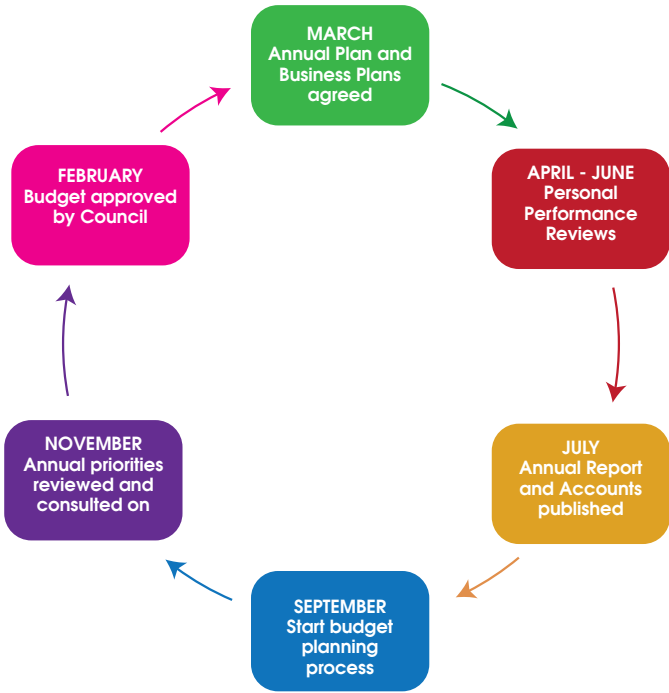
Delivering the Strategy

Our Strategy sets out our priorities for the four years from 2016 - 20. To deliver this we have an Annual Plan which sets out our actions against each priority and our performance is regularly reported to Cabinet.

We also have business plans for each of our services which set out how the service will meet the priorities and actions required of it over the coming year to support the Annual Plan and Corporate Strategy.

Our Corporate Planning and Business Cycle

There are key tasks that happen throughout the year to allow us to plan and review against our priorities. This ensures that we focus our spending and resources on the things that matter most to our residents and communities and set our budget effectively.



How our plans fit together

We need to ensure that every member of staff contributes to our priorities. Our high level strategies link right the way through to our personal performance plans to ensure that we can be clear about these links.



Managing our Finances

We regularly review our services and processes to ensure that they continue to offer value for money. We keep our budgeting and decision making transparent to our residents so that they have access to information about how their tax is spent.

The Medium Term Financial Strategy (MTFS) is our plan to balance the budget over the next four years and works with our Corporate Strategy and the Annual Plan to give a full picture of what we are doing. The MTFS is reviewed on an annual basis to update it for current economic conditions and to adapt to our customers' changing needs and priorities.

We always welcome comments, suggestions and feedback (critical or otherwise) on our plans and improvements and in the way that we write our documents and communicate them.

If you would like to comment, you can:

call our Customer Service Centre on
01376 552525.

e-mail our Customer Service Centre at:
csc@braintree.gov.uk.

write to any of our main or area offices at:

Braintree District Council,
Causeway House
Braintree, Essex CM7 9HB

Halstead Public Library
Bridge Street,
Halstead, CO9 1HU

Witham Public Library,
18 Newland Street
Witham CM8 2AQ

or at any other library in the District
- please ensure letters are clearly
addressed to Braintree District Council.

Contact your local Councillor
- you can speak to your local Councillor
who will be able to pass your
comments back if you wish.



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www.braintree.gov.uk

Corporate Strategy Consultation 2016-2020

Consultation on the draft Corporate Strategy commenced on 7th December 2015 and closed at midnight on the 15th January 2016.

The consultation was promoted in the residents' magazine 'Contact', which was delivered to every household within the Braintree District – 63,124 households.






Nicola Beach, Chief Executive, sent an e-mail to 24 partner groups inviting their comments on the proposed strategy.

The consultation was also sent to the Braintree District People's Panel, 455 residents who have signed up to take part in regular consultation exercises. An e-mail was sent to the panel with a link to the on-line form. People's Panel members without e-mail addresses or who do not have access to the internet received a posted paper copy of the consultation form.

In total 79 responses were received.

Contact magazine	3 responses
People's Panel.	73 responses
Partners.	3 responses

Percentages of those who took part in the consultation who agreed with the Corporate Priorities:

 Environment and Place.	91%
 Strategic Growth and Infrastructure . . .	78%
 Economic Development	91%
 Health and Communities	93%
 Finance and Performance	85%

North Essex Garden Settlements Joint Bid for Government Funding to Support Development		Agenda No: 6d
Portfolio	Planning and Housing	
Corporate Priority:	Encouraging flourishing communities Securing appropriate infrastructure and housing growth	
Report presented by:	Graham Butland, Leader of the Council	
Report prepared by:	Jon Hayden Corporate Director	
Background Papers:		Public Report
<ul style="list-style-type: none"> The Department for Communities and Local Government (DCLG) prospectus entitled 'Locally-led Garden Cities' 		Key Decision: No
Executive Summary:		
<p>Through the work being carried by Braintree District Council, Colchester Borough Council and Tendring District Council on their respective Local Plans, the potential for new major developments in the form of new 'garden settlements' has been identified as a possible means of meeting future growth requirements. There are 4 sites under consideration in North Essex and these include new settlements crossing the administrative boundary of Colchester and Braintree at Marks Tey and crossing the administrative boundary of Tendring and Colchester in the vicinity of the University. An additional site is on Land to the West of Braintree on the Uttlesford District Council border. All these sites form part of each authority's call for sites and no decisions will be made on any sites until Summer 2016.</p> <p>The three Councils working in partnership with Essex County Council and the University of Essex have already begun to explore the potential for such developments and are receiving assistance from the 'ATLAS' team at the Homes and Communities Agency (specialising in major development proposals) and 'Garden City Developments Ltd' (specialising in the application of 'Garden City' principles to the development of new settlements and major new suburbs). A Steering Group consisting of Council Leaders, Planning Portfolio Holders, Chief Executives and other Senior Officers have entered into a Memorandum of Understanding with Essex County Council and the University of Essex, overseen the involvement of ATLAS and Garden City Developments, begun to develop a vision for the new settlements and have started work to explore some of the potential infrastructure requirements of developments of this scale along with potential funding mechanisms. The Councils have also jointly employed a new project manager to coordinate this work.</p>		

In 2014 the Department for Communities and Local Government (DCLG) issued a prospectus entitled 'Locally-led Garden Cities'. This document invited expressions of interest from Councils interested in developing new Garden Settlements, along with an indication of how Government could support such development.

A joint bid for funding was submitted in response to DCLG's prospectus setting out proposals and a level of ambition to adopt Garden City Principles. It is important to note that the bid acknowledged that the Councils have included a Garden Settlement(s) as an option for growth in their upcoming Local Plan consultations to date. Submission of the bid for government funding to explore the concept further did not commit the Council to including the Garden Settlement option, which is a decision to be made by Council when it decides the Preferred Options in 2016. The bid sought funding from the government to procure further specialist advice to assist exploring the garden settlement proposals in an efficient manner.

On 25th November 2015 the four authorities received confirmation from DCLG that the North Essex Garden Settlement bid had been successful and £640,000 has been awarded to the project. Prior to the bid funding being received the Project agreed an interim governance structure to ensure a joint and cohesive approach where appropriate to the development of potential garden settlements within the council districts of Braintree, Colchester & Tendring. At the time it was recognised that the structure would evolve as the project progressed and require review and adaptation at key stages to ensure it was fit for purpose.

As part of the Duty to Co-operate, the Planning Authorities agreed approaches to strategic plan-making which included identifying the concept of Garden Village Settlements to potentially deliver the required housing growth in each area, it was therefore necessary to explore this and discussions with third party landowners progressed. Since then, DCLG has committed substantial funding to the next stage of the project, to progress from a concept to delivery, which involves land negotiation with a view to development, which if agreements are reached, may assist the local plan process. It is important to stress that this project is a separate function in law to the local plan decision making and will run in parallel to it. This report does not commit the Council to selecting any Garden Settlement Proposals within the Local Plan or to select specific sites, this will remain a function of the Local Plan Sub Committee and the Council.

The implications are that the project is likely to shortly enter a substantially more intense period over this year, and that it is appropriate to review the governance structure at this point to ensure it can meet the likely challenges of the coming year and provide the necessary authority and delegations for decision making. Key milestones over the coming year include the publication of Local Plan Preferred Options in summer 2016, confirmation of business plan(s) and Delivery Vehicle(s) in respect of those garden settlements where the Councils will have a key delivery role. Whilst the Local Plan functions and responsibilities fall to the Local Plan Committee and full Council, strategic planning and partnership working together with land negotiations and requisite funding decisions sit with Cabinet.

The proposed revised governance structure focuses on three areas:-

- Creating a single Shadow Joint Delivery Board

- A streamlined Joint Steering Group
- A revised approach to the Working Group / Team structure reflecting inputs that will be required to both planning and investment-related work-streams that will take place over the next six months.

This report is being presented to the Cabinets of all four authorities involved in this joint worked, Braintree, Colchester, Tendring and Essex.

The report recommends specific delegations required to progress the project in accordance with the governance structure.

Decision

1. That Cabinet notes the outcome of the recent bid for grant funding to the DCLG to progress the Garden Settlements concept and provides on-going support to the partnership work with Colchester Borough Council, Tendring District Council, Essex County Council and other partners to deliver the project;
2. That the Leader of the Council, the Portfolio Holder for Planning and Housing and the Chief Executive/Lead Director will represent and be authorised to make executive decisions on behalf of Braintree District Council on the Joint Delivery Board in accordance with the Governance Structure, set out in Appendix A;
3. It is acknowledged that the Leader of the Council and Portfolio Holder for Planning and Housing or the Chief Executive (or authorised officers) do not commit to any decisions falling within the remit of the Local Plan Sub - Committee;
4. That authority be delegated to those Officers appointed by the Chief Executive to represent Braintree District Council on the Joint Steering Group and relevant delivery/project teams to make decisions in accordance with the relevant terms of reference, as set out in Appendix A;
5. That the grant funding is held by Colchester Borough Council on behalf of the North Essex Garden Settlements Project and is authorised to commit expenditure in accordance with the context as set out in this Report;
6. Cabinet notes the desire of the Joint Shadow Delivery Board to deliver a development of this type through a special purpose vehicle and supports advice being commissioned;
7. Upon receipt of the above advice and no concerns being raised by either the Section 151 or Monitoring Officers, the Leader of the Council is authorised to make a decision to establish a special purpose delivery vehicle; and
8. That should there be any material changes or substantial financial investment by the Council is required, a further report will be presented back to Cabinet for further consideration.

Purpose of Decision:

To note the award of £640,000 of grant assistance from the Department of Communities and Local Government (DCLG) for information.

To seek Cabinet's on-going support, working together with Colchester Borough Council, Tendring District Council and Essex County Council to progress the concept of 'garden settlements' using the funding recently awarded by the Department of Communities of Local Government (DCLG). It might be necessary for these types of developments to be included in the authorities' respective Local Plans to achieve future housing growth requirements and as such a Joint Shadow Delivery Board has been set up to oversee delivery of the project, and this decision supports that possibility.

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

The Department of Local Government and Communities have confirmed that the funding will be received by Colchester Borough Council as a Section 31 of the Local Government Act 2003 grant, which will be used for the next stages of the project, in accordance with the bid.

The project is still at an early stage, and the full financial implications for the authorities involved have not as yet been determined. The project is likely to involve the need to externally borrow significant sums, as well as source funding within existing resources within the overall context of our medium term forecasts / treasury strategies. This will be discussed in detail between the Chief Financial Officers of each authority, with the outcomes being subject to further decisions as the project progresses. Therefore, no expenditure over and above the Section 31 grant is committed at this stage.

Legal:

Strategic planning, partnership working, land negotiations for future development, consideration of delivery vehicles and requisite funding decisions are executive functions which are the responsibility of Cabinet.

At this stage any land negotiations are at an early stage and information gathering is forming a basic feasibility appraisal.

It must be recognised that this work does not constrain the Council in considering the relevant considerations under the Local Plan, these remain with the Local Plan Sub Committee and ultimately are matters for Council to determine.

Safeguarding	There are no specific implications from this proposal.
Equalities/Diversity	There are no specific implications from this proposal.
Customer Impact:	This proposal will support developments of this size and scale achieving a high quality of design and sustainability.
Environment and Climate Change:	Whilst not directly impacted, these issues are considered within the substantive Local Plan process which will drive any development.
Consultation/Community Engagement:	The Local Plan continues to follow a substantial community engagement and consultation process which would inform any development undertaken as a result of the proposed structures.
Risks:	Without the funding being requested, the Councils involved will have had to resource future exploratory work within their existing budgets.
Officer Contact:	Jon Hayden
Designation:	Corporate Director
Ext. No.	2560
E-mail:	jon.hayden@braintree.gov.uk

1. Background:

- 1.1. In the work being carried by Braintree District Council, Colchester Borough Council and Tendring District Council on their respective Local Plans, the potential for new major developments in the form of new 'garden settlements' has been identified as a possible means of meeting future growth requirements. These include new settlements crossing the administrative boundary of Colchester and Braintree at Marks Tey and crossing the administrative boundary of Tendring and Colchester in the vicinity of the University. An additional site is on Land to the West of Braintree on the Uttlesford District Council border.
- 1.2. In accordance with the Duty to Cooperate, the Council is working closely with Colchester Borough Council (CBC) and Tendring District Council (TDC), who are at similar stages in their respective Local Plan preparation, to plan effectively for the long term. As part of this process, the Councils (with assistance from Essex County Council) are thinking strategically, are not being restricted by current plan making time horizons and are considering whether Garden Settlements could address some of this long term need both within the plan period and beyond.

2. What are Garden Cities?

- 2.1. Garden Cities are described by the Town & Country Planning Association (TCPA) as *"holistically planned new settlements which enhance the natural environment and offer high-quality affordable housing and locally accessible work in beautiful, healthy and sociable communities"*.
- 2.2. Garden Cities are underpinned by a set of principles. These principles have evolved from Ebenezer Howard's original vision in 1898 which described how *'the advantages of the most energetic and active town life, with all the beauty and delight of the country, may be secured in perfect combination'* and include:-
 - land value capture for the benefit of the community;
 - strong vision, leadership and community engagement;
 - community ownership of land and long-term stewardship of assets;
 - mixed-tenure homes and housing types that are affordable for ordinary people;
 - a strong local jobs offer in the Garden City itself, with a variety of employment opportunities within easy commuting distance of homes;
 - beautifully and imaginatively designed homes with gardens, combining the very best of town and country living to create healthy homes in vibrant communities;
 - generous green space linked to the wider natural environment, including a surrounding belt of countryside to prevent sprawl, well connected and biodiversity rich public parks, and a mix of public and private networks of well-managed, high-quality gardens, tree-lined streets and open spaces;
 - opportunities for residents to grow their own food, including generous allotments;

- strong local cultural, recreational and shopping facilities in walkable neighbourhoods; and
 - integrated and accessible local transport systems with walking, cycling and public transport being the most convenient and affordable – with a series of settlements linked by rapid transport providing a full range of employment opportunities (as set out in Ebenezer Howard’s vision of the ‘Social City’ in his book – To-Morrow: A Peaceful Path to Real Reform (1898)).
- 2.3. In terms of scale, the Government has indicated that Garden Cities should comprise approximately 15,000 dwellings and above, as well as associated employment, green space and infrastructure, with the expectation that it would take longer than one plan period to deliver these new communities. Additionally, there could be scope to apply Garden City Principles including land value capture to smaller settlements.
- 2.4. Following the Issues and Options Report and the Call for Sites exercise, the Council (in conjunction with CBC and TDC) jointly appointed Garden City Developments CIC (GCD), a not for profit community interest company, to promote and establish partnerships with local landowners and option holders to investigate the feasibility of the proposed Garden Cities.
- 2.5. GCD has met Members from each Council, has held numerous meetings with key landowners, and is currently undertaking discussions with these landowners and option holders.
- 2.6. The intention of these discussions is to develop the Councils’ options around applying land value capture and long term stewardship arrangements, and to specifically explore landowners’ appetites for engaging with the councils on these issues and willingness to enter legally binding agreements with the respective councils to such effect.
- 2.7. Parallel to this, the Councils are also actively seeking to evolve the policy process to further endorse the emerging concepts – the result being that all three Councils may decide to identify a Garden Settlement as a broad location for growth in their Local Plan Preferred Options. This is a decision for the Council and is not determined by this report or the work being undertaken.
- 2.8. Should the Council decide to proceed with a Garden Settlement as part of their Preferred Options, depending on its location, dedicated Development Plan Documents would be prepared for each settlement once the principle has been agreed. This process will allow for extensive community consultation and participation very early on in the process.
- 2.9. It is noted that the consideration of new Garden Settlements is considered extremely visionary and at the forefront of current strategic planning thinking. In principle support for the proposals has already been obtained from Government and the Councils are also receiving assistance from the Major Projects Division of the Homes and Communities Agency (ATLAS).

- 2.10. It is envisaged that the delivery of new Garden Settlements could assist in a commitment to a viable and committed housing trajectory across the Councils beyond the proposed Local Plan period.

3. OUTCOME OF DCLG BID

- 3.1. The Councils are already expending considerable sums as part of their formal plan making processes. The strategic scale and associated timing of potential Garden Settlements is beyond what any Council has dealt with over recent times and as such focus, dedicated resources, specialist advice and support is required to develop proposals – particularly at this early stage when the ‘ask’ and scope is still being defined and refined.
- 3.2. It is for this reason that in 2014, the DCLG issued a prospectus entitled ‘*Locally-led Garden Cities*’. This document invited expressions of interest from Councils interested in developing new Garden Settlements, along with an indication of how Government could support such development.
- 3.3. In response to this prospectus, the Councils bid for, and have been successful in obtaining, dedicated funding of £640,000 from the DCLG to further investigate the feasibility of Garden Settlements.
- 3.4. This funding will assist in facilitating a number of work streams that will need support to develop emerging proposals, to meet key milestones and secure delivery. These include brokerage assistance, direct planning support and capacity funding. The funding will also enable the Councils to both dedicate sufficient technical input, and undertake a range of key studies and assessments.

4. GOVERNANCE STRUCTURE:

- 4.1. To commence the strategic thinking around garden village settlements and prior to the bid funding being received, an interim governance structure had been set up through the Councils’ joint working. It was always anticipated that if the joint funding bid was successful, these governance arrangements would be reviewed and refreshed to respond to the following project drivers:-
- Clarity on how decisions on investment and other key areas will be made;
 - Streamlining of the Shadow Delivery Board & Steering Group roles to reflect decisions that may need to be made during the coming year;
 - Use & management of DCLG funding for commissioning substantive areas of consultancy support for master-planning, legal and financial work;
 - Cross boundary working on strategic planning issues and associated evidence base relevant to the garden settlements between local authorities to complement the preparation of individual Local Plans;
 - Need to maintain focus in light of the number of diverse workstreams related to the garden settlements running in tandem

- 4.2. A refreshed Governance Structure has been proposed by ATLAS to the Steering Group for adoption by the Joint Shadow Delivery Board and is attached as **Appendix A**. Braintree District Council is required to formally appoint Member and Officer representatives on outside bodies and it is recommended that the Leader of the Council, the Planning and Housing Portfolio Holder and Chief Executive would sit on the Joint Delivery Shadow Board and the Chief Executive will appoint officers to the Steering Group and delivery teams as appropriate. All appointees will be provided with authority to act in accordance with the relevant groups' terms of reference. It is accepted that the governance structure might require further revision as the project evolves.

5. SPECIAL PURPOSE DELIVERY VEHICLE & BODIES:

- 5.1. Garden Cities Developments Limited ('GC Developments') has been engaged by the Councils to assist with this project. As the land under consideration is owned by third parties initial discussions have commenced with the landowners. One concern expressed by landowners is whether the Councils are able to deliver the development. GC Developments have advised that the creation of a separate delivery vehicle for this purpose will help demonstrate that the Councils are serious and committed to the project and therefore aid their discussions with landowners. The Joint Shadow Delivery Board received some legal advice providing an analysis of delivery vehicle options, taking into account the development:-

- Is likely to take decades to complete;
- Will need to be undertaken by co-operation with the landowner;
- Will need to find a way of 'capturing land value' for the community'; and
- Will need to find a way of securing long term stewardship of the community assets.

- 5.2. Possible forms of delivery vehicle were considered accepting that no development model has been identified. The vehicle needs (as far as possible) to be:-

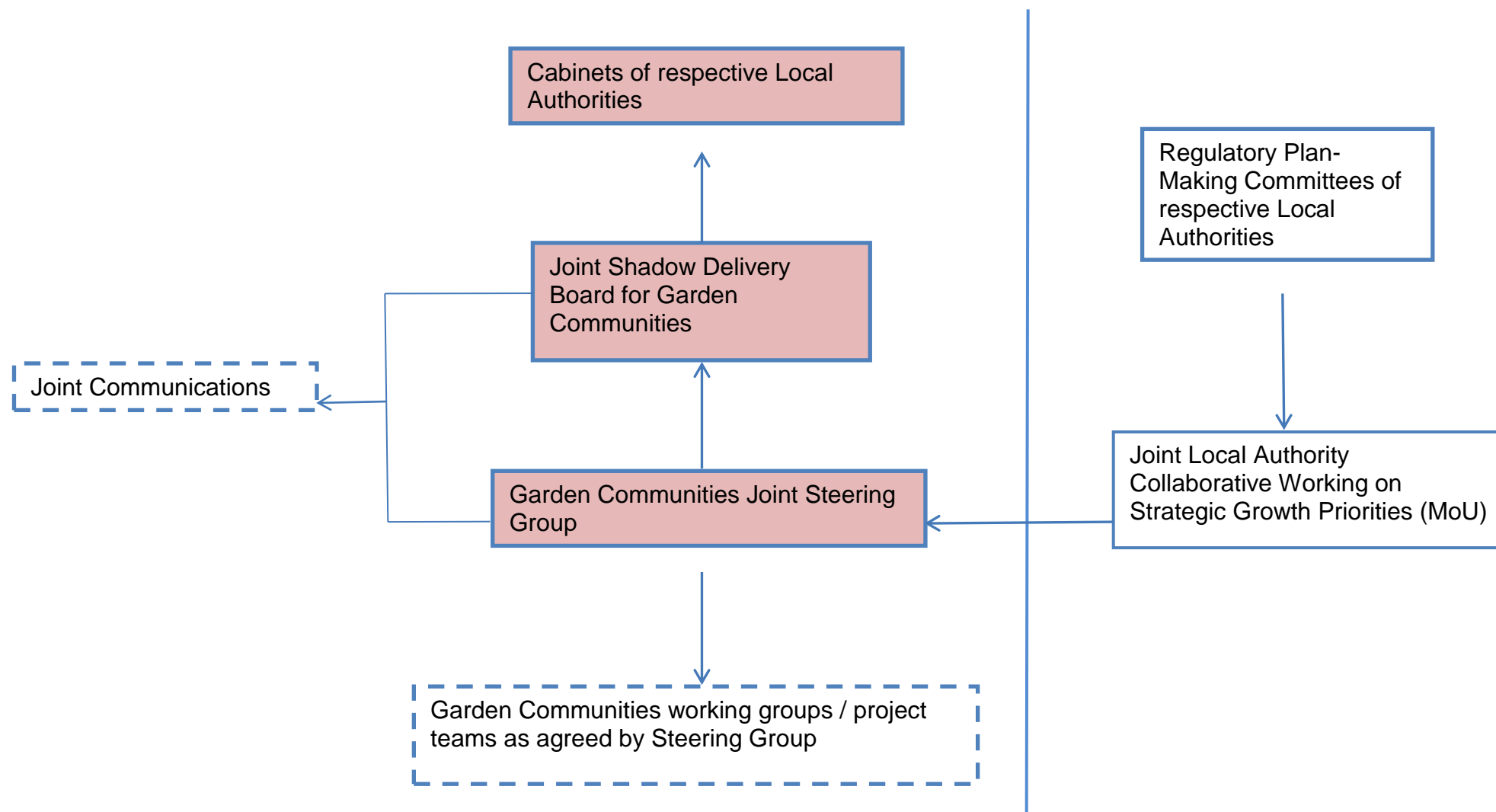
- Established quickly, to assist with the establishment of credibility;
- Flexible, given the uncertainty as to how the model might work;
- Designed with transition in mind – so it can move from a body with a delivery role vehicle to a vehicle which exercises long term stewardship of assets;
- Able to access finance (either from the Councils via prudential borrowing or commercial borrowing guaranteed by Councils); and
- Able to buy and sell land and hold significant contracts with landowners.

- 5.3. There are some factors which always need to be considered when establishing an external entity. These are:-

- Ability to distribute surpluses;
- Ability to reflect ownership;
- Security/stewardship of assets;
- Procurement law;
- State Aid; and

- Taxation
- 5.4. In addition to considering a vehicle structure the number of delivery bodies needs to be explored. Options are:-
- Single entity to deliver all projects;
 - Single entity with SPV subsidiary for each project (which could include Developers);
 - One entity for each project.
- 5.5. The Joint Shadow Delivery Board favoured an overarching corporate entity wholly owned by the all the Councils, which will have the ability to set up separate single special purpose vehicles for each site/project, if required. On this basis further advice is being commissioned to run parallel with the various concept phasing, to ensure that once the preferred type of development model is known the appropriate delivery vehicle can be established, thereby preventing any unnecessary delay to the progress of the project. For this reason it is preferred that the Leader of the Council has delegated authority to decide to establish the appropriate delivery vehicle, in consultation with the Councils' Section 151 and Monitoring Officers.

Governance Structure for Garden Communities



Garden Communities Project Governance Structure

Terms of Reference for the groups

Garden Communities Joint Shadow Delivery Board

Key purpose:

To provide overall direction in respect of the project and setting up an appropriate delivery structure for those Garden Communities the partners decide to progress with, subject to the plan-making process. The purpose and terms of reference of the Shadow Board will be reviewed when a decision is made to proceed with setting up a formal delivery vehicle(s).

Terms of Reference:

Decisions

- Recommends the format of the potential delivery structure that may be set up in respect of defined Garden Settlements to the appropriate decision making bodies within the respective councils
- Recommends the format of a long term stewardship structure that may be set up in respect of defined Garden Settlements to the appropriate decision making bodies within the respective councils
- Recommends longer term governance, monitoring and scrutiny arrangements within the councils in relation to any delivery vehicle arrangement proposed to the appropriate decision making bodies within the respective councils
- Complies with all relevant statutory or administrative requirements relating to due diligence and the use of public funds in relation to the garden settlements project

Financial

- Agrees an annual budget for bringing forward garden settlements until a Delivery Vehicle is set up including use of any funding received from Dept. of Communities and Local Government
- Recommends a draft business plan for investment & delivery of the garden settlements to the appropriate decision making bodies within the respective councils

Administrative

- The Chairperson of the Board will be appointed from meeting to meeting on a revolving basis
- The Board will meet on a two-monthly basis or more frequently as agreed
- The agenda and supporting papers for each meeting will be circulated 5 working days prior to the meeting
- Decisions will be made by consensus, but if that is not possible, then by the casting of a single vote by each of the organisations represented on the Joint Shadow Delivery Board
- Minutes of meetings will be published subject to commercial sensitivity

Core membership:

- Leaders/Planning portfolio holders at Colchester BC, Tendring DC, Braintree DC and Essex CC – names of members and substitutes to be nominated by each council
- Lead local authority directors on garden communities – Ian Vipond (CBC); Jon Hayden (BDC); Martyn Knappett (TDC); Andrew Cook (ECC)
- University of Essex – Vice-Chancellor Professor Anthony Forster
- Haven Gateway Partnership – Steve Clarke, Director
- Additionally, a representative from the private sector may be included at invitation from the Shadow Board, but will not have any voting rights in decisions.

Garden Communities Joint Steering Group**Key purpose:**

The Steering Group will define the scope of the Garden Settlements project, take a strategic view of relevant cross-boundary issues and provide strategic direction to officers for taking forward the projects and work programmes related to them. It will be responsible for commissioning papers and reports to be considered by the Joint Shadow Board and making recommendations to the Board. The core membership of the Steering Group will be focussed on key lead officers from the main partner organisations. It may be appropriate to co-opt commercial experience onto the group at an appropriate stage.

To enable the Steering Group to function appropriately to meet the challenges of this project, briefings will be arranged by the project manager for the Steering Group members in advance of the formal meetings – the purpose of these briefings will be to explore in more detail the agenda items on the forthcoming meeting agenda with relevant advisors.

Terms of Reference:**Decisions**

- Define the scope of the project at relevant stages
- Direct and monitor progress with the defined garden settlement project
- Make recommendations to the Joint Shadow Delivery Board in respect of delivery issues related to the Garden Communities project
- Sign off on a Strategic Route Map for the project and keeps it under review
- Set up project teams and working groups as appropriate to progress the project
- Sign off on project plans for the project teams / working groups and ensure effective cross-collaboration between the teams in relation to project issues
- Maintain a risk register for the project and keeps it under review
- Ensure the appropriate resources and working mechanisms are in place to deliver a co-ordinated cross-boundary approach to the plan-making & delivery processes in relation to the garden settlements
- Signs off on any joint consultancy commissions drafted for the potential cross-boundary garden settlements

- Resolve any blockages and issues should they occur, if they cannot be resolved by a project team
- Provides direction on engagement with landowners / development promoters and monitor the outcomes of negotiations
- Ensure an appropriate project governance structure is in place to meet the challenges and needs of the project
- Ensure that due diligence and appropriate decision making channels are exercised in relation to decisions required for delivery of the garden settlements
- Provide direction on external communications related to the project

Financial

- Recommend a business plan for the use of internal and external funding and resources to bring forward the garden settlement proposals to the Shadow Delivery Board until a Delivery Vehicle is set up; and monitor expenditure
- Provides strategic direction on potential external funding opportunities to be explored

Administrative

- The Chairperson of the Steering Group will be appointed from meeting to meeting on a revolving basis
- The Steering Group will meet on a monthly basis or more frequently if necessary.
- The agenda and supporting papers for each meeting will be circulated 5 working days prior to the meeting
- Lead directors from Braintree, Colchester and Tendring Councils will take on a champion role for key work areas
- Prior to each Steering Group meeting, where appropriate, the Project Manager will arrange a briefing for core Steering Group members and advisors in respect of agenda items
- Minutes of meetings will be published subject to commercial sensitivity

Core membership:

- Colchester BC – Ian Vipond (Champion for masterplanning & infrastructure workstream) + advisor
- Tendring DC – Martyn Knappett (Champion for legal issues & workstream) + advisor
- Braintree DC – Jon Hayden (Champion for financial workstream) + advisor
- Essex CC – Sean Perry + advisor
- University of Essex - Registrar Bryn Morris
- Garden Settlements Project Manager – Chris Outtersides
- Advisors on an 'invitation only' basis

Project teams / working groups

To ensure that the partners are providing appropriate input to the plan-making, investment & evidence gathering/concept development aspects of the garden communities project, a number of project teams and task & finish working groups will be required. The Steering Group will make arrangements for setting these up as required.

Housing Allocations Policy		Agenda No: 8a
Portfolio	Planning and Housing	
Corporate Priority:	Supporting vulnerable people in our community Encouraging flourishing communities Delivering excellent customer service	
Report presented by:	Councillor Lady Newton, Cabinet Member for Planning and Housing	
Report prepared by:	Tim Lucas, Housing Research & Development Manager	
Background Papers:	Public Report	
None	Key Decision: No	
Executive Summary:		
<p>Braintree District Council is part of a wider choice based lettings scheme called Gateway to Homechoice which has been in operation since 2009.</p> <p>Eight authorities Babergh, Braintree, Colchester, Ipswich, Maldon, Mid Suffolk, Suffolk Coastal and Waveney share a common policy and IT system for allocating Council and Housing Association rented properties.</p> <p>The current policy, adopted in 2012, has been reviewed to take account of legislative changes and to improve the clarity of some sections. A table summarising the changes to the policy are attached as an appendix to the report.</p> <p>The changes are relatively technical in nature, mainly remedying elements of the previous policy that were ambiguous. Unlike previous policy revisions, no applicants are likely to have a variation to their priority as a result of the new policy.</p>		
Decision		
To adopt the revised Allocation Policy.		
Purpose of Decision:		
To ensure that the scheme has an up-to-date policy that complies with relevant government guidance.		

Any Corporate implications in relation to the following should be explained in detail	
Financial:	The proposed changes do not have any financial implications.
Legal:	The proposed changes ensure that our policy is up-to-date with current legislation.
Safeguarding	No implications.
Equalities/Diversity	The policy is accompanied by an Equalities Impact Assessment.
Customer Impact:	The policy changes include measures that will potentially benefit social housing tenants seeking to transfer for work, otherwise the direct customer impact is minimal. It is intended that the new policy is simpler to understand.
Environment and Climate Change:	No implications.
Consultation/Community Engagement:	The co-ordinator who works on behalf of all the councils in the scheme consulted with all the housing associations that operate locally. They met on 13 October to go through the policy and were invited to make written comments. The majority had no comments and those who did were supportive of the updated version of the policy.
Risks:	<p>All of the Councils that operate the scheme are taking similar reports to their members. It is possible that one or more Council could be minded to reject the policy.</p> <p>If that is the case, we are all identifying that we would ask members to approve the policy but consult straight away with the other authorities on making changes, rather than rejecting the policy outright.</p> <p>At the time of writing, 6 of the 8 Councils involved had approval for the revised policy.</p>
Officer Contact:	Tim Lucas
Designation:	Housing Research & Development Manager
Ext. No.	2124
E-mail:	timlu@braintree.gov.uk

1. Housing Allocations Policies

- 1.1 Every local housing authority is required to have a scheme for determining priorities for allocating housing accommodation. Legislation dictates certain categories of applicant are to be given priority. These are termed 'reasonable preference categories' and include those with a medical or welfare need to move, homeless households and those living in overcrowded or unsuitable conditions.

2. Gateway to Homechoice

- 2.1 Gateway to Homechoice is a choice based lettings scheme operating in eight authorities in Essex and Suffolk. The scheme operates according to a Partnership Agreement and is overseen by the Project Board, which has representatives from each Council and stock transfer housing association. The Project Board is currently chaired by Tim Lucas from Braintree District Council.
- 2.2 The partners share an IT system and a charge is made to housing providers for each letting. The charge covers the cost of employing a scheme co-ordinator and paying for IT updates. The main principles of the scheme are:-
- an online application form
 - assessment of housing need using a banding system from A - E
 - advertising properties on a website – www.gatewaytohomechoice.org.uk
 - applicants bid (express an interest) in properties which are advertised
 - support for applicants who are unable to participate either due to disability or not having access to the internet
 - opportunities to apply for properties across local authority boundaries
- 2.3 The original policy was devised following consultation with members, applicants, tenants and partner organisations in 2008 followed by reviews in 2011 and in 2012 to take account of changes in legislation. The current review recommends some minor changes to policy (see appendix A), clarification of wording and the removal of procedural matters.
- 2.4 Current good practice suggests having a policy which outlines key policy decisions and separate working procedures. Procedures can be updated as necessary without the need to make further changes to the policy itself.
- 2.5 The structure of the policy has been changed with the aim providing a document which is clearer for staff and customers to understand and interpret.
- Chapter 1 is an introduction and lists the aims and objectives of the scheme
 - Chapter 2 sets out the reasonable preference categories in the legislation, additional preference and how former armed forces personnel are assessed
 - Chapter 3 explains who is and isn't eligible to join the housing register
 - Chapter 4 gives details of how the housing register operates, how to apply and what counts as a local connection
 - Chapter 5 explains the banding system
 - Chapter 6 sets out the sizes of property households are entitled to bid for

- Chapter 7 provides information about how properties are advertised and when location or time restrictions apply
 - Chapter 8 explains how properties are allocated from the list of people who have bid
 - Chapter 9 details the two stage appeal process
 - No changes have been made to Appendix 1 of the policy which relates to discharge of the homelessness duty
- 2.6 Most properties are available for anyone to bid for regardless of where they currently live. However certain applicants are restricted to bidding for properties within their local authority area, for example applicants who have been accepted under the homelessness legislation.
- 2.7 Inward and outward movement for each authority is monitored and restrictions applied if there is an imbalance.
- 2.8 Priority for some registered provider properties, which have been built to meet a local housing need, is given to applicants who have a local connection to the village in which they are located.

Appendices to this report:

Appendix A: Table of proposed policy changes

This is a summary of the differences between the new policy and the current one. Differences are relatively minor and mainly 'technical' changes that have little immediate impact on individual applicants. We have, however, taken the opportunity to make significant changes to the policy document itself, as previous versions had become rather unwieldy as changes had been made. The new version is clearer and focusses more on policy, rather than procedures. We hope this will make it easier to update in the future.

Appendix B: Revised Allocations Policy

This is the policy in full. It was agreed by the officers of the partner organisations during 2015 and the final version of the document was signed off by the Project Board in November 2015.

Appendix C: Equality Impact Assessment

The group of Councils that are part of the scheme has an Equalities Group that meets to check policies as changes are made. The scheme co-ordinator is based in Colchester, and the most appropriate Equality Impact Assessment to use was therefore Colchester's template. The Assessment was completed by the Equalities Group and approved by the Project Board.

Appendices B and C are published electronically on the Council website with the electronic version of the Agenda. These can be viewed at <http://www.braintree.gov.uk/meetings/meeting/824/cabinet>

Appendix A: Table of Proposed Changes to the Allocations Policy

Item no	Topic	Section	Outcome
1.	Refusals	3.8 (f)	<p>Applicants who repeatedly select and/or view properties which they have no intention of taking.</p> <p>In exceptional circumstances applicants can be suspended from participating if they repeatedly select and or view properties which they have no intention of accepting.</p>
2.	12 month restriction for customers applying to re-join the register	3.8 (a)	Clarification that applicants who are housed via Gateway to Homechoice or who mutually exchange are suspended from bidding for 12 months
3.	Right to Move	4.8	Existing social housing tenants who need to move due to work are exempt from local connection requirements set out in section 4.4
4.	Effective date	4.10	Clarification of how the effective date is determined when the birth of a baby entitles the family to a larger property
5.	Nominations to move on from supported housing	Chapter 5 Bands A and B	The existing policy awards applicants who are ready to move on from specified supported housing schemes a Band A. It is proposed that the partner organisation has the discretion to award a Band A or B
6.	Reduced preference	Chapter 5 - Band D	Clarification that reduced preference does not apply to existing Council or RP tenants whose financial resources exceed financial thresholds
7.	Reduced preference	Chapter 5 - Band D	Updated wording to show that the behaviour of a tenant or a member of the household could affect their suitability to be a tenant
8.	Reduced preference	Chapter 5 - Band D	Applicants who have been accepted as homeless and who are in temporary accommodation may have their preference reduced and placed in Band D if they are in rent arrears
9.	Welfare Matrix	5.10	New welfare matrix makes clear that no additional priority is awarded where the need to move and degree of vulnerability are considered to be low
10.	Deliberately making housing circumstances worse	5.16	Applicants who have deliberately made their situation worse are assessed on the basis of their previous accommodation. The section has been changed to include

			people who move to smaller private rented accommodation and introduced a review after 12 months
11.	Owner occupiers	5.17 – 5.21	These sections have been reworded to clarify the position of owner occupiers on the housing register.
12.	Bungalows – no restrictions/age restrictions	7.10 and 7.11	Updated terminology with regard to bungalows. Bungalows are described as either age restricted or general needs
13.	Direct lets	7.12	<p>The circumstances in which a direct let can be made have been amended to include management moves in exceptional circumstances and the Essex-wide agreement for victims of domestic violence</p> <p>Properties which are direct let are not advertised but feedback is given on the Gateway to Homechoice website</p>
14.	Time bidding restrictions	7.17	Some applicants are subject to time limited bidding restrictions. This section sets out what types of applicant this applies to and what sanctions are available if they fail to bid for appropriate properties
15.	Offers of accommodation	8.4	At the point of offering a tenancy the applicant's current circumstances will be checked to ensure they have the same level of housing need and references and rent in advance may be required
16.	Shortlisting	8.15	If a property cannot be let promptly and applicants in Bands A – C have been exhausted the property may be readvertised
17.	How the policy operates	8.14 – 8.15	As a result of an ombudsman judgement relating to an allocations policy in another area of the country this section makes clear that registered providers may have policies which differ from the Gateway to Homechoice policy
18.	Reviews & Appeals	Chapter 9	The wording has been updated so that there is a clear distinction between a review and an appeal.

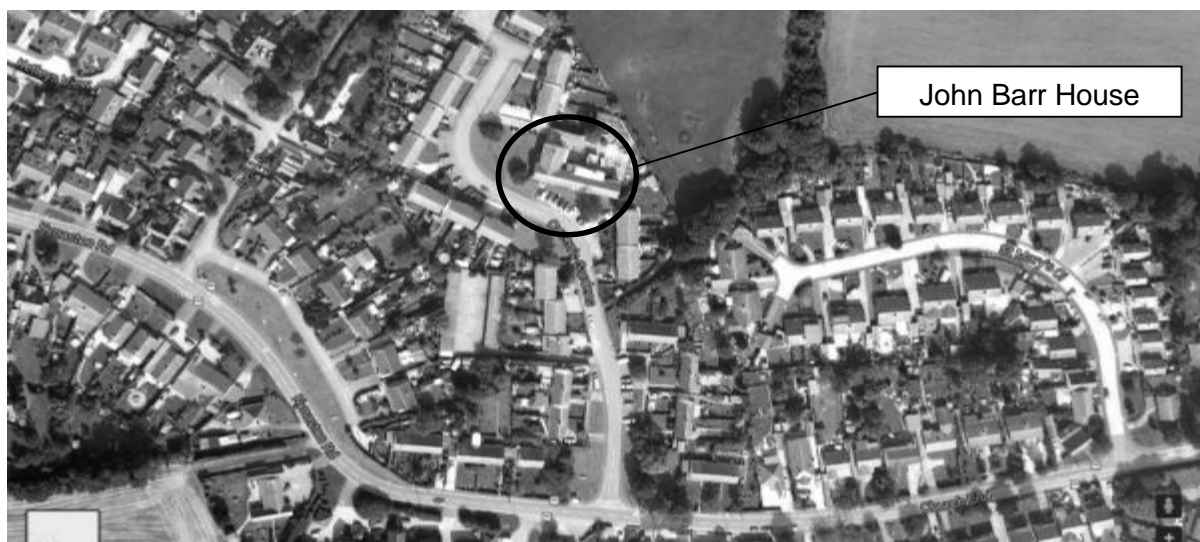
Use of land at John Barr House, Panfield		Agenda No: 8b
Portfolio	Planning and Housing	
Corporate Priority:	Encouraging flourishing communities Securing appropriate infrastructure and housing growth	
Report presented by:	Councillor Lady Newton, Cabinet Member for Planning and Housing	
Report prepared by:	Tim Lucas, Housing Research & Development Manager	
Background Papers:		Report Public
None		Key Decision: Yes
Executive Summary:		
<p>John Barr House in Panfield was originally a sheltered housing scheme. It was retained by the Council at the time of the stock transfer to Greenfields Community Housing as it was leased to Braintree Women's Aid (and subsequently to Safer Places). The building was used as a women's refuge.</p> <p>Safer Places have now vacated the building and surveys suggest that the site is more valuable than the building. The report seeks approval to demolish the existing building and to pass the land to a Housing Association to provide rented social housing.</p>		
Decision		
<ol style="list-style-type: none"> 1 That the Council secure the demolition of John Barr House; 2 That the demolition is funded from the Housing Capital budget; <i>and</i> 3 That the site is transferred to a Housing Association to provide a scheme of rented social housing. 		
Purpose of Decision:		
<p>To secure the future of the site of John Barr House and to enable a scheme of new affordable housing.</p>		

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

Financial:	<p>The existing building has an estimated value of £125,000. The cleared site has been valued at £350,000.</p> <p>As it is planned to transfer the land for affordable housing, we propose to fund the necessary demolition of the building from the Housing Capital Budget. As the demolition contract is being tendered, we do not want to estimate the value of the contract but we expect it to be easily within the budget available. Should this not be the case, we will report back to members.</p> <p>Our financial contribution to the housing scheme is £350,000 as this is the estimated land value of the cleared site.</p> <p>The new homes will be built without further public funding being needed.</p>
Legal:	<p>The land transfer will be undertaken with conditions that ensure:</p> <ul style="list-style-type: none"> • We nominate all of the tenants on first let and at least 75% of future re-lets; • The value of the land transferred is identified on a per-plot basis and that any future Right-to-Buy sales result in our grant being ring-fenced for affordable housing locally.
Safeguarding	No specific implications.
Equalities/Diversity	No specific implications.
Customer Impact:	Additional affordable housing helps maintain the flow of affordable housing to meet the needs of people registered for housing with us.
Environment and Climate Change:	We expect the replacement units to be more energy efficient than the scheme they will replace.
Consultation/Community Engagement:	Community engagement will be undertaken through the planning process.
Risks:	<p>We expect the main risks to be addressed by the contract under which the land is transferred. It will seek to ensure that:</p> <ul style="list-style-type: none"> • No additional public subsidy is required • The scheme is completed within a reasonable time period • The lettings are made to our nominated applicants.
Officer Contact:	Tim Lucas
Designation:	Housing Research & Development Manager
Ext. No.	2124
E-mail:	timlu@braintree.gov.uk

1. The property

- 1.1 John Barr House was built as a sheltered housing scheme for older people by the Council. By the 1990's there was low demand for the dated accommodation and it was decommissioned. In 1997 works were carried out by the Council to enable it to be used as a women's refuge. This resulted in 10 units of accommodation for residents together with office and shared communal space for staff. The property has a mix of bedsits with shared bathroom facilities and flats.



- 1.2 Originally Braintree Women's Aid leased the building from the Council and in 2012 another charity, Safer Places, took on the lease of the refuge. Surveys in 2012 identified that a significant level of investment that was required to fully modernise and update building. It was agreed by both the Council and Safer Places that major investment including major reconfiguration to create self-contained units was not viable due to the cost. Some works were carried out simply to enable the property to be kept in use.
- 1.3 Safer Places vacated the building on 30th November 2015. In September 2015, Safer Places secured the contract to provide services across Essex for people fleeing domestic violence. The refuge in Panfield was not part of their future plan.

2 Possible Alternative Uses of the Building

2.1 The building is very similar to a number of other properties around the district. Some of these have been demolished and new development provided. These include:

- Wilkinson House, Hatfield Peverel
- Springett House, Cressing
- Dale House, Braintree
- Park Court, Sible Hedingham

2.2 Similar issues are also being encountered at Craig House, Braintree, which is being replaced by the purpose-built housing scheme on Rayne Road. It is therefore considered unlikely that there is an economic alternative use for the building as it stands. The Council's consultant valuers, Wilks Head and Eve, have valued the property as at 1st April 2015 at £125,000 for asset valuation purposes in the Council's accounts.

3 Possible Alternative Uses of the Land

3.1 The property has now been secured, following its handover from Safer Places and we are obtaining quotations for demolishing the building. The site has been valued at £350,000, after demolition of the existing building.

3.2 This report recommends that we arrange the demolition of the building as it ensures that the site is cleared of an empty building that can cause issues for people in the neighbourhood. It also ensures the fastest possible turnaround for the site.

3.3 Since the Government's announcement of its intention to concentrate s106 provision on starter homes and the publication of the Housing and Planning Bill, it is clear that if we want to secure additional rented social housing, we have to make the most of opportunities that are under our control.

3.4 Before the publication of the Bill, we would have been considering recommending the sale of the site on the open market. We are now considering that land in our ownership may be the only guaranteed opportunity to provide new rented affordable homes and we are therefore recommending we transfer it to a Housing Association for a suitable scheme.

3.5 The effective value of our grant to the Housing Association is £350,000 and depending on the number of units agreed through the planning process, the grant per unit is likely to be between £50,000 and £60,000.

3.6 Although the housing market has picked up significantly in the last year or so, the actual delivery of new affordable homes is still very difficult. There has been significant activity in the early planning stages of schemes but very few developments have started on site. For the next financial year, for example, the only mainstream developments likely to include affordable housing completions are Premdor, Sible Hedingham (14 new affordable homes) and Mill Hill, Braintree (10).

3.7 This site gives us the opportunity to provide at least 6 rented homes, built to a specification that best meets our needs. We are continuing to cope with the number of households that apply as homeless to us but a number of measures announced in the July Budget, the Autumn Statement and the Housing & Planning Bill will make it

- harder for people to access the private rented sector as benefit rates are frozen;
- harder to afford the costs as the lower (£20,000) 'benefit cap' takes effect; *and*
- harder for us to secure rented affordable housing as Government funding is increasingly targeted at home ownership initiatives.

We therefore consider that this investment gives us a small but useful addition to the housing stock to which we have nomination rights, now and into the future. If we sold the site, it is likely that the best use of the resources in order to provide additional affordable housing would be to purchase a similar site and proceed as we plan to here.

4 The Proposed Housing Scheme

4.1 We asked all of the housing associations that operate locally and have current development programmes to evaluate the following housing scheme for 6 new homes:

- 1 x 3 bedroom, 6 person house,
- 3 x 2 bedroom, 4 person houses *and*
- 2 x 1 bedroom, 2 person flats.
- All units to meet design and quality standards as set out in the Homes and Communities Agency Housing Quality Indicators.
- Code 3 of the Code for Sustainable Homes, plus an indication of the extra cost to achieve code 4.
- The ground floor flat should have a level-access shower.
- All homes should meet Lifetime Homes standard.

4.2 We indicated that this would be likely to be the minimum number of homes for the site but that we would review the scheme with architects and planners. We also indicated we wanted them to assume that we would secure the demolition of the existing building before transferring the land at nil cost.

5 Outcome of the Bidding Process and Recommendations

5.1 Six housing associations responded to our request for costings for the scheme. We would expect associations to appraise the rental income against the expected build cost and for there to be a shortfall as a result of maintaining rents at 'affordable rent' levels. This shortfall could be met by one or all of the following:

- Their own reserves;
- Grants from the Homes and Communities Agency (HCA);
- Grants from Braintree District Council.
- Swapping some rented homes to shared ownership

- 5.2 Flagship Housing indicated that they would provide an all-rented scheme, using their own financial capacity to avoid the need for grant funding from any external source. This was the best offer; all other associations indicated they would need to bid for funding from the HCA to secure an all-rented scheme.
- 5.3 As a result, we are able to progress a scheme with Flagship without any added time to secure external grant funding. We have communicated this to Flagship and the other associations. If for any reason Flagship are unable to proceed, we will review the other bids and select the next best offer.

6 Legal Agreement

- 6.1 Our transfer agreements generally require that 100% of first lettings and a minimum of 75% of re-lets are to our nominated households. In this instance, we recommend that first lettings are made with priority given to households with a housing need (as set out in our Allocations Policy) **and** a connection to Panfield. Subsequent re-lets will not be covered by a local connection policy and will be let in the same way as other social housing.
- 6.2 We are concerned that the properties could be sold under Right to Buy, which is being extended to housing association properties. We do not yet know the details of how this will be applied to schemes without government grant (it may be that this scheme could be exempt). However, to protect our investment, we are exploring whether it is better to sell the land to Flagship at open market value and then grant fund the same amount as Social Housing Grant.
- 6.3 The advantage of this approach is that we can identify explicitly how much grant is paid for each property in the scheme. In the event of a Right-to-Buy sale, it will be clear how much grant was used and Flagship will pledge to use the resources to provide additional housing locally.

7 Recommendations

- 7.1 We are recommending that we arrange the demolition of the building, paid for by our Housing Capital budget. The contract for the demolition is likely to be well within our existing budget.
- 7.2 The demolition contract is currently being tendered and the final price is expected before the Cabinet sits on 4th February. We will brief members if this is the case.
- 7.3 Funds from the Housing Capital budget are normally granted to housing associations to enable affordable housing however it is considered that the budget can be used to enable the demolition contract to be undertaken.
- 7.4 We will agree to transfer the land to Flagship for an affordable housing scheme on the following conditions:
- Development of the scheme to proceed promptly after confirmation of Member approval.
 - Subject to planning approval, cleared site transferred to Flagship at nil cost.

- Scheme to be delivered free of grant requirement.
- Scheme of at least 6 units - all for affordable rented tenure.
- Braintree DC to work with Flagship over mix unit types.
- Scheme to be in accordance with Flagship's Design Guide and be built to achieve a quality equivalent to code 4.

Implications of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015		Agenda No: 9a
Portfolio Corporate Priority:	Environment and Place Supporting vulnerable people in our community, Promoting safe and healthy living	
Report presented by:	Councillor Mrs Wendy Schmitt, Cabinet Member for Environment and Place	
Report prepared by:	Colin Batchelor, Environmental Health Manager	
Background Papers:	Public Report	
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	Key Decision: No	
Executive Summary:		
<p>Regulations have been enacted requiring private landlords of residential premises to:</p> <ul style="list-style-type: none">• Install smoke alarms on each floor of their rented property• Install a carbon monoxide alarm in each room where there is a solid fuel burning appliance• Carry out checks to ensure the alarms are in working order at the start of each new tenancy <p>The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1st October 2015. Where the Authority has reasonable grounds to believe that a Landlord is in breach of the Regulations they must serve a 'Remedial Notice' giving the Landlord 28 days in which to comply. Where the Local Authority is satisfied that a Landlord has not complied with a remedial notice, they have a duty to arrange for the required works to be carried out (with the consent of the occupier). They also have a discretionary power to require the Landlord to pay a penalty charge of up to £5000.</p> <p>It is recommended that the Penalty Charge shall be set at £1000 for the first offence but this will be reduced to £750 if paid within a 14 day period from the date of service.</p> <p>A landlord will have a right to request a review of a penalty charge and can appeal to a First Tier Tribunal against the review decision on specific grounds, including that the amount of charge is unreasonable.</p> <p>The Local Authority may recover the charge under a Court Order. Sums received under a penalty charge may be used by the Authority for any of its functions. The Local Authority must prepare and publish a statement of principles which it proposes to follow in determining the amount of penalty charge. This is attached as Appendix A.</p>		

Decision:

To seek approval to amend the Leader's scheme of delegation for the following purpose:

- 1) To seek approval for the statement of principles which the Council will follow in determining the amount of a penalty charge related to a breach of the Smoke and Carbon Monoxide Alarm (England) Regulations.
- 2) To authorise the Head of Environment and Leisure to exercise the Council's full enforcement powers under the "Smoke and Carbon Monoxide Alarm (England) Regulations".
- 3) To authorise the Cabinet Member for Environment and Place to update and the review the statement of Principles and the Penalty Charge.

Purpose of Decision:

To ensure that:

- 1) the Council officers are duly authorised to enforce The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- 2) that the penalty charge scheme is approved for enforcement purposes.
- 3) future changes can be made in a timely manner.

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

Financial:	The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 be enforced using the existing resources of the Housing and Pollution Team. The regulations allow the Council to use income from fixed penalty charges for any purpose but may need to recover the charge under a court order. It is not expected that there will be the need to issue many penalty charges.
Legal:	The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 confer a mandatory duty on the Council to take action where they have reasonable grounds to believe there has been a breach.
Safeguarding:	None arising out of this report.
Equalities/Diversity:	None arising out of this report.
Customer Impact:	Improved safety for tenants within the District.
Environment and Climate Change:	None.
Consultation/Community Engagement:	The Council has promoted the Regulations and availability of free alarms to Letting Agents and Landlords. The Fire & Rescue Service has also promoted the regulations and has made available free smoke and carbon monoxide alarms to eligible landlords.
Risks:	There is a risk of a surge in enforcement against Landlords who fail to comply and challenge the penalty charge through the Tribunal process.
Officer Contact:	Colin Batchelor
Designation:	Environmental Health Manager
Ext. No.	2219
E-mail:	colba@braintree.gov.uk

Background

- 1.1 In March 2015, the Government laid before Parliament the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 requiring all private sector landlords from October 2015 to ensure that working smoke alarms and in some cases carbon monoxide alarms are installed in privately rented properties. It is estimated that this will prevent 26 deaths and 670 injuries each year across England. It is noted that people are 4 times more likely to die in a fire in the home if there is no working smoke alarm. These regulations come with strong support after a consultation into conditions in the private rented sector.
- 1.2 The Regulations will require private landlords to ensure that there is a working smoke alarm installed on each storey of a privately rented home, that a working carbon monoxide alarm is in place in each room containing a solid fuel burning combustion appliance and to check that appropriate alarms are in working order at the start of each tenancy. There are approximately 8300 privately rented properties in the Braintree District with no precise data of how many of these have working smoke alarms on every storey.
- 1.3 The Regulations will be enforced by Local Housing Authorities who must serve remedial notices on those landlords in breach of their duty to comply. In any case where a landlord fails to comply with a remedial notice, the Authority must, if the necessary consent is given by the occupier of the premises, arrange for remedial action to be taken. It may also require the landlord to pay a civil penalty charge of up to £5000.
- 1.4 Each of England's 46 fire and rescue authorities are expected to support private landlords in their own areas to meet their new responsibilities with the provision of free alarms, with one off grant funding from government. Essex FRS has held landlord events at 9 different locations, including Braintree, with free alarms made available for collection after the event.

2. Current Position

- 2.1 The Constitution requires updating to enable the Head of Environment & Leisure to exercise additional powers in relation to The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- 2.2 Practical enforcement of The Smoke and Carbon Monoxide Alarm (England) Regulations will be undertaken by Environmental Health Officers. The department is working with the Housing Department and Essex Fire and Rescue to raise awareness amongst landlords in the District.
- 2.3 The Regulations place a duty on the Local Housing Authority to serve a remedial notice within 21 days where it has reasonable grounds to believe that a relevant landlord is in breach of the Regulations.

The landlord has 28 days to comply and if the landlord does not comply with the remedial notice, the Local Housing Authority must arrange for an authorised person to take remedial action by undertaking the works in default and fitting the necessary alarms within a 28 day period. Since the introduction

of the legislation we have had one complaint of a smoke alarm not being installed and this matter was resolved without the need for formal action.

The Authority may require the landlord to pay a penalty charge which must not exceed £5000 and it must prepare and publish a statement of principles which it proposes to follow in determining the amount of a penalty charge. There is a right of appeal to the First-Tier Tribunal for any landlord who is required to pay a penalty charge.

- 2.4 The proposal is that the Council will require the landlord to pay a penalty charge. A statement of principles to determine the amount of a penalty charge is attached at Appendix A and this will be published on the website.

The local authority may revise its statement of principles at any time and where it does so, it must publish the revised statement. The reason that landlords will be required to pay a fixed penalty charge is because the Council has a duty to arrange remedial action and works in default. These costs will need to be recovered, including officer time, and a financial penalty. Additionally, the landlord will have already have been aware of their breach and given time to comply.

Penalty charges are only for landlords who refuse to co-operate with the local housing authority even after they have been made aware of their breach. The landlord will be able to appeal to the local housing authority and then to a First-tier Tribunal against the local housing authority's decision.

Appendix A

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 **Statement of Principles.**

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduces the following requirements for private rented sector landlords during any period beginning on or after 1st October 2015 when the premises are occupied under the tenancy—

- i) a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;
- ii) a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
- iii) checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

The Regulations do not apply to live-in landlords, licensed HMO's or social landlords and there are other exemptions for certain tenancies/properties.

Enforcement

Where the Local Housing Authority has reasonable grounds to believe that there are no or insufficient number of smoke alarms or Carbon Monoxide Detectors in the property as required by the Regulations or;

The Smoke Alarms or Carbon Monoxide Detectors were not working at the start of a tenancy or licence; then the Authority shall serve on the Landlord in a method prescribed by the Regulations, a Remedial Notice detailing the actions the landlord must take to comply with the Regulations. If after 28 days the Landlord has not complied with the Remedial Notice the Authority must arrange for remedial action to be taken (where the occupier consents) and a Penalty Charge may be levied through a penalty charge notice.

Principles to be followed in determining the amount of a Penalty Charge.

The Authority considers that a lesser penalty will be merited on the occasion of a first offence and that prompt payment of the penalty on that first occasion should attract a reduced penalty in recognition of early admission of liability and savings in administration costs. The level of penalty should, however, as a minimum, cover the cost of all works in default, officer time, recovery costs, an administration fee and a fine.

Repeated offences should attract a progressively higher penalty in view of continuing disregard for legal requirements and tenant safety. If, following the service of a first penalty charge notice, a notice (or notices) is (are) served in respect of a further

offence (or offences), but the further offence(s) arose prior to the service of the first notice, the penalty charge in respect of each notice shall be treated as a first offence penalty charge. Subsequent offences will, however, be treated cumulatively.

Level of Penalty Charge

The Penalty Charge shall be set at £1,000 for the first offence but this will be reduced to £750 if paid within a 14 day period. This is based on a necessity to cover the costs of carrying out the works in default, the costs of the administration of the process and to act as a deterrent to non-compliance. Should the Landlord not comply with future Remedial Notices then the fine shall be set according to the table below:

Offence	Fine
Second	£2000
Third	£3000
Fourth	£4000
Fifth or More	£5000

No discount will be given for prompt payment after the first occasion.

Recovery of Penalty Charge

The Local Housing Authority may recover the penalty charge as laid out in the Regulations.

Appeals in relation to a penalty charge notice

The landlord can request in writing, in a period that must not be less than 28 days beginning with the day on which the penalty notice was served, that The Local Housing Authority review the penalty charge notice. The Local Housing Authority must consider any representation and decide whether to confirm, vary or withdraw the penalty charge notice. A landlord who is served with a notice confirming or varying a penalty charge notice may appeal to the First-tier Tribunal against the Local Housing Authority's decision.

Minutes



Local Plan Sub-Committee

2nd December 2015

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	Yes
D Hume	Yes	Miss M Thorogood	Yes

Councillors Dunn, Ramage and Schwier were also in attendance.

25 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

Councillor D Bebb declared a non-pecuniary interest in Agenda Item 5 – Retail Study Update 2015 as his wife was the Vice-Chairman and a Board Member of Farleigh Hospice which had retail outlets in the District.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 5 – Retail Study Update 2015 as he was the Chief Executive Officer of a charity with a retail outlet in the District.

26 **MINUTES**

INFORMATION: The Minutes of the meeting of the Local Plan Sub-Committee held on 11th November 2015 were confirmed as a correct record and signed by the Chairman.

27 **QUESTION TIME**

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

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

INFORMATION: Consideration was given to a report on the Retail Study Update 2015.

Members were advised that Braintree District Council had commissioned Nathaniel Lichfield and Partners (NLP) to prepare a Retail Study Update. The objectives of the study were to provide a robust and credible evidence base to inform the Council's new Local Plan, taking into account any changes since the last Study which had been carried out by NLP in 2012. The Study comprised an analysis of existing retail and leisure facilities within the District's town and local centres and an assessment of the need for new retail, leisure and other main town centre uses.

The assessment of capacity for retail floorspace indicated that there was scope for new development within the Braintree District. It was estimated that for the period up to 2033, 8,966 sqm gross additional floor space would be required for convenience goods (ie. day to day shopping requirements such as food), together with 15,869 sqm gross floor space for comparison goods (i.e. items bought less frequently such as electrical equipment or clothing), and 8,304sqm gross floor space for Use Classes A3/A4/A5 food/beverage (i.e. café's, pubs, restaurants).

With regard to population growth and strategic housing allocations, the Study indicated that new developments of 2000 or more homes could support a local shopping facility up to 1500 sqm gross floorspace, incorporating convenience goods, comparison goods and food/beverage provision to serve the day to day needs of new residents.

The Study had not recommended changes to the primary shopping areas and town centre boundaries for Braintree, Halstead and Witham and it was proposed that the primary and secondary frontages should remain as indicated in the 2014 Pre-submission Site Allocations and Development Management Plan.

DECISION: That the Retail Study (2015) be approved as part of the evidence base for the new Local Plan.

29 **DRAFT DEVELOPMENT MANAGEMENT POLICIES – A STRONG ECONOMY, SHOPS AND SERVICES, AND CREATING HIGH QUALITY SPACES**

INFORMATION: Consideration was given to a report on proposed development management policies for inclusion in the new Local Plan. These policies would guide development in the District up to 2033. It was proposed that the policies should be contained in Chapters and divided between three sustainable development themes entitled 'A Prosperous District', 'Creating Better Places' and 'Protecting the Environment'. The National Planning Policy Framework recommended that Local Plan policies should be focused, concise and accessible, that they should not repeat each other or national policy, and that they should show how critical areas would be dealt with.

The report set out the proposed policies for inclusion within the Chapters entitled 'A Strong Economy', 'Shops and Services' and 'Creating High Quality Spaces'.

It was reported that the 'A Strong Economy' Chapter dealt with employment provision and retention and skills. It was noted that a strategic policy would be included in the Chapter at a later date once the allocation of major employment sites in the District had been determined. The draft Chapter was set out at Appendix 1 to the report.

The 'Shops and Services' Chapter dealt primarily with the provision of town centres and main town centre uses such as retailing and leisure. The strategic policy set out the proposed town centre boundaries, but it did not include sites allocated for new or improved retail uses as these would be considered as part of the site selection process. The draft Chapter was set out at Appendix 2 to the report.

The 'Creating High Quality Spaces' Chapter related to design and the built environment and it incorporated detailed policies on the historic environment, including Conservation Areas and Listed Buildings. The draft Chapter was set out at Appendix 3 to the report.

Further Chapters would be submitted to the Local Plan Sub-Committee on 14th January 2016 prior to all policies being considered by full Council on 25th January 2016. Following this, the draft Preferred Options Local Plan and accompanying sustainability appraisal would be considered by full Council in June 2016, prior to extensive public consultation.

DECISION:

- (1) That full Council be **Recommended to approve** the 'A Strong Economy' Chapter and policies as set out in Appendix 1 to the report, subject to the Rural Enterprise policy being amended to read as follows:-

Rural Enterprise

Proposals for appropriate scale economic development outside of the main towns will be supported where the following criteria are met;

1. There is no unacceptable impact on protected species, or the historic environment.
2. The access and traffic generated by the development can be accommodated on the local road system without adverse impact on roads, residential amenity or the local character, or can be mitigated against.
3. The conversion and re-use of existing buildings should be considered in the first instance before appropriately designed new buildings are considered.
4. Where new buildings are considered they should be well designed and their form and bulk should not offend local landscape character.

Change of use of rural employment buildings to residential will only be permitted where it can be proven that there are not strong economic reasons why the building should be retained in employment use.

- (2) That full Council be **Recommended to approve** the 'Shops and Services' Chapter and policies as set out in Appendix 2 to the report.
- (3) That full Council be **Recommended to approve** the 'Creating High Quality Spaces' Chapter and policies as set out in Appendix 3 to the report, subject to the second paragraph of the supporting text to the Layout and Design of Development policy and the policy itself being amended to read as follows:-.

Layout and Design of Development (Supporting text - second paragraph)

The Essex Design Guide is a useful starting point for a development and provides guidance regarding amenity standards, layouts and separation distances for dwellings.

Layout and Design of Development (Policy)

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

- The scale, layout, density, height and massing of buildings and overall elevational design should reflect, or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline in the locality, overshadowing or overbearing impact on neighbouring properties, and on the building line;
- Buildings, open areas, circulation spaces and other townscape and landscape areas shall be of a high standard of design and materials and they shall be consistent with affordable long-term maintenance;
- Designs shall be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within Conservation Areas and in proximity to listed buildings, parks and gardens of historic interest, ancient monuments and sites of archaeological importance;
- Both the overall planning and detailed design shall incorporate measures to ensure that recognised national standards for environmental sustainability are complied with throughout the construction, occupation and demolition of the development in relation to energy conservation, water efficiency, waste separation (internal and external), climate change, flood resilience and resistance construction, and the use of materials with low overall energy requirements;

- Designs and layouts shall promote a safe and secure environment, crime reduction and prevention, and shall encourage the related objective of enhancing personal safety; with the maximum amount of natural surveillance of roads, paths and all other open areas and all open spaces incorporated into schemes;
- Landscape design shall promote and enhance local biodiversity and historic environmental assets. The planting of trees in inappropriate places such as highway verges and in close proximity to dwellings shall be avoided in order to prevent future interference with highway sight lines and root damage to roads, pavements and properties.
- The design and level of any lighting proposals will need to be in context with the local area, comply with national policy and avoid or minimise glare, spill and light pollution;
- Use of sustainable modes of transport are promoted in the design and layout of new development, the highway impact is assessed and the resultant traffic generation and its management shall seek to address safety concerns and avoid significant increases in traffic movement, particularly in residential areas; and ensure that developments are accessible by larger vehicles eg. refuse freighters;
- Proposals for the long term maintenance of public areas, landscaping and highways are included;
- Development will be planned to minimise vulnerability to climate change impacts and such development will not exacerbate vulnerability in other areas;
- New developments shall be served where viable with the most up-to-date, high speed, reliable broadband connection;
- The development proposed should not have a detrimental impact on highway, footpath and cycleway safety;
- External alterations to buildings will be supported where they do not have a detrimental impact on heritage assets.

The meeting commenced at 6.00pm and closed at 7.28pm.

Councillor Mrs L Bowers-Flint
(Chairman)

Minutes

Local Plan Sub-Committee

14th January 2016

Present:

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

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

30 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

31 **MINUTES**

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

32 **QUESTION TIME**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DECISION:

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

Housing Type and Density (Policy)

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

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

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

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

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

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

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

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

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

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

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

Replacement Dwellings in the Countryside (Policy)

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

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

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

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

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

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

Previously Developed Sites in the Countryside (Policy) - Deleted

Residential Conversion of Buildings in the Countryside (Policy)

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

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

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

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

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

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

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

Broadband (Policy)

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

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

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

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

Educational Establishments (Policy)

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

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

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

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

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

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

Retention of Services (Supporting text - first paragraph)

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

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

External Lighting (Policy)

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

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

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

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

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

Layout and Design of Development (Policy)

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

- The scale, layout, density, height and massing of buildings and overall elevation design should reflect, or enhance the areas local distinctiveness and shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline and the building line;
- There shall be no unacceptable impact on the amenity of any nearby properties;
- The public realm including buildings, open areas, circulation spaces, and other townscape and landscape features shall be of a high standard of design and materials and they shall be consistent with affordable long term maintenance ;
- Designs shall be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within Conservation Areas and in proximity to heritage assets;
- Both the overall planning and detailed design shall incorporate measures for environmental sustainability throughout the construction, occupation and demolition of the development; in relation to energy conservation, water efficiency, waste separation (internal and external), climate change, flood resilience and resistant construction, and the use of materials with low overall energy requirements;
- Designs shall incorporate details of waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised;
- Designs and layouts shall promote a safe and secure environment, crime reduction and prevention, and shall encourage the related objective of enhancing personal safety; with the maximum amount of natural surveillance of roads, paths and all other open areas and all open spaces incorporated into schemes;
- Landscape design shall promote and enhance local biodiversity and historic environmental assets. The planting of trees in inappropriate places such as highway verges and in close proximity to dwellings shall be avoided in order to prevent interference with highway sight lines and root damage to roads, pavements and properties;
- The design and level of any lighting proposals will need to be in context with the local area, comply with national policy and avoid or minimise glare, spill and light pollution;
- Use of sustainable modes of transport are promoted in the design and layout of new development, the highway impact shall be assessed and the resultant traffic generation and its management shall seek to

- address safety concerns and avoid significant increases in traffic movement, particularly in residential areas;
- Proposals for the long term maintenance of public areas, landscaping and highways are included;
- Development will be planned to minimise vulnerability to climate change impacts and that such development will not exacerbate vulnerability in other areas;
- The development proposed should not have a detrimental impact on highway, footpath and cycleway safety;
- External alterations to buildings will be supported where they do not have a detrimental impact on heritage assets;
- Developments shall be legible and accessible to all and create or contribute to a coherent sense of place that is well articulated and visually interesting and welcoming;
- Developments shall be permeable, well connected to walking and cycling networks, open spaces and facilities;
- Residential developments shall provide a high level of accommodation and amenity for all prospective occupants. Single aspect units will be discouraged;
- Private outdoor amenity space shall be provided in accordance with the standards set out in the Essex Design Guide and shall be accessible, usable and well related to the development.'

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

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

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

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

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

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

Councillor Mrs L Bowers-Flint
(Chairman)