

LOCAL PLAN SUB-COMMITTEE AGENDA

Thursday, 15 December 2016 at 06:00 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
www.braintree.gov.uk

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

Membership:-

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

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

N BEACH
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

Question Time

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

Please note that there is public Wi-Fi in the Council Chamber, users are required to register in order to access this. There is limited availability of printed agendas.

Health and Safety

Any persons attending meetings in the Council offices are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by officers. 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 during the meeting in order to prevent disturbances.

Webcast and Audio Recording

Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months using this link: <http://braintree.public-i.tv/core/portal/home>

Documents

Agendas, reports and minutes for all the Council's public meetings can be accessed via www.braintree.gov.uk

We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these via governance@braintree.gov.uk

PUBLIC SESSION

Page

- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**
To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 28th November 2016 (copy to follow).
- 4 Public Question Time**
(See paragraph above)
- 5 Braintree Draft Local Plan - Consultation Responses - Inset Maps** **4 - 94**
- 6 Braintree Draft Local Plan - Consultation Responses - Policies** **95 - 147**
- 7 Urgent Business - Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 8 Exclusion of the Public and Press**
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

- 9 Urgent Business - Private Session**
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Braintree Draft Local Plan – Responses Received to the Draft Local Plan Inset Maps		Agenda No: 5
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Alan Massow and Gary Sung Report Prepared by: Alan Massow, Gary Sung, Julie O'Hara and Sean Tofts		
Background Papers: <ul style="list-style-type: none"> • National Planning Policy Framework (NPPF) • National Planning Practise Guidance (NPPG) • Localism Act (2011) • Planning and Compulsory Purchase Act (2004) • Local Plan Review (2005) • Core Strategy (2011) • Settlement Boundary Review Methodology (2015) • New Draft Local Plan (2016) 		Public Report: Yes Key Decision: No
Executive Summary: This report looks at the settlements of Bures Hamlet, Braintree, Cressing, Witham, Hatfield Peverel, Nounsley, Great Saling, Fairstead and The Proposals Map. The report takes each area in turn and sets out the summary of comments received and considers any new sites which have been put forward. Based on this an officer recommendation for any further changes to the Plan is then set out. Maps of the sites and the proposed Inset maps for the villages and towns with development boundaries to be contained within the Pre Submission Local Plan are contained within a separate Appendix .		
Recommendation 1 - That the Bures Hamlet Inset Map is amended to remove the residential allocation from site BURE166 and replace it with an informal recreation designation, but that no other changes to the Inset Map are proposed, as set out in the Appendix		
Recommendation 2 - That the allocation for North West Braintree is changed on the Inset Map to show it as a strategic growth location, and a new policy for its future development is agreed as set out in the report		
Recommendation 3 - That the extent of the site BOCS140 is altered to reflect the area approved by its planning application 15/01458/OUT		
Recommendation 4 – That the site BCBG144 is allocated for residential		

development

Recommendation 5 – No change to the allocations, BRC11H, BOS16H, BCBG150 and BCBG148

Recommendation 6 - That the site is no longer allocated for residential development

Recommendation 7 – That site BOCN123 is retained as a residential allocation

Recommendation 8 - That site BOCN127 Land of Elizabeth Lockhart Way is retained as an allocation for homes

Recommendation 9 – That site BOCN126 is not allocated as a strategic allocation

Recommendation 10 – That site BOCN128 is not allocated for residential development

Recommendation 11 – That site BOCN131 is not allocated for residential development

Recommendation 12 – That the allocation BOCN132 is retained, and the wording for the preamble and policy LPP18 Strategic Growth Location – Land East of Broad Road, Braintree is altered as set out below

Recommendation 13 – That site BOCN133 is not allocated for residential development

Recommendation 14 - Alteration to the designation for BOCN134, land at Pollys Hill to an “Extra Care Home

Recommendation 15 - That the strategic allocation of site BOCN137 – Towerlands is retained, and the policy text set out in this report, agreed

Recommendation 16 – That site BOCN634 is not allocated for residential development

Recommendation 17 – That site BOCN635 is not allocated for residential development

Recommendation 18 - That site BOCN607 is not allocated for residential development

Recommendation 19 – That site BOCN649 is not allocated for residential development

Recommendation 20 – That site BOCN650 is not allocated for residential development

Recommendation 21 - That site BRSO152 retains its allocation for residential

development

Recommendation 22 - That site PANF136 is not allocated for employment uses

Recommendation 23 - That site BRAW153 retains its allocation for residential development

Recommendation 24 - That site BRAW154, GNBC265, and GNBC267 are not allocated for residential development

Recommendation 25 - That site BRAW647 is not allocated for residential development

Recommendation 26 -That site GNBC263 is not allocated for residential development

Recommendation 27 - That site CRESS201 – Appletree Farm, Polecat Road, Cressing retains its allocation as a residential site and that the development boundary is retained at Hawbush Green

Recommendation 28 - That site CRESS192 – Land east of Mill Lane, Cressing is not allocated for residential development

Recommendation 29 - That site CRESS193 Land between Braintree Road and Mill Lane, Tye Green Cressing is not allocated for residential development

Recommendation 30 - That site CRESS197 – Holders Farm Stead (Off B1018) is not allocated for residential development

Recommendation 31 - That site CRESS198 – Holders Farmstead Hawbush Green (Polecat Road) is not allocated for residential development

Recommendation 32 - That site CRESS210 – Land at Ashes Farm Ashes Road, Cressing is not allocated for residential development

Recommendation 33 - That site CRESS195 – Ivy Cottage, Long Green, Braintree is not allocated for residential development

Recommendation 34 – No further changes are recommended to the Cressing and Tye Green Cressing Inset Maps

Recommendation 35 – That Bellfields remains allocated as visually important open space

Recommendation 36 – That WITN425 is amended to include adjacent site WITN613

Recommendation 37 – That RIVE362 and RIVE363 is retained as an allocation for Employment

Recommendation 38 – That WITN426 remains allocated and WITN632 remains

outside the development boundary

Recommendation 39 – That WITN428a, land at Cressing Road remains unallocated

Recommendation 40 – That WITC424, land at Collingwood Road remains allocated for employment uses

Recommendation 41 – That the allocation for RIVE360 is retained and that RIVE 366a and 366b remain unallocated

Recommendation 42 – That Kings Chase is identified as a Comprehensive Development Area subject to the policy set out in this report

Recommendation 43 – That Newlands Precinct is retained as a Comprehensive Development Area subject to the policy LPP14 as amended and set out in this report

Recommendation 44 – That WIC421 is retained as a residential site subject to the policy as set out in this report

Recommendation 45 – That WIC429 is retained as Comprehensive Redevelopment Area subject to the policy as set out in this report

Recommendation 46 – That the allocation for residential development at WITW431 is retained

Recommendation 47 – That the allocation as a strategic growth location at HATF315 & HATF316 is retained

Recommendation 48 - Approve Inset Map 2a and 2b for Witham to be amended as shown in the Appendix

Recommendation 49 – That the Inset Map for Hatfield Peverel is approved and that sites HATF630 Bury Farm, HATF608 Arla Dairy, land to the rear of Station Road and the station car park are allocated for comprehensive redevelopment with a supporting policy set out in this report

Recommendation 50 - The Inset Map for Nounsley to remain unchanged from that in the draft Local Plan, as shown in the Appendix

Recommendation 51 - That the Inset Map for Great Saling village remain unchanged from that in the draft Local Plan, as shown in the Appendix

Recommendation 52 - That Fairstead remains as a settlement within the countryside with no development boundary

Recommendation 53 - That the Proposals Map remains unchanged from that in the draft Local Plan

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

1 Background

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

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

2 Bures Hamlet

- 2.1 Bures Hamlet is a village with a development boundary at the northern edge of the District. The wider village is spilt by a river which marks the District boundary and over the border the village is known as Bures St Mary. However

the villages should functionally be considered together. The two areas taken together have a reasonable level of day to day facilities and the only train station within the north of the District, located on the Sudbury branch line.

2.2 The draft Local Plan sought to allocate two new sites namely; BURE166 and BURE165, adjacent to Cambridge Way.

2.3 The Inset Map received 115 comments.

2.4 The points expressed regarding BURES165 and BURES166 are summarised below:

- *Highways infrastructure*; the routes into the village are not suitable for further traffic, the village road network within the village has pinch points and the increase in car movements is unfavourable, there have been 6 serious accidents along Bridge Street; further development will increase the risk of this happening again
- *Access*; The access to the site is unsuitable, the access would be in an area where the speed limit is currently not sufficiently low and visibility at an access point on Colchester Road will not be sufficient
- *Public Transport*; the trains run at capacity at peak times, there is no planned or feasible way of extending the current services, the station carpark is often full, more parking should be facilitated through a section 106 agreement, commuters already park within existing residential areas.
- The bus services are not regular.
- *School places*; the village school is at capacity (or too small), the sending of children to other schools within the area is unfavourable; this could be unaffordable for those on lower incomes, the school cannot be extended
- *Childcare facilities*; there is not a sufficient amount of childcare facilities for the village currently, there are no youth centre facilities
- *Doctors Facilities*; the doctors surgery is at capacity, could the doctors surgery be extended
- *Broadband*; the level of broadband speeds would not be sufficient, the extra properties will lower the speed of the broadband service provided to the existing residents
- *Sewerage and water and electricity supply*; the village cannot increase the its capacity of either sewerage or water supply, there are often power cuts within the village
- *Flooding*; there are concerns over the proximity of the site with the flood zone, A SUDs scheme is expensive and could be vandalised and required maintenance (how will this be paid for?)
- *Size of development*; the size of the development proposed is too large in relation to the existing village, the proposed development is higher than that of comparable villages within the District, a smaller scale development upon the site could be permissible, the increase in population will change

the character of the village, the village does not require any further development, the development will devalue the existing housing stock within the village

- *Type of Development*; the site must accommodate provision for: the older generations, affordable housing, starter homes, sheltered housing, smaller homes, homes for younger couples.
- The development proposed is for commuters from London; the properties will be too expensive for local people and younger people locally.
- The development of the site if permitted must have regards for the context of the site and reflect the local design of properties, the overall look and layout of the development should be reflect the existing village, the dwelling types and size should be similar to the current offering within the village.
- BURES165 is designated as recreational land
- *Shops*; the village has very few shops, the garage site should be redeveloped (along with or instead of BURES165 and BURES166), several shops have shut down including the garage and a pub, more shops should be facilitated through a section 106 agreement.
- *Other options for residential growth*; brownfield sites should be considered first, it is preferential to consider edge of market town sites over village sites, locations close to the A120 are more suitable, sites on the Suffolk side of the 'Bures hamlets/villages are more suitable for development, the council has already found a sufficient supply of housing for the plan period
- *Employment*; there are few employment opportunities within the village, most residents working locally will use personal modes of transport to commute
- *Policing*; Babergh and Suffolk council tax payers should not be required to pay for extra policing
- *The proposed extension to the Dedham Vale AONB*; The development of the site will/could compromise the extension of the AONB, The development of the site must be suitable as to not compromise the proposed extension the AONB
- *Previous officer recommendation*; Councillors included the site against the professional advice of officers
- *Economic uncertainty*; The economic uncertainty could undermine the allocation, the allocation of the site could leave the site redundant or not finished in a recession
- *Safety*; there is no adequate crossing for children to the park currently and this will only be worsened by further development, the pedestrian routes in the village are not suitable, the increase in ingress/egress onto Colchester Road is dangerous

- *Landscape considerations;* The development of the site will negatively impact on the appearance of the village, the development of the site will likely impact on wildlife,
- *Public Consultation;* There has been some discrepancies during the publicising of the Local Plan Consultation within the village; the notifications for the site were placed inappropriately, leaflets were not dropped at all the properties within the village
- *Sustainability;* there are not sufficient services and facilities within the village to amount to sustainable development

2.5 Comments were also made by the public that covered all of the non-site specific considerations above as a rebuttal to further development of the village more generally.

2.6 The Bures Hamlet Parish Council commentary upon BURE 165 and BURE166 is that;

- The development sought is unsustainable
- The size of the development is of a size that it will have a detrimental impact upon the current infrastructure and is going to have a detrimental impact upon the existing residents
- The level of growth proposed is out of scale with that of adjacent parishes
- The development of the site would lead to a loss of prime agricultural land
- Brownfield sites should be considered first
- BURES166 is designated as recreational land; though the land has not been used for this use it is unlikely that an alternative site will likely become available in the future
- The sewerage system is at capacity
- The majority of children at the primary school age are bused to Earls Colne
- The access to the site would be from Colchester Road and the visibility would be poor
- The Site Appraisal identified several factors as to why the site is not suitable for allocation
- The District Council should carefully consider the points made before the final decision for approval should be made

2.7 Althamstone and Lamarsh Parish Council have also commented regarding the proposed allocation of BURE165 and BURE166. The reasons for opposition to the site allocation are:

- The development of the site could affect the have a significant negative affect upon the eligibility of the area being included in an extension to the Dedham Vale AONB
- The site is visible from quite some distance due to its raised position
- The development of the site contravenes Paragraph 17 of the NPPF; the proposed development does not respect the intrinsic character and beauty of the countryside
- The development of the site conflicts with paragraph 7 of the NPPF; the paragraph sets out the three dimensions of sustainable development and the parish council consider that the limited services and facilities within the village (including the at capacity primary school) will require numerous extra vehicle movements.
- The river valley is of local and potentially national importance and the allocation of the site is inconsistent with 'The District Natural Environment' – chapter 8 of the Draft Local Plan

Officer Comments

- 2.8 First turning to the smaller site. Further investigation work has been carried out into the status of site BURE166 as a key concern of the comments received in the village. The site is covered by a S106 agreement which granted planning permission on the neighbouring housing (91/00256/PFHN). The land is therefore protected by a covenant for use as open space or agriculture. Whilst it may be possible for the covenant to be removed from the site, in this instance it is not considered appropriate. It is therefore proposed that if the wider site BURE165 is allocated for residential development than this site, BURE166 is allocated for informal recreation, and that if the BURE165 is not allocated that BURE166 reverts to an agricultural use for which it would not be allocated.
- 2.9 As landscape concerns have been raised about the impact of these sites on landscape and in particular in relation to the impact on any future AONB extension, additional comments have been sought from landscape colleagues which are set out in full below. The land owner for one of the sites has also submitted a landscape appraisal.
- 2.10 *Landscape Services Comments (in relation to BURE165 and BURE166)* - The parcels of land to the west of Colchester Road are contained behind a rising vegetated banking that effectively screens the view from the road and to some extent to views across the valley floor. At the south-western boundary the valley side is dissected by the tributary valley of Cambridge Brook. Well established boundary vegetation and emergent plantings of cricket bat willow screen and punctuate the views. Leading away from the settlement the ambience of calm tranquillity associated with pastoral land and a slow moving

river inform the character and setting within the landscape. It is evident that the land parcels are more exposed to cross valley views but are effectively screened on the approach along Colchester Road by the vegetation and local topography and here the vegetation cover in and around the margins of Cambridge Brook are particularly beneficial. The following points are felt to be relevant to considering the sensitivity of development on this site:

- The western boundary is defined by the local rail link to Sudbury and has a prominent mixed age stand of trees that line the route and limit the view further up the valley side; seasonal influence and greater transparency in the winter months will diminish the visual break evident during the spring and summer months
- The most sympathetic approach to a development would be to retain the integrity of this frontage- providing additional landscaping to strengthen the screening potential – and providing a connection through from Cambridge Way. Creating an access directly onto Colchester Road would inevitably require a significant amount of regrading and removal of the boundary vegetation to achieve the required levels and facilitate the sight line requirements. The impact of this access arrangement on the cross valley views will be significant and detrimental to the valued character of the riverside setting.
- The skyline of the valley slope on the south-western side of The Colchester Road is visually sensitive with potential new development being highly visible to views across and to a lesser extent along the valley floor. The visual mass of any development on the 166 and this part of 165 will need to show sensitivity to this in terms of the height of the buildings and the cumulative impact of their rooflines; it is acknowledged that a well-established belt of roadside vegetation does help to mitigate for this impact.
- The lower part of parcel 165 is an integral part of the water meadow setting and a key element in the setting and perception of the river valley settlement as the visitor approaches from Colchester. Development on this part of the land allocation (165) would be contrary to the spirit of the conservation objectives espoused for this distinctive and special landscape.

Any allocation should be considered in the light of the above comments and note the sensitivity to the changes and impact on cross valley views and the incremental devaluation of the landscape character by poor design and inappropriate elevations. A suitable SuDS scheme should be expected to add to the biodiversity value of the site and its landscape setting

- 2.11 The landscape issue is of particularly relevance here as the site is currently part of a project area which it is aimed to extend the Dedham Vale Area of Outstanding Natural Beauty (AONB). In relation to designated AONBs the NPPF notes that;

“115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
 - *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.*
- 2.12 The timetable for a decision on whether the additional area should be designated is as an AONB is not clear. The investigation and recommendation of an extension to an AONB is currently taking around 2 years. Natural England have one review underway at the moment, expected to be completed in 2018 and then have another AONB review lined up. Officers understand that there are 13 areas which are seeking to be reviewed at the present including the Dedham Vale. It is unclear what the process that Natural England will have for prioritising which area they review next. In the best case therefore it will be 2021 before the extension is considered by Natural England, but may be much longer.

- 2.13 Natural England in Appendix 4 of their Designation Guidance, gives the following advice is given for when considering potentially allocated sites;

“Land allocated for development: *Land on the margins of a National Park/AONB identified in development plans (both adopted and emerging), or having the benefit of planning permission, for major built developments (including the extraction of minerals and other deposits) should normally be excluded from the Park/AONB, unless the land will be developed or restored to a land use and quality which contributes to Park/AONB purposes. Land*

should not be included merely to seek to protect it from specific development proposals”.

- 2.14 Taking into account the information that is contained above, officers believe that a sympathetic design and layout could be accommodated in the landscape for development here. This would include further structural landscaping and an appropriate treatment of SUDs and the southern boundary of the site by the small stream. The position of the access point onto Colchester Road is crucial in this respect and to minimise vegetation loss it is considered most appropriate to locate this close to the current built development where there is an open edge to the field if possible.
- 2.15 In relation to the highway network there has been no objection from the highways authority for this allocation. Further detailed work would need to be carried out through any future planning application as to the position of access and other wider network improvements. This would be for example moving the position at which the 30mph speed limit comes into effect. The site is within walking distance to the facilities within the village cluster and a bus stop and the train station which is indicated within the SA report to be a to give the site (BURE165) a positive score for public transport accessibility. The site would need to ensure safe pedestrian access can be provided which link with the existing footpath network.
- 2.16 Concerns have also been raised by members of the public over flooding however a suitable SUDS scheme would be possible upon the site and the applicants would need to address this through the planning application process. Whilst the allocation of the site extends to the edge of the area at risk of flooding it is considered that this riverside area should be a planned part of the open space on the development and this could provide a riverside walk and recreation area to benefit the village.
- 2.17 In conclusion, officers acknowledge the strong level of feeling in the village and wider that this development should not be permitted. However the villages of Bures Hamlet and Bures St Mary offer a range of local facilities including crucially public transport links which are rare in the northern part of the District. Much of the commentary submitted by the public has been based upon the limited facilities and services available locally. However it should be noted that in a recent planning application appeal an Inspector noted that for a different and smaller site in Bures Hamlet, the availability of some facilities within walking distance together with the opportunity to meet transport needs through bus and rail travel met the tests of sustainable development (Appeal Decision APP/Z1510/W/16/3147014). Any scheme which is brought forward here would need to make contributions to local facilities and services, including towards the health and education facilities. Removal of the smaller part of the site would decrease the estimated site capacity to 85 (although this

would be determined through any future planning application). On current policy therefore, the development could provide 34 new affordable homes available to the local community which would be of significant benefit to this rural area of the District. Officer concerns are therefore primarily limited to the landscape impact of the development. It is considered that on balance the scheme could be designed to minimise impact on the wider landscape with a particular focus on roof height and design and enhancing landscaping buffers which already exist.

New site submission BURE622 Mount Bures

2.18 One new site has been submitted during the public consultation. Site reference BURE622 is located adjacent to the District border, but within the Braintree District. The site area is approximately 0.18 hectares and is located on Hall Road in the Mount Bures area.

2.19 The agent's representation in summary suggests:

- The site would be able to accommodate 4 starter homes
- The site is not appropriate for agricultural use anymore
- The site would accommodate 2 and 3 bedroomed properties
- The cluster the site adjoins has some, albeit limited, services
- Access can be appropriately achieved

Parish Council comments:

2.20 Bures Hamlet Parish Council's commentary in summary suggested:

- Bures Hamlet Parish Council has carefully considered the proposal to include the site in Hall Road, Mount Bures for starter homes in the Local Plan and having consulted with Mount Bures Parish Council we are opposed to this site being approved.
- Although not opposed in principal to starter home development, in our considered opinion this is an unsuitable location for such a scheme.

2.21 Mount Bures Parish Council have also been informally requested to comment upon BURES622:

- Colchester Borough's emerging Local Plan has classified Mount Bures as an unsustainable settlement.
- Concern over the ability to provide a safe access onto the highway from this site, exacerbated by current speeding on this road.
- Mount Bures is a rural community and does not have facilities to support growth. All new residents would need to rely on the private car for transport.

- The development would affect Mount Bures residents but Mount Bures would not gain any financial contribution via the precept or S106 monies. Concern over the proposed starter home scheme on this site, as this has not been fully approved by Government and full details are still not confirmed. Approval of this allocation could open the door to the provision of normal market housing

Colchester Borough Council Officers Comments in relation to BURE622 -

- 2.22 Mount Bures is classified in the emerging Colchester Local Plan as an 'Other Village' (Policy SG1 & Table SG1 refers). Other Villages tend to be small villages with only limited facilities. The emerging Local Plan does not seek to promote substantial housing growth of development in the other villages. However, their important role in serving a community function in the rural areas is recognised. Settlement boundaries are drawn tightly for all the Borough's other villages and emerging policy OV1 (Development in Other Villages and Countryside) applies.
- 2.23 The proposed allocation is for 'four discounted market houses (starter homes)'. The Planning Practice Guidance states that "Starter Homes exception sites are expected to be on land that has been in commercial or industrial use, and which has not currently been identified for residential development." (55-007-20150318) Paragraph 54 of the Framework, which refers to rural exception sites is also relevant.
- 2.24 Emerging policy OV1 states "Development outside but contiguous to defined village limits may be supported, primarily where it constitutes an exception to meet identified local affordable housing needs."
- 2.25 Officers are of the view that the site in question should not be allocated in the Braintree Local Plan. Development of the site should be explored through the development management process, as an exception to policy.

Officer Comments

- 2.26 BURE622 was submitted during the public consultation. The site is for 4 dwellings and this is under the threshold for allocation. As the cluster abutting the site has no development boundary it would not be supported by the development boundary review methodology to include a development boundary in this area, particularly as most of the built development is on the Colchester side of the border. The site is not supported by Bures Hamlet, Mount Bures Parish Council nor Colchester Borough Council. The area in which the site sits is particularly open and the development of the site could have a detrimental impact upon the vicinity and the wider context. The location also offers very few facilities and services within a walking distance and no safe pedestrian access to the other Bures Clusters. The site could be

seen to be an unwarranted encroachment into open countryside and it is recommended that the site is not allocated.

Other Sites in Bures

- 2.27 Bures Hamlet has not submitted any further commentary on any other sites submitted. Their previous commentary upon other previously submitted non-allocated sites is shown below:
- BURE526 - Bures Hamlet Parish Council has no objections in principle to this site being developed for three properties rather than the current development of one property.
 - BURE552 - Bures Hamlet Parish Council is keen to see this site developed as a convenience store but has always supported a residential component to such development.
 - With reference to identifying Gypsy sites, although Bures Hamlet has an established site for two pitches in its village, for which planning permission was granted on appeal, the Parish Council remains opposed in principle to this development and would certainly not welcome further intrusions into the countryside outside the 'Village Envelope?'
- 2.28 No further information has been submitted relating to BURE552 or BURE526 and it is suggested that both sites remain unallocated as shown in the draft Local Plan.

Recommendation 1 – That the Bures Hamlet Inset Map is amended to remove the residential allocation from site BURE166 and replace it with an informal recreation designation, but that no other changes to the Inset Map are proposed, as set out in the Appendix

3 Braintree

- 3.1 Braintree is the largest town in the District, and is identified as a main town in the 2011 Core Strategy. It is centrally located with good transport links, and acts as a service centre for much of the rest of the District, providing shopping, employment, recreation, and community facilities. It has a railway service to London and easy access to Stansted Airport to the west. The Skyline business park is located to the south of the town on the A131, which offers good access to Chelmsford via the A131.
- 3.2 The Inset Maps for Braintree are considered in this report. In total 261 comments were received and six new sites were submitted for residential development. This report includes an assessment of a site within Panfield Parish (PANF136), which is adjacent to Braintree and the Springwood industrial estate, and a site toward Great Notley (GNBN263).

New Sites Submitted

3.3 Six new sites have been submitted around Braintree.

- BRAW647 – Land south of Queenborough Lane, Braintree – Residential 200-250 units, 12.9ha.
- BOCN607 – Boones Farm, High Garrett – Residential, 3.9 ha.
- BOCN634 – Field West of Bocking Village (Rear of Bocking Primary School) – Residential – 7.63ha.
- BOCN635 – Field rear of 105 A131 High Garrett – Residential, 2.29ha.
- BOCN649 – Land off Convent Lane, Bocking – Residential, 5.7ha.
- BOCN650 – Fields adjoining Bocking Village – Residential, 8.75 ha.

Comments Received

- 3.4 261 comments have been made against the Braintree Inset and alternative maps. Of these comments 184 were in support of the non-allocation of site BOCN126 – Land east of Dorewards Hall, Bocking. Policy LPP18 which is the site specific policy on the land to the east of Broad Road received 23 comments and policy LPP19 which is the site specific policy on land at the former Towerlands Park site received 16 comments.
- 3.5 Comments regarding the housing strategy or housing numbers are to be dealt with under the spatial strategy and homes section.
- 3.6 Comments have been made about Braintree in general, which includes concerns regarding local infrastructure, transport, health facilities, and education. A number of residents have stated that they understand the need for more homes, but want to ensure that services are available first. More houses could also mean increased footfall within the town centres. It is also suggested that all development should stop until the A120/A12 link is completed.
- 3.7 Comments have been made regarding BOS6/8H which is the site north west of Panfield Lane. This site has already been allocated in the Core Strategy and is currently awaiting the determination of its planning application; as such the principle of development has been established.
- 3.8 Comments have also been made against Rayne Lodge Farm (BOCS140) which now has the benefit of planning permission subject to s106. As such this site is proposed to be allocated.

- 3.9 Officers note the support comments for the non-inclusion of sites and those comments which broadly support the contents of the Plan.
- 3.10 The NHS have commented generally on sites allocated within Braintree, and stated that plans are underway for two new primary care facilities in Braintree. Additional investment in these facilities will be required to enable them to increase capacity to absorb additional patients created by the proposed developments. Mitigation in the form of a financial contribution to cover the cost of extending the new premises to accommodate additional patient growth as a result of these developments.
- 3.11 Other projects such as the dualling of the A120 are independent of this development site, and while they would be of benefit to the scheme and development in the town as a whole, it has not been identified as essential for this development to take place. The Council is also seeking improvements to the railway servicing the District.

Existing Site Allocation North West Braintree (Off Panfield Lane BOS6/8H)

- 3.12 The following comments have been made;
- Traffic impact
 - The site allocation should not be sub-divided into the different uses and should be a block colour like the other strategic allocations as it has a master plan.
 - Change employment designation to residential designation.
 - Subject to some improvements to the local road network the development is unlikely to have a severe impact on the A120 (Highways England).
 - There is an oversupply of employment land and the employment (In part or all) at NW Braintree should be used for residential uses instead. Proximity to other employment sites such as site in the town centres and along the strategic road networks more suitable for storage and distribution and manufacturing uses.
- 3.13 Officer Comment – The North West Braintree Growth Location was identified in the Core Strategy (2011) as a mixed use growth location for residential/employment and potential for a football stadium, education, health care, and services and community uses. A Master Plan for the site was agreed in 2013. A planning application is currently being determined by the Council under reference 15/01319/OUT which is a hybrid planning application for a mixed use development including 600 Residential Units, with part

submitted in outline (with all matters reserved) and part submitted in detail, where:

3.14 The Outline Component of the application seeks approval for:

- i. 392 Residential Units (Use Class C3);
- ii. Up to 8.73ha of land for Business Use (Use Class B1, B2, B8);
- iii. Up to 2.36ha of land for the provision of a Neighbourhood Centre with possible uses including Retail, Commercial, Residential Care, Health, Veterinary and Crèche Uses (Use Classes A1, A2, A3, A4, A5, B1a, C2, D1a, D1b);
- iv. Up to 2ha of land for a Primary School;
- v. Up to 4ha of land for Community Sports Facilities; and
- vi. All associated open space, landscaping, parking, utilities, drainage and infrastructure

The Detailed Component of the application seeks approval for:

- vii. 208 Residential Units (Use Class C3) including parking and utilities;
- viii. New link road between Panfield Lane and Springwood Drive and new roundabout at junction of Panfield Lane and Churchill Road.

3.15 A number of issues are outstanding on the application including further work on viability, highways and detailed phasing information on house types and layouts.

3.16 Employment should be provided in the most sustainable locations within the District which would be the main towns and areas which have good access to the strategic transport network. The Council is seeking to significantly increase employment land, in order to promote more sustainable travel patterns within the District. As such further allocations around the main towns are considered appropriate.

3.17 It is considered inappropriate to make changes to the composition of the allocation whilst the planning application is awaiting determination. However, it has been commented that the site should have the same allocation as other strategic sites, which is agreed. The site does have an adopted Master Plan which guides development on the site. However, a site specific policy is also suggested to provide a more general guide for the development of the site in the new Local Plan and to be consistent with the other strategic sites in the Plan which do not have the benefit of planning permission.

3.18 A reduction in employment on the site is likely to be required in order to maintain housing numbers on the site with a satisfactory layout and density.

This is however likely to be offset by employment generating uses at the Local Centre.

- 3.19 Objections under the retail and town centre section regarding this site have also been made which will be discussed under that chapter.

Recommendation 2 – That the allocation for North West Braintree is changed on the Inset Map to show it as a strategic growth location, and a new policy for its future development is agreed as set out in the report.

The north-west Braintree growth location was originally allocated in the Council's Core Strategy (2011) as a mixed use growth location. A Master Plan for the site was agreed in 2013 and will remain as a guide for the general principle of development on the site in terms of site layout, design, and composition of development including retail provision. The policy below reiterates many of the key expectations for the site, with the addition of greater flexibility on its employment provision. A spine road linking Panfield Lane and Springwood Drive is an essential piece of infrastructure for this development and must be delivered in the early phase of development. It should also be designed to allow for the possibility of an extended spine road to serve development to the north of this site if required.

Policy - Strategic Growth Location – North West Braintree

A Strategic Growth Location has been identified at North West Braintree, east of Panfield Lane, north of Springwood Drive, Braintree and is shown on the Proposals Map. Development will be expected to provide for;

- *600 new homes of a mixed size and type appropriate to the area*
- *Affordable housing as per the Council's requirement*
- *10ha of employment development*
- *Land for a new primary school and contributions to existing education facilities*
- *Early years and childcare facilities potentially co-located with any new primary school*
- *A local centre including retail, and other appropriate uses*
- *Contributions to other community facilities as appropriate, including local health facilities*
- *Public open space, formal and informal recreation, community sports facility,*
- *Public rights of way suitable for all users linking to the existing rights of way network.*
- *A spine road connecting Springwood Drive to Panfield Lane*

Allocation – Site at Rayne Lodge Farm, north of Rayne Road (BOCS140)

3.20 The following comments have been made;

- Alteration to site allocation extent to include an adjacent paddock
- Support the allocation of the site for residential development
- Number of houses the site can accommodate should increase.

3.21 Officer comment – The site has planning permission under 15/01458/OUT, it is necessary to change the extent of allocation to match the approved planning application.

3.22 All non-strategic sites are allocated for 10+ dwellings, with no specific upper limit. The final number of homes on a site would be determined through the planning application process, and this site currently has permission for up to 136 dwellings. It is for a subsequent application to demonstrate that a higher number could be accommodated on the site.

Recommendation 3 – That the extent of the site BOCS140 is altered to reflect the area approved by its planning application 15/01458/OUT.

Proposed new Allocation – Carrier Site, East Street (BCBG144)

3.23 The following comments have been made;

- The site is proposed for residential development, in a sustainable location, with few constraints to development.

3.24 Officer comment – The Carrier Business Park is located on East Street, it is about 2 ha in size and is identified as an employment site in the Local Plan. It has been proposed for residential development. The site is largely vacant and some of the buildings have either been demolished or are unoccupied. An application for 77 dwellings was submitted and is being progressed (15/01366/OUT).

3.25 While the site does have some occupiers it is largely derelict. It is a brownfield site within the development boundary for Braintree and is considered to be in a generally sustainable location with good access to public transport and within walking distance of the town centre. There is a concern that if this site were to be released for alternative uses, sites on East Street, Albert Road, Benfield Way, and along Lakes Road, could also come under pressure to be released for housing.

- 3.26 It is however felt that as this site is largely underutilised, is detrimental to the appearance of the area, is unlikely to find an alternative viable employment use, and as such it would be appropriate for an alternative use to be considered.

Recommendation 4 – That the site BCBG144 is allocated for residential development

Draft Site Allocation – Silks Way Braintree (BRC11H)/BOS16H/BCBG150 Land at Stubbs Lane/BCBG148 Braintree Tennis Club)

- 3.27 The following comments have been made;
- Support for the development of these sites has been received from the promoter.
- 3.28 Officer comment – Noted. These sites are located within the development boundary of Braintree.

Recommendation 5 – No change to the allocations, BRC11H, BOS16H, BCBG150 and BCBG148.

Draft Site Allocation – Braintree Town Football Club, Clock House Way Braintree (BCBG149)

- 3.29 One comment was made expressing support for developing the site.
- 3.30 Officer Comment – The site was originally allocated along with adjacent land for residential development in the 2014 Site Allocations and Development Management Plan. Since then development proposals for the re-location of the club have not materialised. The Council would be supportive of proposals to re-locate the club, however without a firm proposal it would be difficult to retain the allocation on the site for residential development. If a proposal was to be found in the future, and the club able to re-locate, then the development of this site could proceed. As such it is not proposed to retain the allocation for residential development as it is uncertain that this would happen during the plan period, and it is not proposed to identify the site for formal recreation to enable development of the site if a proposal were to come forward in the future. The site however is within the development boundary and if the football club were to relocate, there would be a presumption in favour of sustainable development.

Recommendation 6 – That the site is no longer allocated for residential development

Draft Site Allocation – Land of Highfields Stile Road (BOCN123)

3.31 The following comments have been made;

- The site will need more than 2 parking spaces per dwelling
- The development of the site is supported.
- Will impact on residential amenity, loss of privacy, and loss of buffering between existing property and land east of Broad Road (BOCN132)
- Loss of green space will impact character
- Loss of views to natural woodland
- Loss of a nature habitat

3.32 Officer Comment – The site is located to the rear of 26 – 58 Broad Road. These properties benefit from long gardens which would minimise any amenity concerns, and would act as a buffer between this site and the existing properties. The site has no environmental designations, other than being within an archaeological area. Parking on site would be a matter for a planning application, and would need to be appropriate to the Council adopted standard at the time the application is determined.

Recommendation 7 – That site BOCN123 is retained as a residential allocation

Draft Site Allocation – Land of Elizabeth Lockhart Way (BOCN127)

3.33 The following comments have been made;

- Impact on views and tranquil surroundings
- Impact on wildlife
- Devaluation of property as this piece of land is a focal point
- Concern over a lack of parking for the existing properties being exacerbated by new properties.
- Retention of hedgerows and trees around the site
- Site was a special landscape
- What would the final number of houses be?
- Concerns over surface water drainage
- Concerns over dust, noise, odour and light during construction.
- Impact on local services such as doctors and education
- Support for the allocation of the site

- This site should be separated from BOCN123 and BOCN132 in the housing trajectory as it can be delivered separately.
- Site would need more than 2 parking spaces per dwelling
- The proposal has a lack of detail so has to be objected to, as residents are in the dark.

3.34 Officer Comment – The site could be accessed from Elizabeth Lockhart Way. A public right of way runs along the south eastern boundary. The site would be included within the development boundary if the adjacent development site east of Broad Road were to be included. A number of objections have been raised for this site including loss of property value, construction impact, surface water drainage, and parking among others listed above. The majority of these issues are detailed matters which would be considered through the determination of a planning application for the site. It is suggested to separate this site from BOCN132 in the housing trajectory as it can be delivered separately which officers agree with.

Recommendation 8 – That site BOCN127 Land of Elizabeth Lockhart Way is retained as an allocation for homes.

Alternative Site – Land at Dorewards Hall (BOCN126)

3.35 184 comments in support of the non allocation of this site were received. The following issues have been raised;

- Proposal would create an urban catastrophe
- Loss of views to ancient windmill
- Do not want to lose views in the area
- Site has the best views in Braintree
- Loss of footpaths and recreation opportunities
- Environmental report will be needed on all types of wildlife in the area
- All future development should be next to the M11 which has direct access to London, and the north, and is close to Stanstead, and Harlow and Cambridge which are growing as employment growth areas.
- Braintree has little employment
- Support for the none inclusion of this site
- Loss of agricultural land
- Development would over whelm Bocking
- The farm provides a wedge between Bocking and High Garrett
- Support for the development of this site
- A layout has been submitted showing development on the periphery of the site, with the centre of the site being undeveloped and retaining key views.

- 3.36 Officer comment – The support for the non-inclusion of this site is noted. A layout plan has been submitted showing a proposed development area which provides housing along the rear of Broad Road, Bocking Church Street. This layout shows that the centre of the site around Dorewards Hall, as well as key views toward the windmill, and river would be retained. A local centre is also proposed.
- 3.37 The area is within a low landscape capacity area (14b). The site has a TPO woodland (Round wood) and a public right of way linking Broad Road and Church Street runs along the southern boundary. Access is proposed from the roundabout at Broad Road/A131. Whilst being adjacent to the development boundary, the site is a greenfield site, whose existence and views are clearly valued by the local residents. It is also classified as best and most versatile agricultural land. Positives include proximity to local bus services, and schools, and the proposed layout does appear to avoid key views and protected areas.
- 3.38 The site is not considered to be suitable for allocation as areas are available elsewhere for development which would have a much lower impact on the landscape and can utilise part previously developed land.

Recommendation 9 – That site BOCN126 is not allocated as a strategic allocation.

Alternative Site – Land south of Grove Field, High Garrett (BOCN128)

- 3.39 The following comments have been made;
- The development boundary should be extended to include this site.
- 3.40 Officer Comment - The site is below the threshold for allocation which is 10+ dwellings and is also identified as a TPO woodland, as such it is not suitable for development.

Recommendation 10 – That site BOCN128 is not allocated for residential development.

Alternative Site – Bovingdon Road (BOCN131)

- 3.41 The following comments have been made;
- Support for the non-inclusion of this site
 - Site would intrude into local countryside

- The road is too narrow for development
- Failure to allocate site makes plan unsound, it's in a highly sustainable location, and there is a need for additional housing.
- Site can be developed with no material planning harm.
- The site can be delivered in 5 years.

3.42 Officer Comment – The site is within a low landscape capacity area (13f), and is identified as being contaminated land. Development of the site would be inappropriate in terms of landscape capacity and would be an unnatural extension of development out of Braintree and Bocking along Bovingdon Road, which would intrude into the countryside.

Recommendation 11 – That site BOCN131 is not allocated for residential development.

Draft Site Allocation – Land East of Broad Road (BOCN132)

3.43 The following issues have been raised;

Traffic and Transport

- Traffic impact and pollution, speeding, and is gridlocked at peak times at Broad Road and the A120, and Bradford Street would be impacted
- Impact of construction traffic
- Broad Road will need a 30 mph speed limit
- The site has highways constraints and other sites in Braintree should be developed which would not impact A120/Marks Farm roundabout
- The site is an obvious extension to Braintree, may have impact on Marks Farm roundabout, however discussions are ongoing with developer for the assessment work(Highways Agency)
- A131 access will cause problems due to existing traffic issues
- Problems with traffic will not be solved until A120 bypass built
- Volume of traffic will be too great, and business may move away because of it
- Impact on Convent Lane
- Impact on Thistley Green Road
- Braintree does not have the road or rail infrastructure to support this development
- Braintree does not have the road or rail infrastructure to support this development
- Objection to an access onto Broad Road
- Site can't help relieve strategic transport issues
- Clarification required over where the main entrance will be from as its different to previously stated in 2009
- Impact on Marks Farm roundabout

- The development is supported provided there is no access onto Broad Road, and access should be from the A131 and Broad Road roundabout.
- Emergency response vehicles won't be able to get to emergencies in time.
- Improvements to the roads around the site are needed.

Environmental

- the south eastern third (approximately) of the site is located on top of an historic landfill, as such a preliminary risk assessment should be undertaken (Environment Agency)
- The site includes priority woodland habitat and a section of the river Blackwater, master plan should include areas of interconnected semi natural habitat and protection of the bankside vegetation along the river corridor (Essex Wildlife Trust)
- Site is a greenfield site
- Trees and hedgerows on the boundaries need to be retained
- Visual impact will change from countryside to housing estate
- Impact on the River Blackwater which should be retained as a natural corridor
- Development should be kept away from the river
- Birds, mammals and insects will be displaced
- Loss of views
- Loss of habitats, landscape and wildlife
- Trees and hedgerows should be retained
- Site specific assessments would need to be carried out to determine the most feasible SuDs mechanism to use, as well as appropriate site tests to determine the suitability of different options. (ECC)
- Development will ruin local environment and wider community who regularly walk there
- Site is an old landfill which will require investigation, soil is still being dumped on the site
- Farmland should be assessed for its quality as we need places to grow crops
- Loss of grade 1 and 2 agricultural land is not in line with the NPPF
- Calculation of flood risk is not accurate as water run off can be a serious problem
- Brownfield sites in Braintree should be developed first.

Housing

- 1000 homes is too high given the constraints of the site
- Impact of houses on existing properties when the site is higher than the surrounding land
- Town is too small to cope with new development

Heritage Assets

- It is noted that the site abuts the Braintree conservation area (Historic England)

- Impact on the historic bridleway which should be protected during construction, and enhanced as part of the development
- Any development would have an impact on the historic environment of Bradford Street
- Impact on the hollow way as it includes valuable amenity and is ancient so should be protected.

Recreation

- Multi-purpose community spaces should be provided (ECC)
- Loss of recreation
- Footpaths and Bridleways should be retained

Utilities and infrastructure

- Insufficient sewerage network
- Impact on utilities such as electricity, gas and water
- Development requires significant supporting infrastructure.

Services and community facilities

- Braintree has no hospital and getting to one is difficult due to road congestion
- Include a ecology centre for use by students
- Already too much demand on local services such as doctors and dentists
- Concerns regarding the capacity of health services and the ease with which the elderly can see a doctor

Education/Childcare

- Add wording to policy LPP18 to refer to the requirement for early years and child care facilities (ECC)
- There is a lack of detail, as such a draft master plan should be produced informed by supporting documents, then a policy should be drafted
- Policy appears vague and is not clear about what would be happening
- Site is in multiple ownership which could impact development
- More schools are needed.
- Sufficient parking spaces for residents and visitors needed
- More frequent rail services needed into London
- Development needs 1 and 2 bedroom dwellings, and affordable housing.
- Shops will be required

Gypsy and Travellers

- More information is required before Gypsy and Traveller sites are given permission
- Objection to a traveller site in this location

Employment

- Where will the new population be employed?

Design

- Creation of urban sprawl.
- Development should allow slivers of land to penetrate close to the town centres to provide access to the countryside

- A green route can be traced from the town centre to the countryside via this site, this amenity should be preserved.
 - Site will need more than 2 parking spaces per dwelling
 - A buffer zone should be between the site and existing houses
- 3.44 Officer Comment - The site is 65.6 ha and is proposed for in the region of 1,000 homes, care home, employment, small scale local retail, education provision, open space and community facilities.
- 3.45 Objections have been raised for the inclusion of provision for a Gypsy and Traveller site. This requirement has been added to all the larger scale growth location, as the Council's evidence base indicates that over the Plan period 40 pitches will be required for Gypsy and Travellers. The Council is required to meet its need for pitches in much the same way as it is required to meet its other housing needs, and not doing so could result in the plan being found unsound. The largest site allocations are considered the most appropriate sites to meet the largest range of housing need.
- 3.46 Concerns have been raised on a number of issues including, traffic, impact on services, loss of wildlife and fauna, and loss of recreation. The type of housing would also be a detailed matter but the Council would expect a range of sizes to meet local need.
- 3.47 A local centre incorporating shops and the primary school would be provided as part of the development.
- 3.48 The site will be accessed primarily from the A131, with a secondary access from Broad Road. How this route and routes through the site, and Broad Road, would be managed would be a matter for the highways authority, although officers would be supportive of measures such as a reduced speed limit. Development here would be expected to make a contribution towards improvements to the road network in the vicinity of the site. Improvements to Marks Farm roundabout would be expected, but it is a detailed matter as to what that would entail. Highways England and Essex County Council are currently working on proposals for this roundabout. Vehicle access would not be supported from Convent Lane or Thistley Green Road but footway/cycle/bridleway access would be supported.
- 3.49 Landscaping would be required in order to minimise the sites impact in the wider area. This could include buffers between the development and existing properties.
- 3.50 In terms of infrastructure improvements, this development would be expected to contribute to the infrastructure necessary to make the development

acceptable in planning terms. As well as roads and access this would include cycleways, bus links, primary and early years facilities, open space, play space, contributions to health facilities and retail space on the site.

- 3.51 Many of the points raised would be considered detailed matters, which, would be addressed as this site moves through the planning process. For example construction traffic would be expected to accord with the considerate contractors scheme to minimise its impact. The Local Plan policy and allocation is about agreeing the principle of development of this site and broad criteria as to how it should be developed.
- 3.52 The site is partly on a former landfill site, but this would not stop development taking place, rather the development would enable the remediation of it, and it would be necessary to carry out preliminary risk assessments prior to development taking place.
- 3.53 The growth location would retain as much of the existing habitats, trees and hedgerows as practical, as well as enhancing the areas along the river and public rights of way. Impact on historic assets would be suitably mitigated.
- 3.54 The bridleway leading from Highfield Stile Farm toward is expected to be retained as part of the development, as would other public rights of way.
- 3.55 The River Blackwater is an important feature in this part of the town, as such it is important to retain it as a natural corridor, with development kept away from the river. Initial site plans indicate that this would be the case.
- 3.56 Additional text has been added to the supporting policy to refer to early years and childcare at the request of ECC.
- 3.57 In terms of flood risk a site specific assessment would need to be carried out to determine the most appropriate method of managing surface water drainage. The site itself is not within Flood Zone 2 or 3.
- 3.58 The site is within multiple-ownership, however the developer has indicated that the site can come forward and has an option.
- 3.59 The site is primarily low-medium landscape capacity (15c and 15e), with areas of medium to medium high capacity toward Broad Road (5b and 15d). Low landscape capacity is toward the river (15a) but the built development will not encroach onto the river valley.
- 3.60 The site has some existing employment at Straits Mill, and this area is considered to be previously developed land. A number of public rights of way

run through the site which would have to be retained and enhanced. The site has some TPO woodlands which should also be retained.

- 3.61 Access from Broad Road would be difficult considering the size of the development, and it would be more appropriate for the access to be primarily accessed from the A131, albeit a smaller access may be needed from Broad Road. The development provides the opportunity to relocate the employment and sewerage access away from Convent Lane which would be of benefit to the residents and the grade II listed convent building which is located very close to the road at the junction of Convent Lane and Broad Road.
- 3.62 The site is located adjacent to the development boundary for Braintree and is of a scale which could provide a primary school, convenience shop, and informal and formal recreation areas. The site will also be expected to re-provide employment. The site will also be able to provide enhancement of the river walk, cycleway provision and open space. Particular attention must be made to public transport and cycling links to ensure sustainable travel links to other parts of the town.
- 3.63 No comments were made to the preamble to policy LPP18.
- 3.64 Policy LPP18 has been altered to reflect that public rights of way should be usable by all, not just walkers and cyclists. And an addition of wording on early years and childcare facilities has been added.
- 3.65 Given the landscape capacity of the site, and that it is partly previously developed, the site should retain its allocation as a mixed use growth location comprising residential development (In the region of 1000 new homes), employment, open space, primary school and recreation, with a primary access from the A131. More detail will become available as the allocation progresses through the planning process.

Recommendation 12 – That the allocation BOCN132 is retained, and the wording for the preamble and policy LPP18 Strategic Growth Location – Land East of Broad Road, Braintree is altered as set out below.

“Land East of Broad Road is a partly brownfield site, located in close proximity to Braintree

This is a partly a historic landfill site which also has some employment uses contained within it. Much of the site is wild and is valued by local residents for the formal and informal footpaths across the site. The development of this site must be carried out in partnership with the local community, involving them at all stages on the design and evolution of the site from allocation to planning application and beyond.

Policy LPP18 - Strategic Growth Location - Land East of Broad Road, Braintree

A Strategic Growth Location has been identified at Land East of Broad Road and is shown on the Proposals Map. Development will be expected to provide for;

- ~~Up to~~ 1,000 new homes of a mixed size and type appropriate to the area
- Affordable housing as per the Council's requirement
- Employment development
- A new primary school and **up to 2 new 56 place early years and childcare facilities potentially co-located with any new primary school**
- Local retail facilities and contributions to other community facilities as appropriate, including local health facilities
- Public open space, formal and informal recreation, which would include improvements to the River Walk to the south of the site and ~~pedestrian and cycle way~~ **public right of way suitable for all users linking** ~~links~~ to the town centre
- Provision of a Gypsy and Traveller site

The main access to the site will be from the A131 with an additional minor vehicle access from Broad Road. All access points will have to be agreed with Essex County Council Highways.

The provision of facilities shall coincide with the completion of different phases of development to ensure that local services are in place when they are needed."

Alternative Site – Land at Deanery Hill, Bocking (BOCN133)

3.66 The following comments have been made;

- Support that this site has not been included in the plan
- Land provides a nesting site for birds, and is considered to be a unofficial nature reserve
insufficient education available
- Area has enough houses.
- Support for the allocation as it is unlikely to have a severe effect on the strategic road network (Highways England)
- Must protect the area as it is important for the river valley
- The site has an existing permission for a golf driving range which is a material consideration in favour of development

- None inclusion of the site is based on a flawed understanding of landscape capacity
 - Site is considered suitable in the SHLAA and can come forward without significant impact.
 - Would ruin countryside view
- 3.67 Officer Comment - This site is located within an area of low landscape capacity and is visually prominent in the River Pant valley (13f). The site capacity was assessed on its landscape and visual features and landscape value. This included an analysis's of slope, vegetation enclosure, complexity/scale and condition. Visual assessments included openness to public and private views, relationship with existing urban areas, prevention of coalescence, and scope to mitigate the development.
- 3.68 Overall it scored 31.5 which puts the parcel within the Low Landscape Capacity. For the site to be in the medium/low capacity bracket it would have had to score 34 points or more in the assessment.
- 3.69 The site has had a planning permission for a golf driving range which did make a technical start, but has never been fully implemented and it appears unlikely to ever be fully developed.
- 3.70 Considering the exposed nature of the site and the low landscape capacity, it is not considered suitable to allocate the site for development.

Recommendation 13 – That site BOCN133 is not allocated for residential development.

Allocation – Land at Polly's Hill (BOCN134)

- 3.71 The following comments have been made;
- Designation should be "specialist housing" rather than "Care Home".
- 3.72 Officer comment – Agree. The site has planning permission for an "Extra Care" proposal for 100 no apartments with associated communal facilities, under reference 15/01584/FUL.

Recommendation 14 – Alteration to the designation for BOCN134, land at Polly's Hill to an "Extra Care Home.

Draft Site Allocation – Former Towerlands site (BOCN137)

- 3.73 Four comments have been made on this site, and raised the following points;

- Concerns have been raised regarding impact on the adjacent properties(back to back distances/loss of light)
- highways issues and traffic impact, the road being unsuitable for large development, and would cause rat running
- Concerns over drainage
- The need for consultation with local residents and whether more housing is needed.
- The link road between Springwood Drive and Panfield Lane must be completed, and traffic management measures must be implemented in Bocking Church Street prior to it being opened.
- Development erodes the green boundary between Braintree and Panfield, and would be contrary to the VDS for Panfield.
- None of the local roads can cope with this development
- Sewerage and foul water drainage needs to be considered
- No need for two major developments in Braintree
- A120 is not a viable bypass for traffic in the town due to congestion
- Landscape impact as site is very visible
- The capacity of the site should be expressed as a minimum
- Alteration to the requirement for primary school provision to give flexibility
- There is no functional requirement for a link road between the north-west Braintree growth location, and the Towerlands site. If one were required it would be due to Towerlands rather than NW Braintree.
- Community facilities should be multi-use
- Further assessment of potential heritage impacts is required and any site allocation will have to be justified in terms of that impact (Historic England)
- Concerns regarding impact on Panfield Hall
- Proposal will join Braintree and Panfield village
- Appropriate SuDS will be required for the site (ECC)

3.74 Officer response – The site is part previously developed, and represents a logical extension to development in the town. The majority of issues raised concern detailed matters which would need to be addressed through the master planning process and planning application. A more detailed assessment of heritage impact may be required as part of the planning application process. The Council's initial heritage assessment indicates that development on the western edge of the site has the potential to impact on the setting of Panfield Hall. This edge of the site would therefore need to be carefully designed, but due to the size of the site this is considered to be possible.

3.75 It would be necessary to provide a sufficient buffer to protect the amenity of Oak Cottage, as this building is very close to the boundary of the Towerlands

site. This is in order to ensure that the development does not unduly impact on the amenity of neighbouring residents.

- 3.76 A link road between the Towerlands site and North West Braintree has not specifically been identified as required in the Council's evidence base, although it is likely that the spine road connecting Springwood Drive and Panfield Lane would be necessary to minimise the traffic impact of this site. If further highways work revealed that a direct link between the two sites was necessary as a result of the Towerlands development, then this would require further discussion with the highways authorities and site owners. In all cases pedestrian and cycling links should be provided between the sites.

Recommendation 15 – That the strategic allocation of site BOCN137 – Towerlands is retained, and the policy text set out in this report, agreed.

“The former Towerlands golf, equestrian and conference centre closed a number of years ago and has remained vacant since that time. The site is therefore part previously developed. The site would benefit from working with the developer of the neighbouring Panfield Land Growth Location to ensure a comprehensive redevelopment for this part of Braintree.

Strategic Growth Location - Former Towerlands Park Site

A Strategic growth location has been identified at Towerlands Park and is shown on the Proposals Map. Development will be expected to provide;

- ~~Up to~~ 600 new homes of a mixed size and type appropriate to the area
- Affordable housing as per the Council's requirements
- Primary school **or contributions towards new primary school provision in the locality**
- **An additional 56 place early years and childcare facilities, potentially co-located with any new primary school**
- Community facilities, including contributions to local NHS facilities
- Local retail facilities; **and**
- Public open space and formal and informal recreation including landscaping to the rural edge.

The main access to the site will be from Deanery Hill/Panfield Lane, an additional vehicle access will be sought from the growth location to the south at North West Braintree. All access points will have to be agreed to the satisfaction of Essex County Council Highways.

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

Site Submission – Field West of Bocking Village (Rear of Bocking Primary School, Bocking (7.6ha residential) (BOCN634)

- 3.77 This is a new site submission. Based on a standard density this site could accommodate up to 190 houses.
- 3.78 Officer comment – The site is well related to the existing settlement, and as such has good access to local facilities and services.
- 3.79 The area is classified as being of medium landscape capacity, and is grade 3a agricultural land. A number of heritage assets are present including Grade 1 and Grade 2* buildings to the southern part of the site on Bovingdon Road, and it is also adjacent a conservation area. A public right of way runs through the site. The Bovingdon Road end of the site is partly within Flood Zone 2 and 3. It is on the slope for the river valley, but is relatively well contained considering its landscape capacity. Access would be difficult from Fennes Road as it is narrow and has established hedgerows. Access from the southern part of the site on Bovingdon Road would be difficult due to the existence of an established hedge and the location of the flood zone would mean access would have to be closer to heritage assets, but Bovingdon Road its self it within the flood zone at this point meaning a safe access is unlikely to be achievable in the event of flooding.

Recommendation 16 – That site BOCN634 is not allocated for residential development.

Site Submission – Field rear of 105 A131 High Garrett (2.2ha – Residential) (BOCN635)

- 3.80 This is a new site submission. Based on a standard density this site could accommodate 55 houses.
- 3.81 Officer comment – This site is located to the south of High Garrett and has been proposed for residential development.
- 3.82 The site would be considered a development in depth in a location which has a predominantly low density dwellings and linear built form. This side of High Garrett has limited housing development with the nearest development in depth approximately 150m to the south. There are several listed buildings to the north boundary. An intensification of development in this location could potentially have a significant impact on the character and appearance of the area.

Recommendation 17 – That site BOCN635 is not allocated for residential development.

Site Submission – Land west of Boones Farm, High Garrett, residential 3.9ha, (BOCN607)

- 3.83 This is a new site submission. Based on a standard density this site could accommodate 98 houses.
- 3.84 Officer comment – This site is located off the A131, Halstead Road, at High Garrett. It has been proposed for residential development. The site is identified as being grade 2 agricultural land, as well as having a group TPO to the front. The area has limited development which primarily is linear development around the junction of the A131 and A1017. Development here would not be a natural extension to development of High Garrett and would be an unwarranted intrusion into open countryside.

Recommendation 18 – That site BOCN607 is not allocated for residential development.

Site Submission – Land off Convent Lane, Bocking, Residential 5.7 ha (BOCN649)

- 3.85 This is a new site submission. 60 houses have been proposed along with community open space
- 3.86 Officer comment – this site is located at the end of Convent Lane adjacent to the River Blackwater, and has been proposed for 60 dwellings and 3.5 ha of community space. Small parts of the site are within the flood zone. Convent Lane is unlikely to be suitable for additional residential access, and this site would be better served from the proposed growth location BOCN132 – Land East of Broad Road, which is what the landowner is proposing.
- 3.87 Development on this site would however likely have a detrimental impact on the character and appearance of the Blackwater River Valley as it is located much closer to the river, as such it is preferable for it to remain as an undeveloped site.

Recommendation 19 – That site BOCN649 is not allocated for residential development.

Site Submission – Land to the rear of Church Street East of Fennes Road, 8.7ha Residential (BOCN650).

- 3.88 This is a new site submission on which no details have been submitted. Based on standard density it could accommodate over 200 homes
- 3.89 Officer comment – the site is located to the east of Fennes Road, north of Church Street, and has been proposed for residential uses. The primary access would be from Fennes Road unless properties along Church Street could be utilised as an access. Fennes Road its self is very narrow and has well established hedgerows as well as issues of on street parking. As such it would be inappropriate to be used as an access.

Recommendation 20 – That site BOCN650 is not allocated for residential development.

Draft Site Allocation – Land adjacent to the Railway and River Brain (BRSO152) - Proposed for residential

- 3.90 The following comments have been made;
- Building on open land near Rose Hill is not supported
 - Area has had hundreds of houses
 - Access would be through a cycleway/footpath
 - Impact on wildlife and flora
 - Impact on access to the Flitch Way
 - Flood Risk
 - Narrow access from Rose Hill unsuitable
- 3.91 Officer Comment – This site was allocated for residential development subject to a suitable access being demonstrated. No further information has been provided regarding said access, however as the site is within the development boundary, and was a former builders' yard, its allocation should be retained with details of access and capacity to be determined through the planning application process.

Recommendation 21 – That site BRSO152 retains its allocation for residential development.

Alternative Site – Land at Panfield Northwest of Springwood Drive (PANF136) – Proposed for employment

3.92 The following comments have been made on this alternative site;

- Development would erode the gap between Braintree and Panfield.

3.93 Officer Comment - The site is within an area of low landscape capacity (16f), and is currently inaccessible, albeit an access could become available when the North West Braintree site starts being developed.. The site would therefore not be deliverable until development had taken place at the North West Braintree growth location. This does not however solve the issue of landscape impact. The Council has identified sufficient employment sites to meet its expected level of employment growth in the district and would not require further allocations. Other allocations are also available in areas with less landscape impact.

Recommendation 22 – That site PANF136 is not allocated for employment uses.

Draft Site Allocation - Broomhills Industrial Estate (BRAW153)

3.94 The following comments have been made;

- Too many houses being proposed by the developer (125)
- Support for brownfield sites being developed
- Support for the development of this site
- Density too high.

3.95 Officer comment – The Broomhills site is located within the development boundary for Braintree and has been allocated for residential development as employment use was no longer considered viable. The objections raised in terms of the number of houses and density are detailed matters which would be looked at through the planning application process. The site is a brownfield site which would be a priority for development.

Recommendation 23 – That site BRAW153 retains its allocation for residential development.

Alternative Site – Land south west of Braintree, R/O Gilda Terrace, BRAW154, GNB265 and GNB266.

3.96 The following comments have been made;

- Plan is considered unsound unless more sites are allocated.
- Site is located in a sustainable location and scores well in the Council Sustainability Appraisal
- Site will provide market and affordable housing and is deliverable within the 5 year supply period
- Public rights of way such as the Flitchway make it a sustainable location as it enable walking and cycling
- Close proximity of employment
- Braintree town centre offers a full range of services
- Schools are in the local area including 2 primary schools within 1km
- The site has no national or local designations which could restrict development
- The site provides open space
- Concerns about the impact on the Flitchway and tranquillity of the area
- Concerns about traffic congestion
- Concerns about the impact on Cycle Route 16 along Fairy Hall Lane.
- The proposal would erode the gap between Braintree and Rayne
- The site is a greenfield site which should not be developed
- Flitchway is a county park and wildlife site and development would have a significant impact

3.97 Officer Comment – The site is proposed for 1,600 dwellings, affordable housing, education, public and strategic open space, new public rights of way and bridleway route, highways works and landscaping and a bus service.

3.98 A planning application has been submitted for this site under reference 15/01538/FUL which includes land under reference GNB265 and GNB266. It has been put forward for up to 1600 dwellings a local centre primary school, employment and public open space. The site should be accessed from Gilda Terrace, and Pod's Brook. The application has yet to be determined.

3.99 BRAW154 is located south of Gilda Terrace and Sun Lido Square, north of the Flitchway. Gilda Terrace and Sun Lido Square had a development boundary drawn round them in the 2014 Plan. In terms of landscape capacity the site is mixed low capacity (17b), with medium capacity (17a) at its eastern end. The Flitchway is identified as a Local Wildlife site and as an accessible natural greenspace, development around the Flitchway would likely have a significant

impact on its character and appearance. The sites eastern boundary has a public right of way and is also adjacent but not within a flood zone. Several TPO's are on the boundary as well as a TPO group. The site is a greenfield site, and is identified as being grade 3 agricultural land.

3.100 GNB265 and 266 are shown as being of Low Landscape Capacity (20a and 20c). A small part of the site is within the flood zone but this would be unlikely to impact on the wider development. Several public rights of way go through the site which would either have to be retained or diverted. A listed building and archaeological site is present adjacent this area at Naylinghurst. The southern part of the site is adjacent to the A120 trunk road. The site has a number of positive benefits in terms of its location, proximity to employment and services, and the A120; however it is a greenfield site, with a low landscape capacity for development.

3.101 In conclusion the site is in close proximity to Braintree, which as a Main Town has good access to shops, services and community facilities. However the site is considered to have a significant landscape impact, development around the Flitchway could have a detrimental impact on its character and appearance, especially if it needs to be crossed by one or more vehicular access and there are concerns that this site would close the gap between Braintree and Rayne causing coalescence. Other sites around the edge of the town have less landscape impact and as such it is not proposed to allocate this site.

Recommendation 24 – That site BRAW154, GNB265, and GNB267 are not allocated for residential development.

New Site Submission – Land off Queenborough Lane, Rayne, residential 12.9ha (BRAW647)

3.102 New site submission. The developer proposes a development of between 200 and 250 new homes on this site which it states is a logical site. They note that if the proposed West of Braintree garden community goes ahead this will bring additional infrastructure into the area.

3.103 *Officer Comment - The site is split into two sections one to the east and one to the west of Queenborough Lane. The site is of low-medium landscape and is grade 3 agricultural land classification. Several heritage assets are in the vicinity at Stanford Farm. The site does have public rights of way but no footpath along the lane. They are greenfield sites adjacent to the A120, and are in close proximity to employment on Skyline, however they would not be a natural extension to development of either Great Notley or Rayne as they are located away from existing development or in the case of Great Notley*

separated by the A120 and an employment site. Queenborough Lane is a narrow road with limited passing places and as such would be unsuitable for an increase in development.

Recommendation 25 – That site BRAW647 is not allocated for residential development.

Alternative Site – Land between 114 and 126 London Road, Great Notley (GNBN263)

3.104 The following comments have been made;

- The Development Boundary on the Braintree South Inset 1B together with the Great Notley and Black Notley Inset 29 should include the whole of Site GNBN 263
- The whole of site GNBN 263 between 114 to 126 London Road apart from a Structural Landscaping belt adjacent to the B1256 should be allocated as a Residential Site of 10 or More Dwellings.
- The development would not require additional infrastructure
- Not allocating the whole site fails to optimise the potential of this land.

3.105 Officer comment – This site is located toward the top of London Road. In the previous plan the front portion of the site was included within the development boundary to enable a small frontage development to take place. This was also due to the presence of several group TPO's on site. A grade II listed building is also adjacent.

3.106 The site is within a predominantly green area between Great Notley and the A120. Development of this site in depth was previously not supported due to the impact on the separation between Great Notley and the A120. A previous submission showed that a road could access the rear part of the site without impact on the group TPO, but any access could potentially harm the setting of the adjacent grade II listed building.

3.107 Development in this location would not be a natural extension to development within Great Notley, and would be a development in depth off of London Road, which could potentially impact on the separation of Great Notley from the A120 as this area has the character of a green gateway and is part allocated for structural landscaping. The front part of the site is proposed to be retained within the development boundary

Recommendation 26 – That site GNBN263 is not allocated for residential development.

4 Cressing

- 4.1 Cressing and Tye Green are identified as other villages in the Core Strategy (2011). The available services they have are more limited. Tye Green Cressing does have a railway station, albeit with poor pedestrian access, it also has a primary school. Cressing village has much more limited services other than a public house and bus service.
- 4.2 Cressing is working toward a neighbourhood plan, however no information is as yet available on what may be proposed. Once completed, the Cressing Neighbourhood Plan will provide the local development plan policies and allocations for the Parish. The Neighbourhood Plan can allocate different sites for development within the Parish as long as they provide for at least as many homes as the Local Plan is proposing. However strategic site allocations can be excluded from this process. It is proposed to go out for consultation on the Local Plan on the basis of what is agreed here, but to continue to work with the neighbourhood plan group and agree sustainable, deliverable sites for the Parish.

Parish Council Comments

- 4.3 Following discussion at recent Parish Council meetings, Cressing Parish Council would like to submit the following comments in response to the Draft Local Plan consultation.
- 4.4 There is one site in Cressing earmarked for residential development which is CRESS201: Land at Appletree Farm, Polecat Road, Cressing. Whilst Cressing Parish Council notes that this has in the past been a problem site, Cressing Parish Council would like to object to the proposal in the Draft Local Plan for residential development of this site. The proposed development of 70 houses on the site is disproportionate to Cressing, and grossly disproportionate to Hawbush Green. Infrastructure is a major concern since access from Polecat Road onto the B1018 is not suitable. Residents in Hawbush Green already struggle to get onto the B1018 and not just during rush hour.
- 4.5 The Parish Council would like to express their surprise that the Planning Officer's recommendation for CRESS201 was overturned. Residents felt that there was no need to attend the full council meeting on the basis of the Planning Officer's recommendation.
- 4.6 As you know, Cressing is in the process of creating a Neighbourhood Plan and there is an active Neighbourhood Plan Steering Group. The inclusion of CRESS201 in the Local Plan would create a difficulty for the Steering Group who will be faced with finding and suggesting an alternative site in Cressing

for residential development since the majority of residents most affected by the site are mostly opposed to housing on this site.

- 4.7 Furthermore, Cressing Parish Council notes in Appendix 3 Hierarchy of Settlements that there are 51 'other villages' within the district and there is a total housing allocation of 500 (6.69 Policy LPP 16). Therefore the allocation of 70 houses in Cressing seems too high compared to the number of villages in the district.
- 4.8 In conclusion, Cressing Parish Council objects to the inclusion of CRESS201: Appletree Farm in the Draft Local Plan.

Comments Received

- 4.9 43 comments were received for Cressing and Cressing (Tye Green.). The majority of comments received were in regard to site CRESS201 – Appletree Farm.
- 4.10 The following issues were raised.

4.11 Site Allocation - CRESS201 – Appletree Farm, Polecat Road

- Support for the inclusion of Appletree Farm CRESS201 as it is a brownfield site
- Support for development of the site as it is out of character with the area, and other villages should have development
- The site is developable and deliverable
- Objection to CRESS201 as it's a management problem not a site problem
- The site should have its planning conditions enforced
- Will have a serious impact on infrastructure, services, traffic and is not near the development boundary
- Will increase the population significantly
- Will have a significant impact on the B1018 junction with Polecat Road
- Trees should be kept
- Should be developed as it is not a countryside site, the junction with B1018 needs time and patience and do not see it as a huge problem
- Will impact on the Essex Way
- Development will put pressure on conservation area over time
- The site is too large
- 70 is too many new houses.
- 90 is too many new houses
- There will be no control over the number of houses to be developed, and can't control the density of development
- Cressing will no longer be a village
- Lorry movements are a problem

- Development will have significant visual impact, loss of privacy, and is in a countryside location
- Site may be more suitable for a nursing home
- The neighbourhood plan is being developed and this should decide where development goes.
- Site should be developed as it would be less messy and generate less traffic, and would be better for housing rather than industrial uses
- Development would significantly change the character Hawbush Green and impact on the character of nearby listed buildings
- Houses will not be in the price range for young people
- Development should take place in close proximity to the new trunk road
- Site is not harmful to the character of the area and would bring social benefits of small scale development in the area.
- The site is potentially contaminated
- The area has no gas
- The area should not have any street lights
- Crossing train station is very limited and access is difficult
- Buffer would be required and orchard should be retained

- 4.12 Officer Response – The site is a brownfield site located at Hawbush Green which is on the B1018 south of Cressing Tye Green. The site was previously used as a potato packing facility before diversifying in to employment uses, which has 6 business advertised as being on site, but no information is available as to how many people are employed in the various businesses. On a recent site visit at least a dozen cars were in evidence on the site. The site also includes a public weigh bridge. The site has been the source of complaints over noise, its hours of operation and traffic. A construction training ground is to the south of the site and was not included in the residential allocation.
- 4.13 The site backs on to several houses at Hawbush Green and along Polecat Road. There are two listed buildings adjacent to the site at Appletree Farm, and The Bakery. No listed buildings or tree preservation orders are on or adjacent to the site. The Essex Way runs to the south but is over 100m away.
- 4.14 The site is in close proximity to public transport with a regular bus services to Witham, Braintree and Halstead. The main access is off Polecat Road which is a 40mph road, and appears to offer good visibility, although as a relatively narrow road, may cause difficulties for the largest vehicles.
- 4.15 The site was allocated for development in the Draft Plan for residential development and was given a development boundary which excluded the construction training facility but included existing neighbouring properties.

- 4.16 The site appears well screened from its surroundings with only one prominent view from Polecat Road along the access road for numbers 1 to 4.
- 4.17 In terms of the buildings they comprise a number of former agricultural buildings, the majority of which are in a reasonable condition. A number of areas are being used for storage, which impacts negatively on the site. A small office and parking area are to the front of the site, as well as a green area surrounded on three sides by high hedge rows which contains some apple trees and is known as the orchard.
- 4.18 In terms of the comments, the majority are objecting to the inclusion of the site for a range of reasons such as landscape and traffic impact, impact on heritage assets, and impact on services and infrastructure. Other concerns raised are that the area would have a significant increase in housing which would be detrimental to the Parish. Many of the points raised would relate to detailed matters which would be fully addressed during the planning application process.
- 4.19 A neighbourhood plan area was agreed in 2012. It may be more appropriate for that plan to decide where development should take place in the village. That being said no draft has been published in 4 years, and there is no clear timetable when one would be expected. By deferring allocations to that Plan there would be a risk that the area could become more vulnerable to speculative applications whilst a draft was being prepared. It should be noted that Neighbourhood Plans cannot allocate less housing than the Local Plan, but they can allocate more.
- 4.20 It has also been suggested that the site could be better suited as a nursing home. This would not be prejudiced by a residential allocation.
- 4.21 The site is located away from the existing villages in the area, but it is a brownfield site, which has had a history of complaints in terms of its operation. No evidence is available showing the site to be contaminated, but in any case a survey would be expected to be carried out.
- 4.22 The allocation of the site does have benefits including providing the local area with new housing, affordable housing, and starter homes on a brownfield site, as well as construction jobs, and helping to support local services. It has good public transport access, and is within walking distance of the primary school, although that would involve crossing the B1018 which is a busy route. It would also be unlikely to have a significant impact on the wider landscape as the site is well contained. The site is however in current employment use, separate from the existing villages, and arguably the most unneighbourly part of the sites which is the construction training centre, is not part of the allocation, but would be unlikely to be able to continue with residential development so close,

as such there would be a question mark as to what would happen with this land.

- 4.23 Whether or not the site should continue to be allocated requires a number of competing objectives to be considered including, new homes versus the loss of an employment site, economic activity versus cleaning up a potentially unneighbourly use. Both options are clearly viable. On balance officers consider the site should retain its allocation as a residential site.

Recommendation 27 – That site CRESS201 – Appletree Farm, Polecat Road, Cressing retains its allocation as a residential site and that the development boundary is retained at Hawbush Green.

CRESS192 – Land east of Mill Lane, Cressing

- 4.24 The following comments were made;

- This site should be allocated as there is a undersupply of housing and more development is needed in the villages.
- More houses are needed on small and medium sites to ensure a constant supply of homes

- 4.25 Officer Response - The site has a medium landscape capacity (4a). The site has no overriding constraints identified. A grade II listed building is on the opposite side of the road, and a public right of way is on part of the northern boundary. Access would be from Mill Lane and it would be necessary to demonstrate that this could be achieved safely. The site is relatively well contained. Tye Green has the benefit of some local services such as the primary school, and local shop, but lacks the comprehensive range of services found in larger villages. Issues concerning the housing strategy are discussed under the relevant housing section of the Plan.

Recommendation 28 – That site CRESS192 – Land east of Mill Lane, Cressing is not allocated for residential development

CRESS193 – Land between Braintree Road and Mill Lane, Tye Green, Cressing

- 4.26 Summary of comments received on this site are set out below;

- CRESS201 is currently an operational site and this site does not result in a loss of employment
- 70 homes is too small for Cressing over the plan period and not considered a sustainable approach to ensure a thriving community
- Site is well related to the village
- The site will provide affordable housing
- It is in close proximity to services and the railway station

- Houses will help support local services
- Potential to include land for expansion of Cressing Primary School or enhancements to the existing school, including in relation to its access
- Agricultural land classification 3 subgrade 3b
- Limited wildlife potential identified
- Site not at risk of flooding
- Site is being promoted by an established house builder
- Development can be accommodated in the existing service network.

4.27 Officer Response - the site is identified as being of medium capacity (4a) in the landscape capacity assessment. Listed buildings are adjacent to the site at Hawbush Old House and Stubbles Farm.

4.28 The site has limited constraints but is of a large scale for a village with Cressing's position in the spatial hierarchy.

4.29 A planning application has been submitted (16/00397/OUT) for 118 units and the creation of a pedestrian footway link to Cressing Station via Bulford Mill lane and is currently under consideration. This will consider the matters raised in much more detail than is set out here.

Recommendation 29 – That site CRESS193 Land between Braintree Road and Mill Lane, Tye Green Cressing is not allocated for residential development.

CRESS197 – Holders Farm Stead (Off B1018)

4.30 The following comments have been made;

- This site has been in use before
- The site is unused and has been wasted for 55 years.
- Site would have minima landscape impact
- This site would be better to develop than CRESS201 which sticks out

4.31 Officer Response - The site has previously been a farmstead and permission for a replacement agricultural workers dwelling was permitted in the 1960's (ENW/BRD/340/61), this permission was tied to a local farm and never built. The site has since returned to nature and is considered a greenfield site as per the definition of previously developed land contained in the NPPF. Allowing a regular dwelling on the basis that it previously had permission for a, now removed, agricultural workers dwellings, would set a precedent for the replacement of demolished agricultural workers dwellings in the countryside. In any case the site is proposed for 1 dwelling, which is below the allocation threshold for the new Local Plan, and is not near a development boundary.

Recommendation 30 – That site CRESS197 – Holders Farm Stead (Off B1018) is not allocated for residential development.

CRESS198 – Holders Farmstead Hawbush Green (Polecat Road)

4.32 The following comments have been submitted;

- This site would be better to develop than CRESS201 which sticks out

4.33 Officer Response - The site is located in a medium- low landscape capacity area (3d). It has no other onsite constraints. Two listed buildings are opposite the site but separated by garden, and Polecat Road. Another listed building is at is on the opposite side of the B1018 but again this is set away from the road and would unlikely be impacted by development on the site. This site would not be a natural extension to Tye Green, and would significantly reduce the separation between Tye Green and Hawbush Green.

Recommendation 31 – That site CRESS198 – Holders Farmstead Hawbush Green (Polecat Road) is not allocated for residential development.

CRESS210 – Land at Ashes Farm Ashes Road, Cressing

4.34 The following comments have been submitted on this site;

- Too much reliance on development at large garden communities
- Site has no overriding constraints
- Plan does and has not meet housing targets.
- Site should be considered for development in conjunction with A120 improvements

4.35 Officer Response - The site is located within a low-medium landscape capacity area (10b). The site has several listed buildings adjacent at Ashes Farm. The site would not be a natural extension to development at Cressing village, where development is primarily of a linear nature running along The Street and Lanham Green Road. The site would extend into open countryside and join the village with Ashes Farm which would be detrimental to the character of the area. Issues concerning the housing strategy are discussed under the relevant housing section of the Plan.

Recommendation 32 – That site CRESS210 – Land at Ashes Farm Ashes Road, Cressing is not allocated for residential development.

CRESS195 – Ivy Cottage, Long Green, Braintree

4.36 The following comments were made;

- The site has houses on both sides
- It is a brownfield site
- Has permission for a hotel
- The Council does not have a current 5 year supply of housing
- Housing trajectory is optimistic

4.37 Officer Comments – The site is proposed for 10 dwellings. The site does have planning permission for the erection of a 42 bedroom hotel and is a brownfield site. Given the more permanent nature of residential occupation, it may not be appropriate to encourage further residential development in this location, as the site is close to Galleys Corner, and the area has a number of unneighbourly uses such as the haulage yard and waste management facility.

4.38 Future schemes to improve Galleys Corner, the A120 and the B1018 may have an impact on this site which sits on the current junction of these roads

4.39 The current Local Plan processes aim is to provide a housing supply over the Plan period up to 2033.

Recommendation 33 – That site CRESS195 – Ivy Cottage, Long Green, Braintree is not allocated for residential development

4.40 Other comments

- Support for the non-allocation of sites between Braintree and Cressing.
- Support for more development in the villages generally
- National Grid Gas pipe lines and electricity cables potential impact on CRESS199, CRESS200, CRESS203, CRESS204, CRESS205, and CRESS209. Can take up to three years to divert pipes and cables.
- Further growth supports investment and community facilities and more homes are needed for the young and families

4.41 Officer Comment – The support for the non-allocation of other sites in the plan is noted, as is the constraints highlighted by National Grid. Issues concerning the housing strategy are discussed under the relevant housing section of the Plan.

Recommendation 34 – No further changes are recommended to the Cressing and Tye Green Cressing Inset Maps

5 Witham

5.1 This report covers Inset Map 2a and 2b for Witham North and South, one of three Towns in the District. As a town, Witham is at the more sustainable end of the settlement hierarchy with a good range of shops and public services, employment and transport links.

- 5.2 This report considers proposed allocations and alternatives in and around Witham which includes extensions to the Town within the parishes of Rivenhall and Hatfield Peverel. Comments of support, objection and general responses are distributed according to site and comments affecting the whole of Witham separated.
- 5.3 Strategic growth locations, at North East Witham and South West Witham, covering Inset Maps 2a and 2b, including housing and employment allocations are covered in this report. The Newlands Shopping Centre and Rickstones Neighbourhood Centre are included in this report but refer to Policies LPP 14 and LPP15 respectively.
- 5.4 One strategic allocation in Witham remains incomplete from the Local Plan Review 2005 - Land off Maltings Lane, which has capacity for another 78 dwellings. Land at Lodge Farm, Forest Road and Conrad Road already have planning permission for a total of 980 and do not require discussion. There are various draft allocations of small sites under 100 within the development boundary including Gimsons, Chipping Hill, Newlands Centre and Rickstones.
- 5.5 One new site was received during the consultation; 0.4ha at Thompsons Yard, Chipping Hill. In addition, there was a proposal to extend the Town Boundary in north Witham to include the Willows and 3 & 4 Elm Hall Cottages on Cressing Road.

Comments

- 5.6 The Inset Maps for Witham received 87 responses with an additional 13 comments received on the policy for the site at Wood End Farm.
- 5.7 Comments in support:
- Highways concerns include Dorothy Sayers drive and Laburnum way, junction with Rickstones Road, the double mini roundabouts and the A12 on slip towards Colchester.
 - Health concerns consider a lack of community hospital at Witham and no direct bus service to Broomfields.
 - Flooding events affects the A12 through Rivenhall and Rickstones Road.
 - Support for the exclusion of WITN428 which would add significantly to congestion.

5.8 General comments:

- All housing should be sustainable including: triple glazing, no direct entry, PV cells, site layout for solar gain, recycled rain and waste water and ground source heating.
- Allocations should have 30% affordable (socially rented) housing.

5.9 Objection comments:

- Objection due to lack of plans to improve infrastructure, Hatfield Road/ Newland Street/ Colchester Road is congested, there should be a Western by-pass going from Hatfield Road via Terling Road towards Cressing Road.
- There should be a joint proposal from national and local government, the National Health Service and the Ministry of Transport.
- Road and rail services have ceased to operate as intended. Potentially there will be thousands of additional people, any proposals in Witham should be strongly objected to.

Statutory Comments

5.10 NHS England are requesting an appropriate financial contribution towards increasing capacity for local Primary Care facilities. An option and financial appraisal is being undertaken to determine the best configuration of services in Witham and capacity increases is most likely to be a new primary care centre.

5.11 Anglian Water and National Grid have not identified any specific capacity issues with regards to sewerage or electricity supply. National Grid have identified RIVE360 & RIVE360A Forest Road as locations which are being crossed by gas pipelines.

5.12 Highways England, focussing on strategic sites, have not identified a severe effect on the A12 or 120 arising from development at North East Witham or South West Witham.

5.13 Essex county council had a number of site specific comments which are reported below, in addition the following general comments are noted:

- The Sustainable Transport Accessibility Assessment Report states that mitigation is not feasible at all key junctions to enable them to operate 'within capacity' at 2033 therefore a focus on encouraging modal shift is required as most journey to work trips are by car.
- A number of ongoing strategic studies/projects aimed at alleviating congestion issues are being progressed, in particular, the A12 widening project and the Braintree branch line.

- For early years and childcare, S106 contributions are needed to create additional places will be required however no specific project has been identified. General infrastructure policies in the plan will ensure provision is made at the appropriate time.
- 5.14 Witham Town Council have responded with the following comments:
- Gimsoms requires a special policy to link development with improvements to Kings Chase. Site should be sensitively developed and at lower density than normal.
 - Concern that allocations do not have detailed policies to guide development. These should have a narrative describing the rationale for the policy.
 - Allocations should set out infrastructure requirements and be built at a sensible density.
 - Town Centre policy should recognise changing trends from retail to services. Click and collect, access and car parking are important for residents.
 - Witham Town Centre should be given an identity.
- 5.15 A response was received from Langford and Ulting Parish Council, in Maldon, stating that there is a need for a suitable connection to the A12 for the volume of houses proposed in Hatfield Peverel, Witham, Heybridge and Maldon. There will also be a need for additional doctors.
- 5.16 Officers comments:
- Town wide comments for Witham mainly relate to the broad topics of highways and health. Strategic and local road constraints are recognised in proposed infrastructure projects to widen the A12 and developer-led projects to improve key junctions which are bottlenecks to traffic. However the joint BDC and ECC highways options assessment underlines the need for a modal shift towards sustainable transport options. It is also recognised that primary health capacity is strained and the NHS have stated that a review to determine the best configuration of services in Witham is being undertaken.
- 5.17 Some comments have stated that the energy efficiency and environmental sustainability standards need strengthening. Officers understand the frustration however recent changes to the NPPG means that the code for sustainable homes is no longer supported by national policy. Without any evidence to set a higher standard of energy efficiency, the local plan defaults to building regulations. Policy LPP62 provides further guidance on energy efficiency.

Bellfields (No reference)

- 5.18 This half-hectare site north of Braintree Road is overgrown and has been disused for a number of years. It was identified as visually important space in the draft Local Plan and not allocated for development. A significant number of comments in support of retaining Bellfields were received:
- Strong objection to any proposed building plans on this site.
 - Important to retain all existing green spaces within the town and Bellfields is a 'green lung' for the local area. It should be retained as a visually important green space.
 - The site has significant wildlife value, including nesting birds, deer, grass snakes and likely presence of slow worms.
 - The Witham & Countryside Society support retention of this site as open space as it is locally important and may become publically accessible in future.
 - Bellfields was the Crittall's foundry site and is contaminated by zinc and copper. Recent survey work has damaged the ecological value of the site.
 - An acceptable access is not possible, in addition White Horse Lane should be resurfaced as part of any development.
 - Air quality would deteriorate with any development.
- 5.19 The following objections were submitted by representing the organisations developers:
- Bellfields is in a sustainable location and should be identified as a windfall site.
 - There is no publically available evidence to support the designation as visually important space and no policy to assess development proposals on such sites.
 - Redevelopment could ensure remediation of contamination.
- 5.20 As statutory consultee, ECC have made the following comments:
- S106 contributions will need to be sought to expand an existing education facility, with a project to be identified.
- 5.21 Witham Town Council have not commented on this site.
- 5.22 Officer's comments:
Bellfields is a brownfield site within the settlement boundary and within 800m of the station, town centre and other facilities. Access can be achieved from White Horse Lane subject to Highways Authority approval. Officer's strategic

assessment of this site, without considering any site specific details, shows that this site is a sustainable location for development.

- 5.23 The site is private land which is currently fenced off and gated at the entrance onto White Horse Lane, it therefore provides limited amenity value or value as formal open space. Sporadic vegetation throughout the site blocks open views into the site from the highway however this visual amenity would be lost in any development. A number of Tree Preservation Orders (TPOs) are identified on site which would not inhibit access but would significantly limit development capacity.
- 5.24 Wildlife was not observed on the site during officer's visits. While any lost habitat should be an important consideration there no evidence demonstrating the presence of any endangered species. The site's relative isolation from other open spaces and the green corridor is not conducive to occupation by significant wildlife nor is the site likely harbour any significant flora. Piles of rubble could be seen from the highway with poorly maintained boundary fencing and general rubbish contributing to the site's unkempt nature. The landowner states that the site is contaminated.
- 5.25 Paragraph 109 of the framework states that the natural and local environment should be enhanced by remediating degraded and contaminated land, where appropriate. In this case, decontamination would result in a loss to the some natural environment whatever the significance. In addition, despite the public inaccessibility of the site, it is clearly appreciated by local residents and while the site has some unattractive features overall it is a visually positive contribution to an otherwise urban area. The significance of this loss needs to be weighed up against the benefits of remediation and potentially positive improvements to urban character, as well as the delivery of additional housing.
- 5.26 Given that there is no clear enhancement to the local environment, officers considered that the opportunity of remediating this land would result in the loss of natural environment, possibly the loss of TPOs, and be inappropriate in the context of the NPPF.

Recommendation 35 – That Bellfields remains allocated as visually important open space

Land Chipping Hill (WITN425 4 and 6 Chipping Hill and adjoining Chipping Hill industrial Estate)

- 5.27 WITN 425 Chipping Hill comprises of a redevelopment incorporating Ramsden Mills and two residential properties at 4 & 6 Chipping Hill. A new

site comprising of a business unit immediately to the south was submitted to the consultation as site WITN 613. Altogether there is circa 0.5ha potentially allocated on this site:

- The landowners have restated their desire to develop the site and estimate that delivery will be within five years of local plan adoption.
- Two comments regarding height were received, the overall height should not be excessive and it should be restricted to 2 or 3 stories.
- The Witham & Countryside Society agrees with high density development of the Ramsden Mills site.
- Nos 4 & 6 should not be developed because it contributes to the conservation area.
- Access can be achieved from Braintree road with minor alteration and widening and the loss of two characterful properties should be avoided.
- One of the owners have stated that their property is in poor structural condition which is justification for demolition and the terms of the right of way from Ramsden Mills to Braintree Road would not permit widening.
- The cumulative effect of traffic has not been accounted for.

5.28 As statutory consultee, ECC have made the following comments:

- S106 contributions will need to be sought to expand an on education facility, with a project to be identified.

5.29 Witham Town Council have not made any new comments. In April, the Council noted the site would receive sympathetic consideration subject to access problems being resolved.

5.30 Officer's comments:

Site WITN613 is currently in use as a woodworking joinery and the inclusion of this site would result in the further erosion of employment land at Chipping Hill. Inclusion of this site within the allocation would slightly expand available land, and possibly the residential capacity, however it does little to resolve access problems. Nevertheless, officers consider that the amalgamation of WITN613 with the allocated site is eminently practical.

5.31 Officers note the responses regarding the potential height of development, along with visual and conservation impact these issues will need to be considered at planning application stage. Access from Braintree Road has not been demonstrated and it may prejudice delivery of the site to remove properties 4 & 6 from the allocated area. A number of responses objected on the basis of the positive contribution to the character of the conservation area made by these properties. Specialist Historic buildings officers will be asked to

comment on any planning application and the Council will need to be satisfied with any impact on the designated conservation area.

Recommendation 36 – That WITN425 is amended to include adjacent site WITN613.

Extension to Eastways (RIVE362 and RIVE363)

- 5.32 Two new employment areas, which will expand Eastways Industrial Estate in Witham by 6.8ha, are allocated. These were considered in report for Inset Map 47 Rivenhall.

Recommendation 37 – That RIVE362 and RIVE363 is retained as an allocation for Employment.

Land North of Conrad Road (WITN426)

- 5.33 This site is currently identified for allocations totalling 160 dwellings adjacent to Rickstones School in the north of Witham. It is currently greenfield but bounded visually from all sides by a mature hedge. An outline application for the larger portion has received a committee decision.
- A comment in support from the Economic Development Team as the site will increase supply, enhance choice and make effective use of assets. Legal and technical due diligence has commenced and architects have been commissioned to undertake capacity studies.
 - A resident submitted an objection to the amount of new housing in the Rickstones area.
 - Land including The Willows and 3 and 4 Elm Hall Cottages should be included within the development boundary, once WITN426 is built out, the area would no longer be 'free standing'.
 - Witham & Countryside Society are supporting this development.
 - A cycleway/footpath should be included across the development and connected to the River Walk.
 - Residents should be given free bus travel, including a combined bus and railway ticket.
 - Housing mix should meet existing proportions of family and single story dwellings for Witham.
- 5.34 As statutory consultee, ECC have made the following comments:
- S106 contributions will need to be sought to expand an existing facility, with a project to be identified.

- 5.35 Officer's comments:

This site was considered for allocation on April the 13th and later approved. Outline planning permission was agreed in April subject to s.106. Many of the matters suggested in the comments for this site will have been decided or will be in the process of being decided and is therefore not relevant to the Local Plan.

- 5.36 Land at the Willows and Elm Hall Cottages have been put forward for inclusion within the settlement boundary, this is shown as WITN 632. These plots are already developed and there would be limited scope for intensification, as such there appears to be little benefit from inclusion within the development boundary but little reason for exclusion as well. As Land at Conrad Road has not yet gained full permission and is not built-out, boundary alterations would be premature however inclusion may be appropriate within a future review of the Local Plan.

Recommendation 38 – That WITN426 remains allocated and WITN632 remains outside the development boundary.

Land East of Cressing Road (WITN428a)

- 5.37 This is a new site submitted the draft consultation but was once part of a larger site of 67ha development proposed between Cressing Road and the agricultural reservoir.
- 5.38 An objection to the draft Local Plan was received from the developer who are now proposing 300 dwellings on a 9.8ha site. Following review of landscape constraints the site was reduced compared that submitted to the SHLAA (1,500 dwellings).
- WITN 428[a] is a logical extension to Land north of Conrad Road and is on ecologically low value land.
 - Access can be achieved from Cressing Road and further highways information is being prepared.
 - Site is in a sustainable location, is close to schools and the railway station.
- 5.39 Officers comments:
If added to land north of Conrad Road, this site would expand the total allocation at this part of north Witham to 450 dwellings. Although immediately adjacent to an allocated site this extension has very different landscape characteristics and highways access.

A larger allocation for land to the north-west of Conrad Road was considered in April for 1,500 dwellings but was not recommended by officers. Reasons

included the scale of development and the medium to low landscape capacity. Witham Town Council also objected to this scheme. This smaller allocation for 300 dwellings would generate less private vehicle movements but local highway congestion in the centre of Witham remains a serious issue. However it has similar landscape character sensitivity as its larger iteration.

The development wraps around the northern edge of Land at Conrad Road and Rickstones Academy. Landscape capacity here is medium to low compared to medium to high for Land at Conrad Road. The development would disrespect existing field boundaries and intrude into the open countryside. It would be highly visible from Cressing Road, impact on the character and beauty of the countryside, and it would likely take 10 or more years to establish any mitigation measures such as boundary treatments. For these reasons, officers do not recommend allocation of this site.

Recommendation 39 – That WITN428a, land at Cressing Road remains unallocated.

8 Collingwood Road (WITC424)

5.40 No.8 Collingwood Road is not identified for housing, it is retained for 'business use' in accordance with the recommendation of the recent Employment Land Needs Assessment 2015. The owner is objecting to this designation and is seeking to convert the building into residential use:

- NHS property services own the building, noting its poor standard prohibitive cost of refurbishment.
- Site is surrounded by town centre uses, is edge of centre and north of the site is increasingly residential therefore it is unsuitable for Business Use allocation.
- Smaller, flexible space is required for small and medium sized businesses and this building is uncompetitive within the market, evidenced by its current vacancy rate.

5.41 Officer comments:

An application for change of use prior approval (COUPA) application was submitted in September but withdrawn by November. Approval of a COUPA to change use from B1 to C3 would pre-empt the Council's effort to identify a formal employment site.

5.42 Collingdale Road links the town centre with the railway station and is a sustainable location for either employment or residential uses. It is within the town centre boundary and the conservation area although the COUPA implies that external alterations would not be required.

- 5.43 Officers disagree with the developer that recent changes to the character of the area, increasing changing to residential, renders this site unsuitable for an employment allocation. Town centres are areas where a mixture of uses is common and mixed uses are encouraged by the NPPF. Officers are concerned that loss of B1 would further erode town centre footfall and increase vehicle movements elsewhere.
- 5.44 The Employment Land Needs Assessment (ELNA) identifies the site as part of an employment cluster of medium office units where access to facilities and amenities, alongside good access to public transport, provide a suitable location. Quality of environment and condition of buildings in this cluster was observed to be good with low vacancies. Should this site be lost, replacement B1 employment will have to be found elsewhere in the district and given land constraints this is likely to be edge of centre.
- 5.45 Officers consider that the site is highly sustainable for retaining as business use. The ELNA states that and that the site provides accommodation for SMEs. In addition, there is a lack of evidence to show that refurbishment for office use would be unviable. Therefore it is recommended that this site identification is unaltered.

Recommendation 40 – That WITC424 land at Collingwood Road, remains allocated for employment uses.

Land off Forest Road (RIVE 360, 366a and 366b)

- 5.46 RIVE 360 is also known as North East Witham, phases 1 and 2 have been granted planning permission for a hybrid scheme totalling of 370 dwellings. Phase 3 (RIVE 366a and 366b) is being promoted for land further north of phases 1 and 2, and would expand the allocation by another 350 dwellings. The following consultation comments actually relate to phase 1 and 2, but not specifically phase 3:
- Witham & Countryside Society are supporting phase 1 and 2 of this development.
 - A cycleway/footpath should be included across the development and connected to the Cut Throat Lane.
 - Residents should be given free bus travel, including a combined bus and railway ticket.
 - Housing mix should meet existing proportions of family and single story dwellings for Witham.
 - One objector stated that they cannot register with a doctor or a dentist and appointments are in excess if three weeks.

- 5.47 An objection to the draft Local Plan was received relating to the promotion of phase 3 for development:
- SP6 implies that growth will be distributed existing settlements, principally Witham and Braintree, proportionately. Allocations at Ferring (pop 2,500) and Garden Communities are not proportionate to these settlements. Likewise, Witham (pop 25,000) should have increased allocation.
 - This site is highly sustainable and could deliver new homes in the middle years of the plan period, to meet any shortfall that could occur to the east of Great Notley.
 - No infrastructure is required to enable development.
 - Phase 3 is closer to main employment areas will benefit from amenities delivered as part of phase 1 and 2. Rivenhall Oaks Golf Centre also provides recreation facilities.
 - Land is reserved for a local health centre.
 - The A12 improvements are more certain than the A120 improvements.
- 5.48 Parish Council comments (13th April):
Rivenhall Parish Council opposes this proposed new allocation. It would be a major loss of the agricultural land between Witham and Rivenhall and would add to the more than doubling of the population of the parish already committed to in site RIVE 360.
- 5.49 Town Council comments (13th April):
Land in the Parish of Rivenhall, not sustainable as there is a lack of infrastructure to make the development sustainable.
- 5.50 Officer comments:
Members may recall that Phase 3 was discussed at the Local Plans sub-committee meeting on 13th April, where a large number of comments from residents opposed to the development were also considered. Convalescence with Rivenhall, impact on the local wildlife site, impact on protected lanes and wider traffic impacts were reported as issues.
- 5.51 A masterplan for phase 3 was submitted which includes summaries of various site surveys. Officers note that an ecological corridor would be created for the local wildlife site and the Rivenhall golf club would form the new eastern boundary of the site. The open space provision would provide some relief to Rivenhall Old Rectory, which is a listed building, and local wildlife site which otherwise would be completely surrounded by development. A range of protected species have been identified on site, including great crested newts,

although mitigation measures are proposed. The site has medium to low landscape capacity.

- 5.52 Officers conclude that the issues for not allocating the site in the draft Local Plan continue to be unresolved, in particular, coalescence, impact on Rickstones Road and the Local Wildlife Site. No change is required to the local plan in respect to this site.

Recommendation 41 – That the allocation for RIVE360 is retained and that RIVE 366a and 366b remain unallocated.

Kings Chase (No SHLAA Reference)

- 5.53 Kings chase off Newlands Street includes the former co-operative department store which was vacated several years ago and land to the rear of these units.
- 5.54 General comments:
- The old Co-op building in Newland Street should be converted into apartments with room for parking and an expansion to the rear.
- 5.55 Witham Town Council:
A special designation is required to improve the current waste land to the rear of the former furniture store and adjacent buildings in Newland Street.
- 5.56 Officer comments:
Redevelopment or refurbishment potential was identified in the 2012 Braintree retail study which assessed this site having a gross capacity for an additional 1,000 sqm. Refurbishment proposals would be dependent on finding an occupier for a large floorspace in a secondary location. An update to the retail study in 2015 found an oversupply of convenience retail space with only a small requirement by 279 sqm (gross) by 2033. Comparison is also constrained with capacity of just 1,099 sqm. This reflects prevailing retail trends which favours larger regional and sub-regional centres.
- 5.57 Given these identified retail trends, comprehensive mixed use redevelopment could create the best environment to attract non-A1 or food and drink occupiers as it is unlikely that the current premises' are fit for purpose.
- 5.58 A site allocation for retail and town centre uses was retained from the Site Allocations and Development Management Plan DPD but this no longer specified as part of policy LLP13 Retail Allocations in the Local Plan. Given the redevelopment potential, officers recommend that the site is added into LPP13 and a new policy is created containing the text as shown in the Appendix.

Recommendation 42 – That Kings Chase is identified as a Comprehensive Development Area subject to the policy set out in this report

Comprehensive Redevelopment Area - Kings Chase

Kings Chase is a key walking and cycling link between the Town Centre and Maldon Road Park however the buildings adjacent to the lane were vacated by a department store and require regeneration. Redevelopment should take up opportunities for public realm improvements to upgrade Kings Chase to a shared surface, improve legibility and create a more active frontage along Kings Chase.

Kings Chase is located in a Critical Drainage Area (CDA) as defined in the Braintree and Witham SWMP. Any developments should address the drainage infrastructure deficit in its immediate area.

LPP Comprehensive Redevelopment Area - Kings Chase

Buildings adjacent to Kings Chase, Newland Street in Witham is allocated as mixed-use redevelopment where a combination of retail and residential uses will be supported.

Proposals will have to meet the following requirements:

- *Retention of A class retail uses along the secondary retail frontage.*
- *Provision of C3 residential use.*
- *Adequate parking for a Town Centre location.*
- *Protect and enhance the character of the Conservation Area.*
- *Satisfactory service access can be achieved.*
- *Public Realm improvements to Kings Chase*

Newlands Precinct (No SHLAA reference)

- 5.59 Redevelopment of 1960s Newlands Precinct is expected within the plan period and this policy requires the production of a development brief which will provide supplementary detailed guidance for proposals. Identification of this shopping centre as a policy area is being carried forward from the 2005 Local Plan and the Core Strategy.
- 5.60 Two comments in support and three general points were received during the consultation:

- Support from owners of the Newlands Shopping Centre, however a development brief is not necessary as pre-application discussions can equally guide and influence the redevelopment.
- Suggest rewording as follows 'The Council requires pre-application discussions to take place between the applicant (and applicants if relevant) and Council to explore redevelopment opportunities. Pre-application discussions should cover a number of points including those listed below'
- Point 1 of LPP14 should be driven by market forces, provision of a mix of retail uses should be required instead.
- Policy should include pedestrianisation of Newlands street from the Police Station to the Chippy roundabout. Scheme would bring benefits to business and safety, upgrades to roads affected by diversion.
- Support for mixed-use regeneration, Forest Road Phase 3 could make a proportionate planning contribution towards the regeneration of the public elements of this important town centre site

5.61 Statutory Comments:

- Historic England welcome the reference to the conservation area in paragraph 6.62
- Historic England also support the requirement for a development brief which respects the historic environment.
- ECC stated that Newlands is within a critical drainage area and this policy should refer to SuDS mitigation.

5.62 No comments received from the Town Council specific to this policy.

5.63 Officer comments:

The 2015 retail study states that the town centre should be focus for comparison and restaurant uses. By 2033 around 3,300 sqm (gross) of mainly comparison retail, food and drinks establishments will be needed. A small, insubstantial requirement for A1 convenience was identified which indicates that new provision for a mix of retail and service/leisure uses will be more appropriate.

5.64 Although the majority of ground floor units within the Newlands shopping precinct are occupied, there are a number of dispersed vacant units and the centre needs refurbishment. The study identifies that an extra 2,000 sqm could be released through redevelopment/extension. Newlands shopping centre continues to detract from the overall appearance of Witham Town Centre and could be an opportunity for enhancement in the medium to long term.

- 5.65 Whilst Historic England supports a development brief for the site, the sites agents are opposed on the basis that it is unnecessary. Removal of the requirement could potentially speed up delivery of the site, however it would be necessary to ensure that development proposals were appropriate for a location within a conservation area and in close proximity to listed buildings. As such an additional criterion is proposed to further highlight this critical issue, in addition to other conservation and heritage policies in the plan, to emphasise the need to address conservation and heritage issues during the drafting of re-development proposals.
- 5.66 Officers recommend the following amendments to the policy to improve its effectiveness and compliance with national policy. These changes are shown in a revision to policy LPP14 as shown in the appendix.
- Inclusion of a Doctor's Surgery
 - Inclusion of SuDs requirements
 - Amend point 1 to include a mix of retail, service and leisure uses.
 - Allow greater flexibility in the policy for an application for either a doctor's surgery or the redevelopment as a whole to come forward in advance of a development brief.
 - Amendment to address Historic England concerns regarding the conservation area should development come forward in advance of the brief.

Recommendation 43 – That Newlands Precinct is retained as a Comprehensive Development Area subject to the policy LPP14 as amended and set out in this report.

LPP14 Newlands Precinct

6.62 Newlands Precinct shopping centre in Witham town centre is one of the main shopping areas in Witham and includes a wide range of shops selling food, gifts, clothes and other goods. The centre dates from the 1960s and would benefit from refurbishment or redevelopment of both the buildings and the public realm areas. The car park and other land to the rear of the site is included within the policy area to allow for a comprehensive redevelopment of the whole area. Redevelopment will need to respect and enhance the Conservation Area in which the site sits.

LPP14 : Comprehensive Development Area - Newlands Precinct

Land at Newlands Precinct, Newlands Drive Car Park, Lockram Lane and Coachhouse Way is allocated as a Comprehensive Development Area for mixed-use development, where a

combination of retail, employment, leisure, medical provision, community facilities, car parking and residential uses will be allowed.

Newlands Precinct is located in a Critical Drainage Area (CDA) as defined in the Braintree and Witham SWMP. Any developments or extensions should address the drainage infrastructure deficit in its immediate area.

A development brief will be **produced to guide the** ~~required for the whole site prior to any redevelopment, which~~ **The brief and any proposals in advance of the brief** should address all the following **issues:**

- Provision of convenience and comparison retail uses
- Refurbishment of Newlands Shopping Centre,
- Provision of residential uses,
- Satisfactory service access,
- Appropriate provision for any displaced parking,
- Enhancement to the frontage to Newland Street, the conservation area and the setting of listed buildings,
- Retention of pedestrian access through Lockram Lane,
- **and;**
- Public realm improvements.

Land south of Newlands Street / off Kings Chase (Gimsons WITC421)

5.67 Site WITC421 is also known as Gimsons which describes the house at the centre of the estate but this house is not actually included in the development. The development site is 3.23ha in size and has been proposed for a development of 70. The site lies to the rear of Kings Chase, Newlands Street and was previously identified as visually important spaces in the 2005 Local Plan Review.

5.68 The following responses were submitted for this site:

- There is no satisfactory access, access via River View from Maldon Road would impact on the river walk which is unacceptable.
- Support for the allocation from the developers, the site deliverable and developable and complies with paragraph 23 of the NPPF and ensures the vitality of the town centre.
- The Witham & Countryside Society have commented to say there is no justification for change from a visually important space.
- The land is adjacent to the Park and access is both difficult and controversial.

- Site should be considered for a care home with access via King's Chase and sited close to the rear of the Newland Street.
- The grounds closer to the River Walk should be laid to gardens. Oppose any proposal to destroy the environment next to the River Walk by construction of an access road from Helen Court.
- Objection as the proposal is unacceptable, it's an area of natural visual importance and access via River View has problems.
- One objection stated that the house should be extended and used as a health centre and the remaining area planted as woodland for community use.

5.69 As statutory consultee, ECC have made the following comments:

- S106 contributions will need to be sought to expand an existing facility, with a project to be identified.

5.70 Town Council Comments:

- Suggest that a policy is required to ensure development is successful and sustainable.
- Improvements to pedestrian and cycle links through Kings Chase can be attributed to a site specific policy.
- Site should be sensitively developed and at lower density than normal.
- Previously said there is potential for a low density sympathetic development to contribute to the improvements of the frontage onto Newland Street.

5.71 Officer comments:

Members will recall that this site was discussed at the April 13th Local Plans sub-committee meeting. The site was recommended and approved for an allocation of 40 homes but the original 70 proposed by the developer was rejected. Allocation was subject to access to be achieved from River View to the south.

Although the site is adjacent to the town centre with good access to services and facilities, a number of constraints exist on site particularly regarding character and TPOs. A tree-lined drive to Gimsons on the northern half of the site exhibits a strong country estate character. The house itself is not being promoted for development however impact on its character will need to be incorporated in the design and layout. Constraints also exist to the south of Gimsons as this parcel contains many mature trees, is potentially ecologically valuable and is well connected to wildlife corridors.

Officers believe that access can be achieved from the south without damaging River View Meadows local wildlife site. However, there would inevitably be a

loss of open space as extension of access from River Walk over parkland would be required. This could potentially be offset by replacement provision on-site and a network of pedestrian and cycle links across the site. An opportunity exists to secure significant open space for public use, improve the existing footpath and cycleway network, improve safety and lighting and contribute to public realm improvements at Kings Chase.

One respondent suggests the site is suitable for a care home but no evidence of interest from providers has been received. A standard allocation would ensure expedient delivery and contribution to the five-year land supply without ruling out residential. Conversely, an allocation of up to 40 dwellings does not rule out provision of retirement living units which could be accommodated in higher density to the south of the site.

Given the opportunities and constraints in relation to this site, officers are recommending that a policy is added to the local plan to guide development, provide certainty and secure enhanced public benefit from this site.

Recommendation 44 – That WIC421 is retained as a residential site subject to the policy as set out in this report.

LPP Residential Allocation Area - Gimsons

Land off Kings Chase, Newlands Street has been identified for a residential development requiring special policy to encourage development due to its opportunities and constraints.

Gimsons is located in a Critical Drainage Area (CDA) as defined in the Braintree and Witham SWMP. Any developments should address the drainage infrastructure deficit in its immediate area.

The site does not include Gimsons house however the character of the area must be reflected in any proposals. A higher density may be acceptable adjacent to Helen Court care home.

Residential Allocation Area - Gimsons

Development at land identified at Gimsons will be supported subject to all of the following requirements:

- 40 new homes,*
- Provision of vehicular access from River View,*
- Provision of safe, direct pedestrian and cycle access from Kings Chase*

through to River Walk,

- *Contributions towards public realm improvements at Kings Chase,*
- *Provision of formal and informal public open space,*
- *Retention of the visual integrity of the character and setting of Gimsos, and its access,*
- *Adequate protection and enhancement of protected trees, local wildlife sites and ecological integrity of the river view corridor, and*
- *Enhancement of the parkland setting of Gimsos.*

Rickstones Neighbourhood Centre (WITN429)

- 5.72 Land at Rickstones Neighbourhood Centre, Laburnum Way/Dorothy Sayers Drive is an underused plot with negatively designed shopping parade and poor quality public realm. Garages, a pub, residential flats and a parking area is included within the boundary. The site is subject to a longstanding policy with an adopted Development Brief SPD in September 2010 for detailed guidance.
- 5.73 No comments were received on Policy LPP15
- 5.74 Town Council Comments (13th April).
Keen to see regeneration of the flats and shops in Dorothy Sayers Drive.
- 5.75 Officer comments:
Policy LPP15 did not receive any comments during the consultation, therefore this site will be retained as a Comprehensive Development Area. Officers have suggested an amendment to the policy text as shown in the Appendix to improve clarity and compliance national planning policy.

LPP15 Rickstones Neighbourhood Centre

6.63 Rickstones Neighbourhood Centre is an important neighbourhood area for north Witham, providing local shops and facilities. A development brief for this site was prepared in 2009 and was subsequently adopted as a Supplementary Planning Document in 2010. The site includes local shops, a take-away, a public house, a pavilion, car park and garages. The redevelopment of the site could enable improvements of the public realm, through the introduction of new and improved community uses.

Recommendation 45 – That WIC429 is retained as Comprehensive Redevelopment Area subject to the policy as set out in this report

***LPP15: Comprehensive Redevelopment Area - Rickstones
Neighbourhood Centre***

Land at Rickstones Neighbourhood Centre, Dorothy Sayers Drive, Witham is allocated as a Comprehensive Development Area for a mixed use development where a combination of retail, community uses, public house, pavilion, and residential development and car parking will be supported.

Development of the Comprehensive Development Area should be in accordance with the principles of the adopted Supplementary Planning Document.

Land between Blunts Hall Road and Teign Drive (WITW431)

5.76 WITW431 is 1.71ha of semi-natural open space to the west of Witham. This site was allocated in the pre-submission Site Allocations and Development Management Plan for 40 dwellings.

5.77 Support:

- A representation in support was received from the developers stating that the site will increase supply, enhance choice and make effective use of assets. Legal and technical due diligence has commenced and discussions concerning access are being undertaken with Essex County Council to find the appropriate design and density that can be accommodated by surrounding highways infrastructure.

5.78 Around 25 objections were received on this site for the following reasons:

- Lack of satisfactory access due to the railway bridge reducing road width to single lane and highway safety on Blunts Hall Road. Concern that construction traffic would not be accommodated due to bridge height.
- An objection was received for alternative access via Teign Drives as this would cut the drive, impact on sense of community, result in loss of garages and reduce the amount of parking spaces. Building a new access road across the existing drainage ditch would necessitate the destruction at least two of the mature trees which run in an unbroken line along the ditch on the north of the site. Humber Road has severely restricted access at times due to refuse vehicles and has weight restrictions.
- Prior applications have been refused due to access. Policy LPP28, which states 'the adequacy of access and *the local road system to*

accommodate the traffic likely to be generated', should be taken into consideration.

- Highways safety, in particular pedestrian safety and danger to vulnerable people were a 'significant' concern. There are a two blind bends and a lack of passing places for vehicles along Blunt Hall Drive.
- Objection due to increase in traffic, air and noise pollution which would decrease the resale value of property.
- Many objections stated that Blunts Hall Road is a protected lane which was extended to the town boundary and should be extended further to include the hedgerow. The hedgerow itself is protected.
- A Scheduled Ancient Monument, a Norman motte and bailey site, is located nearby and a full archaeological survey should be required. Historic artefacts have been recovered from this site e.g. a 1st century coin has been found in the vicinity of the area.
- A flora and fauna examination for endangered species should be carried out. The vegetation on the site should be taken into consideration in accordance with LPP28.
- The character of Humber Road Estate would be affected which would become urban sprawl and a decline in property value.
- Objection based on a lack of consideration for increased strain on medical provision and increased pressure on medical staff. The local GP surgery is not accepting new patients.
- Development would result in loss of 'community leisure space' and increase risk for leisure users of Blunts Hall (walking, running and cycling clubs).
- One objector said the site should be given to the community for use as allotments, another said it should be for recreational purposes and some others for a little nature reserve in the form of a little woodland or meadow. It was suggested that the land is gifted to the Woodland Trust to manage.
- This popular community area should not be developed for the sake of 40 houses when there are other safe, more accessible areas.
- The design at 40 dwellings could not be in harmony with the surrounding area, this would be contrary to LPP46 which states: 'The scale, layout, density, height and massing of buildings and overall elevational design should.... be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline in the locality'
- The access through Teign Drive would adversely impact on residents who will lose parking, a central play area and informal recreation areas, this would be contrary to LPP46 which states: 'There shall be no undue or unacceptable impact on the amenity of

any nearby residential properties including on privacy, overshadowing loss of sight and overbearing impact'

- Flood risk - On many occasions over five years, surface water flowing off the southern end of the farmer's field has overwhelmed the drainage ditch flooding the informal recreation area to the north and on one occasion, a residential property.
- Concern that development would lead to coalescence.
- The Witham & Countryside Society have objected to these proposals as access is impossible and to retain Blunts Hall Road as a quiet lane.

5.79 Statutory consultees have made the following comments:

- S106 contributions will need to be sought to expand an existing facility, with a project to be identified.
- Contribution towards increasing capacity for local Primary Care facilities most likely to be in the form of a new primary care centre for the benefit of the whole community.

5.80 Town Council Comments (13th April).

That WITW 431 – Land off Blunts Hall Road, should be allocated for allotments as there is a problem with access. No further comments in draft consultation.

5.81 Officer comments:

Officers reported in April that this site is suitable in principle subject to appropriate access subject to review when further highways work is carried out. The level of local interest in this site is commendable and largely focuses on the issues with access via Blunts Hall Road. This is evidently constrained by the railway underpass and residential parking along Blunts Hall Road.

5.82 Since the publication of the draft Local Plan, officers have yet to receive any detailed highways study to show that access for 40 dwellings can be made acceptable. The landowner has stated that technical due diligence is being undertaken however there is no indication over what technical evidence will eventually say.

5.83 Officers consider that detailed work could come forward to support a potential future planning application and therefore propose to retain the allocation.

Recommendation 46 – That the allocation for residential development at WITW431 is retained.

Wood End Farm (HATF315 & HATF316)

- 5.84 Located on a field adjacent to Lodge Farm, Wood End is a western extension with access and education reliant on the Lodge Farm permission. An allocation of 450 dwellings was approved with policy LPP21 which co-ordinates development and ensures that appropriate landscaping is implemented.
- 5.85 Only one non-statutory comment was received and it was an objection:
- Allocation should be withdrawn as it would block the route of suggested western by-pass.
- 5.86 Statutory Responses:
ECC note that 450 homes would generate demand for up to:
- 41 additional early years and childcare places
 - 135 primary school places
 - 90 secondary school places
- 5.87 As a result, developer contributions are required for additional places at the new primary school at Lodge Farm and at Maltings Academy/New Rickstones Academy. The development will require land and contributions for a new 30 place early years and childcare facility. In addition, localised points of potential flood risk has been identified which could be mitigated by SuDS.
- 5.88 Town Council comments (13th April):
- That HAT 315 – Land to the south of Lodge Farm has potential but road improvements would be required before development was sustainable.
 - That HAT 316 – Land to the south of Lodge Farm would be suitable for development.
- 5.89 Officer comments:
The proposed route for a western bypass to Witham would provide access to the site and relieve the Town Centre, but not Chipping Hill. Although likely to bring some local highways improvements, there are no feasibility studies and the project remains uncoded. The route does not feature in any plans or prospectus and therefore cannot be safeguarded from development.
- 5.90 Officers accept the additional wording suggested by ECC regarding education and flooding issues, this has been incorporated into Policy LPP21.

Recommendation 47 – That the allocation as a strategic growth location at HATF315 & HATF316 is retained.

LPP21 Wood End Farm

6.78 *This site is adjacent to the currently allocated Lodge Farm site and on the opposite side of the road from the Maltings Lane development which is coming close to completion. The site should contribute to and enhance the facilities, which are already being provided in this area to provide a comprehensive and well-planned gateway into Witham.*

LPP21: Strategic Growth Location - Wood End Farm, Witham

A Strategic Growth Location has been identified at Wood End Farm, Witham and is shown on the Proposals Map. Development will be expected to provide;

- *~~Up to~~ 450 new homes of a mix size and type appropriate to the area Affordable housing as per the Council's requirements,*
- *Formal and informal open space, play space and allotments including an appropriate countryside edge to the development and buffering to the railway line,*
- *~~A site for or~~ Contributions to a new primary school and ~~contributions to a~~ **site for a 30 place** early years **facility** and secondary education, and*
- *Contributions to other community facilities including health provision as required by the NHS.*

Appropriate vehicular access and improvements as necessary to local road network. Contributions and a route for a cyclepath/footpath between the site and Hatfield Peverel railway station.

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

Recommendation 48 - Approve Inset Map 2a and 2b for Witham to be amended as shown in the Appendix.

6 Hatfield Peverel

6.1 This report covers Inset Map 36 Hatfield Peverel which is identified in the plan as a 'Service Village'. This means that it has a good range of local day-to-day services and public transport links to enable sustainable access to centres of employment and retail.

- 6.2 Hatfield Peverel has a relatively high number of alternative sites and a complex history of planning applications on some sites. The draft Local Plan allocated one site at Sorrells Field with a capacity for around 40 dwellings. Among others in the draft local plan process, HATF314 Stone Path Drive and HATF312 The Vineyards were considered by the Council, but not allocated for development. Since publication, significant capacity for residential development on brownfield sites within the development boundary has emerged on the former Arla Dairy Site (HATF608). If combined with Sorrells Field, Bury Farm and land to the rear of Station Road, there is potential to accommodate around 250 new dwellings north of the A12.

Responses

- 6.3 A total of 53 comments have been received in the consultation, 22 are in support, 15 are objections and there are 16 general comments. A number of comments were sent as objections to the alternative sites were converted to support for the current planned growth.
- 6.4 Four sites have been submitted to Draft Local Plan process as new sites to be considered for allocation by the Council.
- HATF602 Site bounded by Church Road & Crabbs Hill
 - HATF608 Arla Dairy
 - HATF609 Land between Hatfield Peverel Cricket Club and Sportsman Lane
 - HATF630 Bury Farm
- 6.5 All new sites are described as part of this report, and shown on the Inset Map in the Appendix. Hatfield Peverel Parish Council was invited to comment on each site and their comments can be viewed on a site-by-site basis.
- 6.6 Comments in support of the draft Inset Map are summarised as follows:
- Allocation of site HATF 313 Sorrells Field is supported by the developer. This site includes an allocation of structural landscaping on the Policies Map however there is concern that structural planning is not the most effective and efficient way of achieving visual and noise screening for the A12. Reference was made to noise mitigation through site design and layout at London Road (see 15/01193/FUL), by spreading buildings along the boundary to shield the rest of the site. To most effectively contribute to the district's housing need, the whole of the site should be allocated.
 - Sorrells Field is well contained and was allocated in the draft ADMP, in addition some noise and environmental issues have dissipated with the closure of the Arla Dairy Factory.

- Support was expressed by around 14 consultees for HATF313 and brownfield sites Arla Dairy and Universal Garage, however equally as many did not support any of the alternative sites. There is strong objection to HATF314 Stone Path Drive, this field is used and valued for informal recreation.
- Some comments stated that there should be a comprehensive masterplan for HATF 313 and Arla which can address traffic management issues on Hatfield Peverel High Street.

6.7 Summary of comments in objection or promotion of other sites:

- Object to the proposed Village Envelope, the rear of the gardens on the west of Station Road (approximately 700ft long) should be within the village envelope. This is a sustainable location with good transport links and does not result in the loss of any public amenity. Suggest that owners could be allowed to build retirement bungalows.
- Object to the allocated site, Site HATF 403 on land west of Ulting Road in Nounsley should be allocated instead.
- Site HATF 314 Land at Stone Path Drive should be allocated for development of 130 dwellings and a substantial area of public open space. These proposals would enhance the setting of grade 2 listed buildings to the north.
- Reject HATF 217 and HATF 321 as they would cause unacceptable traffic and local public service impact, propose HATF 602 instead. Site was once part of the garden of Stratford House, now disused and overgrown. Development would be small, mixed, energy-efficient and use eco-friendly materials. Mature trees and screening to be retained.
- Universal Garage on The Street is designated as a local centre which allocates the site for small-scale shops, services and community facilities. The landowner, who is promoting the site for residential, has objected because there is a lack of evidence suggesting a need for additional shops and because changing from current use to local centre uses would be unviable.
- HATF321 is being promoted for 450-500 dwellings on land south of the A12. The developers said there were no ecological or heritage concerns and existing water features would be improved and enhance as part of the scheme.
- The developers of HAT321 disagree with the Council's justification for rejecting this site due to access and submit that this does not undermine the site's sustainability. The indicative masterplan shows how access could be delivered and benefit the local network by providing a highway link between the A12 and the B1019.

- General objections due to medical provision – doctors are overstretched. Waiting times for a preferred doctor can be up to 6 weeks.
- General objections due to primary education capacity – school at Hatfield Peverel is overstretched. Travelling to Witham for secondary education is not sustainable.
- General objections due to highways infrastructure capacity – roads. Not enough emphasis on the impact on junctions as a result of development at Hatfield Peverel in the Local Plan. Traffic from Maldon is growing impacting Church road and Maldon road. Commuters parking cars on Church road is a problem.
- There is a lack of job opportunities in the village. Residents have chased jobs in Witham and Chelmsford but most are unsuccessful.

6.8 General comments:

- Some commented that HATF314 should not be retained as an alternative; the site is important to villagers and should be protected against development. It is greenfield when there are brownfield sites available. A small number of residents stated that Arla should be developed first before considering this one.
- HATF 608, Arla Dairy may be suitable for low density housing and integrated with Sorrells Field. However, the redevelopment has poor access and plans should include employment opportunities.
- Other responses said that development on the Arla site, close to the station and two bus stops, would have minimal negative impact on the road network.
- HATF 602 & 609, Crabbs hill is accessed by a narrow country road with no footpaths, poor visibility and subject to flooding, development along here would make the lane dangerous and discourage walking. Sportsman lane is a Protected Lane and also regularly flooded. Development would have a negative impact on wildlife, farming land and landscape character.
- HATF 602 was suggested before and rejected at that time.
- The junction of Crabbs Hill and Church road is one of the most dangerous points in the road. Alternative sites HATF 614, 602 and 609 would all generate additional traffic on Crabbs Hill.
- There is enough brownfield land to meet the needs of the village.
- A few responses noted that HATF 315 and HATF 316 are in the parish of Hatfield Peverel and should count towards its 'quota'.
- HATF317 and HATF321 should be excluded because the development of both would double the size of the village and fill in the separation between Hatfield Peverel and Witham, creating urban sprawl. They would have unacceptable effects on public services and HATF317 was already refused planning permission due to access.
- HATF311 and HATF312 would require access via new slip roads on the A12.

- A community park in Wickham Bishops Lane should be identified in the Local Plan.
- The nursing home at Crabbs Hill should be identified as such.
- The neighbourhood plan reflects the wishes of residents for small scale housing developments and respect for visually important areas.
- Hatfield Peverel is not a key service village because it lacks appropriate infrastructure.
- There is no need for alternatives as BDC already has enough houses identified in the trajectory for a 6.4 year housing land supply.

Statutory comments:

- 6.9 Terling and Fairstead Parish Council have commented that comprehensive masterplan with HATF 313 and the Arla site should include consideration for increasing traffic travelling via Terling. In light of the proposed allocations at Great Leighs by Chelmsford City Council, traffic management and traffic routing to ease congestion at the T junction at Hatfield Peverel High Street should be considered. Additional station car parking should be planned.
- 6.10 Hatfield Peverel Parish Council and the Hatfield Peverel Neighbourhood Planning steering group have not made any new comments to the Local Plan consultation. Comments made to the call for sites consultation as reported on April 13th 2016 are included later on a site-by-site basis.
- 6.11 Hatfield Peverel Neighbourhood Development Plan (NDP) has reached regulation 14 stage and completed a consultation on the draft plan. The NDP does not allocate any housing in the draft NDP but it does identify a green wedge for the prevention of coalescence to the east of the village. Since the completion of the consultation the NDP has been modified to include a potential allocation at Arla Dairy. Officers will continue to engage with the NDP process to ensure that it generally conforms with the Local Plan as both plans emerge.
- 6.12 ECC as the education authority, the highways authority, lead local flood authority and a statutory consultee have made the following comments:
- At the Maldon Local Plan examination it was agreed that issues at the junction on The Street/B1019 related largely to long term concerns about the impact of growth across the region, and not specifically the Maldon Local Plan. Upgrades to the A12 would improve its reliability and ensure a limited level of queuing at the junction. In addition a combination of the public transport improvements proposed to support the Maldon District Council Local Plan through its site allocations would provide some short term relief. More significant mitigation options are limited given minimal land availability between development and roadway; the character of the locality, and

proximity to the A12 slip lanes reducing the opportunity for increased signal timings.

- 6.13 As ECC have only considered 40 dwellings at Sorrells Field and not a larger development of over 200, no specific education comments or site specific highways comments were submitted. The NHS have also declined to make specific comments on Hatfield Peverel.
- 6.14 Historic England support the proposals for Hatfield Peverel and have commented that site HATF 314 could have an impact on the settings of Hatfield Place (grade 2*) and the Crown Public House (grade 2). For these reasons this site should not be taken forward in the Local Plan.
- 6.15 At the Local Plan Sub-Committee on the 25th May 2016, officers recommended and it was agreed that HATF 313 would be allocated for residential. HATF 314 was recommended by officers but this allocation was not approved.

Officer Comments

- 6.16 Before the Plan can be adopted, allocations in the draft Local Plan will be examined in public by an Inspector appointed by the Secretary of State. Officers will have to demonstrate that policies and allocations are sound, this means policies must be positively prepared, justified, effective and compliant with national planning policy.
- 6.17 The Local Plan is based on a spatial strategy which directs development towards the most sustainable locations. Hatfield Peverel is a key service village on the A12/Great Eastern Mainline corridor. No quantum of development is defined for Hatfield Peverel in the Local Plan and implementation of quota would be difficult to justify, not be positively prepared and is contrary to the NPPF. In all circumstances development will be tempered by infrastructure and environmental constraints.
- 6.18 Broad, general objections against any development at Hatfield Peverel and Nounsley were received on grounds of medical, primary education and highways capacity, and a lack of employment opportunities.
- 6.19 Regarding healthcare, the NHS have confirmed that there is an overall capacity deficit and are requesting a formula-based contribution while a options appraisal is being undertaken to determine the best configuration of GP services. Officers are satisfied that this approach is sound.
- 6.20 Through recent planning applications, ECC have confirmed that there is a limited capacity of school places for primary aged children, this is equivalent

to 6 places by 2019/2020. There is also limited physical space to expand the in Hatfield Peverel. Subject to housing mix, development of 40 houses will generate demand for around 10 school places. With a shortfall in the short term, new primary school children arising could be accommodated at Witham. A development of 250 dwellings would generate demand for around 66 pupils. However, officers are exploring all available options and have commissioned ECC to undertake options appraisal for additional sites.

- 6.21 Hatfield Peverel straddles the A12 strategic highway with a split junction which utilises The Street to link the on and off slips. In a joint statement to the Maldon Local Plan, all parties are of the view that local highways issues at Hatfield Peverel are related to long term regional growth and the reliability of the A12. ECC have not made any specific comments on the impact of 40 dwellings and officers have received no additional evidence that this growth would severely overburden local highways.
- 6.22 The Braintree Employment Land Needs Assessment 2015 predicts the likely nature of future for employment by using historic trends and local factors or drivers of change. Trends such as increased home working and continued agglomeration around key settlements means that rural employment clusters with indirect access to strategic road links are of a low preference to employers. The assessment suggests that there is no potential for the Arla Dairy site to be redeveloped or intensified, no potential for estate management and no potential to provide lower cost industrial accommodation. Given these factors, the long term protection of employment land would be unrealistic at this location as there is unlikely to be a reasonable prospect of redevelopment.
- 6.23 Many comments highlighted problems with parking. Due to the location of Hatfield Peverel on the Great Eastern Mainline, the village is attractive to commuters who subsequently park on residential streets however additional development is unlikely to have any effect on this pattern of commuting.

Allocations, Alternative Sites and New Sites.

New Site: Arla Dairy, Sorrells Field and Bury Farm

- 6.24 Sorrells Field was already allocated in the draft Local Plan however two new adjacent sites have were received in the consultation:
- HATF 608 – Arla Dairy. This site has been decommissioned and will be demolished shortly. Within the development boundary and redevelopment would be good use of brownfield land

- HATF 630 – Bury Farm. Comprises of a mix of employment land and some cottages immediately west of the development boundary at Bury Lane.

Parish Council View:

- HATF 608 – Arla Dairy. Supported as development of this brownfield site would offer more than adequate housing for the needs for the village. It was supported by HPPC in previous discussions with the Planning Sub Committee when the potential site on Stonepath Meadow was removed in in view of recent closure decision and coming availability of the Arla site
- HATF 630 – Bury Farm. Not supported as Arla site would provide adequate development potential and access to Bury Lane is not required. Bury Lane is subject to speeding traffic coming off the A12 with poor sight lines coming into the village.

Officer's View:

- 6.25 With the loss of Arla Dairy, the village has lost a significant employer where there is limited prospect of the village attracting a replacement. The site was deallocated and left as 'white land' in the development boundary in April 2016 Local Plan sub-committee. Although the loss of employment will negatively impact on sustainability, the village still has excellent transport links to employment centres at Chelmsford, Witham and London. All three locations are expected to grow and generate strong employment opportunities.
- 6.26 By joining the allocated site at Sorrells Field with adjacent sites, there is an opportunity to comprehensively redevelop land at Arla Dairy, Bury Farm and gardens to the rear of Station Road as a whole. Officers have calculated that all sites between the A12 and the GEML could accommodate approximately 250 dwellings in total. There was a good level of support for the allocation of Sorrells Field and a similar level of support for redevelopment of Arla Dairy. However, the Parish Council object to the allocation of Bury Farm.
- 6.27 Developers at Sorrells Field have objected to the allocation of structural landscaping and identified alternative solutions. Officers have agreed to remove the allocation from the Proposals Map but to include structural landscaping within the wording for the policy, this is considered to be more effective.
- 6.28 Given the pressure on car parking experienced at Hatfield Peverel, the comprehensive redevelopment presents an opportunity to expand or intensify the station car park, and improve public transport. The carpark lies north of the site and it is included within the allocation.

- 6.29 As the largest site and the one which is likely to come forward first, Arla Dairy will include adjacent sites within an overall masterplan. Officers are recommending that a policy is used to guide development across the four sites to ensure cohesive and comprehensive development.

Land at Gleneagles Way

- 6.30 Site HATF 317 Gleneagles Way (and HATF 321 Land between Hatfield Peverel and Witham) have attracted comments concerning coalescence between the village and Witham.
- 6.31 The Parish Council did not support this allocation.
- 6.32 HATF 317 was refused permission however no appeal was lodged. Allocation of this site was considered at the Local Plans sub-committee on the 13th April where officers recommended exclusion. Comments from residents have noted that permission was refused on traffic grounds.
- 6.33 The proposed development is on an area of medium landscape capacity and the site is highly visible from the A12. The Hatfield Peverel Neighbourhood Development plan has identified the location as a green wedge for the prevention of coalescence and an Important View. While the NDP is in the early stages of adoption and carries little weight, officers recommend members have regard to landscape and coalescence concerns.
- 6.34 Regarding highways, the Local Planning Authority are in receipt of a Highways England statement confirming that they have no objections regarding strategic highways. For local highways, the developers have stated that they are in discussion with ECC on highways issues in relation to matters of visibility and access however no new evidence has been submitted at the time of writing. ECC have not submitted a new response regarding highways and this matter remains unresolved.
- 6.35 The proposed allocation would be well connected to a range of local services and facilities, and the delivery of housing could be achieved within the first five years. Development would inevitably negatively impact on 'very good', flat, agricultural land and a landscape which has medium sensitivity to change. An allocation would be in conflict with the policies in the emerging Neighbourhood Development Plan. There are outstanding unresolved highways concerns which may mean that the site is undeliverable or not deliverable until matters on the A12 are resolved later in the plan period. Due to its allocation within the Draft Neighbourhood Plan, the concerns regarding landscape and uncertainty regarding highways, officers recommend that this site is not allocated.

Land between Hatfield Peverel and Witham

- 6.36 Advocates for HATF 321 have proposed a large development of around 500 units on 68ha, which is not different from the site considered in April, they have reiterated the site's limited ecological and heritage impact. Development could deliver land for a primary school to mitigate education capacity and contribute towards mitigating highways congestion on The Street.
- 6.37 The Parish Council did not support this allocation.
- 6.38 No comments on this scheme for the Highway Authority have been received and there remains doubt on the deliverability of this scheme. The site is on an area of medium capacity however it will have an urbanising effect on views from the A12 and on coalescence between Hatfield Peverel and Witham and the landscape impact remains substantial. No substantial evidence has been received to address officers concerns and the recommendation is that the site should not be reconsidered.

Land South of Stone Path Drive

- 6.39 A planning application for up to 80 dwellings (16/00545/OUT) submitted in relation to HATF 314 Stone Path Drive is currently subject to appeal following the Council's decision in November 2016 to refuse planning permission for the development. A revised application for up to 140 dwellings (16/01813/OUT) is currently being considered.
- 6.40 The Parish Council did not support this allocation.
- 6.41 One comment of objection was received which was from the developer, who reiterated the site's subdivision into 5.6ha for open space and 4.3ha for up to 130 dwellings (respondent's comment differs from revised application).
- 6.42 This site is clearly appreciated for landscape and environmental value by a substantial number of supporters to the Plan who are against its development. The promoters state the provision of public open space at the north of this site would preserve or enhance the setting of historic assets. Officers acknowledge these points, however note that Historic England (HE) has recommended that this site is not taken forward for allocation within the draft Local Plan. Notwithstanding their response to the allocation of the site, HE did not object to the planning application for the development of the site (16/00545/OUT) and stated that the harm would likely be less than substantial. HE's comments to the draft Local Plan appears to relate to the whole of the site, as submitted to the Local Plan, and may not account for the

open space.

- 6.43 This site was considered by the committee in April. An allocation for residential development comprising 80 dwellings and part for open space which would have regard to the identified heritage assets towards the north of the site was not taken forward. The current planning application seeks permission for up to 140 dwellings and covers a larger developable area than the smaller scheme.
- 6.44 This site sits in an area of medium landscape capacity. The regulation 14 draft Neighbourhood Development Plan identifies the site as within an Important View.
- 6.45 Comments against allocation of this site also noted highways issues however no response was received from ECC on this matter. No objections were raised by ECC Highways in connection with the first planning application (16/00545/OUT). Officers are content that this issue is dealt with at planning application stage.
- 6.46 An officer's recommendation for a smaller allocation was rejected on 26th May 2016. Given that decision and the fact that no substantial evidence has come forward on the site or village which was not considered by Members on the 26th May, officers conclude that the site should not be allocated for development.

New Site: Church Road & Crabbs Hill

- 6.47 HATF 602 - Site bounded by Church Road & Crabbs Hill. A 1.5ha site south of church road next to the Cricket Pitch. Site is currently unoccupied and overgrown. This site could accommodate around 30 new dwellings. Access could be achieved directly onto Church Road.

Parish Comments:

- 6.47.1 HATF 602 – Not Supported as potential Arla development offers sufficient development potential. Impact on roads and development here, at Stonepath or HATF609 would lead to wider development of the whole area bounded by Church Road, Crabbs Hill, Sportsman Lane and The Priory.

Officer Comments:

- 6.48 Site HATF 602 is being promoted by the landowner as an energy efficient and eco-friendly development however this is a matter for application stage. Objections relate ecology, loss of greenfield, Crabbs Hill and highways safety. Development of 30 dwellings would result in the loss of a significant piece of

semi-natural open space and the developer has submitted no evidence whether or not protected wildlife is present. In terms of character and landscape, retention of mature trees and screening would be desirable however an acceptable access from Church Hill or Crabbs Hill would inevitable result in loss of screening and loss of character. As such officers do not recommend this site for allocation.

New Site: Land Between Hatfield Peverel Cricket Club & sportsmans Lane

- 6.49 HATF 609 – Land Between Hatfield Peverel Cricket Club & Sportsmans Lane. Extensive 6.5ha greenfield site south of Hatfield Peverel and north of Nounsley which could potentially accommodate 190 dwellings. Access would be from Crabbs Hill.

6.50 Parish Comments:

- HATF 609 – Not supported as unsustainable. The Cricket Club and the surrounding land should be protected as per comments for HATF602.

Officer Comments:

- 6.51 This site lies on land south of the cricket ground and therefore would not form a continuous built-up extension to the village although it would be within walking distance to the facilities of the village. There could be up to 190 units however they would only be accessible from Crabbs Hill which is a narrow, unlit country lane and improvements to Crabbs Hill to mitigate the development are unlikely. Landscape is medium to low and a number of historic assets could be affected by the development, including the protected Sportsman lane. Given the numerous unmitigated shortcomings of this site, it is not recommended for allocation.

Recommendation:

- 6.52 Of the new sites received, officers recommend that Arla Dairy, Bury Lane and land to the rear of Station Road should be considered for allocation as parts of a wider Comprehensive Development Area. A policy to guide this development will ensure that the form of development maximises the opportunities and infrastructure contributions available from this site, and that it delivers a robust, sustainable and integrated community.

6.53 Due to the reasons as set out in this report, officers do not recommend any other sites in Hatfield Peverel for allocation. A small amendment is required to the Local Centre to account for a planning permission at the Universal Garage, this was granted permission for redevelopment into housing. Aside from the above, no other changes are proposed to Inset Map

Recommendation 49 - That Inset Map for Hatfield Peverel is approved and that sites HATF630 Bury Farm, HATF608 Arla Dairy, land to the rear of Station Road and the station car park are allocated for comprehensive redevelopment with a supporting policy set out in this report.

Land between A12 and GEML, Hatfield Peverel

An opportunity exists to bring forward this quarter of Hatfield Peverel as a distinctive comprehensive redevelopment area centred on a disused industrial site. This area north of the A12 and south of the railway line benefits from low landscape sensitivity, good access to services and facilities and high connectivity, particularly by rail.

The brownfield site of Arla dairy currently dominates the landscape with a large buildings of industrial character. Both the Great Eastern Mainline (GEML) and the A12 have noise constraints which could best be overcome by innovative high quality design.

Within this comprehensive redevelopment, Bury Farm can be intensified to include additional dwellings provided the sensitive rural-urban edge is respected in accordance with policies in the Local Plan as a whole. The row of dwellings to the west of Station Road each have over 150m long gardens to the rear which presents an opportunity for development which would make best use of land within a sustainable location subject to all of this land coming forward. It is proposed to include this within the comprehensive redevelopment area.

Given the pressure on carparking experienced at Hatfield Peverel, the comprehensive redevelopment presents an opportunity to expand or intensify the station car park, and improve public transport. This will be included within the site area.

Land between A12 and GEML, Hatfield Peverel

The following development is supported within the comprehensive redevelopment area at land between A12 and GEML.

- *Mixed use development of up to 200 dwellings on former Arla Dairy Site (3.8ha)*
- *Up to 45 dwellings on Sorrells Field (2ha)*
- *Up to 20 dwellings on Bury Farm (2.8ha)*
- *Up to 20 dwellings to the rear of Station Road, subject to a masterplan to be agreed with the LPA. Piecemeal development of gardens will be resisted.*

- *Access and capacity improvements to Station Road carpark.*

Development of residential dwellings on these sites will be expected to provide:

- *A suitable road link between Bury Lane and Station Road to be agreed with the Highways Authority.*
- *Contributions towards highways enhancements on Bury Lane including safer access from the A12 slip road, to be agreed with the relevant Highways Authorities.*
- *Contributions towards enhanced pedestrian and cycle access on Station Road and Bury Lane, linking up to The Street.*
- *Provision of structural landscaping sufficient to mitigate adverse noise and air pollution from the A12, and to provide visual separation from the strategic highway.*
- *Affordable housing as per the Council's policy.*
- *Provision or contribution to an early years and childcare facility.*
- *Contributions towards Primary and Secondary Education facilities.*
- *Contributions to other community facilities including health provision as required by the NHS.*

7 Nounsley

7.1 Inset Map 42 is for the other village of Nounsley within the Parish of Hatfield Peverel. Nounsley is approximately 1.5km away from the centre of Hatfield Peverel and not within safe walking distance. It is considered as a separate free standing village with limited facilities and services.

7.2 A new site was submitted to the draft Local Plan and considered as follows:

7.2.1 HATF 643 – Land west of Ulting Road (south of Nounsley). 3.4ha of land in an 'L' shape around Middlefield House is being promoted for up to 20 dwellings.

Parish Comments

7.2.2 Do not support as a site for residential development.

Officer Comments:

7.3 This greenfield site is well screened to the north and east, with a new woodland being established on parts closest to Ulting Road and on the southern boundary. The proposals would be adjacent to the development boundary and could be accessed from Ulting Road. It could also be set back to minimise landscape and ecological impact. Nevertheless development

would be south of Nounsley which itself a less sustainable village with few services and facilities. There are no footpaths on this part of Ulting Road and residential developments here are likely to be car based. As such officers do not recommend that this site is allocated.

- 7.4 8 comments were received, of which 4 supported the Inset Map and 4 were general.
- 7.5 Expressions of support were made for the Inset Map and are noted.
- 7.6 General comments:
- There should be no change to the development boundary.
 - Some alternative sites are adjacent to historic assets, in greenfield or had visual impact on the Ter Valley.
- 7.7 No comments have been received in support of any of the sites previously considered but not allocated. It is therefore proposed that these sites remain unallocated.

Recommendation 50 - The Inset Map for Nounsley to remain unchanged from that in the draft Local Plan, as shown in the Appendix.

8 Great Saling Village

- 8.1 Great Saling is located approximately 5km north west of Braintree. It has some local services include a village hall. It has a conservation area and two historic registered parks and gardens at Saling Hall and Saling Grove. The Parish contains proposals for the west of Braintree Garden community; however this will be discussed at a separate committee.

Parish Council Comments

- 8.2 Great Saling Parish Council have taken time to consider our response to the Local Plan proposals, have consulted residents, and attended the exhibition arranged in our Village Hall.
- 8.3 There are a few specific points we wish to make.
- 8.4 Some documents suggest that the new A120 is available as a transport link and it is "a free flowing road". It is not free flowing, just try and drive west in the morning or east in the evening. We believe that increased traffic to and from the proposed site will have a huge impact on the whole of the A120 bypass, and also the old A120.
- 8.5 In recent years' proposals for developments west of Braintree have been made and have been turned down as being completely inappropriate. We

have seen nothing in the current consultation to change those previous decisions.

- 8.6 Finally we feel the current figures for new homes required are out of date and need to be reviewed. Since the figures were calculated there has been a downturn in economic activity, as vote to leave the EU, and proposals to limit immigration. It seems the current number of new homes proposed is excessive and should be reduced.
- 8.7 One site which was not part of the garden community proposal is GRSA268 – Land adj to Oak View, Blake End. No further comments were received on this site, however it can be considered through the detailed proposals relating to the garden community.
- 8.8 Other comments have been made in regard to the garden community which will be reported at a future meeting.

Comments Received

- 8.9 Three comments were received on the Inset Map, however they covered a number of subjects, and referred to the West of Braintree Garden community. No Inset specific comments were made.
- The impact of the new garden community is not shown on the Great Saling Inset Map.
 - All proposed garden villages should be detailed before the plan can be accepted
 - West of Braintree is too remote from current key infrastructure
 - Proposal would destroy rural life
 - Impact on on Boxted Wood
 - Loss of agricultural land
 - Focus transport movements through surrounding rural roads and villages not designed for increased traffic

Officer Comment

- 8.10 The comments relating to the West of Braintree Garden Community will be addressed in more detail at a later committee.
- 8.11 Great Saling Parish Council with Bardfield Saling Parish Meeting has submitted an application for a neighbourhood area; this is currently out to consultation until 22nd December 2016.

Recommendation 51 - That the Inset Map for Great Saling village remain unchanged from that in the draft Local Plan, as shown in the Appendix.

9 Fairstead

- 9.1 Fairstead is a village in the south of the District without a development boundary and is therefore located within the countryside.
- 9.2 It was proposed in the draft Local Plan that the village would to remain the same as in the Local Plan Review 2005.
- 9.3 Parish Council Comments – No new comments have been submitted during the public consultation or previously during this Local Plan
- 9.4 Officer Comments - Fairstead is a dispersed area of dwellings which are considered to be within the countryside. There is no development boundary and no support for any additional development.

Recommendation 52 - That Fairstead remains as a settlement within the countryside with no development boundary.

10 Proposals Map

- 10.1 The Proposals Map covers the entire district, and show the borders for the Inset Maps on the towns and villages. It includes designations such as Flood Zones, ancient woodland, Local Wildlife Sites and protected lanes among other environmental and heritage designations.

Parish Council Comments

- 10.2 None.

Comments Received

- 10.3 Three comments have been received against the proposals map, all of which refer to site submissions.
- BASA648 – This site has been covered under the Bardfield Saling Report
 - RAYN512OUT – South of Dunmow Road, Blake End, Employment B8 – 45,338 sqm
 - STIS396 – Land east of Baytree Farm, Stisted – 56,840 sqm – Residential
 - BLAN113 – Lynderswood Farm - Employment

Officer Comment

- 10.4 RAYN512OUT – Is proposed for employment uses and is located outside the District, albeit the access road would be within the District. No decision has

been made by Uttlesford as to whether or not the site would be allocated in their Local Plan.

- 10.5 When previously discussed the Council had concerns about access to the A120 west bound. While there is no direct access at this point for the A120, that position could change, depending on the outcome of the garden communities proposals. It has also been argued that they can access the west bound A120 via Great Dunmow.
- 10.6 If it were to be allocated for employment use, then the issue of access could be dealt with under the Duty to Co-operate.
- 10.7 STIS396 – This site is located away from any identified development boundary, and would not be a logical extension of development in the area as it is away from the village of Stisted and Bradwell. The site may have been included in the proposals at Temple Border, however if that site was not allocated then developing this site would not be supported.
- 10.8 Support was received for the allocation BLAN113 Lynderswood Farm, which is identified on the Proposals Map. No change to that allocation was proposed in the report covering Great Notley and Black Notley.

Recommendation 53 - That the Proposals Map remains unchanged from that in the draft Local Plan

Braintree Draft Local Plan – Responses Received to the Draft Local Plan Policies		Agenda No: 6
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Gary Sung and Emma Goodings Report Prepared by: Julie O'Hara, Gary Sung and Emma Goodings		
Background Papers: <ul style="list-style-type: none"> • National Planning Policy Framework (NPPF) • National Planning Practise Guidance (NPPG) • Localism Act (2011) • Planning and Compulsory Purchase Act (2004) • Local Plan Review (2005) • Core Strategy (2011) • Settlement Boundary Review Methodology (2015) • New Draft Local Plan (2016) 		Public Report: Yes Key Decision: No
Executive Summary: The report also looks at policies in relation to the Broadband, Homes and Flood Risk and Surface Water Drainage and the responses which have been received during the Draft Local Plan consultation. The policies and supporting text are set out in full in italics in the report with changes in text highlighted with deletions in strikethrough and additions in bold and underlined.		
Recommendation 1: Policy 41 Broadband and its supporting text to be amended in accordance to the changes shown in this report Recommendation 2 - That amendments to the supporting text for policy LPP26 Specialist Housing are made as set out in this report Recommendation 3 – That the minor changes set out in this report are made to policy LPP28 Housing Mix and Density and its supporting text Recommendation 4 – That policy LPP29 Residential Alterations, Extensions and Outbuildings within Development Boundaries and LPP30 Residential Alterations, Extensions and Outbuildings in the Countryside are combined to form a single policy as set out in this report. Recommendation 5 – That minor changes are made to policy LPP 31 -		

Replacement Dwellings in the Countryside as set out in this report.

Recommendation 6 – That no changes are made to policy LPP32 Rural Workers Dwellings in the Countryside or its supporting text

Recommendation 7 – That minor changes are made to policy LPP33 Infill Development in Hamlets and its supporting text, as set out in this report.

Recommendation 8 – That minor wording changes are made to LPP 34 Residential Conversion of Buildings in the Countryside, as set out in this report.

Recommendation 9 – That a minor wording change is made to LPP 35 - Garden Extensions, as set out in this report.

Recommendation 10 - Replace paragraphs 8.65 – 8.67 of the Draft Plan with the following text and add a new policy as set out below

Recommendation 11 – That minor changes to the supporting text and policy on Surface Water Management Plans are made as set out in this report.

Recommendation 12 –To make the following changes to the Sustainable Urban Drainage Systems and Run Off Rates sections of the Draft Plan as set out in this report.

Recommendation 13 – To make the minor changes to paragraph 8.81 and policy LPP68 External Lighting as set out in this report.

Purpose of Decision:

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

Corporate implications

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

Officer Contact:	Emma Goodings
Designation:	Planning Policy Manager
Ext. No.	2511
E-mail:	Emma.goodings@braintree.gov.uk

1 Background

- 1.1 Braintree District Council is working on a new Local Plan which will guide development in the District between now and 2033. Once adopted this will replace the 2011 Core Strategy and the 2005 Local Plan. As part of the Local Plan, the Council is required to boost significantly the supply of housing as set out in the National Planning Policy Framework.
- 1.2 In 2013 and 2014 the Council consulted on the Site Allocations and Development Management Plan document. This included a proposed new inset map for all defined settlements (towns and villages) within the District. During this time significant detailed revision of many of the inset maps were considered. For the new Local Plan these maps will provide a starting point for any further changes and updates required.
- 1.3 The preferred Inset Map for each defined settlement, together with a map showing the alternative site options that were considered and not taken forward will be contained within the draft Local Plan for public consultation in the summer.
- 1.4 There is no specific housing target for each area and all sites will be assessed on their merits. If, when all towns and villages have been through Local Plan sub-committee, not enough sites have been chosen for development, then additional sites will need to be considered and added to the proposed list of allocations.
- 1.5 The Plan includes 68 strategic and non-strategic policies set around 3 key themes, A Prosperous District, Creating Better Places and The Districts Natural Environment. The Plan also includes a shared strategic section of the Plan and 10 policies (prefixed SP) which are replicated in Colchester and Tendring Local Plan. All comments received by each of the three authorities within their consultation periods are being co-ordinated and a single report will be produced on the responses to this section.
- 1.6 Full Council on the agreed the new Draft Local Plan for public consultation at its meeting on the 20th June 2016.
- 1.7 The Local Plan was subject to an 8 week public consultation which started on the 27th June and concluded on the 19th August.

- 1.8 A total of 3,101 comments have been received from 1,244 individuals. These are all available in full on the website at www.braintree.gov.uk/consultLP and we would ask all Members to read these comments.
- 1.9 An update to the Sustainability Appraisal (SA) has been undertaken to include new sites submitted to the Local Plan. To maximise the contribution that the Local Plan makes to the achievement of sustainable development and minimise any potential adverse impacts, members should have regard to the SA and consider any reasonable alternative options to the chosen policy or allocation. The Council will need to show how environmental considerations have been integrated into the plan and how the SA has been taken into account.
- 1.10 The chapters are now considered individually below, including a summary of the comments received. Policies and supporting text are set out in full in italics and changes can be seen with strikethroughs for deletions and underline for new text.

2 Broadband

- 2.1 Access to the Internet has become essential to modern day life and the provision of fast Internet speeds contributes to improved quality of life, economic growth and social wellbeing. This policy for Broadband aims to deliver the fastest Internet speeds to all new developments.
- 2.2 Substantial changes to this policy are recommended following consultation with delivery partners at Essex County Council, who are engaged in the 'Superfast Essex' programme, and other consultee responses. This programme aims to bring superfast broadband coverage to 97% of Essex by 2020. Recent changes in national regulation means that 'superfast' speeds have been upgraded from a minimum of 24mbps to 30mbps.

LPP41 Broadband

- 2.3 This item received a total of 8 of comments of which none are in support, only one is an objection, and seven are general comments.
- 2.4 No comments were submitted in support.
- 2.5 A sole objector commented that, in their [rural] area, Broadband speed was very poor and service unreliable.

- 2.6 A number of general comments did not object to the policy but suggested the following observations and modifications:
- FTTP (Fibre to the Premises) should be delivered on all new developments of 25 or 50 dwellings or more, not 250.
 - FTTP and WiFi Canopies should be delivered to existing dwellings, as well as new development.
 - All new dwellings should have a 50mm to 75mm multifunctional service duct to allow for future proofing.
 - Make modifications to define the minimum standard of Broadband speed to be provided in this policy. Also modify standard to provide symmetrical (same upload and download) speeds.
 - Make modifications to recognise that higher Broadband speed can be delivered by other means than cable.
 - Modify LPP41 paragraph 3 on exceptions policy to ensure that in 'exceptional circumstances', developers carry out consultation with more than one Broadband provider.
 - New 'Home Packs' should include information on Broadband providers.
- 2.7 It should also be noted that a number of objections on other parts of the Local Plan related to Broadband but were not recorded as direct objection to this policy. These comments stated that:
- Broadband policy will enable developments to be more sustainable.
 - 24 Mbps is not fast enough, a higher target should be set.
 - Businesses will not be attracted to rural areas at currently available broadband speeds.
 - Broadband provision is inadequate for working from home.
 - Concern expressed that additional developments would increase load on existing Broadband infrastructure, particularly at peak times.
 - Improvements to the Broadband network for existing users should be funded by the developer.
- 2.8 These comments were associated with developments West of Braintree, Stebbing, Rayne, Bures Hamlet, Kelvedon and Steeple Bumpstead, which indicates that Broadband provision in rural areas is unsatisfactory at present.
- 2.9 ECC as a statutory consultee commented on this policy as follows:
- ECC are implementing the 'Superfast Essex' programme (minimum 24Mbps). Ambition to provide ultrafast broadband (300Mbps to 1Gbps) to be provided to 'all major business parks' via FTTP, and to residential properties in future.
 - All new homes and businesses should be connected to 'high quality fast broadband' at the point of construction. ECC recommends that all Local Plans in Essex have policies to ensure implementation.

- BT Openreach and other providers offer superfast broadband connection for all new developments, either free of charge or as part of a co-funded partnership. FTTP shall be provided free of charge to housing developments with thirty or more dwellings. Developments smaller than this may have to provide contributions to ensure FTTP connection, or shall be provided copper connections for free.
- Fast broadband should be installed when it's most viable which is during construction, otherwise provision is not secured.

2.10 8 amendments to Draft Local Plan policies have been recommend by ECC:

- Reword paragraph 6.181 to clarify that very rural locations can be too complex and costly to connect. Also remove reference to 'alternative' solutions as this is unclear.
- Amend paragraph 6.184 to emphasise that it is just as important to provide high quality fast broadband to rural areas.
- Revise paragraph 6.185 to reflect suggested modification to LPP41 (below).
- Delete paragraph 6.186 because it suggest developers do not need to comply with the policy.
- Modifications to Policy LPP41: references to Broadband should be reworded to focus on speed and connectivity, and not describe BT technology.
- Modifications to Policy LPP41: threshold (currently 250 dwellings) should be removed and replaced with replaced with developer's requirement to 'demonstrate what type of connection is viable'.
- Modifications to Policy LPP41: clarification that new developments include 'high speed' connections within developments as well as connecting the developed area to the main network.
- Modifications to Policy LPP41: to ensure that all options are explored and connection is provided when it is most viable, which is during construction.

2.11 Rayne Parish Council have called for a rewrite of LPP41, including an additional consultation, and also suggest that Broadband should be subject of a separate plan. It is noted that:

- ECC targets for 24Mbps are not good enough compared to other Countries where much higher speeds are available.
- 24Mbps is not good enough for commercial use in rural areas or for effective home working.
- Local service quality is poor

- 2.12 Officers agree that the Broadband policy requires significant modifications. Policies in the Local Plan must meet the test for soundness, they must be positively prepared, justified, effective and consistent with national policy.
- 2.13 Changes to the threshold from 250 to zero, to include all new developments of dwellings or employment space in the first instance, is the most significant modification. A number of responses said that the threshold was too high, including ECC. Instead developers will be asked to connect to the 'main telecommunications network', for services provided by BT Openreach this is the cabinet, and provide a 'fully enabled connection' on site. On medium or larger residential developments (30 or more dwellings), fast connections are provided free-of-charge by the telecoms provider. On smaller sites, developers will be compelled to explore all the options and in cases where this is demonstrably not viable or practical, suitable ducting for FTTP should be installed and an equivalent s.106 payment towards Next Generation Access (NGA) made.
- 2.14 Suggestions to remove ambiguous and inconsistent terminology are agreed as this would provide clarity and improve the effectiveness of this policy. Additions to the glossary will explain what is meant by the technical terms utilised in this policy. The majority of ECC's recommendations, particularly to reword all references to broadband technology to focus on speed and technology and to remove unspecific developer's requirements, are accepted. Officers in Economic Development and Development Management have made tweaks the wording to ensure the policy is effective. Additional glossary entries and reference to evidence base documents are also added to improve effectiveness.
- 2.15 Officers note that Superfast (currently a minimum of 30Mbps) is relatively slow when compared to standards in other countries but have decided to retain this standard to ensure compatibility with other National policies and the Superfast Essex programme. An additional paragraph to the preamble emphasises the Council's ambitions for Ultrafast broadband (300Mbps+).

Recommendation 1: Policy 41 Broadband and its supporting text to be amended in accordance to the changes shown in this report

Broadband

6.181 *This is a new section which recognises the key importance of broadband to modern life. The policy aims to strike a balance between what is reasonable and proportional for developers to provide, with the **essential** need for **fast and reliable** a ~~certain standard of~~ broadband within all new developments. The policy also recognises that in a small proportion of cases, ~~broadband will not be able to be provided to new~~*

~~developments~~ it will be more complex and costly to provide fast broadband to new developments due to their very rural location. The policy therefore includes the potential to fit suitable ducting and provide a sum of money to contribute towards ~~an alternative~~ a solution.

6.182 The availability of fast and reliable broadband is now seen as an essential component of everyday life and as such will be a requirement for all new commercial and residential development in Braintree District. This will allow residents and businesses to have the most up to date speeds and technological improvements and will improve commercial opportunities and facilitate working from home and improve residents' connections to essential online services and social networks ~~online~~.

6.183 The Council is ~~working~~ **co-operating** with broadband infrastructure providers and the County Council to ensure as wider coverage as possible with high speed, reliable broadband and that this is carried out as soon as possible. National broadband operators offer superfast broadband connection for all new developments, either free of charge or as part of a co-funded partnership. Contribution requirements increase with increasing rurality or decreasing development size, developers are encouraged to take advantage of these commercial offers and consider co-funding where necessary.

The Council aspires to have ultrafast broadband or better (300Mbps+) available at all new employment areas and all new residential developments through fibre to the premises (FTTP). FTTP is available free of charge by Openreach and some other providers to housing developments with 30 or more dwellings. Developments smaller than this may have to provide contributions towards FTTP connection. Copper connections to premises and additional ducting for future provision will be considered if developers can show that FTTP is not viable.

6.184 However it is recognised that as a rural District, there will be some properties and areas where at present ~~high-speed~~ fast, reliable broadband is not available as it is uneconomic or unviable to ~~install cable over long distances~~ to serve small numbers of properties in isolated locations. These places ~~are generally have the least sustainable in the District with~~ poor access to other facilities and as such would not be expected to provide significant levels of growth. Lack of fast, reliable Broadband or lack of scale to deliver Broadband may be considered as unsustainable in these locations. ~~However on occasion new development takes place in these locations.~~

6.185 Where ~~large-scale~~ new development ~~may be being~~ is proposed in rural areas, investment in ~~high-speed~~ **superfast**, reliable broadband will be required, subject to viability. This means that developers should explore all the options, evidence of this engagement should be submitted with a planning statement.

~~6.186 — In these situations it is down to the applicant to provide sufficient information to the local planning authority, which sets out why the development cannot meet the requirements of this policy. In these instances, applicants may be required to make a contribution to the proposed scheme to serve the area by other methods of provision.~~

LPP 41: Broadband

The Council will work with the telecommunications **and broadband** 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 **residential and commercial** developments over 250 homes or 5 hectares of Employment land must be served by a high speed fast and reliable broadband connection to the premises. **Connection should include the installation of appropriate cabling within the homes or business units as well as a fully enabled connection of the developed areas to the main telecommunications network to provide the fastest available broadband access.** ~~Smaller developments must provide the most viable high speed connection as well as additional ducting for future 'to the premises' fibre provision. This will need to be directly accessed from the nearest exchange or cabinet and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading.~~

~~Exceptions will be made to the above, In some exceptional circumstances where applicants must~~ **may be able to demonstrate,** ~~show through consultation with broadband infrastructure providers, that this~~ **fast broadband** ~~would not be possible, practical or economically viable. In these cases an equivalent developer contribution towards off-site works,~~ **or contributions to other Next Generation Access compliant solutions, and suitable ducting to all premises that can accessed by broadband providers in the future** will be sought which could enable greater access in the future.

3 Homes

- 3.1 This part of the report deals with policies LPP26 and LPP28 to LPP35 within the homes section. These are policies which deal with detailed matters

relating to applications for new or extended housing and gardens in the District.

- 3.2 Policies in relation to affordable housing and gypsies and travellers will be dealt with at a later meeting.

Specialist Housing

- 3.3 Seven comments have been received in specific relation to the policy. In summary they conveyed the below points:

- The NHS suggested that they need to be aware of schemes that will be included within the plan at the earliest stage to enable the most appropriate mitigation measures
- Essex County Council support the policy in principle however seek the following amendments:
 - ECC support the inclusion of extra care housing for older people, which ECC is promoting through an “Independent Living Programme”. ECC seeks an amendment to paragraph 6.94, to insert “(including Independent Living)” after “extra care”
 - ECC seeks the inclusion of the following additional paragraph to be inserted: *“ECC’s Independent Living Position Statement May 2016 for the age group 55+ by 2020. Within Braintree it is estimated that there are 591 eligible social care clients amongst the 54,187 persons aged 55 or over. By 2020, 402 units are required; 89 have been provided, hence 313 are still to be provided by 2020, of which 128 are social/affordable rented units and 185 are shared ownership units (this is a 41/59 split between social rented/shared ownership).”*
 - ECC are preparing an *Independent Living Planning Briefing Note* that will be circulated to BDC when finalised
- The Andrewsfield New Settlements Consortium suggests that the policy should make specific reference to the Garden Communities and that they should be required to allocate the appropriate level of specialist housing.
- Flexibility should be provided within this policy to enable appropriately located specialist housing, such as retirement housing, to be accommodated beyond sites currently proposed to be allocated for these uses.
- Larger villages, with good local amenity, connectivity and services, may also provide appropriate opportunities that will add to the choice of local housing stock and enable local residents to remain within or close to their established communities.

- An objection was made regarding the specialist housing allocation HATR309. This will be considered in further detail within the report pertaining to Halstead
- 3.4 Officer Comments – Consideration has been given to the proposed amendments requested by Essex County Council should be incorporated to better highlight the Districts requirements for specialist housing. The information provided is recommended to be reworded and inserted within the preamble. In relation to the commentary of the NHS it is suggested that the commentary requires no amendment to be made to the policy text and that it is recognised that the NHS is a key stakeholder in the planning process for specialist housing.
- 3.5 With reference the commentary of the Andrewsfield Consortium; If the Garden Communities are taken forward by the Council then the detail of housing mix, tenure and type will be further considered by the specific masterplan for the settlement.
- 3.6 It is suggested that no other changes need to be made to the policy on the basis of the commentary submitted during the consultation period.

Recommendation 2 - That amendments to the supporting text for policy LPP26 Specialist Housing are made as set out in this report

*National government guidance states that local authorities should plan for a mix of housing based on current and future demographic trends and needs of the different groups in society. Some people, such as the elderly or disabled, may need specialist housing provision, which is specially designed for their needs. This can include extra care **(including Independent Living)**, sheltered and registered care homes for the elderly and disabled, as well as any other facilities for the homeless or those escaping violence. These uses generally fall within the C2 residential institutions or in some cases C3 dwelling homes use class and this is determined usually by the amount of care available on site and whether the units are self-contained.*

Essex County Council produces guidance regarding the Independent Living requirements of the District. It is currently estimated that there are 591 eligible social care clients amongst the 54,187 persons aged 55 or over. By 2020 it is estimated that 128 social/affordable rented units and 185 shared ownership units (41/59 split between social rented/shared ownership) will need to be provided. Developers will be required to have regard for the most up to date Independent Living information from Essex County Council.

Many of the considerations for specialist housing will be similar to those of general housing, such as attractive and practical design and materials, bulk,

impact on neighbourhood amenity etc, but each use will have specific needs. For example, elderly or disabled accommodation should provide storage and charging points for wheelchairs and other walking aids; whilst those accommodating children should have appropriate indoor and outdoor play space. In all cases, residents are less likely to have access to a private vehicle and so the nearby provision of shops and services is essential, in addition to good public transport links for trips further afield.

Specialist housing has the potential to be an intensive use of a site and care should be taken to ensure the privacy and amenities of neighbouring properties. The cumulative impact of a number of such developments in an area will also be taken into account

Policy LPP 26 - Specialist Housing

Specialist housing is defined as accommodation, which has been specifically designed and built to meet the needs of the elderly, disabled, young or vulnerable adults, and may include some elements of care and support for everyone who lives there.

Proposals for specialist housing provision are allocated on the Proposals Map and will be permitted within development boundaries providing that all the following criteria are met:

- 1. Everyday services that users would expect to access, such as shops should be available on site or should be located close by and be able to be accessed by a range of transport modes*
- 2. Health services should be available on site or in close proximity and have capacity to accommodate the additional services required from residents*
- 3. Parking should be provided in line with the Council's adopted standards*
- 4. There is an appropriate level of private amenity space to meet the needs of residents*

Minor extensions to or the expansion of existing specialist housing in the countryside may be acceptable if all the following criteria are met;

- I. The scale, siting and design of proposals is sympathetic to the landscape character and host property*
- II. The Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings*
- III. A travel plan should be provided, which sets out how additional staff, visitors and residents will access the site and ways to minimise the number of journeys by private vehicle*

New specialist housing on unallocated sites in the countryside will not be supported.

On sites allocated for specialist housing, general needs housing will not be permitted.

LPP24 Housing Mix and Density

3.7 Twenty six comments have been submitted in relation to Housing Mix and Density policy, preamble and alternative options. These are summarised below;

- Mix - for the ageing population are needed; starter homes and homes for young people are needed; executive homes for commuters are not where the real demand lies; more bungalows are needed
- Density - 70 dwellings per hectare is feasible through rows of terraces; Lower densities could also be imposed to improve the effectiveness of a site in all respects; The proposal that densities should in general be >30 dw/ha is supported as it ensures the most efficient use of land; There needs to be sufficient flexibility regarding density to enable sites to be designed in such a way that they are appropriate to the character of the area and to enable different densities within a scheme to reflect for instance their location close to facilities in the centre or close to the rural edge; More emphasis should be given to high density development
- Height restrictions need to be carefully considered in relation to the site context of proposals
- Parking is a growing problem and the amount of parking spaces should be related to dwelling types and type; with limited commitment for improved public transport in Rural Areas, extra car-parking facilities have to be included in any rural or semi-rural sites
- The agent for GNBC 263 submitted specific commentary in relation to the site and this will be considered under the Braintree report
- The policy should make reference to the need for services and utilities being required to be readily available
- The requirement for 10% part M category 2 or 3 market homes requires a robust evidence base; This is a matter better decided on a site by site basis; This element of the policy should be deleted
- This Policy states that all new developments should be in accordance with the national technical housing standards however the council should produce robust evidence to justify this requirement, as per NPPGs; The council need to take into account the need, viability and timing of adopting the national space standard

- In relation to policy alternatives: It is considered that National Guidelines are totally inappropriate as they do not allow for the proper consideration of rural areas or the degree of rurality in the area.
 - Self-Build – It is highlighted that the policy negates any inclusion or encouragement of self-build housing solutions
 - A policy reword has been suggested by an agent to include the pre application work undertaken by developers as an option for the guidance on housing sizes as oppose to the SHMA (or relevant equivalent); *“Housing sizes should either be broadly in line with the identified local need as set out in the 2015 SHMA (or its successor) or identified through the pre-application work undertaken by the applicant, unless material considerations indicate otherwise”*
- 3.8 Officers Comments – It is suggested that the policy in as set out in the draft consultation does not require any significant changes. With reference to the density and height of development it is suggested that the policy as set out adequately considers this.
- 3.9 With reference to housing mix and size it is suggested that the SHMA is part of the adopted evidence based and should be given significant weight in the determination of planning applications. The request to include developer’s own pre-application evidence would undermine the policy and the information can be given the weighting that the case officer considers to be appropriate.
- 3.10 In relation to the requirement for developments to meet the national space standards the council considers this is a pragmatic approach to ensuring new development provides appropriate standards of living. The space standards have been created by national government and there is no substantive evidence to suggest that new building in Braintree District would not be capable of applying these national standards for the benefit of residents.
- 3.11 In relation to the requirement to provide Part M compliant properties it is suggested that the policy leaves some flexibility when it is deemed that the requirement is not appropriate.
- 3.12 Currently the Local Plan does not specify any specific targets regarding accessibility standards for new Affordable Housing whereas the draft policy for Market Housing does. For many years virtually all new affordable homes have been built to lifetime homes standards which accorded with the Council’s 2006 SPD.
- 3.13 By insisting on this approach we were recognizing and addressing the needs of people with mobility and disability issues. Indeed we want to continue to be able to do this. The 2013 SHMA identified that although social housing in the

District equates to only 16% of the housing stock, 41% of households in social housing have a member with mobility or disability conditions.

- 3.14 Therefore it is suggested that as a minimum the affordable policy should be in line and consistent with market housing. It is further suggested that the policy is amended to ask for all affordable house types and ground floor flats to be compliant with Part M cat 2 of Building Regulations. In addition, for schemes in fully sustainable locations particularly in or around the district's three towns, 5% of affordable units should be built to Part M cat 3. It has been highlighted by the Housing Department that these are areas where we struggle with developers and to have this as a clear requirement in policy would I feel be massively advantageous.
- 3.15 Minor amendments have been suggested to the policy to limit misinterpretation of the policy (as shown in the recommendation) and the potential increased density in the strategic locations has been acknowledged within the preamble the policy.
- 3.16 Additional wording has been added in reference to the requirements for affordable housing development within the District, to ensure that it meets local needs.

Recommendation 3 – That the minor changes set out in this report are made to policy LPP28 Housing Mix and Density and its supporting text.

The Council seeks to create sustainable, inclusive and mixed communities in line with government guidance set out in the NPPF. New housing developments can help secure a good social mix by avoiding the creation of large areas of similar housing. A mix of housing, based on current and future demographic trends and on the needs of different groups in society, should be provided.

Evidence carried out for the Council by independent consultants indicates that the need for open market housing in the District is 4% one bedroom, 31% two bedroom, 45% three bedroom and 20% four bedroom. All new developments are expected to meet this broad range of sizes for open-market housing, unless it can be proven to the satisfaction of the Local Planning Authority that the site may be more suited to an alternative mix of housing types.

The density of a new development will depend on a number of factors, including the location of the site, access point/s, local road network and characteristics of the surrounding area. The layout will need to provide garden sizes and car parking in line with the Council's standards and any required landscaping, open space and requirements for water and drainage.

*As a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare to ensure the most efficient use of land. In neighbourhood centres, town centres or sites well served by public transport and walking and cycling facilities, higher densities could be appropriate. **This could include local centres and public transport hubs on the allocated strategic sites referred to in Policy LPP16.***

Although the detailed internal layout of buildings is not generally a planning matter all units must have a satisfactory aspect and access to appropriate natural daylight. In 2015 the government introduced technical housing standards which are a nationally described internal space standard. All new development should be in accordance with these standards.

Part M of the building regulations was also updated in 2015 and dwelling types were separated into a number of types defined as category 1 visitable, category 2 accessible and adoptable and category 3 wheelchair user dwellings. Homes which are more adaptable and accessible will ensure that people can live safely in their homes for longer and may prevent accidents in the home which could lead to injuries such as hip fractures, which are over the national average in the District. This policy therefore specifies that 10% of all new market homes on larger sites in the District should be built to category 2 or category 3 standards. The 2013 SHMA identified that although social housing in the District equates to only 16% of the housing stock, 41% of households in social housing have a member with mobility or disability conditions. It is suggested that as a minimum affordable housing should be therefore require the same proportion of Part M dwellings as market housing. It is deemed preferential that in all ground floor units are Part M compliant.

Policy LPP 28 - Housing Type and Density

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 local need.

The density and massing of residential development will be related to all the following criteria:

- 1. The character of the site and its immediate surroundings, as well as the wider locality*
- 2. The adequacy of the access and the local road system to accommodate the traffic likely to be generated*
- 3. The existing vegetation, including trees on the site and the necessity for further landscaping*
- 4. On-site amenity space to be provided in accordance with the adopted*

guidance

5. An appropriate standard of residential accommodation is provided for the occupants

Housing mix ~~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 market homes on sites of 10 or more dwellings must meet category 2 or 3 of part M of Building Regulations 2015 as appropriate.

10% of new affordable homes on all sites must meet category 2 or 3 of part M of Building Regulations 2015 as appropriate.

Within the main towns 5% of all affordable units will be required to meet category 3 of part M of Building Regulations 2015 as appropriate.

Policy LPP 29 - Residential Alterations, Extensions and Outbuildings

- 3.17 After consultation with colleagues within the development management department it has been considered that residential alterations, extensions and outbuildings can be dealt with within one policy regardless of location.
- 3.18 Notwithstanding this the former proposed policy for Residential Alterations, Extensions and Outbuildings within Development Boundaries received 2 comments which are summarised below:
- Historic England – consideration for the impact on heritage assets and their setting should be considered within the policy
 - Rayne Parish Council - There needs to be some policy in place to address this issue
- 3.19 5 comments were submitted in relation to LPP30 Residential Alterations, Extensions and Outbuildings in the Countryside. The commentary is summarised below:
- Historic England – consideration for the impact on heritage assets and their setting should be considered within the policy

- Rayne Parish Council - It is not considered practicable to rely on the General Permitted Development Order and NPPF
 - Ashen Parish Council - As drafted, this policy would allow residential outbuildings anywhere in the countryside, leading to the proliferation of urban intrusion and the erosion of countryside character and amenity; It should be confined to the curtilage of the existing dwelling and subject to a limit on the total area covered by buildings to 50% of the curtilage
 - A consideration of annexes may be applicable
- 3.20 *Officers Comments* – It is suggested that one policy would be able to deal with Residential Alterations, Extensions and Outbuildings and that the commentary that has been lodged in relation to each policy can be incorporated within the new policy.
- 3.21 In relation to the commentary of Historic England it is suggested that though the Draft Local Plan has a suite of policies that safeguard heritage assets and their settings it would be beneficial to incorporate further safeguarding within the policy. The commentary put forward by Ashen PC has also been acknowledged and the policy has been amended to reflect this.

Recommendation 4 – That policy LPP29 Residential Alterations, Extensions and Outbuildings within Development Boundaries and LPP30 Residential Alterations, Extensions and Outbuildings in the Countryside are combined to form a single policy as set out in this report.

Within development boundaries, the extension or alteration of existing dwellings is normally considered acceptable in principle, subject to the other policies in this document, in particular those relating to design and protection of residential amenity and which maintain the Council's adopted standards of parking, access and private amenity space. Listed buildings or buildings within a conservation area would be subject to further controls.

Inappropriate extensions or alterations of existing dwellings in the countryside can have a detrimental effect on the openness and rural character of the countryside. One of the key objectives of the policy is therefore to restrict the extension or replacement of dwellings, outside development boundaries, to that which is appropriate to the countryside setting.

In all cases proposals should respect the character of the locality and of the nearby dwellings. Proposals which result in a dwelling which is considerably larger than the original dwelling or adjoining dwellings or which result in a cramped or over-developed plot, compared with the characteristics of surrounding development, will not be considered acceptable. In this context

original refers to the dwelling as at 1st July 1948 or, if built after this date, as originally built.

Permitted development rights may be removed from dwellings extended under this policy.

Policy LPP - Residential Alterations, Extensions and Outbuildings

Residential alterations, extensions and outbuildings will be permitted, provided they meet all the following criteria:

- 1. There should be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries. The Council will have regard to the cumulative impact of extensions and outbuildings on the original character of the proper type and its surroundings.**
- 2. The design, siting, bulk, form and materials of the alteration, extension or outbuilding should be compatible with the original dwelling and character of the area.**
- 3. Extensions and outbuildings will be required to be subordinate to the original dwelling in terms of bulk, height and position.**
- 4. There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing, loss of light or an overbearing impact**
- 5. There should be no adverse material impact on the identity of the street scene and/or the appearance of the countryside**
- 6. There should be no unacceptable adverse impact on any heritage asset or their setting**
- 7. In the countryside, new outbuildings should be well related to the existing development on the site and within the curtilage of the dwelling**

LPP 31 Replacement Dwellings in the Countryside

3.22 Seven comments have been submitted in relation to LPP31 Replacement Dwellings in the Countryside. The comments are summarised below:

- Historic England - Expect to see consideration for the impact on heritage assets and their setting by any replacement dwelling as part of criterion 2.
- ECC - Any new development should, where possible, limit discharge rates back to the greenfield at a 1 in 1 year rate with a minimum betterment of 50% on all existing rates.
- National Trust –
 - The policy should be clearer in relation to permitted size increases.

- The policy would benefit from an explanation in relation to whom would judge the outstanding and truly innovative nature of the proposal.
 - The inclusion of a restriction to the Increases in plot size to form additional garden, parking or amenity land is welcomed and should be carried forward to any alternative policy wording.
 - A more restrictive policy is preferred and there is already the caveat that 'exceptions' to policy can be made on the grounds of other material considerations.
- A concern has been raised that the policy does not protect the impact on the landscape correctly within paragraph 3.
 - A less restrictive policy stance is not favourable
- 3.23 *Officer Comments* – In relation to the commentary of ECC it is suggested that these considerations will be considered within the SUDs (Sustainable Urban Drainage systems) policy.
- 3.24 It is recommended that criterion 2 is amended as per the request of Historic England.
- 3.25 In relation to the commentary of the National Trust the policy has a proposed amendment to include the information that the application would be required to be assessed by a Design Review Panel at cost to the applicant.
- 3.26 In relation to the further commentary it is suggested that Criterion 4 suitably covers the concern over the potential negative impact of a replacement dwelling upon the landscape.

Recommendation 5 – That minor changes are made to policy LPP 31 - Replacement Dwellings in the Countryside as set out in this report.

- 3.27 *The replacement of existing dwellings in the countryside with new dwellings will be considered in certain circumstances, but should not result in the replacement of smaller buildings with much larger dwellings or the consolidation of the footprint or volume of outbuildings not containing residential living space into the new dwelling.*
- 3.28 *The size of the replacement dwelling should be commensurate with the original building and in most cases in the same position on the plot, in order to minimise the impacts of the replacement dwelling on the local landscape character and the rural character of the area. Whilst no specific volume increase is specified here, the amount acceptable will need to be compatible with the size and shape of the original dwelling and the plot upon which it stands. In general terms it is considered that the volume of the original*

dwelling, plus that increase allowed by permitted development rights, is an appropriate guide to the likely permissible size of any replacement dwelling. The impact of the replacement dwelling will be considered alongside any outbuildings such as cart lodges which are being proposed.

- 3.29 The original plot must be able to accommodate the replacement dwelling plus private amenity space and car parking and turning arrangements in line with the Council's adopted standards. No increases in the size of the plot into the open countryside will be permitted.*
- 3.30 In some cases permitted development rights for any additional outbuildings will be restricted when a replacement dwelling is allowed under this policy.*
- 3.31 The Council will expect a very high standard of design of replacement dwellings to meet the criteria set out in other policies in this document.*
- 3.32 In order to offset the often unsustainable location of replacement dwellings within the countryside, all proposals which are considered under this policy should conform to high standards of sustainability, both in terms of the build and the ongoing running costs.*

Policy LPP 31 – Replacement Dwellings in the Countryside

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, **or the setting of any heritage asset**, 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 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 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. **The application would be required to be assessed by an independent design review panel at the cost of the applicant.***

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

LPP32 Rural Workers Dwellings in the Countryside

3.33 Two comments were received in relation to LPP32 - Rural Workers Dwellings in the Countryside. The points conveyed are summarised below:

Rayne Parish Council –

- “It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside” is a significant point and this should be central to the policy
- It is not favourable to rely solely on the NPPF; a policy should be in place to deal with rural workers dwellings

3.34 Officers Comments – Officers concur with the commentary of Rayne Parish Council that a policy is required to deal with rural workers dwellings however see no change to the policy to be required.

Recommendation 6 – That no changes are made to policy LPP32 Rural Workers Dwellings in the Countryside or its supporting text

LPP33 Infill Development in Hamlets

3.35 Two comments were received in relation to LPP32 - Rural Workers Dwellings in the Countryside. The points conveyed are summarised below:

Rayne Parish Council –

- The definition of a hamlet currently within the plan is too open to interpretation and the qualifying criteria needs to be more rigorous
- Does the policy mean 10 dwellings currently or after a proposed dwelling?

3.36 Officers Comments – Officers suggest that the policy is comprehensively addresses the issue of infill developments within Hamlets and that the policy is clear in the quota of properties required to amount to a hamlet as per the Local Plan definition. Notwithstanding this an amendment is proposed to clarify that the hamlet would require 10 existing dwellings to be considered for further infill. The wording regarding the specific context of the land settlement

properties was mistakenly omitted from the Draft Local Plan and it is recommended that it is reinstated here.

Recommendation 7 – That minor changes are made to policy LPP33 Infill Development in Hamlets and its supporting text, as set out in this report.

There are some small groups of dwellings in the countryside, which do not have a defined development boundary, but which clearly form a small hamlet normally around a crossroads or road junction. Occasionally within these groups, there are gaps between existing residential buildings along a classified road frontage, which may be able to accommodate a single dwelling, without adversely affecting the character and appearance of the area. Properties which are situated substantially away from the classified road frontages, or set within large grounds with a sizeable gap to neighbouring properties, or which are part of very small groups of less than ten dwellings, are not considered to form part of a hamlet.

The size of the gap which may be considered suitable for development under this policy is not set and will be comparable to the size and scale of the plots of adjoining and nearby properties. However, large gaps which could accommodate more than one dwelling, field parcels, artificially separated plots or land, including private gardens, which make a positive contribution to the character and appearance of the locality, will not be considered acceptable. If a suitable plot has been identified, the siting, design and materials of the new dwelling should be in harmony with the countryside setting and the scale and character of the dwelling should reflect other properties in the hamlet and the character of the locality and there should be no adverse impact upon protected species.

This policy should not be used for individual isolated new dwellings, or for the consolidation of sporadic development, such as that which is commonly found on the main routes into many villages. The former Land Settlement Estate housing between Great Yeldham, Little Yeldham and Tilbury Juxta Clare is not suitable for infill, in order to protect its historical character.

This policy should not be used for individual isolated new dwellings or for the consolidation of sporadic development such as that which is commonly found on the main routes into many villages. Properties which are permitted under this policy are expected to meet the criteria set out in the policy on Residential Alterations, Extensions and Outbuildings within Development Boundaries.

LPP 33 - Infill Development in Hamlets

*Where there is a defined nucleus of at least ten **existing** dwellings and where it would not be detrimental to the character of the surroundings, exceptions may be made for the filling of a gap, for a single dwelling, between existing dwellings in hamlets and small groups of dwellings.*

This policy will not apply to proposals for isolated new dwellings or the extension of ribbon development and will not apply to gaps which could accommodate more than one dwelling. Proposals for the consolidation or extension of sporadic or ribbon development will also be resisted.

LPP34 Residential Conversion of Buildings in the Countryside

3.37 Three comments have been submitted in relation to the policy which are summarised below:

- Historic England – Historic England have suggested the an amendment to criterion 2: There is no unacceptable impact on protected species or the historic environment heritage assets and their setting
- Essex Wildlife Trust - This policy should include a statement on the potential for protected species using such buildings, e.g. bats, barn owls. Appropriate surveys and mitigation should be required
- There are points within the preamble that are not covered within the policy

3.38 Officers Comments – Officers recommend that the policy is amended to reflect the amendments sought by Historic England to better safeguard the heritage assets within the district.

3.39 In relation to the commentary of the Essex Wildlife Trust it is suggested that this is incorporated within the policy to better safeguard protected species.

Recommendation 8 – That minor wording changes are made to LPP 34 - Residential Conversion of Buildings in the Countryside, as set out in this report.

Conversion of Buildings in the Countryside

Existing buildings in the countryside can provide opportunities for sustainable economic growth and enterprise in rural areas which is supported by the NPPF. If these buildings are no longer suitable for commercial uses, and therefore have become redundant or disused, then the site must have been marketed for commercial uses for at least a year and the application must be accompanied by a marketing appraisal which may be independently verified at the expense of the applicant.

Applications for residential development of a redundant building in the countryside are also required to show that a significant environmental improvement will be achieved through the residential redevelopment of the site. The deliberate mismanagement of a site or building, in order to achieve an environmental improvement, will not be considered as a benefit for the purposes of this policy.

This policy will only come into effect in cases where permitted development rights do not apply.

Any application for residential development would need to apply by other policies in this Plan in relation to development impacts and suitable amenity, parking and access available.

LPP 34 - Residential Conversion of Buildings in the Countryside

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:

- 1. The location of the site is accessible and sustainable in the terms of the Framework*
- 2. There is no unacceptable impact on protected species or ~~the historic environment~~ **heritage assets and their settings***
- 3. The site is served by a suitable existing access*
- 4. There is no unacceptable impact on residential amenity*
- 5. 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. **Where considered appropriate surveys will be required for***

protected species that may include but is not limited to bats and barn owls.

Introduction – LPP 35 - Garden Extensions

3.40 Comments have been made in relation to garden extensions. The comments are summarised below:

- Historic England - In criterion 2 of the policy we would expect to see reference to heritage assets and their setting
- Rayne Parish Council - An extension to the policy is required to cover "Encroachment" onto land owned by others. Local experience proved this to a very emotive issue with residents and expensive to resolve
- Ashen Parish Council - As drafted, this policy would allow garden extensions anywhere in the countryside. That would necessarily involve residential use and potentially bring with it all the paraphernalia of residential living, which would be likely to be highly erosive of countryside character and amenity individually and cumulatively. It would also potentially allow further outbuildings pursuant to policy LPP 30 as presently drafted. There should be no presumption in favour of a garden extension in the countryside

3.41 Officers Comments – Officers consider that the historic environment does need to be referenced within Criterion 2. It is suggested that the policy is considered to be robust to deal with the concerns conveyed by the other commentary put forward.

Recommendation 9 – That a minor wording changes is made to LPP 35 - Garden Extensions, as set out in this report.

LPP 35 - Garden Extensions

The extension of a garden within a defined settlement boundary or the countryside will only be permitted where all the following criteria are met;

1. *The size of the garden extension is proportionate with the size of the dwelling*
2. *There is no material adverse impact on the character and appearance of the surrounding countryside or street scene **or any heritage asset and their setting***
3. *It would have no adverse impact on the amenity of neighbouring properties*
4. *It does not enclose areas intended for amenity open space including but not limited to those identified on the Proposals Maps for visually important*

- open space, allotments, informal or formal recreation*
5. *There would be no loss of protected natural features, or areas of high wildlife value*
 6. *It would not enclose a public right of way, or impact on highway safety or visibility*
 7. *It would not interfere with any neighbouring use, including farming*

In the countryside, garden extensions along road frontages will be resisted.

The Council will impose conditions removing permitted development rights over the new area of the garden.

4 Flood Risk and Surface Water Drainage

4.1 This section considers representations made in respect of the Draft Local Plan public consultation in relation to Flood Risk Management. Following publication of the Draft Local Plan, relevant new information and circumstances have come forward which affect that part of this chapter relating to flood risk. These considerations affect how representations are considered and some require changes to be made to the chapter. These developments are

- The Strategic Flood Risk Assessment Level 1
- The progression of the Surface Water Management Plan
- Changes to how Climate Change affects flood risk by the introduction of flood risk allowances.
- The Non Statutory Technical Standards for Sustainable Drainage Systems (DEFRA 2015).
- Comments from other stakeholders

The Strategic Flood Risk Assessment Level 1

4.2 This study was commissioned by Braintree District Council as evidence base, to consider the risk of flooding from all sources within the area, and to guide the allocation of sites for development by enabling the sequential test to be applied to sites proposed for development. The Level 1 study comprises a report, spreadsheet (listing sites submitted by representations with their associated flood risk and GIS layer mapping the functional flood plain (Floodzone 3b). Further details of its contents are shown in the accompanying committee report which seeks to adopt the Study as part of the evidence base.

4.3 A number of policy recommendations have been made and which are considered later.

Surface Water Management Plan Progress

- 4.4 The Essex Local Flood Risk Management Strategy has identified those settlements most at risk of flooding in Essex and categorised them according to priority. Braintree and Witham fall within Tier 1 (highest priority) settlements and flood risk within both towns have been studied and hotspots mapped in the Surface Water Management Plan.
- 4.5 This plan seeks to better understand the causes and location of surface water flooding and agree the most cost effective way of managing flood risk.
- 4.6 The most sensitive areas have been identified as Bradford Street area and Warwick Close area in Braintree and in Witham, the Rectory Lane area and Spa Road area. An action plan to prioritise projects will be drawn up in the final plan. Once adopted by the Council is anticipated that these will form a material consideration in the determination of planning applications and feed into the emerging Braintree Local Plan. Essex County Council hope to adopt this plan before December 2016.

Flood Risk Assessments: Climate Change Allowances

- 4.7 In February 2016, the Environment Agency issued revised guidance on climate change allowances in an update to “Adapting to Climate Change: Advice to Flood and Coastal Erosion Risk Management Authorities. Climate change allowances (for Braintree District Council) are predictions of anticipated change for i) peak river flow, ii) peak rainfall intensity. They are based on climate change projections and different scenarios of carbon dioxide emissions to the atmosphere. There are different allowances for different periods of time up to 2115. The allowances representing increases in peak river flow are expressed as a percentage. These percentage increases are set out for 3 future epochs according to 3 scenarios each representing a different severity. Those representing peak rainfall intensity represent the same epochs but with 2 scenarios.

The Non Statutory Technical Standards for Sustainable Drainage Systems (DEFRA 2015)

- 4.8 These set out the standard to which a SUDs system is required to perform. It specifies run off standards for greenfield and brownfield sites in terms of flow and volume. It requires infrastructure to be constructed to be fit for purpose over its lifetime and the system to be designed with maintenance in mind.

Consideration of Representations

- 4.9 There were 23 representations on the Flood Risk & Surface Water Drainage section. The highest number, 13 related to LLP65 - Surface Water

Management Plan, 4 related to LPP66 Sustainable Urban Drainage Systems and 3 to LPP67 Run off Rates.

- 4.10 Of the 13 representations relating to LLP65, 9 of these came from statutory consultees, 8 from Essex County Council and 1 from the Environment Agency. Essex County Council also made representations on Paragraph 8.65, LPP66 and LPP67. The Environment Agency also commented on LPP66.
- 4.11 There were 2 comments from development companies on both LP66 and LP67 and 3 on LPP65. Comments from members of the public were confined to LPP65 (1 comment) and Paragraph 8.73 (2 comments)
- 4.12 There were a number of representations in this section which related to specific sites and in particular, new settlements, rather than to general policy. These comments will be considered as far as they are relevant to policies in chapter 8 but the case for or against new settlements will be considered in the relevant section.
- 4.13 The comments are considered paragraph by paragraph (a policy is considered as one paragraph) except where proposed changes require a group of paragraphs to be altered together. Responses are summarised. For ease of reference, responses are divided into broad categories of Statutory consultees, the development industry (including landowners and their agents), organisations (national and local) and individual members of the public. Responses from statutory consultees are listed ahead of the other categories.

Flood Risk and Surface Water Drainage

- 4.14 Paragraph 8.65

Essex County Council

- 4.15 One representation was received from Essex County Council and is summarised below. The Environment Agency included comments elsewhere but which relate to fluvial flooding and as such are related more to this section and are outlined below:
- Sites identified in LPP 18 – 13 have been reviewed to identify the level of risk to surface water flooding.
 - Essex County as Lead Local Flood Authority is responsible for developing, implementing and monitoring a strategy for flood risk management. Risk from surface water run-off, ground water and ordinary watercourses is also considered.
 - Responsibilities also include delivery of sustainable drainage, statutory consultee on drainage issues for major planning applications (10+ houses or over 1ha)

- Geological constraints limit use of infiltration features. Open water can be used in open floodplain areas to attenuate upstream of large urban areas
- Seek to deliver SuDs on a strategic scale, taking into account growth areas, limitation to surface water drainage and catchment areas
- Site assessments are used to determine the most appropriate SuDs mechanism. SuDs mechanisms too be devised according to the CIRIA SuDs hierarchy as included in the SuDs manual

Environment Agency

- Areas within some strategic growth areas (Gt Notley LLP17), Braintree (LPP18 & 19, Feering LPP20, Witham LPP20) depend on infrastructure to manage fluvial flood risk and maintain their viability/sustainability. Such infrastructure can be affected by eg rising river levels (from climate change), deterioration and funding challenges. The Environment Agency are developing a Flood Alleviation scheme for Coggeshall, Feering and Kelvedon and soon Witham. There should be partnership funding from developers as part of the planning process to enhance these schemes and contribute to the reduction in existing fluvial flooding.
- "Flood and Coastal Resilience Partnership Funding" by DEFRA promotes a, partnership approach to funding flood risk management and is another useful document to support the evidence base regarding funding of new and replacement flood defence infrastructure.
- The Comprehensive Redevelopment Areas LPP22, 23 & 24 located in Halstead et al should ensure that where possible development does not impact on the main and minor rivers, as well as associated tributaries.
- Within LPP22, 23 & 24, Braintree, Witham, Coggeshall, Earls Colne, Feering, Hatfield Peverel, Kelvedon, Sible Hedingham and Silver End, development should preferably be located in Flood Zone 1 to ensure development complies with the NPPF. They should contribute to minimising the risk of river flooding in new and existing development by making space for water.
- Unable to screen each allocation individually.
- Allocations within Flood Zones 2 and 3 must be subject to the Sequential Test to avoid development in areas of flood risk wherever possible and maintain the function of this land for natural processes. It must be made clear that inappropriate development will be steered away from flood zones. Proposals will be subject to the Exceptions Test, if applicable, and any planning applications must be supported by a site-specific flood risk assessment that meets the requirements of the NPPF and the Planning Practice Guidance.
- Any works within 8m of a "main River" may need a flood risk activity permit.
- As the focus in this section is on surface water you may wish to include a separate policy on fluvial flood risk to address the points above. This should

include consideration of climate change, using the latest climate change allowances.

Policy Recommendations from the Level 1 Strategic Flood Risk Analysis

1. A sequential approach to site planning should be applied within new development sites
2. Retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river watercourse will require an environmental permit from the Environment Agency.
3. Retain a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within an ordinary watercourse will require consent from Essex County Council (as LLFA)
4. All new development within Flood Zone 3 must not result in a net loss of flood storage capacity. Where possible opportunities should be sought to achieve an increase in the provision of floodplain storage.
5. All More Vulnerable and Highly Vulnerable development within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.
6. In areas at risk of flooding of low depths (<0.3m), the following flood resistance measures could be considered:
 - Using materials and construction with low permeability
 - Land raising
 - Landscaping e.g. creation of low earth bunds (subject to this not increasing flood risk to neighbouring properties).
 - Raising thresholds and finished floor levels eg porches with higher thresholds than main entrances.
 - Flood gates with waterproof seals.
7. In areas at risk of frequent or prolonged flooding, the following flood resilience measures could be implemented:
 - Use materials with either, good drying and cleaning properties, or, sacrificial materials that can easily be replaced post flood.
 - Design for water to drain away after flooding
 - Design accessed to all spaces to permit drying and cleaning
 - Raise the level of electrical wiring, appliances and utility metres
 - Coat walls with internal cement based renders; applying tanking on the inside of all internal walls
 - Ground supported floors with concrete slabs coated with impermeable membrane
 - Tank basements, cellars to ground floors with water resistance membrane
 - Use plastic water resistant internal doors.

8. For developments located in areas at risk of fluvial flooding, safe access/egress must be provided for new development as follows in order of preference:
 - Safe dry route for people and vehicles
 - Safe dry route for people
 - If a dry route for people is not possible, a route for people where the flood hazard (in terms of depth and velocity of flooding) is low and should not cause risk to people.
 - If a dry route for vehicles is not possible, a route for vehicles where the flood hazard (in terms of depth and velocity of flooding) is low to permit access for emergency vehicles. However, the public should not drive vehicles in floodwater.
 - In all these cases a 'dry' access/egress is a route located above the 1% annual probability flood level (1 in 100 year) including an allowance for climate change.
9. Where proposals entail floodable garages or outbuildings, consider designing a proportion of the external walls to be committed to free flow of floodwater.
10. For all developments (excluding minor developments and change of use) proposed in Flood Zone 2 or 3, a Flood Warning and Evacuation Plan should be prepared to demonstrate what actions site users will take before, during and after a flood event to ensure their safety, and to demonstrate their development will not impact on the ability of the local authority and the emergency services to safeguard the current population.
11. The Environment Agency has a tool on their website to create a personal Flood Plan. The plan comprises a checklist of things to do before, during and after a flood and a place to record important contact details. Where proposed development comprises non residential extension <250m² and householder development (minor development), it is recommended that the use of this tool to create a Personal Flood Plan will be appropriate.
12. Suitable surface water management measures should be incorporated into new development designs in order to reduce and manage surface water flood risk to, and posed by the proposed development. This should be achieved by incorporating Sustainable Drainage Systems (SuDS).

Officer Comments

- 4.16 The role of the County Council in the management of flood risk is touched upon in the Draft Plan introductory paragraphs 8.65 – 8.67 but would benefit from more detail as given by the County Council comments. The introduction would benefit from a further background and details about flood risk.
- 4.17 Comments on individual sites will be considered elsewhere, in relation to the Inset Maps.

- 4.18 The Environment Agency has commented in response to LPP65 with a number of points relating to river flooding (fluvial). They have recommended a separate policy with which to deal with their comments. The SFRA also makes recommendations relating to fluvial flood risk issues. The NPPF does state that Local Plans should develop policies to manage flood risk from all sources and taking advice from other relevant bodies. It would be appropriate therefore to include a policy and supporting text on river flooding as the existing chapter does not include such a policy and this should follow the reworded introductory paragraphs.
- 4.19 Detailed comments made in this section relating to SuDS will be considered in relation to LPP 66 (Sustainable Urban Drainage Systems).
- 4.20 The Environment Agency have sought partnership funding from developers and in certain circumstances, where proposals will benefit from flood management infrastructure this may be appropriate. Provision should be made in the policy to secure such funds where this is appropriate.
- 4.21 It would be appropriate to include within the policy, a provision ensuring that development including that at Halstead and mentioned by the Environment Agency, does not adversely impact main and minor rivers and tributaries.
- 4.22 Sites are allocated as far as possible within floodzone 1 as part of the sequential test and it would be appropriate to include a provision seeking to make space for water.
- 4.23 It is appropriate to include a provision seeking to prevent development within 8m of a main river, or 3 m of an ordinary watercourse unless agreed otherwise by the appropriate authority. This provision may impact on layout and it is appropriate that it is considered as part of the planning application process and not left until later.
- 4.24 The Strategic Flood Risk Assessment includes a number of policy recommendations, some of which repeat comments from statutory consultees. It would be appropriate to include the policy recommendations within the new fluvial flood risk policy although some details are more appropriately included as explanatory text.

Recommendation 10 - Replace paragraphs 8.65 – 8.67 of the Draft Plan with the following text and add a new policy as set out below

“Introduction

In response to the severe floods of 2007 across England and Wales the government commissioned the Pitt Review to undertake a review of flood risk management.

The Flood and Water Management Act 2010 established Lead Local Flood Authorities (LLFAs). Essex County Council as LLFA gained responsibilities for developing, applying and monitoring flood risk management strategies including risk from surface water runoff, groundwater and ordinary watercourses. These also include encouraging integration of SuDs into proposals and acting as statutory consultee.

The Environment Agency retains a strategic overview of flood risk management relating to main rivers and is a statutory consultee for development (other than minor development) within floodzones 2 and 3 as well as development within the river bed or within 20m of a main river. The fluvial flood risk zones mapped by the Agency are presently being reviewed but the results are not yet available and the Strategic Flood Risk Assessment is based on the existing maps. Developers will be expected to use the updated maps when they become available together with the up to date climate change allowances to assess flood risk which accords with the requirements of the Environment Agency and Lead Local Flood Authority.

The NPPF requires the Plan to reduce and manage flood risk by firstly assessing that risk and applying the sequential test, to allocating or developing land to avoid locating development in areas of higher risk and where that is not possible managing and mitigating that risk taking into account the vulnerability of site users.

Where a site is proposed for development includes an area within Floodzone 2 or 3 development shall be located in accordance with the principles of the sequential test within the site, namely to avoid development in the areas of higher risk and where this has not been possible to manage and mitigate that risk. Where a site borders or lies in close proximity to zones 2 or 3 the application will need to demonstrate that the impacts of climate change do not result in an unacceptable risk to the property and its occupants. Development classed as inappropriate according the Planning Practice Guidance will be resisted..

Flood risk arises from a number of sources. River Flooding (fluvial), Surface Water, Groundwater, sewers and where ordinary watercourses become overwhelmed and these sources have been examined in the SFRA which informs this plan. Developers should refer to the Strategic Flood Risk Assessment which preparing proposals and their approach should reflect and take into account its contents.

Climate Change

Climate change will increase peak rainfall intensity and river flow which could result in more frequent and severe flooding events. The Environment Agency published revised guidance on climate change allowances to take account of these changes in rainfall.

The aim of the allowances is to calculate the flood risk for a use/development over its lifetime of the use as a result of climate change. Instead of a single percentage being

used to denote climate change, a range of figures is used across 3 time periods up to 2115. Allowances also vary according to the severity of the climate change impact according to the vulnerability of the use.

The modelling used in this Flood Risk Assessment for climate change are applied as a 20% risk and do not use the new allowances sought by the Environment Agency. The Environment Agency is undertaking modelling studies of the Blackwater, Brain and Stour and it is anticipated that they will use these studies will take account of the new allowances however in the interim period there will be greater emphasis on site specific Flood Risk Assessments in include for additional modelling scenarios to determine the future risk relating to climate change.

For the purposes of calculating climate change for the sequential test a conservative approach has been adopted by using the existing Zone 2 extent as a proxy for Flood zone 3a and climate change. This represents the higher central allowance. The existing Zone 2 plus 20% can be used to provide an indication for the upper end allowance. All subsequent site specific FRAs will be required to determine the appropriate climate change allowances in more detail. Thus all proposals on allocations which contain areas of Flood risk 2 and or Flood risk 3, or whose boundaries lie adjacent or close to such a flood risk zone shall be accompanied by a site specific Flood Risk Assessment which uses the most up to date climate change allowances in its analysis.

Developers are strongly advised to contact the Environment Agency to pre planning stage to confirm the assessment approach on a case by case basis as the climate change allowances are a guide only and can vary according to site specific factors.

Development in areas of flood risk will be designed to minimise damage and the following should be strongly considered.

In areas at risk of flooding of low depths (<0.3m), flood resistance measures can be considered such including using materials and construction with low permeability, land raising or landscaping with low bunds (only if impacts are acceptable and not increasing flood risk elsewhere). Raising thresholds/floor levels (porches with higher thresholds than main entrances) and using flood gates with waterproof seals.

In areas at risk of frequent or prolonged flooding, the following flood resilience measures could be considered. Use materials with, good drying/cleaning properties, or, sacrificial materials that can easily be replaced post flood. Use plastic water resistant internal doors. Design for water to drain after flooding and access to all spaces for drying and cleaning. Raise the level of electrical wiring, appliances and utility metres. Coat walls with internal cement based renders. Ground supported floors with concrete slabs coated with impermeable membrane

In areas of fluvial flooding it is important that safe access/egress is considered.

All new development in Flood Zones 2 and 3 should not adversely affect flood routing and thereby increase flood risk elsewhere. Opportunities should be sought within the site design to make space for water, such as

- Removing boundary walls or replacing with other boundary treatments such as hedges, fences (with gaps)*
- Considering alternatives to solid wooden gates, or ensuring that there is a gap beneath the gates to allow the passage of floodwater.*
- On uneven or sloping sites consider lowering ground levels to extend the floodplain without creating ponds. The area of lowered ground must remain connected to the floodplain to allow water to flow back to river when levels recede.*
- Create undercroft car parks or consider reducing ground floor footprint and creating an open area under the building to allow flood water storage.*
- Where proposals entail floodable garages or outbuildings, consider designing a proportion of the external walls to be committed to free flow of floodwater.*

For developments located in areas at risk of fluvial flooding, safe access/egress must be provided for new development in the order of preference mentioned in the policy. In all these cases a 'dry' access/egress is a route located above the 1% annual probability flood level (1 in 100 year) including an allowance for climate change.

For all developments (excluding minor developments and change of use) proposed in Flood Zone 2 or 3, a Flood Warning and Evacuation Plan should be prepared

The Environment Agency has a tool on their website to create a personal Flood Plan. The plan comprises a checklist of things to do before, during and after a flood and a place to record important contact details. Where proposed development comprises non residential extension <250m² and householder development (minor development), it is recommended that the use of this tool to create a Personal Flood Plan will be appropriate.

NEW POLICY

1. The Council will ensure that all proposals will be located to avoid the risk of flooding and where development must be located in an area of higher flood risk, development must be designed to be flood resilient and resistant and safe for its users for the lifetime of the development taking climate change and the vulnerability of the residents into account. Development will take climate change into account in accordance with the most up to date analysis of flood risk and will not increase flood risk elsewhere.

2. Development shall be located on Floodzone 1 or areas with the lowest probability of flooding, taking climate change into account. Any proposals for new development (except water compatible uses) within Flood Zones 2 and 3a will be required to

provide sufficient evidence for the Council to assess whether the requirements of the sequential test and exception test have been satisfied taking, climate change into account. Inappropriate development will be steered away from flood zones and site specific Flood Risk Assessments will be submitted which meet the requirements of the NPPF and Planning Practice Guidance.

3. Where the development sites will benefit from the construction of Flood Management Infrastructure such as Flood Alleviation Schemes, where appropriate financial contributions will be sought.

4. Retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river watercourse will require an environmental permit from the Environment Agency.

5. Retain a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within an ordinary watercourse will require consent from Essex County Council (as LLFA)

6. All new development within Flood Zone 3 must not result in a net loss of flood storage capacity. Where possible opportunities should be sought to achieve an increase in the provision of floodplain storage.

7. Ensure there is no adverse impact on the operational functions of any existing flood defence infrastructure and new development should not be positioned in areas which would be in an area of hazard should defences fail.

8. New dev in FZ 3 must provide adequate flood storage and not result in a net loss of flood storage unless there is compensation on site or, rarely if not possible, off site capacity. Where possible opportunities must be sought to achieve an increase in floodplain storage

9. All More Vulnerable and Highly Vulnerable development within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.

10 In areas at risk of flooding of low depths (<0.3m), flood resistance measures should be considered as part of the design and in areas at risk of frequent or prolonged flooding, flood resilience measures should also be included.

11. For developments located in areas at risk of fluvial flooding, safe access/egress must be provided for new development as follows in order of preference:

a) Safe dry route for people and vehicles and b) Safe dry route for people

If a) is not possible, a route for people where the flood hazard is low and should not cause risk to people.

If b) is not possible, a route for vehicles where the flood hazard permits access for emergency vehicles

All new development in Flood Zones 2 and 3 should not adversely affect flood routing and thereby increase flood risk elsewhere. Opportunities should be sought within the site design to make space for water.

For all developments (excluding minor developments and change of use) proposed in Flood Zone 2 or 3, a Flood Warning and Evacuation Plan should be prepared

12 Flood Risk Assessments submitted must take into account an assessment of flood risk across the life of the development taking climate change into account by using the most up to date allowances available.

13 Development shall be not have an adverse impact on a watercourse, floodplain or its flood defences.

14 Should not impede would impede access to flood defence and management facilities

15 Where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows

16 Where appropriate opportunities may be taken to reduce wider flood risk issues by removing development from the floodplain through land swapping.

LPP65 Surface Water Management Plan

4.25 13 representations were received; 1 from the Environment Agency, 9 from Essex County Council 3 from the development industry and one from a member of the public.

Environment Agency Support the plan's support for the recommendations of the Braintree District Strategic Flood Risk Assessment (SFRA) and the Braintree Surface Water Management Plan (SWMP)

- The emerging Strategic Flood Risk Assessment will be helpful in understanding the impacts that this council (and other bodies) will need to manage in the future.
- All areas should consider the effects of increased flood risk elsewhere through surface water run off or elevated flows in watercourses post development.
- Consult the County Council regarding the achievable delivery of SUDs within developments
- New development should not impact on Surface Water Management Plans and Critical Drainage Areas.

Essex County Council

- Most representations made here relate to site specific proposals which are considered in relation to the Inset Maps for each settlement.

- Compliance with Surface Water Management Plan (SWMP) is supported. The SWMP identifies areas at risk of Surface Water Flooding and outlines a long term plan to alleviate this. It will identify Critical Drainage Areas and provide information about its nature
- ECC requires new development in Critical Drainage Areas (CDAs), located along surface water flow paths, to address the drainage infrastructure gap by implementing SuDS techniques. Such development should also work in conjunction with other risk management authorities (i.e. water companies, Environment Agency) to provide mechanisms addressing existing flood risk within CDAs, and to accommodate any necessary drainage infrastructure requirements.
- In 2016 the EA published the 'Flood Risk Assessments: Climate Change Allowances', which identified amendments to allowances that should be made to flood risk assessments and strategic flood risk assessments arising from the effect of climate change on rainfall. These allowances are based on climate change projections and different scenarios of carbon dioxide (CO₂) emissions to the atmosphere. ECC's interpretation of this guidance requires all new development to allow for the upper end allowance of a 40% increase in rainfall events for most developments.

Essex County Council

- 'Surface Water Management Plans' (ECC) investigate local flooding issues from a variety of sources occurring as a result of heavy rainfall. They identify areas where flood risk is considered to be most severe (termed Critical Drainage Areas). They provide greater understanding of where local flooding will occur and an action plan to identify mitigation measures. Government funding will be sought together with requests for developer contributions or CIL payments to assist with scheme delivery.
- Supports the requirement for development to be in compliance with the Braintree and Witham Surface Water Management Plan.
- This plan identified flood risk from local sources including surface water drains, groundwater and small water courses and along term plan to manage these risks.
- The Critical Drainage Areas identified will provide a better understanding flood risk. Provide information for emergency plans and future developments help manage drainage systems, create an action plan to guide management of local flood risk and identify potential relief measures during a flood and assist with mitigation of flood risk issues.
- New development in Critical Drainage Areas which are located along the surface water flow paths should address the drainage infrastructure gap by implementing SuDS techniques (with other flood risk authorities) to provide mechanism to address flood risk within these area and accommodate drainage infrastructure requirements.

Other representations

- Is it reasonable for a policy which requires betterment when assessing surface water run off?
- Policies LPP65 and LPP67 say different things about surface water runoff. LPP67 says site greater than 1 property or 0.1ha should achieve greenfield runoff rates and LPP65 says that the greenfield rates should be bettered.
- It is unreasonable to require the greenfield runoff rate in any event for these sites.
- These policies could give rise to an anomaly that an impermeable urban site being refused because greenfield runoff rates could not be achieved when the post development runoff rates would be better than the existing situation.
- Requirement for betterment is unreasonable regardless of thresholds.
- Where a development achieves greenfield run off rates a betterment usually occurs because the modelling incorporates precautionary principles
- No harm arises if a development results in no increase in runoff rates.
- It cannot be a requirement of new development to resolve existing deficiencies. This would fail the tests of reasonableness in the CIL regulations.
- There may be sites where drainage would need to be improved before development can occur however this should be resolved by site specific policies not a blanket policy.
- Support subject to additional wording "Where references are made within the Policy to other documents or policies by other authorities (e.g the Braintree and Witham Surface Water Management Plan) these will need to be confirmed as being adopted and relevant at the time that the new Local Plan is adopted. Reference within the Policy should also be made to 'or as may be updated or superseded during the Local Plan period'".
- It is important that the phrase "unless material considerations indicate otherwise" has been removed. Material consideration could allow a housing development at the expense of river/flood plain protection
- The first sentence is woolly. Unclear what will be enforced. What will be asked of developers to prevent flooding?
- This policy is not necessary. The district is 92% rural and if all 14,000 houses were built on undeveloped land it would remain 93%. Furthermore much of the district is in arable crop production. This policy adds much to the expense to development and provides little value in return.
- The Strategic Flood Risk Assessment has made a number of relevant policy recommendations which are as follows:

Officer Response

- 4.26 The County Council has included explanation of the functions of Surface Water Management Plans which should be used to alter paragraph 8.68. Replace existing text in paragraph 8.68 with some text provided by the County Council in the interests of clarity.
- 4.27 Some representations relate to the need to implement SuDs. New major development shall be required to address surface water drainage and this is required as part of LPP66 and to do so here would risk repetition. That a site lies in an area defined as sensitive in the SWMP including on a water flow path, will be a material consideration.
- 4.28 One representation questions whether seeking betterment is reasonable when considering surface water runoff. This is dealt with under LPP66.
- 4.29 LPP67 has been recommended for deletion and runoff requirements to be in compliance with the Non Statutory Technical Standards for Sustainable Drainage Systems where a SUDs system is appropriate, thus avoiding any contradiction with LPP65. The requirement to comply with the above standards requires deletion of paragraph 2 of LPP65."
- 4.30 The Ministerial statement of the 18th December 2014 seeks SuDs requirements to be applied to developments of 10 homes or more and major industrial development. The requirement to require SuDs measures to minor development (LPP paragraph 3) would contradict the requirements in the Ministerial statement and should be deleted.
- 4.31 Representations relating to SUDs run off requirements are more appropriately answered in the context of LPP66. The point of a Surface Water Management Plan is that it focusses on areas where flooding is an issue in order to improve the existing situation.
- 4.32 It is anticipated that the Surface Water Management Plan will be ready for adoption in the near future and certainly prior to adoption of this emerging Local Plan. It would be appropriate to include the phrase "as may be updated or superseded" at the end of the first paragraph. It is appropriate to reference this plan within a policy as a relevant policy consideration.
- 4.33 One representation wishes the phrase "unless material considerations indicate otherwise" to be removed (para 8.68). Material considerations must always be taken into consideration when determining a planning application. National Guidance and the new policy proposed here give protections for the river/flood plain in a clear manner.

- 4.34 The policy is considered necessary as a Surface Water Management Plan is an important tool in managing flood risk.

Officer Response

- 4.35 These representations relate to new settlements. Assessment of new settlements is considered elsewhere and flood risk will be an integral part of this assessment.

Recommendation 11 – That minor changes to the supporting text and policy on Surface Water Management Plans are made as set out in this report.

8.65 *Flood risk was identified in the Climate Change Risk Assessment (2012) as one of the greatest risks arising from climate change and the NPPF and Planning Practise Guidance set out to minimise this risk.*

8.66 *The Environment Agency Flood Risk Maps do not take account of future changes expected as a result of climate change. Applications or proposals for development in flood risk areas will be required to be accompanied by a Flood Risk Assessment and these must include assessments of changes expected as a result of climate change. They must be carried out in accordance with the NPPF and Technical Guidance to the satisfaction of the District Council, Environment Agency and Lead Local Flood Authority as appropriate. The Strategic Flood Risk Assessment will contain information on climate change impacts and will be used to inform land allocations and the determination of future development proposals.*

8.67 *The Council will require development to be in compliance with and contribute positively towards delivering the aims and objectives of the water suppliers water management plans affecting the area.*

Surface Water Management Plan

8.68 *A Surface Water Management Plan (SWMP) ~~outlines the predicted risk and preferred surface water management strategy for a given area.~~ **investigates local flooding issues from a variety of sources including as a result of heavy rainfall. They consider where flood risk is considered to be most severe.***

SWMPs focus on areas of highest surface water flood risk identified in the Essex County Council Local Flood Risk Management Strategy. The Braintree and Witham SWMP was commissioned by Essex County Council as Lead Local Flood Authority in partnership with Braintree District Council and other risk management authorities. The provisions of the Braintree and Witham SWMP shall in general be supported unless material considerations indicate otherwise, and, where of relevance, be taken into account and given great weight when determining planning applications. Proposals which undermine SWMP proposed mitigation proposals shall in general be viewed negatively. Areas where the flood risk is considered to be most significant are identified as Critical Drainage Areas (CDAs).

Policy LPP 65

Surface Water Management Plan

*The Council will require development to be in compliance with and contribute positively towards delivering the aims and objectives of the Braintree and Witham Surface Water Management Plan **as may be updated or superseded**.*

Developments located in Critical Drainage Areas (CDAs), Local Flood Risk Zones (LFRZs) and for redevelopments of more than one property or area greater than 0.1 hectare should seek betterment to a greenfield runoff rate.

All developments in Critical Drainage Areas (excluding minor housing extensions less than 50m²) which relate to a net increase in impermeable area are to include at least one 'at source' SUDs measure (e.g. water butt, permeable surface). This is to assist in reducing the peak volume of discharge from the site.

Sustainable Urban Drainage Systems and Run Off Rates

Paragraph 8.73

4.36 Two responses were received, both from members of the public. There summarised responses are below;

- The area west of Braintree includes listed and other buildings under threat of flooding from a high water table and run off from fields.
- Development could make this situation worse and lead to runoff and flooding which would seriously threaten buildings

LPP66

4.37 Four representations were made; 2 from statutory consultees and 2 from the development industry.

Summary of Representations

Environment Agency

- Support given that Policy LPP 66 allows for alternative methods of surface water drainage, where infiltration is not appropriate due to the risks to groundwater from contaminated land.

Essex County Council

ECC considers that all development should incorporate SuDS measures, where possible. However, only major developments are the subject of a statutory consultation with the LLFA, which is defined as follows:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development;
- the provision of dwelling houses where -

- the number of dwelling houses to be provided is 10 or more; or
- the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- development carried out on a site having an area of 1 hectare or more.
- That “maximum use should be made of low land take drainage measures” is excessive, unclear as to what maximisation constitutes and could be interpreted as “taking every measure” even if appropriate standards have been met.
- Wording “opportunities being taken” is a more appropriate form of wording and should replace references to “maximisation”
- Support wording subject to the following addition
- “Where references are made within the Policy to other documents, policies or authorities (e.g the BRE, CIRIA and Essex County) these will need to be confirmed as adopted or relevant at the time the Local Plan is adopted and the Policy should include reference to 'or as may be updated or superseded during the Local Plan period.'”
- Removal of SuDS space as counting towards ‘open space’ is a concern, as this may reduce the incentives to developers of including above ground drainage features. Areas such as detention basins should be designed in order to minimise risk for vulnerable users of open space. A well designed SuDS feature should be able to be incorporated within an areas of open space.

LLP67 Run off Rates

- 4.38 Three representations were received: one from statutory consultees and 2 from the development industry.

Essex County Council

- Discharge rates on undeveloped land should be restricted to no more than existing rates and where possible limiting it to the greenfield 1 in 1 year rate. Where this is not possible, it must be demonstrated that discharge volumes will not be increased through the use of long term storage.

Other Representations

- Is it reasonable for a policy which requires betterment when assessing surface water run off?
- Policies LPP65 and LPP67 say different things about surface water runoff. LPP67 says site greater than 1 property or 0.1ha should achieve greenfield runoff rates and LPP65 says that the greenfield rates should be bettered.

- It is unreasonable to require the greenfield runoff rate in any event for these sites.
- These policies could give rise to an anomaly that an impermeable urban site being refused because greenfield runoff rates could not be achieved when the post development runoff rates would be better than the existing situation.
- Requirement for betterment is unreasonable regardless of thresholds.
- Where a development achieves greenfield run off rates a betterment usually occurs because the modelling incorporates precautionary principles
- No harm arises if a development results in no increase in runoff rates.
- It cannot be a requirement of new development to resolve existing deficiencies. This would fail the tests of reasonableness in the CIL regulations.
- There may be sites where drainage would need to be improved before development can occur however this should be resolved by site specific policies not a blanket policy.
- The wording of this policy relates to standard requirements for run-off reductions on previously developed sites. It may therefore be appropriate for the policy to simply refer to national guidance

Officer Response

- 4.39 Note support for use of alternative means of surface water drainage in certain circumstances
- 4.40 Note the need for statutory consultation with Essex County Council.
- 4.41 Paragraph 3 encourages a number features designed to alleviated drainage. Not all of these can be controlled by planning consent and there is some confusion as to what the term “maximum use” represents. It is more appropriate that these solutions are encouraged as examples of measures of SuDs measures close to the source which are mentioned in paragraph 4
- 4.42 According to Planning Practice Guidance and the Ministerial statement of 18th December 2014 The council can only insist on SUDs on major developments or where development is proposed on land with a greater risk of flooding.
- 4.43 Plans referred to in the policy should be adopted and the most up to date and this should be noted in the policy. The policy should also refer to the Non Statutory Technical Standards for Sustainable Drainage Systems.

Other Issues

- 4.44 The first paragraph specifies new development for which SuDs will be appropriate for all such sites. Paragraph 82 PPG sets out that the LPA should assess whether or not a sustainable drainage system would be reasonably practicable. Thus as there may be circumstances where SuDs proposals may

not be required, add the following text after “unless it can be clearly demonstrated that they are impracticable.”

- 4.45 The first paragraph should refer to the Technical Non Statutory Technical Standards for Sustainable Drainage Systems 2015 in relation to expected run off standards. Insert “including the Technical Non Statutory Technical Standards for Sustainable Drainage Systems 2015” after National Standards in paragraph 1.
- 4.46 The SFRA advises that large potential development areas with a number of new allocations will be required to develop a strategy for providing a joint SuDS scheme.
- 4.47 Policy LPP67 does not conform with “The Non Statutory Technical Standards for Sustainable Drainage Systems (DEFRA 2015)” which have been issued since the Draft Local Plan was issued. The Technical Standards cover the same ground as the Local Plan policy by setting standards for runoff rates in various circumstances. It is, however broader in scope than the policy and there are some differences in approach.
- 4.48 The Standards do not require a separate policy. It would be more appropriate to make clear that new development will be expected to meet them. As run off rates relate to SuDs, the need to comply with the standards should be inserted into LPP66 Sustainable Urban Drainage Systems.
- 4.49 Essex County Council advice reflects The Non Statutory Technical Standards 2015 which specifies standards on discharge rates and the changes proposed here will ensure these are reflected in policy LPP66. Development should be required to conform to The Non Statutory Technical Standards for Sustainable Drainage Systems (DEFRA 2015) as a minimum.
- 4.50 The deletion of LPP67 resolves any conflict between them LPP67 and LPP65.
- 4.51 This line was listed as a potential alternative option to the policy which was set out in the report. The Essex County Council SUDs Design Guide encourages the dual use of land. Whilst the counting of land for open space can sometimes be supported, not all SuDs features form useable open space for public use e.g. ditches or steep sided open water retention ponds. Where for example, such features have steep sides, or are likely to be soggy on a regular basis, or for long time periods their function as public open space may be compromised. There may be instances where public use of open spaces would harm the effective functioning of the SUDs and where maintenance requirements would necessitate a lack of public access e.g. land being fences off, it should not be classed as public open space. Where there is a clear conflict between both roles, SUDs should not be counted as open space provision

Recommendation 12 –To make the following changes to the Sustainable Urban Drainage Systems and Run Off Rates sections of the Draft Plan as set out in this report.

8.70 NPPF paragraph 103 sets out the need for priority to be given to the use of Sustainable Drainage Systems wherever possible. The SuDs National Standards and Building Regulations Part H set out a clear hierarchy for surface water management, which states that new developments should manage surface water through SuDs, rather than connecting to the public system, and development should show that they have followed the surface water hierarchy. The Lead Local Flood Authority (LLFA), Risk Management Authorities and planners will be working together to achieve SuDs and early engagement with these bodies is key to ensuring that adequate surface water management measures are included in new developments

8.71 Sustainable Drainage Systems (SuDs) are designed to reduce the potential impact of surface water drainage discharges from both new and existing developments. SuDS aim to replicate natural systems of surface water run-off through collection, storage, and cleaning before releasing water slowly and reducing the possible risk of flooding. Existing conventional drainage systems can bring about rapid run-off which may result in flooding, pollution and potential contamination of groundwater sources. Climate change is expected to result in more episodes of shorter rainfall duration and greater water volume for which some existing infrastructure is likely to be inadequate. Examples of the type of system that can be provided for large-scale developments are reed beds and other wetland habitats that collect, store, and improve water quality along with providing a habitat for wildlife. For smaller developments SuDs might include green roofs, rainwater harvesting techniques.

8.72 SUDs potentially have such an important influence on the layout of new development schemes that early engagement with the LLFA, Local Planning Authority and other relevant authorities are considered crucial to their success. Such contact should be commenced before a development scheme is submitted formally or informally to the Planning Authority. In order to assess that an acceptable drainage scheme is possible for the site all planning applications where SUDS are to be deployed must include a SUDs checklist form. The amount and quality of detail given by the applicant must be sufficient to show that a suitable SUD system is possible or the LLFA may recommend that the scheme be refused.

The Essex County Council SUDs Design Guide encourages the dual use of land. Whilst the counting of land for open space can sometimes be supported, not all SuDs features form useable open space for public use eg ditches or steep sided open water retention ponds. Where for example, such features have steep sides, or are likely to be soggy on a regular basis, or for long time periods their function as public open space may be compromised. There may

be instances where public use of open spaces would harm the effective functioning of the SUDs and where maintenance requirements would necessitate a lack of public access e.g. land being fences off, it should not be classed as public open space. Where there is a clear conflict between both roles, SUDs should not be counted as open space provision.

8.73 ~~Run-off following the proposed development should be that which would occur had the site had not been developed (i.e. greenfield runoff rate). This runoff level applies regardless of which flood zone the site occupies.~~

“Development proposals will be expected to demonstrate that they comply with The Non Statutory Technical Standards for Sustainable Drainage Systems which (DEFRA 2015) sets standards for quality of the drainage systems implemented or demonstrate why this is not practicable. These expected standards relate to

- **Capability of the drainage system to cope with flood events**
- **Discharge of water from the drainage system to a water body**
- **Discharge rates from greenfield and brownfield development sites**
- **Peak run off flow control**
- **Volume control**
- **Robustness of the drainage structure and that of adjacent structures/infrastructure**
- **Maintenance considerations**
- **Construction and accidental Damage”**

8.74 Applicants will be expected to design SuDS systems which reflect the guidance produced by Essex County Council in accordance with the Flood and Water Management Act 2010, as well as other relevant national and technical guidance.

SuDS design quality will be expected to conform with the up to date standards encompassed in the relevant BRE, CIRIA Essex SuDS Design Guide and Non Statutory Technical Standards for Sustainable Drainage Systems to the satisfaction of the Lead Local Flood Authority where practicable

LPP66 - Sustainable Urban Drainage Systems

All new development of 10 dwellings or more and major commercial development, car parks and hard standings will incorporate Sustainable Drainage Systems (SUDs) appropriate to the nature of the site. Such systems shall provide optimum water run-off rates and volumes taking into account relevant local or national standards and the impact of the Water Framework Directive on flood risk issues. **unless it can be clearly demonstrated that they are impracticable.”**

SUDs design quality will be expected to conform with **the up to date** standards encompassed in the relevant BRE, CIRIA standards ~~and~~ Essex County Council

SUDs Design Guide (as updated) **and Non Statutory Technical Standards for Sustainable Drainage Systems** to the satisfaction of the Lead Local Flood Authority **where practical.**

~~Maximum use should be made of low land take drainage measures such as rain water recycling, green roofs, permeable surfaces and water butts. Appropriate pollution control measures shall have been incorporated where necessary.~~

Large development areas with a number of new allocations will be required to develop a strategy for providing a joint SuDS scheme

Surface water should be managed as close to its source as possible and on the surface where practicable to do so. **Measures such as rain water recycling, green roofs water butts and permeable surfaces will be encouraged incorporating measures to prevent pollution where appropriate”**

Opportunities shall be taken to integrate sustainable drainage within the development, creating amenity and enhancing biodiversity.

Only where there is a significant risk of pollution to the water environment, inappropriate soil conditions and/or engineering difficulties, should alternative methods of drainage be considered. It will be necessary to demonstrate why it is not achievable. If alternative methods are to be considered, adequate assessment and justification should be provided and consideration should still be given to pre and post runoff rates.

SUDS design should be an integral part of the design and clear details of proposed SuDS together with how they will be managed and maintained will be required as part of any planning application. Only proposals which clearly demonstrate that a satisfactory SUDs layout with appropriate maintenance is possible, or compelling justification as to why SUDs should not be incorporated into a scheme, or are unviable, are likely to be successful. Contributions in the form of commuted sums may be sought in legal agreements to ensure that the drainage systems can be adequately maintained into the future. The sustainable urban drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.

The dual use of land for Sustainable Urban Drainage and Open Space can be supported where the neither use is compromised by the other. It may be supported in circumstances where

Land is safely usable by the public as open space

Where use as open space does not compromise the efficient and effective functioning of the SuD in the short or longer term

Run-off Rates

~~8.78 The 100 year return period is defined as a high probability event within the NPPF and is used as an industry standard design event. This figure does not take climate change into account.~~

Run-off Rates Policy

~~Developments on previously developed land of more than one dwelling or commercial building or development of a site greater than 0.1 hectare are required to reduce post development runoff rates for events up to and including the 1 in 100 year return period event, with an allowance for climate change, to that of a greenfield condition. A minimum requirement is for a 50% betterment. Calculations to demonstrate that such requirements can be met should be submitted to the Local Planning Authority as part of a planning application~~

External Lighting

4.52 4 representations were received: 1 from Historic England, 1 from a local organisation and 2 from members of the public.

Paragraph 8.82

4.53 One letter of objection was received from a member of the public

- Consider stronger protection and wording as turning night into day is unacceptable.
- It does harm character and should be prohibited

Paragraph 8.83

4.54 One letter of support was received from a member of the public

- Areas which are dark with little light pollution should be kept especially, those that may support nationally / European important species

Paragraph 8.83

4.55 Two letters of objection were received from members of the public

- Stronger protection needed - stronger wording should be considered.
- A new settlement will have serious negative consequences on the diurnal rhythms of plants and animals west of Braintree. Light pollution is visible over great distances over flat landscape as illustrated by Chelmsford City Racecourse lights

LPP68 External Lighting

4.56 Historic England

- We welcome policy LPP68 and the recognition in criterion 6 and paragraph 8.81 of the impact on heritage assets. In paragraph 8.81 we would recommend the use of '*heritage assets*' rather than '*heritage features*'.
- Policy LPP 68 - policy wording should be amended to recognise the need to satisfy other requirements necessary to secure the adoption of a footpath or road by the highway authority Recommend additional wording as follows "The Council will only allow conflict with these criteria where it is necessary to secure the adoption of a road or footpath by the Highway Authority".
- This policy suggests presumption in favour of lighting. In villages without street lighting, external lighting must automatically switch off to protect rural character and enhance quality of night sky.
- Stronger policy needed given existing light pollution.

Officer Response

- 4.57 Heritage Assets is the wording normally used in the NPPF and it would be reasonable to substitute assets instead of features.
- 4.58 Part 1 requires that lighting is designed as an integral element of the development. Design relates not only the aesthetic appeal of the lighting but its location and acceptability in engineering terms. Lighting should be designed so that it is capable of adoption by the Local Highway Authority and this is missing from the policy.
- 4.59 The policy wording does not preclude the possibility of allowing development without lighting in circumstances where this may be appropriate. As sought by the respondent it does require consideration of the use of time switches to minimise illumination.
- 4.60 The policy is intended to minimise illumination and the measure outlined in the policy will assist in reducing light pollution.

Recommendation 13 – To make the minor changes to paragraph 8.81 and policy LPP68 External Lighting as set out in this report.

*8.81 Although artificial lighting can be essential for reasons of safety, security and some leisure activities, insensitive lighting can cause an intrusive source of pollution. Glare and insensitive lighting can have serious implications for motorists who may become distracted or blinded by glaring lights spilling out on to a road network. This artificial light pollution can also impact on the character of rural and tranquil areas at night, settings of listed buildings and other heritage ~~features~~ **assets** and also cause a negative impact upon biodiversity. Artificial lighting can also harm local character*

by introducing a suburban feel into rural areas. In addition to these particular problems, obtrusive light represents a waste of energy, money and resources.

8.82 While the Council recognises these environmental problems associated with artificial lighting, it also appreciates the importance of reducing crime, improving some aspects of road safety and providing leisure opportunities. Therefore, this section does not seek to prevent lighting as part of a new development but to ensure that lighting should be carefully directed and sensitively designed so as to reduce obtrusiveness, and that appropriateness will be evaluated on a case-by-case basis. This direction is in line with the NPPF, which identifies the need to minimise the impact of light pollution. The Dark-Sky Movement is an international campaign to reduce, and where possible eliminate, light pollution sources.

8.83 Lighting proposals that neighbour or are close enough to significantly affect areas of nature conservation importance, e.g. Sites of Special Scientific Interest, Local Nature Reserves and Local Wildlife Sites will only be permitted in exceptional circumstances. External artificial lighting can have severe implications for the natural diurnal rhythms of a range of animals and plants. Therefore sites which are deemed important in terms of their suitability for wildlife must not be negatively affected in any way by artificial lighting.

8.84 Artificial lighting is needed for some commercial and community uses and sports facilities. Floodlighting can provide for additional use of sports facilities, but can be intrusive and lead to residential and other amenity problems, which can have a detrimental impact on the countryside and create light pollution in the night sky. It is important therefore that lighting is adequate for that purpose and there is no significant nuisance to the amenity of surrounding properties. The glare and light spillage from the site to the night sky is required to be minimised through effective design.

8.85 The Supplementary Planning Document produced by Braintree District Council, 'External Artificial Lighting' (2009), supports the implementation of the accompanying policy. It sets out what the Council takes into consideration when determining applications for lighting, and the information that the applicant is expected to submit. This guidance acknowledges the technical nature of lighting schemes and emphasises the requirement for expertise in selecting and installing a system.

Policy LPP 68 External Lighting

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

- 1. The lighting is designed as an integral element of the development **and shall be capable of adoption by the Highway Authority when it is on the public highway***

2. *Low energy lighting is used in conjunction with features such as movement sensors, daylight sensors and time controls*
3. *The alignment of lamps and provision of shielding minimises spillage, glare and glow, including into the night sky*
4. *The lighting intensity is no greater than necessary to provide adequate illumination*
5. *There is no loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users*
6. *There is no harm to biodiversity, natural ecosystems, intrinsically dark landscapes and/or heritage assets*

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