

Minutes

Local Plan Sub-Committee

12th April 2017



Present:

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

Councillors Bowers (from 6.45pm), Elliott (from 6.43pm), Mrs Garrod, Mitchell and Schwier were also in attendance.

62 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Feering, Kelvedon and Halstead and specifically Sites HATR308 and HATR309 - Blamsters, Mount Hill, Halstead, as Mr David Whipps, who was speaking at the meeting during Question Time was known to her.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Feering, Kelvedon and Halstead and specifically Sites HATR308 and HATR309 - Blamsters, Mount Hill, Halstead, as Mr David Whipps, who was speaking at the meeting during Question Time was known to him, and as the elected Member for the Braintree Town Division of Essex County Council.

Councillor Butland declared a non-pecuniary interest also in Agenda Item 6 – Braintree Draft Local Plan – Consultation Responses – Policies, as an elected Member of Great Notley Parish Council.

Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 6 – Braintree Draft Local Plan – Consultation Responses – Policies, as an elected Member of Great Notley Parish Council.

Councillor R Mitchell (in attendance) declared a 'substantial' non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Feering, Kelvedon and Halstead and specifically Policy LPP20 - Strategic Growth Location –

Land at Feering and Sites FEER230 - Land off Inworth Road, Feering; and FEER232 and FEER233 - Land South of Feering, West of the A12, as the land was located directly to the front and to the rear of his property. Councillor Mitchell stated that he would be speaking at the meeting during Question Time in his capacity as a Braintree District Councillor for the Kelvedon and Feering Ward and that he would be making general, rather than site specific comments.

Councillor Mrs W Scattergood declared a non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Feering, Kelvedon and Halstead and specifically Sites HATR308 and HATR309 - Blamsters, Mount Hill, Halstead, as the promoter of the sites and Mr David Whipps, who was speaking at the meeting during Question Time, were known to her.

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

63 **MINUTES**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 9th March 2017 be approved as a correct record and signed by the Chairman.

64 **QUESTION TIME**

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

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

65 **BRAINTREE DRAFT LOCAL PLAN – CONSULTATION RESPONSES – FEERING, KELVEDON AND HALSTEAD**

INFORMATION: Consideration was given to a report summarising the comments submitted to the Council following public consultation on the draft Local Plan which had taken place between 27th June 2016 and 19th August 2016. The report included information about proposed new sites which had been put forward and, where applicable, recommended amendments.

The report related to the villages of Feering and Kelvedon. The report contained information also about Sites HATR308 and HATR309 - Blamsters, Mount Hill, Halstead, the consideration of which had been deferred at the Sub-Committee's meeting in February 2017 pending the receipt of written advice from Essex County Council about the provision of specialist housing/supported living. The report included details of a further site in Halstead which had been omitted from a previous report. Maps of the sites which had been put forward for consideration and the proposed Inset Maps to be contained within the Pre-Submission Local Plan were included in an Appendix to the report.

When discussing Sites HATR308 and HATR309 - Blamsters, Mount Hill, Halstead, Members of the Sub-Committee were advised that the site owner had withdrawn the two schemes submitted under Site HATR308 and had requested that Site HATR309 (Area 3, measuring 1.7 hectares) be allocated for specialist housing.

DECISION:

- (1) That land at Inworth Road and London Road, Feering (Sites FEER230, FEER232 and FEER233) is retained as a Strategic Growth Location and that Policy LPP20 – Strategic Growth Location – Land at Feering and the supporting text be amended as set out in the report, subject to the words ‘up to’ being re-instated in the first bullet point of the Policy to read as follows:-

‘Up to 1,000 new homes of a mixed size and type appropriate to the area.’

- (2) That the Inset Map for Feering, as set out in the Appendix to the report, be approved for inclusion in the Submission Local Plan, subject to the following being inserted as the third paragraph of paragraph 6.77 of the supporting text to Policy LPP20 – Strategic Growth Location – Land at Feering:-

‘Development will be required to follow any associated neighbourhood policies (eg. design, housing mix and density) in the Feering Neighbourhood Plan.’

- (3) That Site KELV605 - Land adjacent to Ewell Hall Cottages, Kelvedon is not allocated for development.
- (4) That Site KELV606 – Land at Moorings, Coggeshall Road, Kelvedon is not allocated for development.
- (5) That Site KELV615 - Land South-East of Kelvedon (Ewell Hall) is not allocated for development.
- (6) That Site KELV616 - Land North of Crabbs Barn, Crabbs Lane, London Road, Kelvedon is not allocated for development.
- (7) That Site KEL626 – Land at Watering Farm, Coggeshall Road, Kelvedon is not allocated for development.
- (8) That Site KELV627 - Land at Windmill Farm, Newtown, Kelvedon is not allocated for development.
- (9) That Site KELV628 - Land at Bridge Farm, Monks Farm, Kelvedon is not allocated for development.
- (10) That Site KELV333 - Land at Park Farm, Hollow Road, Kelvedon is not allocated for development.
- (11) That the allocated Site KELV335 – Monks Farm, land South-East of Coggeshall Road, Kelvedon is no longer allocated for development.

- (12) That Site KELV337 - Land at London Road, Kelvedon (North site) is allocated for development, but that Site KELV338 - land at London Road, Kelvedon (South site/country park) is not allocated for development or any other use.
- (13) That the Inset Map for Kelvedon, as set out in the Appendix to the report, be approved for inclusion in the Submission Local Plan, subject to Site KELV335 – Monks Farm, land South-East of Coggeshall Road, Kelvedon not being allocated for development and Site KELV337 - Land at London Road, Kelvedon (North site) being allocated for development, as outlined above.
- (14) That Site HATR309 - Blamsters, Mount Hill, Halstead is allocated for specialist housing and an accompanying Policy prepared on the minimum level of market housing which could also be provided on the site subject to a viability study.
- (15) That Site HATR306 - Land at Tidings Hill, Halstead is not allocated for development.

66 **BRAINTREE DRAFT LOCAL PLAN – CONSULTATION RESPONSES – POLICIES**

INFORMATION: Consideration was given to a report summarising the comments submitted to the Council following public consultation on the draft Local Plan which had taken place between 27th June 2016 and 19th August 2016.

The Plan included 68 strategic and non-strategic policies set around the key themes of 'A Prosperous District'; 'Creating Better Places'; and 'The District's Natural Environment'. The report summarised the comments submitted in respect of the 'Green Buffers'; 'Affordable Housing'; and 'Retail and Town Centres' sections of the Plan and it set out proposed amendments to the text and policies relating to these. Members were advised that references in the report to the 'Gypsy and Traveller' evidence base report and the proposed text and policy relating to 'Gypsy and Traveller and Travelling Showpersons accommodation' would be considered at a future meeting of the Local Plan Sub-Committee.

DECISION:

- (1) That Policy LPP60 - Green Buffers and the supporting text be amended as set out in the report and that green buffers be allocated in the areas highlighted in green on the accompanying maps contained within the Appendix to the report, subject to the reference in the Policy to 'Land between Great Notley and Black Notley' being amended to make the definition more explicit.
- (2) That Policy 24 - Affordable Housing and Policy 25 – Affordable Housing in Rural Areas and the supporting text be amended as set out in the report, subject to a report being submitted to a future meeting of the Local Plan Sub-Committee on the possible amendment of 'Policy LPP17 – Strategic Growth Location – land East of Great Notley, South of Braintree' to require that 40%

not 30% of residential units at site 'BLAN114 - land East of Great Notley, South of Braintree' are allocated as affordable housing.

- (3) That Policy LPP7 - Retailing and Regeneration and the supporting text be amended as set out in the report.
- (4) That Policy LPP8 - Primary Shopping Areas and the supporting text be amended as set out in the report.
- (5) That Policy LPP9 - District and Local Centres and the supporting text be amended as set out in the report.
- (6) That Policies LPP 10 - Freeport Outlet Centre Policy, LPP 11 - Leisure and Entertainment Policy, and LPP 12 - Retail Warehouse Development and the supporting text relating to Out of Town Retailing be amended as set out in the report.
- (7) That the Policy LPP13 - Retail Site Allocations and the supporting text be amended as set out in the report.
- (8) That the evidence base report providing an update for the Essex Gypsy and Traveller Accommodation Assessment (2017) be considered at a future meeting of the Local Plan Sub-Committee.
- (9) That the text and Policy relating to Gypsy and Traveller and Travelling Showpersons Accommodation be considered at a future meeting of the Local Plan Sub-Committee.

67 **BRAINTREE DRAFT LOCAL PLAN – CONSULTATION RESPONSES –
NATURAL ENVIRONMENT CHAPTER**

INFORMATION: Consideration was given to a report summarising the comments submitted to the Council following public consultation on the draft Local Plan which had taken place between 27th June 2016 and 19th August 2016.

The Plan included 68 strategic and non-strategic policies set around the key themes of 'A Prosperous District'; 'Creating Better Places'; and 'The District's Natural Environment'. The report summarised the comments submitted in respect of the Natural Environment chapter of the Plan and specifically Policies 'LPP56 - Natural Environment'; 'LPP57 - Protected Species'; 'LPP58 - Enhancements, Management and Monitoring of Biodiversity'; 'LPP59 - Landscape Character and Features'; 'LPP62 - Energy Efficiency'; 'LPP63 - Renewable Energy Schemes'; and 'LPP64 - Renewable Energy within New Developments'. The report set out proposed amendments to these Policies and the supporting text. New Policies were proposed in respect of 'Tree Protection' and 'Climate Change'.

DECISION:

- (1) That paragraphs 8.1, 8.3 and 8.4 of the supporting text to Policy LPP56 - Natural Environment be amended as set out in the report.

- (2) That Policy LPP56 - Natural Environment be amended as set out in the report.
- (3) That paragraphs 8.9, 8.11 and 8.13 of the supporting text to Policy LPP57 – Protected Species be amended as set out in the report, but that no other changes be made to the section.
- (4) That Policy LPP57 - Protected Species be amended as set out in the report and that a Policy relating to Tree Protection be included in the Plan as amended below:-

‘LPP - Tree Protection

The Council will consider the protection of established healthy trees which offer significant amenity value to the locality by

- i) *Assessing the value and contribution made by trees to the Conservation Areas in which they are located when determining S211 notifications for works to trees, including their removal.*
- ii) *Serving Tree Preservation Orders in response to an objection to such a notification or in other circumstances as detailed below.*

Prominent trees which contribute to the character of the local landscape and are considered to have a reasonable life expectancy will be protected by tree preservation orders particularly if they are considered to be under threat from removal.

Trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal unless they are considered to be dangerous or in poor condition. Similarly alterations to trees such as pruning or crown lifting should not harm the tree or disfigure it; any tree surgery should be carried out to BS3998:2010.

When considering the impact of development on good quality trees the Council will expect developers to follow the best practice guidance set out in BS 5837:2012. The standard recommends that trees of higher quality are a material consideration in the development process.

Where trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new development to allow for its continued wellbeing and less vulnerable to pressures from adjacent properties for its removal. Planning conditions will be applied to protect trees during development. New landscape proposals for tree planting on development sites should conform to the recommendations set out in BS5837:2012 and BS8545:2014

In considering works to trees, new planting and the trees in new development schemes the Council will expect proposals to be in general conformity to and contribute to the aims of Braintree District's Tree Strategy.'

- (5) That Policy LPP58 - Enhancement, Management and Monitoring of Biodiversity and its supporting text be amended as set out in the report.
- (6) That Policy LPP59 - Landscape Character and Features be amended as set out in the report, but that no changes be made to paragraphs 8.19 to 8.26 of the Plan.
- (7) That no amendments be made to paragraphs 8.27 to 8.29 of the Plan in respect of agricultural land
- (8) That paragraph 8.48 of the 'Introduction and Background' part of the 'Climate Change and Energy' section of the Plan be amended as set out in the report, but that no other changes be made.
- (9) That paragraph 8.49 of the Plan relating to Energy Efficiency be amended as set out in the report.
- (10) That a new Policy and supporting text relating to Climate Change, as set out in the report, be included in the Plan after paragraph 8.48.
- (11) That paragraph 8.51 be amended as set out in the report.
- (12) That Policy LPP62 - Energy Efficiency be amended as set out in the report.
- (13) That Policy LPP63 – Renewable Energy Schemes be amended as set in the report.
- (14) That no amendments be made to Policy LPP64 - Renewable Energy Within New Developments.

68 **BRAINTREE SUBMISSION LOCAL PLAN – PROPOSED CONSULTATION STRATEGY**

INFORMATION: Consideration was given to a report on the proposed Strategy for forthcoming public consultation on the pre-submission draft Braintree District Local Plan. Consultation would take place over a six week period from 12th June 2017 to 24th July 2017.

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

alternative written responses would also be accepted. Consultation responses would be published in full through the online portal, following which the draft Local Plan would be submitted to The Planning Inspectorate for examination.

In a correction to the report, it was noted that the public exhibition at the Public Hall, Witham would take place on 29th June 2017 and that the exhibition at the Queens Hall, Halstead would take place on 22nd June 2017.

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

The meeting commenced at 6.00pm and closed at 8.30pm.

At the close of the meeting, the Chairman stated that the next meeting of the Local Plan Sub-Committee would take place on Tuesday, 16th May 2017 at Causeway House, Braintree starting at 6.00pm. This meeting had been brought forward from the original scheduled date of 17th May 2017.

Councillor Mrs L Bowers-Flint
(Chairman)

APPENDIX

LOCAL PLAN SUB-COMMITTEE

12TH APRIL 2017

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Agenda Item 5 – Braintree Draft Local Plan – Consultation Responses – Feering, Kelvedon and Halstead
- (i) Statement by Mr Tim Pailthorpe, for Kelvedon and Feering Heritage Society, Windrush, Coggeshall Road, Feering
 - (ii) Statement by Ms Christa-Marie Dobson, 23 Watermill Road, Feering
 - (iii) Statement by Ms Nicky Joshua, for Kelvedon Neighbourhood Plan Group, 3 Kingfisher Way, Kelvedon
 - (iv) Statement by Councillor Ms Louise Humpington, for Kelvedon Parish Council, c/o Mrs P Potter, Clerk to Kelvedon Parish Council, The Old Fire Station, 102 High Street, Kelvedon
 - (v) Statement by Councillor Ms Lee Blackburn, for Feering Neighbourhood Plan, c/o Mr Kevin Money, Clerk to Feering Parish Council, Feering Community Centre, Coggeshall Road, Feering
 - (vi) Statement by Councillor Mrs Katherine Evans, for Feering Parish Council, c/o Mr Kevin Money, Clerk to Feering Parish Council, Feering Community Centre, Coggeshall Road, Feering
 - (vii) Statement by Councillor Robert Mitchell, Braintree District Councillor for Kelvedon and Feering Ward, Bidlake, Inworth Road, Feering
 - (viii) Statement by Mr Carl O'Brien, for Berkley Projects, c/o Edward Gittins and Associates, Unit 5, Patches Yard, Cavendish Lane, Glemsford, Sudbury (Specifically Sites KELV337 and KELV338 – Land at London Road, Kelvedon)
 - (ix) Statement by Mr David Whipps, Holmes and Hills Solicitors, (for Mrs Hennessey promoter of sites), c/o Mark Jackson Planning, Gateway House, 19 Great Notley Avenue, Great Notley (Specifically Sites HATR308 and HATR309 - Blamsters, Mount Hill, Halstead)