

Minutes



Local Plan Sub-Committee

16th May 2017

Present:

Councillors	Present	Councillors	Present
D Bebb	Yes (until 8.08pm)	Lady Newton	Yes
Mrs L Bowers-Flint (Chairman)	Yes	J O'Reilly-Cicconi	Yes (from 6.50pm until 8.47pm)
G Butland	Yes	Mrs W Scattergood	Apologies
T Cunningham	Yes	Mrs G Spray	Yes
D Hume	Apologies	Miss M Thorogood	Yes
Mrs J Money	Yes		

Councillors Abbott, Banthorpe, Bowers, Mrs Garrod, Kirby, Mitchell, Mrs Parker (until 8.12pm), Ramage, Ricci, and Tattersley were also in attendance.

1 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

Councillor J Abbott (in attendance) declared a non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Shared Section 1 Strategic Plan for North Essex (North Essex Garden Communities) as he had met with representatives of CAUSE and local residents in his role as Essex County Councillor for Witham Northern Division.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan – Consultation Responses – Shared Section 1 Strategic Plan for North Essex (North Essex Garden Communities) as an Alternate Director of North Essex Garden Communities Ltd.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Shared Section 1 Strategic Plan for North Essex (North Essex Garden Communities) as a non-remunerated Director of North Essex Garden Communities Ltd which had met with representatives of CAUSE during the last two years.

Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Shared Section 1 Strategic Plan for North Essex (North Essex Garden Communities) as he had met with representatives of CAUSE and Mr R Bucknell of Andrewsfield New Settlement Consortium (land West of Braintree).

Councillor R Mitchell (in attendance) declared a non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Shared Section 1 Strategic Plan for North Essex (North Essex Garden Communities) in his role as Essex County Councillor for Braintree Eastern Division.

Councillor Lady Newton declared a non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Shared Section 1 Strategic Plan for North Essex (North Essex Garden Communities) as, in her former capacity as Cabinet Member for Planning and Housing, she had represented the Council in respect of North Essex Garden Communities Ltd and she had met with CAUSE and their representative Ms R Pearson.

Councillor J O'Reilly-Cicconi declared a disclosable pecuniary interest in Agenda Item 8 - Braintree District Publication Draft Local Plan and Draft Sustainability Appraisal and Strategic Environmental Assessment as his wife was the owner of land which had been submitted for consideration as part of the 'call for sites'. Councillor O'Reilly-Cicconi left the meeting during the consideration of this Item.

Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Shared Section 1 Strategic Plan for North Essex (North Essex Garden Communities); Agenda Item 6 – Braintree Draft Local Plan - Consultation Responses; Agenda Item 7 – Braintree Draft Local Plan – Evidence Base; and Agenda Item 8 - Braintree District Publication Draft Local Plan and Draft Sustainability Appraisal and Strategic Environmental Assessment as the Deputy Cabinet Member for Planning and Housing with responsibility for affordable housing.

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

2 **MINUTES**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 12th April 2017 be approved as a correct record and signed by the Chairman.

3 **QUESTION TIME**

INFORMATION: There were fourteen 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.

BRAINTREE DRAFT LOCAL PLAN – RESPONSES TO CONSULTATION ON SHARED SECTION 1 STRATEGIC PLAN FOR NORTH ESSEX (North Essex Garden Communities)

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 related to Section 1 of the Draft Local Plan. This was a Strategic Plan for North Essex which was shared with Colchester Borough Council and Tendring District Council and had been prepared in conjunction with Essex County Council. Section 1 included ten strategic policies relating to the Objectively Assessed Housing Need, Strategic Employment Need, Spatial Strategy for North Essex, Strategic Infrastructure and Place Making and policies relating specifically to three proposed garden communities. A summary of the comments submitted was set out in the report. Section 1 of the draft Local Plan had been amended in response to the comments and a meeting with a Planning Inspector had been held.

Section 1 of the Draft Local Plan had also been subject to a separate Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) which had reviewed the environmental impacts of the proposed allocations and policies contained within it.

Following public consultation, Braintree District Council had commissioned additional work to investigate the development of garden communities and five documents had been produced. These related to 'West of Braintree Concept Framework'; 'North Essex Local Plans (Section 1) Viability Appraisal'; 'Demographic and Employment modelling'; 'Monks Wood, Braintree – Evaluation of Alternatives'; and 'Metro Plan – Evaluation of Alternatives'. Primarily, these documents would be used to develop subsequent Strategic Growth Development Planning Documents.

DECISION:

- (1) That the West of Braintree Concept Framework be approved as part of the evidence base of the Local Plan.
- (2) That the North Essex Local Plans (Section 1) Viability Appraisal be approved as part of the evidence base of the Local Plan.
- (3) That the Demographic and Employment Modelling report be approved as part of the evidence base of the Local Plan.
- (4) That the Monks Wood, Braintree and the Metro Plan – Evaluation of Alternatives reports be approved as part of the evidence base of the Local Plan.
- (5) That the broad location of a new stand-alone garden community at West of Braintree be approved for inclusion within the Publication Draft Local Plan.

- (6) That the broad location of a new stand-alone garden community on the Colchester/Braintree border be approved for inclusion within the Publication Draft Local Plan.
- (7) That the alternative sites at Monks Wood, Braintree (COGG641) and the Metro Plan are not included within the Publication Draft Local Plan.
- (8) That Section 1 of the Publication Draft Local Plan be approved.

5 **BRAINTREE DRAFT LOCAL PLAN – CONSULTATION RESPONSES**

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 'Kelvedon Park'; 'Gypsy and Traveller and Travelling Showpersons' Accommodation'; 'Road Infrastructure'; 'Open Space, Sport and Recreation'; 'Employment Policies LPP1, LPP2, and LPP3'; 'Policy LPP16 - Housing Provision and Delivery'; the 'Housing Trajectory'; and 'Monitoring and Implementation' sections of the Plan and it set out proposed amendments to the text and policies relating to these.

During the consideration of this Item, reference was made to a typographical error in Policy LPP16 - Housing Provision and Delivery relating to the Plan period which should be amended to '2013 and 2033'. It was reported also that the Policy had already been amended to correct the number of homes to be built at sites 'East of Great Notley (in Black Notley Parish)' and 'Land at Feering' to '1750' and '750' respectively. Specific reference had been made during Question Time to the number of homes for Feering and Members were advised that Policy LPP16 and 'Policy LPP20 (subsequently re-numbered LPP22) – Strategic Growth Location – Land at Feering' had been amended to reflect the decisions made by the Local Plan Sub-Committee at its meeting on 12th April 2017.

DECISION:

- (1) That Policy LPP Kelvedon Park be amended as set out in the report.
- (2) That the supporting text and Policy for Gypsy and Traveller and Travelling Showpersons' Accommodation be amended as set out in the report.
- (3) That the supporting text and Policy LPP40 - New Road Infrastructure be amended as set out in the report.
- (4) That the supporting text and Policy LPP44 - Provision for Open Space, Sport and Recreation be amended as set out in the report.

- (5) That the supporting text and Policy LPP1 - Location of Employment Land be amended as set out in the report.
- (6) That the supporting text and Policy LPP2 - Employment Policy Areas be amended as set out in the report.
- (7) That Policy LPP3 - Business Parks be amended as set out in the report.
- (8) That the introduction to the 'Homes' section of the Local Plan be amended as set out in the report.
- (9) That the supporting text to Policy LPP16 - Housing Provision and Delivery be amended as set out in the report.
- (10) That Policy LPP16 - Housing Provision and Delivery be amended as set out in the report, subject to the Plan period referred to being amended to '2013 and 2033'.
- (11) That the supporting text following Policy LPP16 - Housing Provision and Delivery be amended as set out in the report.
- (12) That the housing trajectory, as set out in Appendix 1, be approved for inclusion in the Local Plan.
- (13) That the supporting text and Policy relating to Chapter 9 – 'Delivery and Implementation' be amended as set out in the report.
- (14) That the supporting text following paragraph 9.3 of Chapter 9 – 'Delivery and Implementation' be amended by the inclusion of references to the monitoring of changes in the amount of land allocated as local wildlife sites (LWS) and identified as Sites of Special Scientific Interest (SSSI), and the monitoring of the number of heritage assets in the District, and applications for listed building consent.

6 BRAINTREE DRAFT LOCAL PLAN – EVIDENCE BASE

INFORMATION: Consideration was given to a report regarding evidence base documents.

Members of the Sub-Committee were advised that the Local Plan should be accompanied by a robust and credible evidence base containing up-to-date and relevant information about economic, social and environmental matters. Documents had been produced relating to 'Open Spaces'; 'the Gypsy and Traveller and Travelling Showpersons' Accommodation Assessment Update (Braintree)'; 'Protected Lanes – Cressing Parish'; 'Transport'; 'Habitat Regulations Assessment and Appropriate Assessment'; 'Infrastructure'; and an 'Equalities Impact Assessment' and the content of these was summarised in the report.

DECISION:

- (1) That the Braintree Open Spaces evidence be approved as part of the Local Plan evidence base.
- (2) That the Gypsy and Traveller and Travelling Showpersons' Accommodation Assessment - Braintree District Update 2017 be approved as part of the Local Plan evidence base.
- (3) That the Protected Lanes Within Cressing Parish Assessment be approved as part of the Local Plan evidence base, and the new Protected Lanes included on the Publication Draft Local Plan proposals map.
- (4) That the Preferred Highways Options Assessment and its addendum be approved as part of the Local Plan evidence base.
- (5) That the Draft Habitats Regulation Assessment and Appropriate Assessment of Section 1 and Section 2 of the Local Plan be approved as part of the Local Plan evidence base.
- (6) That the Draft Infrastructure Delivery Plan be approved as part of the Local Plan evidence base.
- (7) That the Equalities Impact Assessment be approved as part of the Local Plan evidence base, subject to Officers, in consultation with the Cabinet Member for Planning and Housing, being authorised to amend the Assessment, including any minor reformatting required, to reflect the potential impact on protected groups of any proposed changes to policies.

7 BRAINTREE DISTRICT PUBLICATION DRAFT LOCAL PLAN AND DRAFT SUSTAINABILITY APPRAISALS AND STRATEGIC ENVIRONMENTAL ASSESSMENTS

INFORMATION: Consideration was given to a report on the Braintree District Publication Draft Local Plan. This version of the Local Plan had been drafted in response to comments submitted following consultation on the Draft Local Plan during Summer 2016, which had been considered by the Local Plan Sub-Committee. Amendments had been made by the Sub-Committee and further changes were proposed as summarised below. Section 1 of the Plan comprised strategic policies and proposals for Garden Communities which had been prepared jointly with Colchester Borough Council and Tendring District Council. Section 2 of the Plan included local policies and site allocations for the Braintree District. Sustainability Appraisals/Strategic Environmental Assessments (SA/SEA) had been prepared to consider the environmental impact of all policies and allocations within Section 1 and Section 2 of the Plan and the Plan was also supported by an evidence base of documents.

Members were advised that changes had been made to the wording of Draft Local Plan policies to reflect the content of the Government's White Paper entitled 'Fixing

Britain's Broken Housing Market'. It was also proposed that the 'informal recreation' allocation for the playing field at Rickstones Academy, Witham should be amended to 'education'; that 'Policy LPP46 – Layout and Design of Development'; 'Policy LPP47 – Preservation and Enhancement of Conservation Areas'; and Policy LPP50 – Alterations, Extensions and Changes of Use to Heritage Assets and their Settings' should be amended to ensure that these Policies were fully compliant with the National Planning Policy Framework; and that information regarding proposed protected lanes in Cressing Parish should be added to the Proposals Map. Furthermore, it was proposed that the education allocation on approximately four acres of land at Braintree College should be removed to enable it to be developed for residential use and to support the on-going provision of education on the remainder of the site. Minor changes to maps and typographical amendments to text had also been made.

It was considered that the Publication Draft Local Plan had been prepared in line with legal and statutory requirements, that it provided a sound, justified and effective approach to development in the Braintree District and that it was accompanied by a robust and proportionate evidence base covering key strategic issues. It was proposed that the Council should approve the Publication Draft Local Plan on 5th June 2017 and that the Plan should be subject to public consultation for a six week period starting from 16th June 2017. In addition, it was proposed that the Sustainability Appraisals and Strategic Environmental Assessments of both Section 1 and Section 2 of the Plan should be made available to inform the consultation process. At the end of the consultation period, the Publication Draft Local Plan, evidence base documents and consultation responses would be submitted to the Planning Inspectorate for examination. Section 1 of the Local Plan would be examined jointly with Colchester and Tendring Councils. This would be followed by a separate examination of Section 2 of the Braintree Local Plan.

In considering this report, Members approved an amendment to 'Policy LPP22 (re-numbered from LPP20) - Strategic Growth Location - Land at Feering' in order to correct the number of dwellings to be provided, and an amendment to 'Policy LPP37 - Housing Type and Density' in order to include an additional paragraph requiring provision for self or custom built homes on large development sites.

DECISION:

- (1) To Recommend to Council the approval of the content of the Braintree District Publication Draft Local Plan and the Draft Sustainability Appraisal/Strategic Environmental Assessment in respect of Section 1 of the Publication Draft Local Plan.
- (2) To Recommend to Council the carrying out of a six week period of public consultation on the Publication Draft Local Plan.
- (3) To Recommend to Council the publishing and making available of the Draft Sustainability Appraisal/Strategic Environmental Assessment of Section 1 of the Plan in order to inform consultation and engagement on the Publication Draft Local Plan and the Sustainability Appraisal.

- (4) To Recommend to Council the submission of the Publication Draft Local Plan to the Government Secretary of State for examination.
- (5) To delegate approval to the Portfolio Holder for Planning and Housing of minor amendments to the Publication Draft Local Plan and the Draft Sustainability Appraisal/Strategic Environmental Assessment in respect of Section 1 of the Plan.
- (6) To Recommend to Council the approval of the Draft Sustainability Appraisal/Strategic Environmental Assessment in respect of Section 2 of the Plan, subject to completion and to the Portfolio Holder for Planning and Housing being authorised to approve minor amendments.
- (7) To Recommend to Council the publishing and making available of the Draft Sustainability Appraisal/Strategic Environmental Assessment of Section 2 of the Plan in order to inform consultation and engagement on the Publication Draft Local Plan and the Sustainability Appraisal.
- (8) That Policy LPP22 - Strategic Growth Location - Land at Feering be amended as follows:-

Policy LPP22 - Strategic Growth Location - Land at Feering

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

- *Up to 750 new homes of a mixed size and type appropriate to the area.*
- *Affordable housing as per the Council's requirement.*
- *Appropriate employment uses to support the new community.*
- *Location for a new primary school or community centre.*
- *Financial contributions to primary and secondary education provision as required by the Local Education Authority through S106 Planning Obligations.*
- *Two new 56 place early years and childcare facilities, potentially co-located with any new primary school.*
- *Community facilities including a contribution to or location for new NHS facilities.*
- *Retail Provision.*
- *Public open space, and informal and formal recreation.*
- *Safe cycle and pedestrian access between all parts of the development and Kelvedon and Feering.*
- *Provision for a Gypsy and Traveller site.*
- *Contributions to an all directions A12 junction at Feering.*

Development must be designed to ensure no substantial harm to the Conservation Areas, Scheduled Ancient Monument and other heritage assets located in the vicinity of the site.

The delivery of each facility shall coincide with the completion of different phases of development to ensure that local services are in place when they are needed. Development proposals which would compromise the delivery of an identified strategic growth location will be resisted.

- (9) That Policy LPP37 - Housing Type and Density be amended as follows:-

Policy LPP37 - 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:

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

Housing mix should be 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.

On sites of 500 or more dwellings, 2% of homes will be required to be available for self or custom builders.

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

The meeting commenced at 6.00pm and closed at 9.02pm.

Councillor Mrs L Bowers-Flint
(Chairman)

APPENDIX

LOCAL PLAN SUB-COMMITTEE

16TH MAY 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 – Shared Section 1 Strategic Plan for North Essex (North Essex Garden Communities)
- (i) Statement by Mr Kohn, Chairman, for Coggeshall Neighbourhood Planning Steering Group, 23 East Street, Coggeshall
 - (ii) Statement by Mr David Churchill, Agent for G120 Ltd, Cirrus Land LLP and L&Q, c/o Mr Jamie Stanley, Icen Projects, Flitcroft House, 114-116 Charing Cross Road, London
 - (iii) Statement by Mr Richard Walker, Promoter of site, Lightwood Strategic, 4 Carlos Place, Mayfair, London
 - (iv) Statement by Mr Robert Bucknell, Chairman, for Andrewsfield New Settlement Consortium, c/o Mr Richard Mabb, Mabb Planning, 1 The Orchard, Braintree Road, Felsted, Essex
 - (v) Statement by Ms Rosie Pearson, for CAUSE (Campaign Against Urban Sprawl in Essex), Compass House, Compasses Road, Pattiswick
 - (vi) Statement by Mr Martin Herbert, for Galliard Homes, WYG, 100 St John Street, London
 - (vii) Statement by Councillor James Abbott, Braintree District Councillor for Silver End and Cressing Ward and Essex County Councillor for Witham Northern Division, 1 Waterfall Cottages, Park Road, Rivenhall
 - (viii) Statement by Mr Philip Jellard, Gulls Farm, Buckleys Lane, Coggeshall
 - (ix) Statement by Councillor Robert Mitchell, Braintree District Councillor for Kelvedon and Feering Ward and Essex County Councillor for Braintree Eastern Division, Bidlake, Inworth Road, Feering
 - (x) Statement by Mr Tim Came, Tumble Tye, Tumblers Green, Stisted

- (xi) Statement by Councillor Mrs Katherine Evans, for Feering Parish Council and Feering Neighbourhood Plan, c/o Mr Kevin Money, Clerk to Feering Parish Council, Feering Community Centre, Coggeshall Road, Feering
- 2 Statement Relating to Agenda Item 7 – Braintree Draft Local Plan – Evidence Base (specifically Cressing Parish protected lanes)

Statement by Councillor James Abbott, Braintree District Councillor for Silver End and Cressing Ward and Essex County Councillor for Witham Northern Division, 1 Waterfall Cottages, Park Road, Rivenhall
- 3 Statements Relating to Agenda Item 8 - Braintree District Publication Draft Local Plan (specifically Sites WETH624 - West Drive, Wethersfield and WETH636 - Hudson's Hill, Wethersfield)
 - (i) Statement by Mr John Pearce, Memories, High Street, Wethersfield
 - (ii) Statement by Mr Edward Gittins, for promoter of sites, Edward Gittins & Associates, Unit 5, Patches Yard, Cavendish Lane, Glemsford, Sudbury