

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

Braintree District Council, Tendring District Council and Colchester Borough Council, have each published their own Publication Draft Local Plan for consultation. Section 1 is common to each plan. This response form can be used to respond to any part of the 3 Plans. It is important to specify which.

The 3 Plans have been published in order for representations to be made prior to submission of the documents to the Planning Inspectorate for examination. All representations will be examined by a Planning Inspector. The purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

Each Local Plan has two parts:

Publication Draft Local Plan Section 1 - A set of strategic policies constructed in partnership between the three authorities and Essex

County Council. This means that the Section 1 policies are intended to apply across all three Local Authorities. These policies include those relating to Garden Communities, housing supply, employment, shopping and the environment. You can send your response to any one of the authorities as all responses to Section 1 will be collated. Only 1 response to the 3 authorities is required.

Publication Draft Local Plan Section 2 - relates to the specific district, contains more detailed policies and is used to determine planning applications. If you wish to comment on the Braintree Publication Draft Local Plan Section 2 you should send your comments to Braintree District Council.

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email planningpolicy@braintree.gov.uk or by phone on 01376 552525 and ask for Planning Policy.

Part A - Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the Council's websites and included as part of the Publication Draft Local Plan submissions to the Inspector. Address and contact details will be removed from published responses. (Village/town shown).

The Council reserves the right not to publish or take into account any representations which it considers offensive or defamatory.

Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the plan. If you do not wish to be contacted in this way please state this clearly on the form.

If an agent or consultant has been engaged to act on your behalf please fill in both sets of details in full. Correspondence will be sent to the agent. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number which your site has been given.

Part B - Representation

Please specify which section of the Publication Draft Local Plan your comments relate to, by choosing one of the following;

Section 1 A response to this section will be reported to all 3 authorities.

Section 2 Colchester
Section 2 Tendring
Section 2 Braintree } These plans are specific to each authority.

Which part of the plan are you responding to (please use one form per submission):

Paragraph: for a representation on wording or paragraph content

Policy: for a representation on the wording or inclusion or omission of a policy

Other: for example a map inset number, site reference or the wording or content of tables or appendices

Legal Compliance and Duty to Co-operate

If commenting on how the Publication Draft Local Plan has been prepared, it is likely that your comments will relate to a matter of legal compliance.

The Inspector will check that the Plan meets the legal requirements

You should consider the following before making a representation on legal compliance:

- The Plan should be included in the current Local Development Scheme (LDS) and the key stages should have been followed.
- The process of community involvement for the Plan in question should be in general accordance with the Statement of Community Involvement (SCI).
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations; making them available on its website and at its principal offices. It must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA must provide a Sustainability Appraisal Report. This should identify the process by which it has been carried out, baseline information used to inform the process and the outcomes of that process.
- LPAs will be expected to provide evidence of how they have complied with the Duty to Co-operate.
- Non-compliance with the duty to cooperate cannot be rectified after the Plan's submission. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

Soundness

Soundness is explained in National Planning Policy Framework (NPPF) paragraph 182. The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

More details and further guidance on what is meant by the term 'soundness' can be found below and at; www.planningportal.gov.uk

Positively prepared

This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate, robust and credible evidence base.

Effective

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, sound infrastructure delivery planning and no regulatory or national planning barriers. It should be flexible to changing circumstances

Consistent with national policy

The Plan should be consistent with national policy. Departure must be clearly justified.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered, how is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

Using the spaces provided please give details of why you think the Publication Draft Local Plan is not 'sound' having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. **If your representation is over 100 words please include a summary of its main points in the box provided.**

It will be helpful if you also say precisely **how** you think the Plan should be modified. Representations should cover succinctly all information, evidence and supporting information necessary to support/justify the representation and suggested modification, as there will not normally be a further opportunity to make submissions based on the original representation made at publication.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

All the formal representations received during this stage will be submitted to and considered by the appointed independent Planning Inspector at the public examination on the Plan. The process is likely to include public hearings. The Inspector will determine the most appropriate procedure to adopt to hear those who choose to participate at this stage. If you would like to appear and speak at the hearings, please state this and explain in the space provided why you consider it is necessary that you participate.

Representations can be sent:

- Via the Council's online consultation portal: www.braintree.gov.uk/publicationdraftLP
- Via a representation form which can be downloaded from the website and returned via email to localplan@braintree.gov.uk
- or by post to:
**Planning Policy,
Braintree District Council
Causeway House
Braintree
CM7 9HB**

For internal Use only	ID:		Rep No:	

Draft Local Plan RESPONSE FORM

Responses are encouraged via the council’s online consultation system available on the website, see www.braintree.gov.uk/newlp However, this form can be returned electronically to **localplan@braintree.gov.uk** or in hard copy if necessary to:

Planning Policy, Braintree district Council, Causeway House, Bocking End, braintree, CM7 9HB
The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

This form has two parts:
Part A - Personal Details and Part B - Your comments

PART A

1. Personal Details

Title

First Name

Last Name

Organisation **City & Country**

(Where relevant)

Address Line 1 c/o agent

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

2. Agent’s Details (if applicable)

Title Mr

First Name Sam

Last Name Hollingworth

Organisation Strutt & Parker LLP

Address Line 1 Coval Hall

Address Line 2 Rainsford Road

Address Line 3 Chelmsford

Post Code CM1 2QF

E-mail Address

Telephone Number

PART B

REPRESENTATION FORM

Please Note: If your representation relates to Section One of the North Essex Strategic Plan / Garden Communities you only need to respond to one of the Local Authorities. All representations received by Braintree, Colchester and Tendring relating to Section One of the Plan(s) will be submitted together.

You do not need to return this form if you have completed a response using any of the Council's online systems for this consultation. Duplicates will not be considered

Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

If you do not consider the Local Plan is sound, please specify on what grounds:

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Please see Supporting Statement SP-CC-GB02

Continue onto next page

If your representation is more than 100 words, please provide a brief summary here:

Please see Supporting Statement SP-CC-GB02

Please specify the changes needed to be made to make the Plan sound / legally compliant

Please see Supporting Statement SP-CC-GB02

Do you wish to participate at the oral part of the examination?

Yes No

If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

We have considerable knowledge of the sites referred to in these representations, having represented the landowner through the plan-making process. We feel we would be able to assist the examination process in respect of the sites and their potential allocation, and in terms of how current concerns in respect of the soundness of the Local Plan can be addressed.

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan

Yes No

If yes which stage

Issues and Options Preferred Options

Do you wish to be notified?

When the document is submitted for independent examination?

When the Inspectors Report is published?

When document is adopted?

Braintree & Tendring: Return by 5pm 28th July 2017

(responses to section 2 Braintree and Tendring will not be accepted after this date. After this date responses to Section 1 should be sent to Colchester Borough Council)

Colchester: Return by 5pm 11th August 2017

Representations Tendring District Publication (Regulation 19) Draft Local Plan

Our reference: Accompanying Statement SP-CC-GB02

By Strutt and Parker LLP on behalf of City & Country, in respect of the Tendring District Publication (Regulation 19) Draft Local Plan and three sites at Great Bentley which are considered suitable for residential development: Land West of Plough Road; Land North of Thorrington Road; and Land South of Thorrington Road.

Background

1. This Accompanying Statement accompanies one of two representations submitted by Strutt and Parker LLP on behalf of City & Country in respect of land at Great Bentley. City & Country are actively promoting the residential development of three sites in Great Bentley. These sites and the Draft Publication SA references are as follows:
 - Land South of Thorrington Road (GB6).
 - Land North of Thorrington Road (GB7); and
 - Land West of Plough Road (GB8);
2. Representations in respect of all of these site were made in response to consultation on the previous iteration of the Local Plan – the Tendring District Draft Local Plan (2016) (Regulation 18).
3. All three sites have been the subject of recent planning applications. All three have been subject to detailed technical studies which have been submitted to the Council and which demonstrate the sites can be delivered for housing sustainably.
4. Land South of Thorrington Road is currently subject to an outline planning application for a Health Centre, up to 40 dwellings, additional land for Great Bentley Primary School and associated foul pumping station, infrastructure and public open space (reference 17/01098/OUT). This application is currently under consideration.
5. Land North of Thorrington Road was subject to an outline planning application for 75 dwellings with associated infrastructure, landscaping and public open space (reference 16/02125/OUT) which was refused on 4 April 2017. The application is currently subject of an

appeal on which a decision has yet to be made. The site is currently subject to a revised outline planning application for erection of up to 75 dwellings with associated public open space, landscaping and infrastructure 17/01096/OUT.

6. Land West of Plough Road was subject to an outline planning application (reference 16/02127/OUT) for the erection of up to 75 with associated infrastructure and landscaping. The application was refused on 4 April 2017 and is subject of an appeal on which a decision has yet to be made. A revised outline application for up to 75 dwellings with associated landscaping, public open space and infrastructure is currently under consideration (reference 17/01097/OUT).
7. All three sites are considered to be sustainable and deliverable locations to help meet the District's development needs. However, as currently worded, the Local Plan does not propose allocation of any of the three sites for development.
8. This Accompanying Statement relates to Policy LP1, Policy SPL1 and Policy SPL2, and the accompanying Policies Map for Great Bentley of the Tendring District Publication (Regulation 19) Draft Local Plan (PDLP). It is detailed within this statement why these policies as currently worded render the Local Plan unsound, and the suggested changes to address issues of soundness.

Policy LP1

9. The NPPF places great emphasis on the need for planning to increase housing land supply, and is clear that Local Plans should seek to meet objectively assessed housing needs in full.
10. As set out within other representations submitted in response to this consultation by Strutt and Parker on behalf of City & Country, the PDLP is not considered to have appropriately acknowledged the extent of objectively assessed housing need in Tendring District.
11. The Council's calculation of objectively assessed need as being 550 dwellings per annum is considered to understate the extent of housing need. Therefore, Policy LP1's proposal to deliver a total of 12,001 new homes in the District by 2033 will not meet the District's housing need. As such, Policy LP1 cannot be considered consistent with national policy and the Local Plan as currently worded is not positively prepared.

12. Regardless of the position vis-à-vis the District and its objectively assessed housing need there is nothing within the NPPF which supports the imposition of limits on the number of new homes to be provided. The NPPF does not support housing growth being unnecessarily restricted, or the rejection of sustainable sites that have the potential to accommodate housing growth without justification. On the contrary, the NPPF calls for there to be a significant boost to housing land supply (paragraph 47); and, not only for every effort to be made to meet the housing, business and other development needs of an area, but also to respond positively to wider opportunities for growth (paragraph 17).
13. Whilst Policy LP1 of the PDLP makes reference to a minimum of 11,000 homes, it also (along with other policies and the Policies Maps within the PDLP, as discussed later this representation) limits growth to 12,001 homes.
14. Such an approach is not considered to be consistent with national planning policy, nor does it help achieve a positively prepared Local Plan.
15. In addition, it is noted that Basildon Borough Council has raised objections to the Local Plan on the grounds that it does not assist in meeting unmet need from elsewhere in the County. Having regard to this, it is considered particularly important that the Local Plan does not place arbitrary restrictions on growth.
16. As set out later within this representation, the PDLP has rejected the allocation of sites that are sustainable and deliverable for housing development; and the resultant number of new homes proposed through Policy LP1 reflects this. Accordingly, Policy LP1 is not justified.

Policy SPL1

17. Policy SPL1 is entitled 'Managing Growth' and comprises a list of settlements ordered into a settlement hierarchy.
18. However, Policy SPL1 as currently drafted simply list the settlement hierarchy and does not explain how this policy will be used to direct future development and growth in the District.

19. Policy SPL1 identifies Great Bentley as one of seven Rural Service Centres in the District.
20. It must be recognised that the NPPF notes the important role planning has to play in ensuring village communities are sustained. It states at paragraph 55 that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
21. Further to the requirements of the NPPF, the National Planning Practice Guidance (NPPG) explains how Local Planning Authorities should support sustainable rural communities. This states (at paragraph: 001 Reference ID: 50-001-20160519) the following:

“It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements.”

And

*“A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. **Rural housing is essential to ensure viable use of these local facilities**” (emphasis added).*

22. Having regard to the above, it is clear that the Local Plan should support the village economy and contribute towards local housing need if it is to be consistent with national policy.
23. If Policy SPL1 is intended to be used to distribute housing growth, with greater levels of growth being directed to higher tier settlements, it is important to avoid an overly simplistic approach to the settlement hierarchy and housing distribution, which would fail to direct development to the most sustainable locations. In respect of this, the examining Planning Inspector findings in respect of the 2014 Uttlesford Local Plan Submission document are relevant to note:

“Where it can be justified by relevant economic, social and environmental factors a case can sometimes be made to direct a greater or lesser amount of development to a settlement than

would reflect its strict place in the settlement hierarchy. Some of the factors discussed during the hearing (eg locally identified demographic and other needs, local constraints and opportunities, patterns of bus services, and inter-relationships between particular settlements) can be relevant to such decisions and can be considered in taking the plan forward”.

- 24 In short, the particular characteristics of settlements – and their potential to accommodate additional growth – should be accounted for in decisions regarding housing distribution.
- 25 In this respect, and in consideration of the appropriate level of growth to be directed to Great Bentley, it is necessary to consider the specific characteristics of the village.
- 26 Great Bentley, the village has a population of 2,381 (2011 Census) and is centrally located within the District and approximately 7 miles east of the large centre of Colchester.
- 27 The village benefits from access to pubs, restaurants and takeaways, a convenience store, a primary school, a doctors’ surgery and pharmacy, a sports club and grounds, a village hall and scout hut, Plough Road Business Centre, and accessible public open space, including allotments.
- 28 Great Bentley benefits from a railway station that is situated on the Sunshine Coast Line; a branch of the Great Eastern Main Line. This railway line provides regular connections between the village, Clacton and Colchester. In addition, London Liverpool Street is readily accessible from Colchester, thereby providing commutable access to London. Bus links are also provided within the village that afford opportunities for sustainable travel to the towns of Colchester, Clacton and various settlements in between.
- 29 Great Bentley provides a relatively large amount of employment for a settlement of its size, with the Parish Council reporting that businesses within the village collectively provide approximately 200 jobs.
- 30 The village is a vibrant rural community, home to a large number of community groups and events, including carnival and village show.

- 31 When combining the level of local service provision with the available public transport, it is clear that the settlement is a sustainable location to accommodate additional growth. Further, it will be critical that the Local Plan supports this thriving community and enables it to continue to grow.
- 32 However, notwithstanding Great Bentley's characteristics, its position within the settlement hierarchy and the requirement within the NPPF for rural settlements to be supported, the PDLP does not currently propose any additional housing allocation for the village. Instead, the only growth of the village that the Local Plan is currently seeking to facilitate is that which may occur through infill, intensification or through extant permissions.
- 33 Such an approach is not consistent with national policy. Furthermore, it is particularly problematic within the context of the PDLP not currently ensuring objectively assessed housing need will be met; and concerns raised by other authorities within Essex that the PDLP fails to consider the unmet development needs of South Essex.
- 34 The NPPF (paragraph 182) requires the Local Plan to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 35 Further, the Environmental Assessment of Plans and Programmes Regulations (2004) (the SEA Regulations) impose a number of requirements on Local Authorities in the preparation of Local Plans. These include the requirement that all reasonable alternatives be considered and assessed to the same level of detail as the preferred approach; and that the reasons for the selection of preferred alternative, and the rejection of others, be set out. The NPPF states (paragraph 165) that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process.
- 36 In respect of Policy SPL1, the SA/SEA states that the Settlement Hierarchy focuses the majority of the district's growth within the larger urban settlements (though it is not in fact clear that the policy does state this). Having regard to the above, the SA/SEA which accompanies the PDLP should consider and appraise reasonable alternatives in respect of both the total quantum of dwellings, and its spatial distribution.

37 However, in relation to its assessment of Policy SPL1 it is not clear from the SA/SEA why the alternative of directing a greater quantum of housing to Rural Service Centres, such as Great Bentley, has been rejected in favour of the approach set out in the PDLP. The SEA/SA does not appear to include a comparative assessment of potential housing distribution strategies, with the only alternative considered being to direct a greater quantum of development to Weeley.

38 The failure to direct a greater quantum of development to Great Bentley is not justified.

Policy SPL2, Policies Maps and the rejection of sites GB6, GB7 and GB8

39 For the reasons set out above, it is considered that the PDLP must be amended to: firstly, ensure the provision of a greater number of homes within the District over the plan period; and, secondly, direct a greater number of homes to the settlement of Great Bentley.

40 This section of this representation considers the rejection of three sites in Great Bentley, and whether such a decision is sound. The three sites in question are:

- Land South of Thorrington Road (GB6).
- Land North of Thorrington Road (GB7); and
- Land West of Plough Road (GB8);

41 Policy SPL2 states that outside of settlement development boundaries the Council will consider any planning application in relation to the Settlement Hierarchy and any other relevant policies in this plan. The PDLP also states (paragraph 3.2.3.1) that development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside. In short, the PDLP acts to restrict development of sites that are outside of the settlement boundary. Such sites include GB6, GB7 and GB8.

42 Each of these sites is examined in turn below.

Land South of Thorrington Road (GB6)

- 43 The NPPF and SEA Regulations require plans prepared to be the most appropriate strategy when compared with reasonable alternatives, for the reason for the rejection and selection of alternatives to be made clear, and for reasonable alternatives to be assessed to the same level of detail as preferred option. However, whilst the SA/SEA accompanying the PDLP includes assessment of site GB6, the reasons for the site's rejection are not clear from this.
- 44 Looking at the SA/SEA and its assessment of the site, it finds that its development for housing would have a number of positive impacts in relation to the SA objectives.
- 45 Allocation of GB6 for residential development has been assessed by the SA/SEA as having negative impacts on SA objectives relating to landscape, accessibility, education, and town centres. However, we question these findings.
- 46 The impact of the site in relation to these SA objectives, together with its merits as a residential allocation overall, are considered below.
- 47 The site Land South of Thorrington Road comprises approximately 2 hectares of arable agricultural land, and forms part of a wider field to the south and west. To the north, the site is bounded by Thorrington Road and to the east is a small agricultural holding. The site adjoins the public highway, where access is possible from Thorrington Road, which is subject to a 30mph speed limit.
- 48 The site is situated within Flood Zone 1 (land at low risk of fluvial or tidal flooding, and as per the Technical Guidance that accompanies the NPPF, suitable for any type of development, from a flood risk perspective).
- 49 The site is not constrained by any natural, historic or built designations; however, the site is situated within close proximity to a Conservation Area. As part of any future planning application, it is recognised that due consideration will need to be given to views from the Conservation Area. It is noted that a small cluster of listed buildings are situated within the Conservation Area to the east, including the Grade I listed Church of St Mary, therefore any residential development would also need to give due consideration to these heritage assets.

- 50 As part of the background work undertaken in respect of the planning application (reference 17/01098/OUT) currently under consideration for the development of the site, a Landscape and Visual Assessment was undertaken by Tyler Grange. This notes that the site-specific character of the site is assessed as being of ordinary value and low susceptibility to development of the nature and scale proposed. This results in the local landscape having a low sensitivity to the proposals. The LVA sets out that a suitably scaled development, such as the development proposed sets out that a suitably scaled residential development would be relatively inconspicuous in this location, due to the presence of the existing development to the north and east of the site.
- 51 The site is highly accessible by non-car means to amenities in the settlement the business areas of the town, as well as the centre and its community, leisure and shopping facilities. It is also close to local shops, services and the recreation area and facilities. Great Bentley Railway Station lies within a 5-minute walk, less than 250 metres to the north. A bus stop is also accessible, providing access to other settlements given its position on the 77 bus route.
- 52 Additional development in Great Bentley has the potential to assist in the provision of educational facilities for the community; and the provision of requisite educational facilities should be seen as a matter to be addressed through the Local Plan, rather than as a barrier to growth. In respect of the site's distance from educational facilities, this is an accessibility consideration rather than an education consideration per se.
- 53 The site was assessed as part of the Council's 2014 Strategic Housing Land Availability Assessment (SHLAA) as site RS 2.3. Through this, the Council considered the site to be unavailable for development, and questioned its achievability within the plan period. However, it should be recognised that this assessment was predicated on there being no developer interest. Clearly this situation has now changed, as the site is being actively promoted by an established house-builder. Consequently, in addition to being a suitable site it should also be considered achievable and available, i.e. it is deliverable.
- 54 It is considered that the site could accommodate a development that would be in keeping with its edge of settlement location, and the form and layout of nearby residential areas. Indeed, within the Council's assessment of within the SHLAA, it was determined that the site represents a sensible and logical location for the peripheral expansion of Great Bentley.

Furthermore, within the Landscape and Visual Technical Note, the following conclusion is made:

“The appropriate development of the site that includes the principles as set-out above will ensure that development of the site reflects the character of Great Bentley, whilst also respecting the landscape and visual context within which the settlement sits within the wider landscape... This includes the provision of a development that relates well to the existing settlement pattern, reflects local character and reinforces the landscape structure, including the creation of a boundary edge to Great Bentley through hedgerow and tree planting and sustainable urban drainage features incorporated within an area of public open space, providing a designed soft edge to the settlement”.

- 55 The site also gives rise to the potential for additional community facilities to be provided within Great Bentley. Planning application 17/01098/OUT proposes a new health centre alongside as part of the development of the site, for example.
- 56 The site’s allocation and subsequent The site performs positively against the economic, social and environmental roles set out in the NPPF.
- 57 The site is not only sustainable, but eminently deliverable. It is subject to few constraints that could pose particular delivery challenges; and is of a scale which would make a meaningful contribution towards housing need and supporting the community of Great Bentley, whilst being small enough to deliver in the relatively short-term, contributing towards meeting current housing need.
- 58 The failure of the PDLP to propose allocation of GB6 is not justified, and in overlooking an opportunity to boost housing land supply, help meet development needs, and contribute towards sustainable development, its rejection is contrary to national policy.
- 59 Allocation of site GB6 for residential development would be justified, effective and consistent with national policy. It would also contribute to ensuring the Local Plan is positively prepared.

Land North of Thorrington Road (GB7)

- 60 As is the case with site GB6, whilst the SA/SEA accompanying the PDLP includes assessment of site GB7, the reasons for the site's rejection are not clear from this. As with GB6, the SA/SEA finds that development of site GB7 for housing would have a number of positive impacts including in relation to the SA objectives.
- 61 The SA/SEA finds that it would have negative impacts on SA objectives relating to landscape, accessibility, education, historic environment and town centres. However, as with the assessment of GB6, we question these findings.
- 62 The site to the north of Thorrington Road comprises approximately 3 hectares of arable agricultural land. To the south, the site is situated adjacent to residential development, and to the east, the site is situated adjacent to residential development and a scout hut. To the north and west, the site is adjacent to open fields. The site is bounded, in part, by a hedgerow, including some mature trees. Taking into consideration the above built and natural features, it is considered that the site is relatively well contained.
- 63 The site includes an area of land under our client's control which connects it to Thorrington Road, enabling access to the site from this highway. Other potential additional access options (though not necessary per se for the delivery of the site) also exist, including to the east.
- 64 A Transport Feasibility Assessment was prepared by Vectos and was submitted alongside previous representations on the Local Plan. The report concludes that suitable vehicular and pedestrian access can be provided to the site, and the residential development of the land would have an acceptable impact on the local highway network. This assessment is based on the site delivering 75 to 90 residential unit, which it is considered, is an appropriate density for this edge of settlement location.
- 65 The site is situated within Flood Zone 1 and is not at risk of flooding from rivers or the sea. A residential use of the site would therefore be appropriate from a flood risk perspective. On this basis, it also considered that the site would be sequentially appropriate for residential development.
- 66 The site is not constrained by any natural, historic or built designations; for example, the site is not situated within a Conservation Area. It is noted that two Grade II listed buildings are situated to the south east of the site, therefore any residential development would need to give due

consideration to these heritage assets, but this would not preclude the site's development. Indeed, it should be recognised that this issue was considered through planning application 16/02125/OUT which proposed development of the site. Whilst the application was refused, impact on heritage assets was not a reason for refusal.

67 The built up area of the village adjoins the site on two sides, and the site is also bounded by a hedgerow with some mature trees. Given the context of the existing development at Great Bentley, it is considered that the impact of the residential development of the site on the wider countryside would be minimal, and development of the site would not encroach into the open countryside. It is considered that a development could be provided on the site that would be in keeping with the site's edge of settlement location, and the form and layout of nearby residential areas, which adjoin the site on two sides.

68 Indeed, as part of the survey work for the site, a Landscape and Visual Technical Note was prepared by Tyler Grange and submitted alongside consultation responses to previous iteration of the Local Plan. This concluded:

"The appropriate development of the site that includes the principles as set-out above will ensure that development of the site reflects the character of Great Bentley, whilst also respecting the landscape and visual context within which the settlement sits within the wider landscape... This includes the provision of a development that relates well to the existing settlement pattern, reflects local character and reinforces the landscape structure, including the enhancement of boundaries through additional tree planting and sustainable urban drainage features incorporated within an area of public open space, providing a soft edge to the settlement".

69 As with GB6, GB7 is not only sustainable, but also deliverable. It is subject to few constraints that could pose particular delivery challenges; and is of a scale which would make a meaningful contribution towards housing need and supporting the community of Great Bentley, whilst being small enough to deliver in the relatively short-term, contributing towards meeting current housing need.

70 The failure of the PDLP to propose allocation of GB7 is not justified, and in overlooking an opportunity to boost housing land supply, help meet development needs, and contribute towards sustainable development, its rejection is contrary to national policy.

71 Allocation of site GB7 for residential development would be justified, effective and consistent with national policy. It would also contribute to ensuring the Local Plan is positively prepared.

Land West of Plough Road (GB8)

72 As is the case with site GB6 and GB7, whilst the SA/SEA accompanying the PDLP includes assessment of site GB8, the reasons for the site's rejection are not clear from this. As with GB6 and GB7, the SA/SEA finds that development of site GB8 for housing would have a number of positive impacts including in relation to the SA objectives.

73 Allocation of GB8 for residential development has been assessed by the SA/SEA as having negative impacts on the same SA objectives as GB6, i.e. those relating to landscape, accessibility, education, and town centres. However, we again question these findings.

74 Land West of Plough Road comprises approximately 3 hectares of arable agricultural land, and forms part of a wider field to the south and west. To the north, the site is bounded by a residential property and to the east, the site is bounded by Plough Road. The site adjoins the public highway, where access is possible from Plough Road, which is subject to a 30mph speed limit.

75 A Transport Feasibility Assessment was prepared by Vectos was submitted alongside consultation responses to the previous iteration of the Local Plan. Within this report, it is concluded that suitable vehicular and pedestrian access can be provided to the site, where the residential development of the land would have a minimum impact on the local highway network.

76 The site is particularly well-located in relation to the railway station, located well within potential walking distance to the south of it. Further, the site is also located in close proximity to Plough Road Business Centre, which provide employment opportunities.

77 The site is situated within Flood Zone 1 and is not at risk of flooding from rivers or the sea. A residential use of the site would therefore considered to be appropriate from a flood risk perspective.

- 78 The site is not constrained by any natural, historic or built designations: it is not subject to any heritage, environmental or ecological designations that could restrict its development for homes.
- 79 The site was assessed as part of the Council's 2014 Strategic Housing Land Availability Assessment (SHLAA) as site RS 2.2. Through this, the Council considered the site to be unavailable for development, and questioned its achievability within the plan period. However, it should be recognised that this assessment was predicated on there being no developer interest. Clearly this situation has now changed, as the site is being actively promoted by an established house-builder. Consequently, in addition to being a suitable site it should also be considered achievable and available, i.e. it is deliverable.
- 80 Additional development in Great Bentley has the potential to assist in the provision of educational facilities for the community; and the provision of requisite educational facilities should be seen as a matter to be addressed through the Local Plan, rather than as a barrier to growth.
- 81 When considering the principle of development on this application site, it is considered important to recognise that application 14/01750/OUT was allowed on appeal in November of 2016, on the land on the opposite side of Plough Road (reference APP/P1560/W/15/3141016). demonstrates that development in this location would be highly sustainable in environmental terms as development would be accessible to services, well served by public transport and not reliant upon use of private motor vehicle.
- 82 It is considered that a residential development could be provided on the site that would be in keeping with its edge of settlement location, and the form and layout of nearby residential areas. Plough Road is already characterised by residential development to the north and east of the site. Through the Council's assessment of site RS 2.2 within the SHLAA, it was found that the site represents a sensible and logical location for the peripheral expansion of Great Bentley. Furthermore, within the Landscape and Visual Technical Note, the following conclusion is made:

“The appropriate development of the site that includes the principles as set-out above will ensure that development of the site reflects the character of Great Bentley, whilst also respecting the landscape and visual context within which the settlement sits within the wider landscape... This includes the provision of a development that relates well to the existing

settlement pattern, reflects local character and reinforces the landscape structure, including the enhancement of boundaries through additional tree planting and sustainable urban drainage features incorporated within an area of public open space, providing a soft edge to the settlement”.

- 83 Within the SHLAA, the Council has considered that the site is neither available nor achievable. This is not correct. The site is available to be developed and with developer interest, the site is also achievable within the short term, to make a demonstrable contribution to the Council’s supply of housing land, including affordable housing. The development, adjacent to the settlement boundary of the village of Great Bentley, would assist in providing a more even distribution of housing growth across the Borough and it would also assist in reducing the reliance on large strategic sites or more environmentally constrained sites, which may not be developable, especially in the short term. The site is sustainable and there are no significant constraints to delivery.
- 84 Land West of Plough Road, Great Bentley represents a sustainable and deliverable site for housing which could contribute towards a sound and sustainable strategy for growth in the District, either alone or in combination with other Great Bentley sites.
- 85 The failure of the PDLP to propose allocation of GB8 is not justified, and in overlooking an opportunity to boost housing land supply, help meet development needs, and contribute towards sustainable development, its rejection is contrary to national policy.
- 86 Allocation of site GB8 for residential development would be justified, effective and consistent with national policy. It would also contribute to ensuring the Local Plan is positively prepared.

Summary

- 87 Policy LP1, SPL1, SPL2 and the accompanying Policies Maps act to limit the number of dwellings to be provided within the District to below that required to meet objectively assessed needs; and fail to consider unmet needs in neighbouring areas.
- 88 Furthermore, these policies act in particular to restrict the sustainable growth of the settlement of Great Bentley.

- 89 The rejection of sites GB6, GB7 and GB8, the allocation of which has the potential to help address the aforementioned concerns, is not justified. These sites are sustainable and deliverable sites for residential development.
- 90 Allocation of Land South of Thorrington Road (GB6); Land North of Thorrington Road (GB7); and Land West of Plough Road (GB8) for residential development would be consistent with national policy, effective, justified, and would contribute towards ensuring the Local Plan is positively prepared.