



# Braintree District Council

## Local Plan Examination of Section 2

### Main Matter 9 - A Prosperous District – Homes – Comprehensive Redevelopment Areas 2

June 2021

## **Main Matter 9 - A Prosperous District – Homes – Comprehensive Redevelopment Areas 2**

Policy LPP 28 Comprehensive Redevelopment Area - Kings Chase, Witham  
Policy LPP 29 Comprehensive Redevelopment Area - Newlands Precinct, Witham  
Policy LPP 30 Comprehensive Redevelopment Area - Rickstones Neighbourhood Centre, Witham

- **Are the above policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP Section 1?**

8.1. The National Planning Policy Framework (2012) encourages the effective use of brownfield or previously developed land stating:

*‘Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.’* Paragraph 111.

*‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’.* One of the core principles listed at paragraph 17.

8.2. Paragraph 85 of the NPPF states that policies should ‘allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least 10 years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability’. Chapter 11 of the NPPF and in particular para 119 sets guidance on how local planning authorities should bring forward land using the full range of powers available to them.

8.3. Policies LPP28, 29 and 30 seek to ensure the effective use of brownfield land and provide certainty to stakeholders through providing a policy framework for these sites to be developed.

8.4. All three CDAs are within the development boundary for Witham Town which is the highest tier of the spatial hierarchy. Witham and this SGL in particular has good access to sustainable road and rail connections to regional urban centres of Chelmsford, Colchester and London. These allocations are consistent with SP3 the spatial strategy for North Essex which seeks to accommodate development in settlements in accordance to their scale and also consistent with the spatial

strategy within the BLP section 2 to concentrate development on the A12/GEML corridor.

### **Kings Chase Witham (LPP 28)**

- 8.5. This comprehensive development area is within the Conservation Area of Witham town centre, it was comprised of 2 empty retail units formerly parts of a department store. Policy support was designed to encourage regeneration through providing certainty, encourage residential led mixed use with higher degree of flexibility. It also sought to make walking/cycling improvements to Kings Chase and intensify land use within this central site.
- 8.6. 103 - 105 Newland Street to the east was granted planning permission for COU to D2 assembly and leisure (gym) and is implemented as per 17/01836/FUL. 111 - 115 Newlands street to the West site has an outstanding planning application for 4 houses and 3 flats which includes significant additional land not within the CDA and is pending consideration as per 20/00808/FUL. This follows the submission and retraction of a smaller development, 17/01838/FUL, for a funeral parlour and 4 flats.
- 8.7. The regeneration objectives of this policy are partly fulfilled with the grant of planning permission and the outstanding planning application, although historic environment constraints and public realm aspirations of the policy have emerged as key points of discussion in the relevant planning application. Both applications have retained an active retail frontage along Newlands Street. No residential development from the site is included within the updated site trajectory and therefore any homes which are developed as part of this site would be counted as windfall development.
- 8.8. The council also seeks to encourage more walking and cycling routes both within and through towns. The main Witham Town Park is located in close proximity to the site but is relatively poorly signed and accessible from the main town centre and therefore those additional links are sought in the policy in line with the NPPF guidance on sustainable transport.

### **Newlands Precinct, Witham (LPP29)**

- 8.9. 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, community facilities, car parking and residential uses will be allowed. This is an urban regeneration site on brownfield land within the development boundary of Witham

which includes land owned by the Council and by Newriver Retail who supported the [Draft Local Plan policy](#) but has not sought to repeat their views in the PDLF.

- 8.10. The NHS CGG are negotiating with Newriver to locate the first phase of a Livewell health hub within the redevelopment, with a target completion date of 2026/27. This is referred to as a multi practice partnership on page 38 of the IDP and would follow the model of the Braintree Livewell Hub bringing together GP, outpatient and therapeutic treatments. Further details are published in the 2017 IDP ([BDC012](#)).
- 8.11. A development brief is required by the policy to enable a design-led approach that grapples with the issues associated with developing a central site: multiple landownerships, modernisation of retail, appropriate and sensitive residential intensification, parking provision, town centre morphology, the conservation area, historic assets and urban character. There are no adopted timescales for the production of this development brief in the LDS however the Council envisage that work will be undertaken after BLP Section is adopted. The principle landowner, Newriver retail, has objected to the policy requirements for a development brief.
- 8.12. The Economic Viability Study indicates that non-residential development is quite challenging, for example figure 5.8 indicates that prime town centre for comparison shops produces a negative residual value and convenience shops are marginally positive. A mix of uses, including residential, would improve the overall development viability. It is apparent from the landowner's positive response in the Housing Topic Paper that a form of redevelopment scheme is deliverable at this location.
- 8.13. This policy facilitates land assembly by bringing forward land to meet anticipated needs, in particular the location for a Livewell health hub, and secure better development outcomes. It is sound; it is justified, based on evidence, effective and consistent with the NPPF.

### **Rickstones Neighbourhood Centre, Witham (LPP 30)**

- 8.14. Rickstones Neighbourhood Centre is an urban regeneration site on brownfield land within the development boundary of Witham. The site in part occupies land at Dorothy Sayers Drive/Laburnum Avenue and the Council adopted an SPD in 2010 to support development with a detailed design brief. The SPD has three objectives:
- to enable redevelopment of the neighbourhood centre;
  - enable investment and improvement of the public realm and introduce new and improved community uses; and
  - enable the provision of a new pavilion.

- 8.15. As can be seen from the adoption of an SPD in 2010 this is a longstanding redevelopment priority for the Council. The CDA formalises an allocation for mixed use and refers to the SPD through the final sentence of the policy where *'Development of the Comprehensive Development Area should be in accordance with the principles of the adopted Supplementary Planning Document'*. This is written to allow for flexibility of interpretation as it is recognised the Use Class Order, retail demand, policy context and viability of the site will have evolved.
- 8.16. Encouraging the effective use of land by bringing land forward that has been previously developed is one of the core planning principles of the Framework. Application of the development brief and other policies of the Local Plan will address site specific issues. This makes the policy justified and consistent with the Framework.
- 8.17. The current pending application is [19/00014/FUL](#) which includes 21 flats, 431sqm retail and landscaping, this follows on from previously submitted and withdrawn application 18/00019/OUT and pre-application advice dating from 2013. To support redevelopment, there would be a net residential increase of 14 dwellings, an increase on 13 identified in the PDLP. That the above is compliant with this policy demonstrates that it is effective.

**Do the housing land site allocations identified above show how they will contribute to the achievement of the overall housing requirement of the BLP Section 1 (14320 new homes) and its timescale for delivery?**

**Kings Chase Witham (LPP 24)**

- 8.18. As a site is expected to deliver less than 10 dwellings, this development does not have a residential yield target in the trajectory and any dwellings would be counted as windfall. Submitted applications show that 3-4 dwellings could be delivered within the Comprehensive Development Area (CDA) (and another 3 on adjoining land).

**Newlands Precinct, Witham (LPP25)**

- 8.19. The [2016 SHLAA](#) originally identified this site as having a capacity of 14 dwellings, however the policy is flexible enough to support a higher quantum. The Council's [Housing Topic Paper](#) (pp234) is evidence that discussions with the landowner covered partial redevelopment only such that the scale of residential development potential as part of future proposals is not known. The trajectory is a cautious projection from the Council that 15 dwellings will be delivered by 2026/27. Otherwise the policy mostly relates to development management issues in identifying where there are constraints and more limited levels of development

may be appropriate. Timing on parts of this site could depend on when retail units are made available.

### **Rickstones Neighbourhood Centre, Witham (LPP 26)**

- 8.20. The Council is expecting a final revision to the plans and viability statement necessary for a decision to be made, to be submitted by the applicant within the next few months. Given these ongoing negotiations, including need to vacate premises, delivery has been set back and is not expected until 2026/27. Further details are published within the council's housing topic paper, and the number of net new dwellings is not considered to be a significant proportion of the overall housing requirement. Nonetheless, given the ongoing discussions through the planning application process the Council is confident that housing delivery targets will be met.

### **Do policies LPP 28 to LPP 30 provide clear direction as to how a decision maker should react to a development proposal in relation to these allocations?**

### **Kings Chase Witham (LPP 28)**

- 8.21. MM35 of [SDBDC008a](#) suggests an amendment to clarify that retail uses, not Class E uses are required along the secondary retail frontage to update the policy in light of the 2020 use class changes.
- 8.22. LPP28 gives clear guidance that a mixed use development is acceptable in this location provided parking, the conservation area and access are taken into account and the Proposals Maps provide a clear view on the geographically extent of the policy. The policy is positively prepared, justified and effective; it is sound. It should be noted that Historic England supported the policy and there were no other objections relevant to the policy.

### **Newlands Precinct, Witham (LPP29)**

- 8.23. The policy enables effective use of land, including the reuse of carparking, servicing areas and the public highway to deliver a valued new use in the heart of the town. The policy is clear that a mix of uses is appropriate for the town centre specifying a combination of retail, employment, leisure, community facilities, car parking and residential uses. A planned Livewell health hub would fall under

community facilities as defined in the NPPF glossary. The geographically extent to the policy area is clearly shown on the relevant Proposals Map.

- 8.24. The second paragraph of the policy requires sustainable drainage measures to be implemented to ensure there is no increase in the risk of surface water flooding within the site or to nearby properties. This ensures the policy is effective in this regard and in accordance with paragraph 103 of the Framework.
- 8.25. Finally, the policy clearly lists the relevant planning issues that the development brief or a planning application in advance of the brief, should address. While acknowledging the views of the landowner regarding on the brief, the Council believes that the brief would facilitate land assembly, set out a design code for different landowners, raise the quality of design and to ensure a better outcome in accordance with paragraph 119 of the NPPF 2012.

### **Rickstones Neighbourhood Centre, Witham (LPP 30)**

- 8.26. MM37 of [SDBDC008a](#) suggests an amendment to clarify that the mix of uses in the development brief are optional elements for the overall scheme, which could mean that community uses or the pavilion will not be part of the final scheme. The policy is clear that a mixed use development is acceptable in this location, clear that how the SPD should be taken into account. The policy is positively prepared, justified and effective; it is sound. There were no significant objections to this policy.