

Local Plan Committee

Monday, 03 October 2022

Attendees: Councillor Tracy Arnold, Councillor Lewis Barber, Councillor Martin Goss, Councillor Richard Kirkby-Taylor, Councillor Sam McLean, Councillor Gerard Oxford, Councillor Kayleigh Rippingale, Councillor Paul Smith, Councillor William Sunnucks

Apologies: Councillor Jocelyn Law, Councillor Patricia Moore

Substitutes: Councillor Lee Scordis (for Councillor Jocelyn Law), Councillor Dennis Willetts (for Councillor Patricia Moore)

249 Minutes of Previous Meeting

The Minutes of the meeting held on the 15 August 2022 were confirmed as a correct record subject to a correction from the Democratic Services Officer on minute number 246, paragraph 6, where “public realm team” is replaced with “Development Management Team”.

250 Have Your Say!

Richard Martin addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that before the Council Adopted the Local Plan Natural England had sent a letter to the Council with recommendations and findings that should be considered before a vote was taken on the Local Plan. The Speaker outlined that this did not happen and said that Councillors Goss and J. Young had said that the letter would be made available to Members prior to the crucial Council vote and questioned why this had not happened. The Speaker concluded by questioning why this letter was not circulated and that they felt that this action was inconsistent with a Council that had declared a climate emergency.

Richard Kilshaw addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that they were pleased to see that an in house Ecologist post had been created at the Council but was concerned that they would be situated within the Planning Policy Team but raised concern that the post should be independent of the Planning Policy Team. The Committee heard that a Freedom of Information request had been submitted regarding the Natural England letter regarding the protected species on Middlewick Ranges and associated with the Local Plan. The Committee heard that as this letter had not been circulated it would undermine the adopted Local Plan and the biodiversity on the site. The speaker outlined that it was a development free for all and questioned when the Local Plan would be reviewed and when would Middlewick be removed from it. The speaker concluded by detailing the support that the plan had received from Councillors when voting for adoption and that they had yet to hear of anyone who wanted development on the Middlewick site.

Andrew Wilkinson addressed the Committee via Zoom video link pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee were asked that as the Local Plan had now been adopted when the review would begin and asked for confirmation on whether the adoption of Middlewick Ranges in the plan would be reviewed and when the masterplan would be created. The speaker sought confirmation that the housing delivery target for the Council for the next five years was for 4830 dwellings. The speaker concluded by asking the Committee what the 5-year housing delivery target be from year 6 - 10 in the plan.

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The speaker clarified that in the minutes of the meeting held on the 15 August 2022 their comments regarding walking the Salary Brook site were not directed to the Tendring Colchester Borders Garden Community Joint Committee (TCBGCJC) but to the Local Plan Committee. The speaker outlined that some Councillors had not supported the adoption of the Local Plan due to the inclusion of Middlewick, and queried whether the vote had been whipped by the political groups on the Council. The Committee heard that they should undertake the same work undertaken with the Highwoods Park half a century ago where the development was moved to the north of the site and asked that the same was done on Middlewick where the development should be moved to the South of the site. The speaker concluded that there were residents' groups that should be involved and that the Ministry of Defence (MOD) could not be trusted as they had divided the site into two and that it did not take a private investigator work out what would come next.

The Lead Officer for Planning and Place Strategy responded to the points and questions from the Have Your Say Speakers as follows. The Committee heard that the resources were within the remit of the Portfolio Holder and that it was viewed that having the new Ecology role in the Planning Team would encourage close working relationships. In response to the questions about the letter from Natural England the Committee heard that the letter was referred to at the Full Council Meeting where the Local Plan was adopted and confirmed that the letter did not cast doubt on the policies or merits of the plan but did mention the next stages of the process. It was noted that the letter as discussed had been provided to anyone who had requested it and the Lead Officer for Planning and Place Strategy apologised that the letter was not circulated to all Councillors, but would do so following the conclusion of the meeting.

In response to questions regarding the review of the Local Plan the Lead Officer for Planning and Place Strategy compared it to the repainting of the Forth Bridge, that it restarted as soon as the previous version had completed, and that the work programme for the next iteration of the Local Plan was being worked upon and would be brought forward to the Committee. The Committee heard that the housing target for the next 5 years was for 4830 which was based on 920 new dwellings a year with a 5% buffer for 5-year land supply purposes. It was noted that this development figure was for the lifetime of the plan but as previously mentioned a review would be undertaken before the latter years of the plan. The Committee heard that meetings had taken place between the MOD, the Council, and Natural England which would inform the master planning process for the Middlewick Ranges and that the evidence from this would be shared. The Lead Officer for Planning and Place Strategy concluded by outlining that they had walked the Middlewick site with Sir Bob Russell,

that they would not comment on voting of Councillors, and that the Council would welcome engagement with residents.

The Chair responded that as Group Leader of the Liberal Democrats that Members of their party had not been whipped on the vote for the Local Plan but couldn't comment on other parties stance apart that the voting results showed that there was a diversity in voting throughout the different groups.

Richard Martin addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (7) of a one-minute response. The Committee heard that there was a Code of Conduct in place for Ecologists to abide by and that the professionals who had undertaken the surveys had found that there would be a negative effect and concluded that there had been a huge amount of community involvement which had been ignored.

251 Canopy Cover Assessment Guidance

The Principle Planning Officer presented the report and proposed guidance to the Committee outlining that the Committee were being asked to approve the guidance for publication. The Committee heard that the adopted Local Plan included the policy for an increase of 10% canopy cover on new sites and where this was not possible that compensation would be sought. The Officer detailed that it had long been recognised the importance of canopy cover and its implications on air quality, climate change and human wellbeing which could be achieved in a cost-effective way. The Committee heard that the current coverage of the Borough was 18%, which varied between wards, with the targets being firstly 20% and then 25% canopy coverage. It was noted that the proposed guidance was for applicants and sets out the requirements, aims and measurements on the site which would require a new minimum requirement on sites which would measure the metres squared coverage post development.

The Principle Planning Officer responded to questions from the Committee on what the uplift would be for 10% and confirmed that this would be 10% increase on what was already in existence not a total uplift from what was in existence. It was noted by Officers that this would be clarified in the guidance and that examples would be provided. The Arboriculture Officer responded to a question regarding the policy and the 10% as adopted and confirmed that the figure was decided upon as it was seen as a realistic proposal which would be supported through examination of the plan. It was further noted that this policy inclusion was one of the first of its kind in the Country and understood that it may not have met all Members expectations but was a solid basis for the Council to work from. Members of the Committee suggested possible changes of minimum requirements on sites with no canopy cover and were advised by Officers that these were matters that could be brought up in the review of the Local Plan.

Members of the Committee queried the robustness of the guidance and how these could be enforced two to three years after developments had been constructed. The Lead Officer for Planning and Place Strategy and the Arboriculture Officer responded and clarified that conditions and Section 106 Legal Agreements were currently used in the planning process to landscaping schemes and the trees and plants contained

within them. The Lead Officer for Planning and Place Strategy advised the Committee that landscape plans were used universally across the Borough and thanked the former Officer of the Council, Alistair Day, who served the Council on this and many other areas and had left a lasting legacy in Colchester.

Some Members of the Committee felt that the soft costs of development, which included a range of reports, were concerning and questioned whether they were improving developments or hindering the growth of the economy in the Councils area. Concern was raised whether the guidance would resolve any practical issues on sites and that there was a need to work with developers rather than introduce more policies. In response to the concerns raised the Lead Officer for Planning and Place Strategy outlined that the Council found that conditions and legal agreements worked well when coupled with the control through the requirement for tree planting plans. The Arboriculture Officer added that there was a minimum that was expected for canopy cover and that the policy required that the landscape schemes would be a part of this process and would ensure that if there were less than careful attitudes on sites then these could be resolved through officers or the enforcement process.

Members discussed the planting of new trees on sites and how these were cared for via management companies and that the Council required a five-year protection condition for all applications and the rights surrounding trees and property ownership. The Committee continued to discuss whether further guidance was needed on the policy and queried how the target of 20% and then 25% canopy coverage could ever be achieved.

The debate closed with Members discussing the link between developers and the Council and the negative impact this was having on the economy, however other Members felt that the regulations protected residents by enforcing minimum standards.

The Lead Officer for Planning and Place Strategy concluded the item by reminding Members that issues such as the percentage increase in the canopy cover and its policy in the Local Plan were items that could be looked at in the review of the Local Plan and could be changed through that process.

RESOLVED (by EIGHT Votes FOR, 1 AGAINST and 2 ABSTENTIONS) that the Local Plan Committee Approve the Canopy Cover Assessment Guidance.

252 Affordable Housing Supplementary Planning Document

The Lead Officer for Planning and Place Strategy presented the report and the appendix of the Supplementary Planning Document (SPD) for Affordable Housing outlining that was proposed to go out for consultation to seek the views of all stakeholders and the community. The Committee heard that the consultation would last for six weeks and beginning on the 20 October 2022 and once finished the results would be collated and returned to the Local Plan Committee for adoption. It was noted that an SPD did not have the same weight as the adopted Local Plan as it did not have to be examined by the Planning Inspectorate.

The Lead Officer for Planning and Place Strategy responded to questions from the Committee on areas including: that there was a number of ways to spend monies collected for affordable housing but the most common one was to increase the percentages on other sites which was supported by grant funding, that the Council's policy was for 30% affordable housing which was a proportionate amount of housing on a site which included the expectation that the size of dwellings would be proportionate.

It was noted that it was more difficult for registered providers to take on properties with more bedrooms due to benefit caps, but this could be looked into further. The Lead Officer for Planning and Place Strategy clarified that the term of affordable rent was defined in the NPPF and was listed as being up to 80% of the market rate.

RESOLVED (UNANIMOUSLY) That the Affordable Housing SPD is published for a six-week consultation period from 20 October 2022 to 2 December 2022.

And

That Authority is delegated to the Lead Officer for Planning and Place Strategy to make minor revisions to the document prior to publication.

253

Planning Enforcement Policy

The Lead Officer for Planning and Place Strategy presented the report to the Committee outlining that the existing policy had been in use since 2014 and acknowledged that it was a controversial area which caused concern and frustration within the Borough of Colchester. The Committee heard that Enforcement was defined through national regulation which set the parameters and remit of what action could be taken but it was noted that Colchester and its record was shown as an example of best practice. It was outlined that Colchester was effective in its enforcement action by serving more notices than any other Council in the surrounding area. It was noted that the Council did not condone breaches of planning control but would undertake action where it was expedient and that there were updates in the proposed iteration of the policy since the previously adopted version which were detailed in the report.

The Chair addressed the Committee and praised the work of the team and cited an example in his ward where a stop notice had been issued and that enforcement of planning in Colchester was being taken seriously.

The Committee discussed the proposed policy on issues including the consistency of enforcement action across the Borough, the number of FTEs within the team and that the conditions on sites were not monitored except whether there were reports of breaches. Some Members welcomed the updated policy and noted that Enforcement Officers worked in a hostile environment on emotionally charged subjects. Members continued to discuss the subject and commented that there was a need to ensure that the right conditions were included on application and that the bar for harm being identified was a subjective term.

The Lead Officer for Planning and Place Strategy responded that if there was harm of a certain value then an officer would be sent out to investigate and reassured the

Committee that despite there being only two full time officers in the team someone would investigate but appreciated that the team were often dealing with complex cases. The Lead Officer for Planning and Place Strategy responded to a question regarding the costs and confirmed that it was not possible to put in place additional charges but could receive costs as recovered through the Courts.

RESOLVED (UNANIMOUSLY) that the revised Enforcement Policy is adopted by the Local Plan Committee.