

Local Plan Committee

Monday, 06 February 2023

Attendees: Councillor Lewis Barber, Councillor Martin Goss, Councillor Richard Kirkby-Taylor, Councillor Jocelyn Law, Councillor Sam McLean, Councillor Patricia Moore, Councillor Kayleigh Rippingale, Councillor William Sunnucks

Apologies: Councillor Michelle Burrows, Councillor Paul Smith

Substitutes:

258 Minutes of Previous Meeting

The Minutes of the meeting held on the 12 December 2022 were confirmed as a correct record subject to the correction that where appropriate Highwoods is changed to reference "High Woods Country Park".

259 Have Your Say! (Hybrid Council meetings)

Richard Martin addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The speaker outlined that the NHS Clinical Commissioning Group were taking a digital approach to care and had objected to an application on proposed flats as these would overwhelm the health provision. The speaker linked this response to the proposed development at Middlewick and questioned whether this would mean that any proposed development there would lead to the same objection.

The Committee heard that that the biodiversity and ecology report for Middlewick required that a bird breeding survey would need to be conducted and that the Council had allowed Middlewick to be included in Section 2 of the Local Plan despite the flaws in the ecology report. It was detailed that Council adopted Section 2 of the Local Plan despite advice to wait before adopting the proposal. The Committee heard that significant data was missing which included 878 areas without a habitat score with some of the details including that a previously extinct species had been found on the site with 1048 species on site (878 with habitat scores), 2 which were on the European red list, 109 on the global red list, 3 species requiring legal protection and many more listed under the law to be protected with one species which had been classified as extinct. The speaker concluded by asking whether one of the most biodiverse sites in the Councils area would increase its species by 10% bearing in mind the high level of habitat score that a bespoke metric had to be created to stop it getting rejected.

The Lead Officer for Planning and Place Strategy responded to the points made by the speaker outlining that the Council would be in contact with the Health Authority at the appropriate time in the planning process and noted that the digital first approach as mentioned by the speaker had not been rolled out as expected and confirmed that the ecology evidence presented to the Council would be updated in the planning

process. The Lead Officer concluded that the point raised regarding the bird breeding evidence had been presented to the Planning Inspectorate when examining Section 2 of the Local Plan.

Richard Kilshaw addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The speaker outlined that they congratulated the Council on the proposed biodiversity strategy and Supplementary Planning Document that was to be decided later in the meeting but questioned how this would allow any developments to take place on Middlewick.

The speaker outlined that the Clean Air Bill that was currently passing through Parliament could cause further issues with the proposal at Middlewick as the additional traffic and proposal would destroy the areas natural values including its ability to store carbon. The speaker concluded by outlining how the Government had dropped housing targets and the responsibility to act on the Climate change by 2030 were the two main drivers to remove Middlewick from the Local Plan.

The Lead Officer for Planning and Place Strategy advised the Committee that the housing targets from Government had not been revoked and that the current proposals described for reforming the planning system were still in the draft form. The Principal Planning Officer (Environment) added that the proposed Supplementary Planning Document on biodiversity that was on the agenda did not add any new policies to the Councils Local Plan but provided further guidance to the policies already adopted in the Local Plan. The Chair noted that the contents of the adopted plan would be reviewed every 5 years.

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The speaker congratulated the previous speakers for speaking up on the issues raised at the meeting so far and asked the Chair to contact the Local MP regarding Middlewick Ranges and the proposed development. The speaker outlined that Therese Coffey had released a statement pledging that the government would have open spaces for urban dwellers and drew the comparison that Middlewick was currently surrounded on three sides by urban dwellers and requested that elected Members of the Council in the current enlightened times stop development on Middlewick in the same way that the Council created the High Woods Country Park. The Committee heard that the government had put new emphasis on the importance of protecting the environment and questioned the Ministry of Defence's decision to sell off a military asset at this time. The speaker concluded by outlining that the proposal would create a planning and environmental nightmare.

The Chair of the Committee responded and confirmed that they would contact the City's MP regarding Middlewick after the meeting as Chair of the Local Plan Committee.

David Rayner addressed the Committee pursuant to provisions of Meetings General

Procedure Rule 5 (1). The speaker outlined that they and previous generations of their family, had lived in Colchester since the 16th century and raised concern that an enforcement notice had been issued on a site where a fixture had been on site for over 100 years. It was outlined that the notice had been issued under the Millfield conservation area and action had been taken by Place and Client services at the Council. It was detailed that officers at the Council had not responded to the notice and a dialogue was opened which involved Councillors. The speaker asked that the Council consider very carefully how they consult with their community to ensure that businesses as well as residents were informed of any consultations and proposed changes to conservation areas. The speaker concluded that a resolution had been found to the issue but questioned why the Council did not follow the regulations.

The Chair of the Committee responded that the Local Plan Committee did not oversee the Council's Planning Enforcement team but relayed his appreciation that a resolution had been found. The Lead Officer for Planning and Place Strategy outlined how they would have been disappointed if Officers had not been able to help with regards to the points raised. It was noted that nobody had disputed the sign and was glad that an agreement had been reached but confirmed that they had been involved in conversations regarding the issue with Councillors and confirmed that the Council would look into how it communicates with residents on issues such as this.

David Rayner addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1) allowing them a 1 minute response. The Committee heard that it was obvious in the Council's paperwork why no-one was notified of the changes to the conservation area and that the report detailed how only one business was contacted but no businesses had received any consultation.

Members of the Committee commented on how consultations should ensure that businesses were consulted and how there needed to be a more open dialogue with planning policy and planning applications.

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that North station area had been part of the speakers life for the past 70 years and they had lived in north castle for 52 years and questioned what was the link that needed fixing. The Committee heard that North Station Road to the Albert roundabout was the City's most cosmopolitan street with takeaways and convenience stores with and raised concerns why shop owners had been asked to take stock inside as it was supposedly blocking the pavement. It was noted that the Council was also spending £13,000 on metal planters and trees and detailed how a previous proposal had been taken onboard and the conservation area had been extended. However, it was noted that if one side of Causton Road would become part of the conservation area then both sides should and consideration should be given to Albert Street due to crossing boundaries. The speaker concluded by asking that the conservation area was looked at and asked that an answer be provided as to who had authorised the spending of the £13,000 for the planters and trees in North Station Road.

The Chair responded by confirming that there would be a record of the decision as mentioned however it was not within the Committee's remit.

Eirini Dimerouki, Historic Buildings and Areas Officer, presented the report to the Committee outlining that the Committee were asked to proceed to public consultation on the revised character appraisal for the Conservation Area which detailed an expansion of the area to include 12-18 Causton Road which forms a group that includes the boundary in the conservation area. The previous management of the area had been reviewed in 2019 and was now due for further examination following the adoption of the Local Plan in 2022 and changes to permitted development rights. It was noted that the new proposal was on the key corridor of North Station Road and that the proposals were sensitive to piecemeal changes which were detailed in the proposed consultation documents.

The Development Manager responded to Members questions on issues including: that the article 4 in the procedure detailed how signage was used in the area and that the Council would be contacting residents and businesses as this was part of the gateway to the historic town.

The Chair highlighted the points that had been raised by Sir Bob Russell regarding Albert Street were important due to the split and that this could be fed back into the consultation response. It was noted that the North of Albert Street had been heavily altered and that its inclusion would dilute the quality of the document.

RESOLVED (UNANIMOUSLY) that the public consultation, commencing on during February 2023 , concerning a small proposed extension to the designated area of the Colchester Conservation Area No 4: North Station and Environs to include a further 6 terraced houses in Causton Road can proceed

And

That the consultation would use the revised supporting documentation and in particular, a revised character statement and management proposals;

And

That the statutory process of an article 4 direction as proposed in section 5.9 of the report is agreed.

And

That responses received to the consultation will then be reported back for future consideration together with any suggested revisions to the supporting statement and management proposals, including the draft article 4 direction.

261 Affordable Housing Supplementary Planning Document

Bethany Jones, Principal Planning Policy Officer presented the report to the Committee and explained that the documents before the Committee provided further updates since the October 2022 meeting of the Committee where the consultation was agreed. The Principal Planning Policy Officer elaborated that the Supplementary

Planning Document draft had been updated from the responses to the consultation and was attached to the report as appendix 2. The presentation concluded with the officer outlining the recommendation that the Local Plan Committee adopt the new Affordable Housing Supplementary Planning Document which would replace the Councils current 2011 version.

The Lead Officer for Planning and Place Strategy responded to questions from the Committee on issues including: that Affordable Housing included a number of tenure types in its description as well as local lettings policies. It was noted that the Supplementary Planning Document included Rural Exception Sites to be brought forward; an example of which had been approved by the Planning Committee in the week prior to the meeting.

The Committee debated the item and commented on how feedback had been received from Little Hawksley on the aspect of Rural Exception Sites as some small villages only wanted smaller developments to support their community. A question was raised regarding the settlement boundary and contiguous development and whether proposed land for a rural exception site would have to be directly adjacent to a settlement boundary. The Lead Officer for Planning and Place Strategy detailed that a common sense approach would be taken when looking at sites and gave examples of developments in Fordham and Layer de la Haye where market homes had been allowed in conjunction with Affordable Homes. The Officer concluded their response by confirming that a common sense approach would be undertaken but that this would not be compromised where a proposal was remote and unsustainable.

RESOLVED (UNANIMOUSLY) that the Local Plan Committee Adopt the Affordable Housing Supplementary Planning Document as detailed in appendix 2 of the agenda, and revoke the existing SPD.

262 Local Development Scheme (LDS)

Lucy Massey, Planning Policy Assistant presented the report to the Committee outlining that the Local Development Scheme had last been updated in 2021 when updates to Supplementary Planning Documents and consultations had come forward. Members were asked to note the contents of the report which included: the Affordable Housing SPD, Climate Change, Biodiversity, Active Travel, City Centre Masterplan and Tendring Colchester Borders Garden Community. Details of all the changes as well as timetables for their implementation were included in the report. The Planning Policy Assistant concluded by asking the Committee to approve the changes to the Local Development Scheme.

RESOLVED (UNANIMOUSLY) that the Local Plan Committee Approve the changes to the Local Development Scheme.

263 Consultation on the revisions to the National Planning Policy Framework

Sandra Scott, Place Strategy Manager presented the report to the Committee outlining that it related to the Government's current consultations on a range of issues including, housing supply, wind energy, and beauty of sites and invited comments on the scope of the proposals as detailed in the Levelling Up and Regeneration Bill (LURB) introduced into Parliament in May 2022 with an update to the NPPF to come following Royal Assent of the LURB. It was outlined that Officers would provide the detailed responses for a Portfolio Holder Report with Members of the Committee being asked to provide comments and thoughts to be included in the response. It was noted that the largest fundamental change was around housing supply which supported the Government's objectives but made it harder for speculative developments and would add testing to ensure that sites were deliverable. The Place Strategy Manager noted that the standard method would be used as an advisory going forward and that there would be a softening of the tests for Soundness of Local Plans going forward and that the examination would assess whether the target meets the need and would be deliverable. The Officer cautioned that although this was generally welcomed it could lead to challenges to Local Plans due to the lack of evidence and clear guidance from Government was required on this. The Place Strategy Manager concluded by detailing that the report set out the questions in the consultation and that sections 5.58 and 5.59 detailed the key matters for consultation in the future.

A question was raised by the Committee on how seriously the proposals in the consultation should be taken considering that a general election was coming up in 2 years time and queried whether the bar should be raised for developers and try to expand organic growth of sites. A further point was raised that they would like to see a responsive model to the change in circumstances and that it should be done in a holistic manner.

The Place Strategy Manager responded to the points made and outlined that the Council did need to provide a response and that future documents had been programmed by the Council but could not determine where national policies would be in the future. It was noted that the changes to Local Plans and the NPPF were due to the crossover of policies and that new Local Plans were re-inventing the wheel at every stage.

Members continued to debate the consultation and the changes to the NPPF and how it would impact Neighbourhood Plans and whether there was any further support for these as they were extremely time consuming and were created by volunteers from Parish Councils and residents in many communities. Some Members felt that the lack of support for Neighbourhood Plans meant that some communities were falling between the cracks of the planning system without Neighbourhood Plans. Further to this Members were concerned regarding the consistency of financial obligations and contributions through Section 106 Agreements as they did not want to see smaller ones that contributed next to no monies.

Members debated whether the proposals for onshore wind were appropriate as they would be using up good farmland and asked whether the Committee would be happy to comment that they did not want to promote onshore wind. Members debated the role of sustainable food production in the UK with and the balance needed to create sustainable energy and how they reduced the requirement for large pylons to transfer

power. The Place Strategy Manager proposed that on shore wind turbines were not appropriate in every location and that the response could include wording to this effect to show that the Council supported on shore wind in the right locations.

The Committee's debate concluded with Members discussing energy generation and how industrial and commercial units should be used for solar power as well as car parks where the spaces are covered by solar panels.

RESOLVED (UNANIMOUSLY) that the comments made by the Local Plan Committee during the meeting would be fed into Colchester City Council's response to the Consultation.

264 Statement of Community Involvement 2023

Laura Goulding, Planning Policy Officer presented the report to the Committee outlining that the updated document detailed how the Council could consult with regards to policy documents as well as how citizens and could get involved in the process. The Statement of Community Involvement had been updated to be in line with legislation and include details of the Council's speaking arrangements at Committee meetings. The document also included details regarding Neighbourhood Planning and a guide which would be published on the Council's website as well as how the Council would look at written representations and the appeals process. The Planning Policy Officer concluded by detailing that the updated document was appended to the report and that the recommendation was to adopt the updated statement.

RESOLVED (UNANIMOUSLY) that the changes to the Statement of Community Involvement be agreed as detailed in the Officer recommendation and that the updated statement be published on the Council's website.

265 Biodiversity Supplementary Planning Document

Councillor Sunnucks declared a Disclosable Pecuniary Interest in the item and left the meeting prior to the Biodiversity Supplementary Planning Document being heard. Shelley Blackaby, Principal Planning Policy Officer (Environment) presented the report to the Committee outlining that the Supplementary Planning Documents (SPD's) on Climate Change and Active Travel would be presented at a future meeting. The Principal Planning Policy Officer confirmed that the SPD did not introduce new planning policies and would not add to the burden of development. The Committee heard that the biodiversity and geodiversity referred to the mitigation hierarchy which would come into effect in November 2023 and that the SPD set out the principals and requirements of the Council in a concise way whilst referencing other relevant documents. It was noted that the document detailed: protected species, the mitigation hierarchy of avoiding harm, mitigating harm, and compensating as a last resort, Nature design principles including, street tree planting and integral swift bricks in new developments. The SPD included advice for householder application and detailed

what information should be submitted for planning applications. The Principal Planning Officer concluded by confirming that the officer recommendation was that the Biodiversity SPD be published for consultation as detailed in the officer recommendation.

Members debated the proposed document on the definition of irreplaceable habitats and whether the maps detailed in the document were the most up to date. Queries were raised by the Committee on the protections to biodiversity and whether this would be just for legally protected or ones that had been declared extinct and rediscovered.

The Principal Planning Policy Officer responded that the irreplaceable habitat was included within the glossary of the document but noted that it included a wider terminology which included ancient woodlands and important hedgerows. The Principal Planning Policy Officer detailed that they thought that the maps were up to date but these could be amended prior to publication if there were any errors and that the protected species list could be expanded as required.

The Committee Members debated the application of the document in reality and how it could be used in practice when designing a site and how it would interact with the Councils existing policy allocations and ENV 1. The Principal Planning Policy Officer detailed that if a site did get put forward for residential use then the developer would be encouraged not to build on that site to protect whatever element of biodiversity there was there or that they avoid the most sensitive part of the site if it was a large enough parcel of land.

Members raised concern over the maps contained within the document noting that there appeared to be an error on some areas including Cudmore Grove on Mersea Island. The Lead Officer for Planning and Place Strategy clarified that the maps would be reviewed prior to publication if the Committee were minded to send the document out for consultation. It was suggested by a Member of the Committee that a link be included to ensure that the most up to date maps were associated with the SPD.

The debate concluded with Members discussing the designation of sites and what protections it would afford to sites that were currently being developed and any that would be coming before the Council for determination.

RESOLVED (UNANIMOUSLY) that the draft Biodiversity Supplementary Planning Document is published for public consultation in accordance with the Planning Regulations and Statement of Community Involvement

and;

That minor changes to the draft Biodiversity SPD be approved by the Lead Officer for Housing and Planning and Chair of the LPC prior to the consultation commencing.

