

# Local Plan Committee

## Thursday, 13 September 2018

**Attendees:** Councillor Christopher Arnold, Councillor Lewis Barber, Councillor Nigel Chapman, Councillor Phil Coleman, Councillor John Elliott, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Gerard Oxford, Councillor Martyn Warnes

**Substitutes:** Councillor Andrea Luxford Vaughan (for Councillor Nick Cope)

**Also Present:**

### 136 Appointment of Chairman

Andrew Weavers, Monitoring Officer, explained that it was unlikely that agreement would be reached on the appointment of a Chairman or Deputy Chairman for the remainder of the Municipal Year or for this meeting. Accordingly, he invited the Committee members to withdraw these matters of business for this meeting for them to be considered again at the next meeting of the Committee. Subject to that agreement, he would facilitate the meeting to enable the further matters of business to be conducted.

*RESOLVED* that the appointment of the Chairman and Deputy Chairman of the Committee be deferred to the next meeting of the Committee and the Monitoring Officer be authorised to facilitate the remainder of the meeting.

### 137 Have Your Say!

Councillor Moore attended and, with the consent of the Chairman, addressed the Committee. She referred to Section 2 of the new Local Plan in relation to the allocations identified for Mersea Island. She explained that residents were prepared to accept the 200 dwellings included in the Plan as its share of the Borough's needs but was concerned about the impact of expanding caravan sites. There was already in excess of 2,000 caravan pitches. The Plan included two development sites and was concerned that there would be no mechanism to limit the total number of dwellings to 200 and, to address this, she asked the Committee to reduce the number of sites to one. She referred to a previous request for the wording in the Plan relating to the expansion of caravan sites to be changed from the 'presumption of permission' to 'a requirement to prove a need and a lack of damage to the local community'. She supported local industries she was of the view that holiday parks did not belong in this category. She referred to changes in the definition of a caravan whereby permissions were being requested for two storey units and three bedroom lodges, which she considered should be treated in a planning context, as small houses. She considered protection against

Government guidance needed to be built into the Local Plan in the form of safeguards against ill-conceived developments.

The Monitoring Officer requested the Planning and Housing Manager to provide a written response to the comments made by Councillor Moore.

#### **138 Minutes of 19 March 2018**

Councillor Barber referred to that part of minute no 133 where he had been attributed to comment 'that there were too many restrictions on development in the countryside' and he considered that the wider context of his remarks had been lost. He therefore requested that the words be deleted.

*RESOLVED* that, subject to the deletion of the entire sentence containing the words 'that there were too many restrictions on development in the countryside' in minute no 133, the minutes of the meeting held on 19 March 2018 be confirmed as a correct record.

#### **139 Local Plan Examination Options**

**Councillor Luxford-Vaughan (in respect of her membership of Wivenhoe Town Council) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered a report by the Assistant Director Policy and Corporate giving details of the options proposed by the Inspector to proceed with the Local Plan and seeking the agreement of the Committee to a way forward.

Karen Syrett, Planning and Housing Manager, presented the report and, together with Ian Vipond, Strategic Director responded to members questions. She explained that the Inspector for the strategic Section 1 of the Local Plan prepared jointly with Braintree and Tendring District Councils had written to the local authorities on 8 June 2018 raising issues requiring further work and proposing a number of options for progressing the Local Plan. The options were:

Option 1 – Removal of the Garden Communities from the Plan, continue to examination and adoption of the rest of the section 1 and section 2 Plan before considering the potential reintroduction of the Garden Communities under an early or focussed review of the Plan in 2-3 years' time;

Option 2 – Continuation of Local Plan and examination following completion of further evidence base and sustainability appraisal work;

Option 3 – Withdrawal of the current draft Section 1 and Section 2 and submission of an entirely new Local Plan;

Alternative Option – any alternative course of action.

The Inspector has subsequently written two further letters which confirmed the housing requirements (Objectively Assessed Need) and provided further detail about his interpretation of Option 1.

As well as the options, the report also set out the content of the letters, legal opinion as well as a pros and cons paper. Councillors had raised concern about various related points including the delivery of infrastructure, timing of infrastructure delivery, timing of the options, possibility of legal challenge, implications for the development management side of planning and the consequences of the publication of the new National Planning Policy Framework (NPPF). These points were addressed in the report and were looked at in more detail in the pros and cons paper, together with a comparison of the three main options. Members of the committee were being asked to consider the options proposed by the Inspector and to determine whether there was any other option which could be proposed.

The Monitoring Officer invited Committee members to present any alternative proposals for consideration and, accordingly, Councillor Ellis made the following proposal:

- (i) Colchester Borough Council remains committed to the Garden Communities principles and will work closely with Braintree and Tendring District Councils to secure the future housing requirements in the North Essex Authorities area;
- (ii) This commitment assumes, and is dependent on, funding for the necessary strategic infrastructure being confirmed, them being proven financially viable and environmentally sound, with strong evidence of constructive engagement and involvement with local communities throughout the plan, and acceptance derived locally, as required by Government policy;
- (iii) The North Essex Authorities will provide the further evidence requested by the inspector under an alternative option which will show any Colchester and Braintree Borders Garden Community being planned for the later years of the housing trajectory of the Local Plan and any Colchester and Braintree Borders Garden Community and the Colchester and Tendring Borders Garden Community proposals dependent on necessary strategic infrastructure being committed. It will also be imperative to prove the economic viability for garden communities, and to ensure future housing growth is matched with economic growth. The Sustainability Appraisal will assess a larger number of sites at a range of different sizes and also consider alternative options to deliver growth as set out in the Inspector's letter of 8th June 2018. The conclusions of that Appraisal will need to be reviewed before consultation on the evidence base and Sustainability Appraisal;
- (iv) Should the necessary strategic infrastructure for the garden communities not be committed after a reasonable period of time, this will trigger a review of the Local Plan to manage the consequential shortfall in housing delivery in a way that does not overburden the infrastructure of existing communities/settlements;
- (v) This alternative option will now be recommended to the other North Essex Authorities.

The proposal was jointly seconded by Councillors Coleman, G. Oxford and Warnes.

Councillor Cory attended the meeting and, with the consent of the Monitoring Officer addressed the Committee. He welcomed the proposal made by Councillor Ellis and supported by each of the Group Spokespersons, particularly given the time taken to achieve a form of words which he hoped would be agreeable to the Committee as a whole and he thanked all those involved for their diligence. He considered this demonstrated a willingness to listen and to address matters of concern. The comments of the Inspector and others had been taken on board and he was confident that the proposal incorporated the necessary key elements for the local communities as well as accepting the need for growth. As such he was hopeful that the North Essex Authorities of Braintree and Tendring councils along with Essex County Council would find the proposal one which they could also accept. He explained that he was committed to working strategically with the other Councils as well as endeavouring to ensure as many residents as possible were satisfied with this approach. He acknowledged that there was still work to be done to ensure that the proposals would not impact too negatively on existing communities. This approach had enabled there to be more time, more information and more discussion on the proposals. He also acknowledged that there needed to be greater community engagement going forward which he was committed to providing as a pre-requisite to the extra work on sustainability appraisals, viability and infrastructure delivery being delivered. He also considered he could accept the proposal as a ward Councillor for Wivenhoe in terms of no development south of the A133 and to use the new NPPF to propose a green belt buffer zone and that any development is predicated on the delivery of infrastructure, as set out in the proposal. He explained that he had listened to an announcement by the Minister for Housing and had been impressed with what he had to say in terms of the need to deliver sustainable communities. He confirmed that the Minister had stated his intention to visit Colchester and Councillor Cory confirmed his intention to secure his commitment to infrastructure. Councillor Cory also stated his hope for better engagement with the public, that no increase in housing numbers would be necessary and that there would be no opportunities for developers to submit speculative planning applications.

Councillor T. Young attended the meeting and, with the consent of the Monitoring Officer addressed the Committee. He thanked everyone involved in putting the proposal together for presentation at this meeting and he was aware how difficult it had been. It was very important to have a proposal to move forward in order to move towards an adopted Local Plan. He warned of the dangers of not having an adopted Local Plan and voiced his disappointment with the outcome of the appeal into the Gladman development for 145 homes off Bromley Road which had recently been allowed by the Planning Inspector. He was of the view that on-one would support the concept of Garden Communities if they did not include the delivery of infrastructure and with the necessary funding in place. He also indicated he would not be able to support the Garden Community proposal to the east of Colchester if the proposal did not include the A133 /

A120 link road. He considered this view was clearly reflected in the proposal moved by Councillor Ellis. He wanted to see a real commitment to, not only affordable housing, but social housing in the emerging Local Plan. He acknowledged concerns, in the absence of an adopted Local Plan, about the Objectively Assessed Need housing numbers and the potential for the agreed 920 houses per year to increase to 1095 per year. He encouraged the Committee to agree to the proposal as it would give an opportunity to determine where the homes would be sited. He welcomed the benefits of working together and was encouraged that this was in the best interests of Colchester as a whole. He referred to the Council's Strategic Objectives - Growth, Responsibility, Opportunity and Wellbeing and considered all these were being addressed by the Local Plan Committee. He also emphasised the need to get the Sustainability Appraisal right. He considered the responsibility on the shoulders of the Committee members weighed heavily, it was not always possible to make the popular decision but he knew they all tried to make the right decisions. He hoped the wording of the proposal would take the Committee forward to the next stage of the Local Plan process and he was encouraged by the work put in to get to this point.

Councillor Scordis attended the meeting and, with the consent of the Monitoring Officer addressed the Committee. He explained that his preference was for the Committee to agree to Option 2 on the basis that the Council needed to build new homes and to meet housing need. He had weighed up the other options – Option 3 would leave the Borough open to speculative development whilst option 1 would mean that housing needs would not be met and additional sites would need to be considered for inclusion in the Plan. He was worried about the associated traffic issues related to some of the sites like Middlewick Ranges. He was of the view that the rural areas would be protected whilst areas in the South of Colchester would become completely grid locked. He emphasised the need for infrastructure and he agreed with the concerns raised by people from Wivenhoe and Marks Tey. Braintree and Tendring were keen to go ahead with the Garden Community proposals and he was concerned about the prospect of development by on the Colchester side of Tendring District but without the funding to go with it.

John Symington addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He represented L and Q, the Gateway 120 landowner consortium who together controlled the land at West Tey, to the north of the A12. He commented on the work of Colchester and Braintree Councils and the long term planning strategy to deliver homes and jobs properly planned with physical and social infrastructure to support them. He referred to the A12 and A120 upgrades and to concerns expressed by the Inspector about the soundness of the Garden Community proposals. L and Q was one of the country's largest Housing Associations which owned and managed over 90,000 homes with considerable financial assets and the ability to make early investments and deliver physical infrastructure. The company was capable of providing 17,000 new homes on Garden City principles. Viability testing had been done and the company was prepared to fund the whole of the development. As such there

was no need for public funds to be put at risk. The company was committed to working with the councils to deliver the Garden Communities vision together with the physical infrastructure provided ahead of development such as a spine road from the A120 to the A12 in the first phases of housing and employment land, with a range of housing tenures, including at least 30% affordable housing. Vision and determination would be needed but also substantial resources from a skilled developer which L and Q could provide. They had supported the Council in its ambitions and would continue to do that with the aim of securing a sound Local Plan. Option 2 was supported as the most appropriate way forward. West Tey had a substantial amount of work yet to be done as the Inspector had indicated but he was of the view this could all be addressed to enable West Tey to be delivered in the earlier part of the Plan period.

Ian Crossley addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he represented the Mersea Island Society. Whatever was decided for the Local Plan would have a knock-on effect for Mersea Island. Infrastructure was under pressure from its existing population whilst increasing numbers of tourists caused parking problems along with problems of litter and lack of toilets. He asked the Committee, when considering housing numbers for the Island, to take into account infill and caravan sites. Two sites currently had permission for 100 units each and had their own shops and entertainment. As such they did not contribute greatly to the local economy. He explained that the roads were unsafe for cycling, especially for children and sought the provision of cycle paths. His preference was for only one development site in the Plan and not the one nearest to the edge of the Island. He asked for the Committee members to listen to the local residents in terms of their requests for places of work and an industrial site.

Asa Aldis addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was making representations on behalf of Wivenhoe Town Council. He considered the SWOT analysis to be biased as it overtly favoured Option 2 which would represent reputational damage to the Council when it failed. He was of the view that the Plan had been judged to be unsound by a Government Inspector. He did not consider that it would make a Rapid Transport System viable. He had attended the hearing and the Inspector had asked for more sites so he could conduct a full appraisal on the effect of new homes across the region. He had requested alternative schemes to be considered. He had noted that no price had been agreed with landowners. Due to these issues, he did not support Option 2. He considered that the Inspector's directions had to be followed. Legal advice in the report cited potential for judicial review but if the proposals remained as they were then other challenges would be made. He did not consider that the timescales would allow for a re-run of the evidence base and it was imperative that the right decision was made for existing communities. He considered that the Local plan had failed and was shocked that more suitable sites had been blocked and money had been wasted. He asked for the Council to undertake meaningful engagement with the public so that positive outcomes could be presented to existing residents. He questioned the housing numbers agreed by Tendring District Council and

considered that development had been disproportionately favoured towards the Colchester border. He urged the re-run of the evidence base as well as a new call for sites as he was of the view that there were better sites beyond the east of Colchester. He considered a different approach to the Local Plan needed to be adopted and to proactively amend the Plan to take account of existing residents.

Rosie Pearson addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She was making representations in relation to the views of the Campaign Against Urban Sprawl in Essex (CAUSE). She thanked the Committee for allowing debate on the issues and she welcomed the new era of co-operation which seemed to have commenced. She agreed with the views of the previous speaker and considered the proposal made by Councillor Ellis was a sign of a new understanding of the realities in relation to the Local Plan. She was of the view that CAUSE had been warning the Council of its concerns for three years but it was only now that people were beginning to listen. She hoped that this would mean that in the future CAUSE would be involved and there would be co-operation amongst all. It was essential that different views were heard in order to overcome problems. She requested a meeting with Land Use Consultants as soon as possible. She considered the major problem with any large new town was in relation to viability, funding and from where funding derived. She commented that, at the Inspection, Gateway 120 had declined to reveal their viability appraisal and she was therefore concerned that there was no evidence to support their promises and hoped this would be taken into account properly in the new sustainability appraisal. She was also sceptical about claims to deliver 17,000 homes without evidence in support. She also asked for CAUSE to be involved in viability work and questioned who would be involved to deliver this as well as the Land Use Consultants. She also sought assurances that the new Sustainability Appraisal would look at alternative smaller sites.

Giles Coode-Adams addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was making representations in relation to the views of the Campaign Against Urban Sprawl in Essex (CAUSE). He was pleased the Committee was considering options following receipt of the Inspector's letter. He considered the determinations made by Tendring and Braintree Councils to be undemocratic and welcomed the approach taken by Colchester. He considered that the Inspector's letter had not been understood correctly in terms of an intention to undertake more work rather than a fundamental rethink. He considered the Council had favoured Option 2 because it didn't want to admit failure and, as such, were exposing the Borough to speculative applications. He understood that compromise was necessary and he had suggestions to mitigate damage if Option 2 was still considered preferable. He was of the view that Garden Community principles had to be interpreted widely, including a string of settlements or urban extensions with a need to get the first 15 years of the Plan right initially. He suggested following the example of Poundbury which was an urban extension, comprising 2,000 homes built at a rate of 100 houses per year, allowing community jobs to keep pace. He also advocated a contingency plan if timescales

slipped. He was of the view that size was significant – because of the three Garden Communities, the Mass Rapid Transit had to be included which was a huge project and he questioned how it would be run as well as the implications of the planning approval. He also referred to the need to relocate the train station to the centre as it would not be possible for Marks Tey Station to remain where it was. There were big hurdles but the infrastructure needed to be provided first.

Helen Hogan addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She thanked the Committee for the consideration given to the Inspector's letter and the option presented at the meeting by Councillor Ellis. She had intended to speak about Braintree and Tendring Council's flawed interpretation of Option 2 and her hopes that Colchester would not be bullied into following their lead. She realised things had, however, moved on.

Paul Griffith addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he was a long term Wivenhoe resident and he was concerned about the Tendring Colchester Borders Garden Community. He referred to the SWOT analysis and considered that it was not impartial, being overtly biased in favour of Option 2. He considered that the risks of Option 2 had been played down whilst its strengths had been played up. He did not consider the timescales outlined to be accurate and he considered that the weaknesses of the Option had been overlooked. He welcomed the proposal put before the Committee at the meeting and considered that the analysis needed to be done again but impartially and to include the Council's alternative proposal to determine what the best way forward would be.

Sarah Shehadeh, on behalf of Mersea Island Society and Stop 350, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She explained that Stop 350 represented 1163 Mersea residents who had authorised them to act on the draft Local Plan as well as a substantial number of other residents who had given their support. She recognised there were very important issues in terms of the options but was of the view that there was an important issue about the impact the Plan would have on West Mersea. She realised the importance of a robust Local plan to protect against speculative development applications. Stop 350 supported a Local Plan but had reservations in terms of its current format, which, she considered, would create vulnerability to speculative development. She referred to the two allocated sites in West Mersea, both of which were indicated as providing 100 dwellings. At 100 dwellings per site the density levels would be lower than that recommended in the new NPPF. She feared that speculative applications would lead to far higher numbers of dwellings being built than the infrastructure could cope with. When the original 350 proposed dwellings was reduced to 200, it was stated in the Local Plan settlement boundary review that the lower figure of 200 was more appropriate based on the level of infrastructure. She requested that consideration be given to the removal of one of the sites, mitigating the risk from speculative development. She also asked that the West Mersea Neighbourhood Plan be given the same opportunity as other Neighbourhood Plans, that



is, to allocate the site on which the proposed 200 dwellings were to be built. She urged that a declaration be made that this would be allowed to take place and the Neighbourhood Plan would be adhered to.

Chris Hill addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He cautiously welcomed the new proposal as a move forward in terms of talking and greater engagement. He asked about the Inspector's reference to a considerable length of time and additional delays being taken in relation to the adoption of Option 2 and asked about the difference in timing between Option 1 and the alternative option proposed by Councillor Ellis. He was concerned about the need to ensure the Council had an adopted Plan in place. He further asked about the alternative option being presented to the other North Essex Authorities and what would happen if they did not accept it.

Manda O'Connell, on behalf of Colchester East Action Group, Sir Bob Russell and as a resident of Greenstead, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She explained that with the support of the Greenstead ward councillors the Colchester East Action Group had campaigned for a suitably designated green buffer area with no new development on eastern edge of urban Colchester, incorporating the whole environment of the Salary Brook Valley Slopes, extending 100 metres beyond the eastern edge of Home Wood, with the boundary extending 20 metres east of the public footpath running from the strip to Bromley Road, in order to preserve the unique biodiversity of the Salary Brook landscape. This was proposed to avoid the new development becoming an urban extension of East Colchester and to retain the unique identity of both the Colchester and the Garden Community settlements. The border was well within the 1.5 km previously referred to. In view of the unfortunate success of the Gladman appeal off Bromley Road at the end of the Slopes area, she was concerned about further speculative development leading to further urban sprawl and losing the opportunity to preserve an eco and bio diversity asset for the benefit of all local communities. The Group had supported the Local Plan in its previous form but if the Garden Community proposal was to be reviewed in the light of the Inspector's comments, she asked the Committee to consider ring fencing as Country Park the area she had described to avoid the attrition of the land to speculative development as part of Option 1 or 2 or the new proposal. She also asked why Colchester East Action Group had not been invited to the Leader's Listening Event at the Town Hall despite being involved in previous meetings and workshops leading up to the Garden Community proposals particularly as other groups such as CAUSE and Hands Off Wivenhoe had been included and there were no representatives from East Colchester. She also sought an assurance, on behalf of Sir Bob Russell, that Middlewick was not a brownfield site as some had complained and she also stated his opposition to any threat to Salary Brook.

Mr Weavers confirmed that a written response would be sent to Ms O'Connell in relation to the Leader's Listening Event.

Alan Walker, Chairman of Marks Tey Parish Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He commented on the reliability of the Local Plan process. Marks Tey Parish Council had consistently said that they would work with the Local Plan proposals providing they were of excellent standards, that every stage improved Marks Tey Parish and the people and businesses that operated there and that they were infrastructure first. However, the Parish Council has also said that the proposals were high risk in terms of skills and politics. This had been illustrated perfectly by the Planning Inspector's consideration of Part 1 of the Local Plan. He was dismayed to see no recognition of this within the officer's report and no reference to what Colchester Borough Council thought may have gone wrong. He considered the report looked at outcomes but not process and there was no apology to the people of Colchester for the situation we were now in. He did not wish to apportion blame but to take the opportunity to learn from mistakes, which, if not admitted, how was the public to be assured that something similar would not happen again. He considered that the getting together of officers and Councillors to agree on the alternative proposal was a welcome step if it encouraged members to work across parties and question what had been put before them. He considered that the proposal seemed to leave Marks Tey in limbo for longer. In addition, he asked how long it would be before the interests of party politics returned over the well-being and future of the community. He was of the view that the proposals remained high risk and would require much more effort and discussion to be certain to deliver Colchester's future growth. He also commented that there was significant neighbour opposition to the Council's proposal to re-route the A12 between Marks Tey and Copford. The Parish Council's view was that they were awaiting further proposals before stating a view as to how it might affect the whole of Marks Tey.

Julie Baker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She explained that she was a resident of Mersea Island. She referred to the Middlewick Ranges site and had thought this would release Mersea from the need to deliver more housing on the grounds that the Island did not have sufficient infrastructure. She was concerned about the absence of a police and ambulance presence and the fact that the fire service and life boatmen were volunteers. She was aware that recent major incidents had been dealt with by off-duty police and fire officers. She also referred to the problem of access to and from the Island at times of emergency when the tide made the Strood impassable. She was concerned about the increased size of caravans on the Island and asked why the caravan pitches could not be included in the calculation of housing numbers required to be delivered. She asked that the allocated sites be reduced to the one at Brierley Paddock and for the 200 homes to be delivered on that one site. She also referred to the increased number of tourists and the impact these were having on the oyster industry. She considered Mersea Island to be a special case with its own unique problems.

The Monitoring Officer invited the Committee members to discuss the issues raised and how to proceed with the Local Plan.

Councillor Ellis thanked the Leader of the Council for the opportunity given to the Committee to reflect on the contents of the Inspector's letters. He acknowledged that the wording of the alternative option now proposed may not be without flaws but he considered it to be a pragmatic approach, given the Council's circumstances. He welcomed the fact that a Government Minister had been in discussions with Councillors and Officers as well the associated opportunity for the Council to bid for large scale funding and he acknowledged the value of this and the importance, in this context, of not rejecting the Garden Community proposals entirely. He was of the view that smaller inter connected communities and Garden Villages would be a preferable and more palatable approach for many residents. He agreed that the way forward was for Councillors to work together on the Local Plan. He was of the view that the A133 had the biggest impact on Colchester and the proposed link road needed to be given top priority if the existing traffic problems were to be relieved. He commented on the views expressed in relation to the timing of proposals for West Tey and considered these needed to be allocated towards the latter stage of the Local Plan, incorporating smaller, inter connected communities. He referred to the expertise within the CAUSE group and supported their request to be involved in the process moving forward. He referred to Part 2 of the Local Plan and the fact that funding to deliver the infrastructure was key to its successful outcome. He acknowledged that the process adopted up to date had not worked well and to improve there needed to be more public engagement and communication. He considered people had been scared by the numbers of houses which had been quoted and that it was necessary to reduce the scale of the proposals being considered in order to have the support of the public. He also referred to the importance of economic viability evidence, whether the increased housing number of 1095 would be imposed on the Council and how to protect against it and the need for consideration to be given to a backstop plan in case the alternative option currently being proposed was not deemed to be acceptable by the Inspector. He did not consider that he had been given adequate tools, as a Committee member, to analyse the sustainability appraisals and viability assessments and asked for arrangements to be made for the Committee members to receive training on these elements as soon as possible and for the training to be provided by an independent facilitator.

Councillor Cory indicated his support for Councillor Ellis' request for training and was of the view that it was sufficiently important that it should be offered to all Councillors not just the Local Plan Committee members.

Councillor Luxford Vaughan supported the request for training and thanked the members of the public for their contributions. She considered Option 1 to be the most expeditious route to getting the Local Plan adopted. She had attended the Local Plan hearing sessions and was aware of the expertise of the Inspector and in what ways he had considered the Plan to have failed. She considered that the Council had misinterpreted how to deliver the Garden Community principles properly and she advocated the need for the sustainability appraisal to be done properly. She understood the reasoning

behind the proposed alternative option and welcomed the work that had gone into the agreed wording but explained that this option would be a second choice for her. She was worried about the lack of timescale associated with the alternative option and what mechanism would be used if the option was not proving to be successful. She also referred to the need for the additional work requested by the Inspector to be scoped and for the Committee members to be given an opportunity to consider it, she asked who would be given the task of drawing up the viability assessments and she sought an assurance that a new call for sites would be included.

Councillor Oxford acknowledged the extent of the work undertaken by Councillor Ellis and others which had led to the alternative option proposal. He also acknowledged that the wording may not be ideal but was the best in the circumstances. He referred to the importance of infrastructure first and that Garden Communities principles would be the way to deliver this as well as a means of attracting Government funding. He was also of the view that it was vital for Colchester to work towards delivering its housing need as there were many households stuck on the Council's housing waiting list.

Councillor Barber thanked the Leader of the Council in allowing the Committee to make a decision on the way forward for the Local Plan. His preference was for option 1 but he acknowledged the need for the North Essex Authorities to work together and to find a way to move forward collaboratively. He was concerned that some of the issues identified by the Inspector had been raised by Councillors and residents for some time and, as such, it would be necessary for the Committee members to ensure similar issues did not happen in future. He was of the view that a detailed timescale for the alternative option needed to be put in place and that a backstop plan needed to be agreed should the alternative option look like it would fail to deliver. He made reference to the failure of the current process, the need for a robust sustainability appraisal with all options being considered and the fact that it could not be pre-determined. He acknowledged that Garden Communities did offer the opportunity to work closely with the Government. He appealed to the Committee to listen to the opinions of residents and for the expertise in the community to be utilised. He was particularly concerned about the timescales involved in delivering an adopted Local Plan together with the need to have sufficient housing supply and he supported the need for more evidence to be gathered and presented to the Committee for consideration.

Councillor Fox thanked the members of the public for attending the meeting, welcoming the views presented to the Committee and he hoped that this engagement would continue. He welcomed the compromise alternative option presented at the meeting as a mechanism to move the Local Plan process forward and hoped it would also be supported by Tendring and Braintree Councils. He was of the view that there was a role for Local Authorities in delivering the Garden Community projects and that they should not be left entirely to private developers. He agreed that the scale of the projects was of importance as well as the need to deliver Affordable Housing as part of those projects. He was concerned that Middlewick Ranges was being perceived as the resolution of

problems in other areas, particularly as the site had its own issues in relation to infrastructure and the consequence of development placed at the edge of existing communities.

Councillor Warnes supported the delivery of infrastructure first and highlighted the importance of delivering affordable housing for the many people struggling to get on the housing market. He thanked the public speakers from CAUSE, Hands off Wivenhoe and Stop 350 but voiced his concern about the capacity of existing infrastructure in the urban areas to absorb additional development and he was concerned about the impact on traffic congestion which needed to be taken into account. He acknowledged that the alternative option proposal was a compromise and not necessarily the preference for all but he was of the view that it would enable the Local Plan process and the Garden Community projects to be moved forward in a clear, balanced and measurable way and for the delivery of housing to be achieved. He supported the request for and the commitment from the Leader of the Council to, independently delivered training.

Councillor Arnold welcomed the alternative option proposed at the meeting on the basis that it sought to provide confidence in the process which previously the members had been asked to take on trust. He did not consider that it would be necessary to undertake the majority of work again as the Inspector had accepted the housing number per year figure of 920. He was keen to see a timescale for the proposal and for the solution proposed to be given the utmost support to enable it to work. He acknowledged the fact that development was a troubling prospect but the delivery of a sound Local Plan was a continuing aspiration. He considered the review of the sustainability appraisal to be a very welcome part of the process and questioned whether requests for a further call for sites would be planned. He supported the requests for training to be delivered independently as it was imperative for Councillors to be able to challenge from having knowledge of the process. He questioned whether the proposal would be submitted to the Inspector as set out and sought clarification in relation to potential changes in wording required by the other Local Authorities. He considered authority could be delegated to the Committee's Group Spokespersons to approve minor changes to wording and he advocated setting up briefings to take place between meetings of the Committee in order to keep members apprised of progress with the Plan. He welcomed the collaborative approach adopted by the new Leader of the Council on the basis that this had worked previously in delivering good quality planning.

Councillor Coleman supported the proposal. He referred to the considerable development which had already taken place in Highwoods and Mile End and his opposition to speculative development. He regretted the increasing numbers of homeless in the community and considered this to be the driving factor in delivering planned development. He welcomed the cross border partnership working as this provided more opportunity to attract funding for the delivery of infrastructure in terms of roads, schools and medical centres. He also acknowledged the issues raised in the Inspector's letters needed to be addressed.

Councillor Chapman welcomed the cross party co-operation and the greater community engagement as he was of the view that each of the Councils would be stronger by working together and with their communities. He also strongly supported the need for the way the process was conducted to be right and robust. Accordingly, he considered the provision of training to be accepted as this would ensure members would fully understand the process and would be in a better position to explain it to their constituents. He supported the call for a backstop plan should the current proposal not receive support and for a timescale for delivery to be drawn up. He also agreed with the suggestion for Group Spokespersons to be given authority to agree any minor changes in wording to the proposal.

Councillor Barber emphasised that the debate should not be considered a competition between urban and rural issues and he was keen to ensure that the process would not lead to the houses being predominantly sited in particular wards in order to avoid development on others. He supported the approach to build better communities not just more houses.

Ian Vipond, Strategic Director, suggested that, in the light of the Committee's discussions, paragraph (v) of the proposal moved by Councillor Ellis be amended by the addition of the words 'and, if agreed, sent to the Planning Inspector as the North Essex Authorities' proposals to progress the Local Plan.' Together with an additional paragraph (vi) 'Authority be delegated to the four Group Spokespersons of the Local Plan Committee to agree any minor changes to the wording of this alternative option.'

He also responded to the discussion in relation to a timescale to be attributed to the strategic infrastructure and indicated that it was not yet known what the Inspector's reaction would be to the alternative option and accordingly, he considered it was necessary for the Committee to proceed through to the outcome of this stage. But he offered reassurance to the Committee members in that the Inspector had asked for a timescale to be submitted regarding the additional work and he anticipated the Inspector would comment on that timescale. He considered at that point it would become clear when decisions would need to be made about the strategic infrastructure. He was also aware of proposals in relation to Housing Infrastructure Funds and the broad timescales around the road infrastructure programme announcements which would begin to shape when the Committee might expect to hear further about the key provisions.

He went on to refer to the comments about sustainable appraisal and he confirmed that the Inspector had given a very clear methodology in relation to his expectations on this and to which the Local Authorities would have to adhere. He acknowledged Committee members concerns that they be given the opportunity to consider the methodology and he confirmed that arrangements would be made to provide for this. The methodology would have a number of workshops built into it so there would be an opportunity for wider engagement in that work.

He confirmed that the Council's Local Plan was still in the middle of its examination stage and, as such, there would not be another Call for Sites. Numerous sites had already been put forward which the Committee had considered. He further confirmed that, at the point when the 'reasonable period of time' was triggered or for other reasons, the alternative option was not pursued then a backstop plan would need to be in place. He was of the view that the Committee would be recommended to progress a backstop plan which allowed for the progression of Section 1 without the strategic element by incorporating it into Section 2. He could not give an assurance that, at that time, the Council would not be forced into the acceptance of an option 3 scenario as this would be dependent on circumstances and what the Inspector was prepared to accept. However he would seek to ensure that a backstop plan was drawn up for these scenarios.

Councillor Luxford Vaughan questioned why timescales couldn't be drawn up given there was knowledge of the Housing Infrastructure Funds and road infrastructure programme timescales. She also sought clarification on who the methodology would be shared with, given the support expressed for wider engagement. She was concerned that there would not be a Call for Sites particularly given previous considerations being in the context of larger scale of development and associated preferred size of sites. She also questioned the apparent default position to option 2 should the alternative option not be pursued.

The Strategic Director, confirmed he did not have a default position to revert to option 2. He confirmed that each of the three Local Authorities would have limited options available to them to quickly progress the Local Plan should the alternative option not be pursued and that it was unknown what the current Inspector's view would be at that point in the future. He was able to confirm that the three Local Authorities would at that point be seeking to get a Local Plan adopted as quickly as possible. He explained that there was no particular limit on scale or size in the previous Call for Sites assessments, subject to what the Inspector had required and to undertake another Call for Sites exercise would effectively mean the Local Plan process would need to go back to the start.

Councillor Ellis confirmed his acceptance to the amended wording for the alternative option but he would be disappointed if further amendments were made by the other Authorities. He also welcomed the Leader of the Council and Committee members' support for the provision of training on sustainability and viability to be available to all Councillors and for it to be delivered independently. He was of the view that the Committee needed to see the timetable which was to be drawn up for submission to the Inspector together with an update of the current Local Plan situation as a standing item at each future meeting. He considered that all the Committee members were now fully engaged in the process and they were all anxious to receive the information for them to consider. He was hopeful that officers would be having further discussions with Government in the light of this alternative option and the revised Housing Numbers

formula contained in the new NPPF in anticipation of securing funding commitments. He remained concerned about the Council's vulnerability to speculative development and would consider the timescale for the alternative option to have elapsed should any such development be given approval at appeal. He emphasised the opportunity the Committee had to do things differently and transparently and to change the narrative in order to regain the public's trust in the process.

*RESOLVED* (NINE voted FOR and ONE ABSTAINED) that -

- (i) Colchester Borough Council remains committed to the Garden Communities principles and will work closely with Braintree and Tendring District Councils to secure the future housing requirements in the North Essex Authorities area;
- (ii) This commitment assumes, and is dependent on, funding for the necessary strategic infrastructure being confirmed, them being proven financially viable and environmentally sound, with strong evidence of constructive engagement and involvement with local communities throughout the plan, and acceptance derived locally, as required by Government policy;
- (iii) The North Essex Authorities will provide the further evidence requested by the inspector under an alternative option which will show any Colchester and Braintree Borders Garden Community being planned for the later years of the housing trajectory of the Local Plan and any Colchester and Braintree Borders Garden Community and the Colchester and Tendring Borders Garden Community proposals dependent on necessary strategic infrastructure being committed. It will also be imperative to prove the economic viability for garden communities, and to ensure future housing growth is matched with economic growth. The Sustainability Appraisal will assess a larger number of sites at a range of different sizes and also consider alternative options to deliver growth as set out in the Inspector's letter of 8th June 2018. The conclusions of that Appraisal will need to be reviewed before consultation on the evidence base and Sustainability Appraisal;
- (iv) Should the necessary strategic infrastructure for the garden communities not be committed after a reasonable period of time, this will trigger a review of the Local Plan to manage the consequential shortfall in housing delivery in a way that does not overburden the infrastructure of existing communities/settlements;
- (v) This alternative option will now be recommended to the other North Essex Authorities and, if agreed, sent to the Planning Inspector as the North Essex Authorities' proposals to progress the Local Plan;
- (vi) Authority be delegated to the four Group Spokespersons of the Local Plan Committee to agree any minor changes to the wording of this alternative option.

## **140 National Planning Policy Framework July 2018**

**Councillor Luxford-Vaughan (in respect of her membership of Wivenhoe Town Council) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**



The Committee considered a report by the Assistant Director Policy and Corporate giving details of the finalised version of the revised National Planning Policy Framework (NPPF) was issued by the Ministry of Housing, Communities and Local Government (MHCLG) on 24 July 2018.

Robert Johnstone addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the paragraph 98 of the new NPPF - 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.' which he considered to be a more robust provision. He was disappointed that these changes had not been highlighted in the report but he hoped the Committee would take heed of them and that the requirement to 'protect and enhance' would be borne in mind during consideration of planning applications.

Karen Syrett, Planning and Housing Manager, presented the report and, together with Ian Vipond, Strategic Director responded to members questions. She explained that the revision of the NPPF implemented around 85 reforms announced previously through the Housing White Paper, the planning for the right homes in the right places consultation and the draft revised NPPF consultation. In addition, a number of other documents had been published.

Key issues and changes were detailed in the report, including:

- The introduction of a housing delivery test;
- The introduction of a new standardised method of calculating housing need;
- The reinstatement of 'social rent';
- A controversial small sites requirement
- Emphasis on the importance of design standards;
- A revision to the policy on green belt alterations;
- A strengthened requirement for councils to produce local plans;
- The NPPF's policies come into effect straight away;
- A revised definition of 'deliverable' housing sites;
- The approach advocated in the 2016 written ministerial statement on neighbourhood development plans;
- Policies on developer contributions not undermining plans' deliverability;
- Local plans and spatial development strategies must, as a minimum, 'seek to meet the area's objectively assessed needs' to be declared sound;
- Larger-scale developments must be well located and designed and supported by the necessary infrastructure and facilities;
- Planning Performance Agreements;
- Plan reviews will be needed at least every five years;
- The specific locational requirements of storage and distribution operations;

- Free-standing veteran trees;
- Several changes to policies on planning for town centres;
- Local Wildlife Sites;
- Entry Level Exception Sites.

Councillor Barber sought clarification on the level of need for student accommodation in the Borough and whether there was a need to provide an evidence base for the level of student accommodation. He considered this to be important in relation to the area around Firstsite. He also asked about the latest situation on Community Infrastructure Levy (CIL) and suggested updates be provided to the Committee on this.

The Planning and Housing Manager confirmed more information had been included on student accommodation and how it was factored into housing delivery. As there had been no set ratio for student accommodation they had worked on the basis of how many individual beds were served by communal facilities which often worked out at a 1:6 ratio. She considered the ratio now set out to be more beneficial but she offered to clarify the details separately. She confirmed that an announcement was expected on CIL but no firm way forward had emerged for some years. She agreed to provide updates to the Committee.

Councillor Oxford referred to the need to protect and enhance public rights of way and the fact that, as a wheelchair user, he was unable to use any and he hoped any enhancement would include the ability for all to use rights of way.

The Planning and Housing Manager confirmed that Rowena Macaulay would be making a presentation to the next meeting of the Committee on the Colchester Orbital, a route within the Local Plan that the community had developed.

Councillor Ellis suggested that representations on the enhancement and protection of public rights of way would be better made to the Planning Committee. He was of the view that design was key to new development and referred to the way developers replicated the same design of houses such that different parts of the town had lost their individual identity. He referred to the new NPPF and, in particular paragraph 94 in relation to adequate provision of school places in line with the amount of new housing development and paragraph 81c in terms of addressing inadequate infrastructure and the Communities and Local Government Select Committee's recommendations on the replacement of the CIL with a hybrid system because CIL wasn't working. He was of the view the Committee would need to revisit CIL and look at other options which may be emerging in order to find the best way to get infrastructure into Colchester. He voiced his frustrations with the planning system which meant that developments were considered on an individual basis and the cumulative impact in terms of schools and doctor's and dentist's surgeries was not being taken into account. In terms of paragraph 72 of the NPPF, he fully supported the reference to working with the support of the communities and in relation to paragraph 68a he referred to Colchester's previous track record of

developing brownfield sites such that there were few such sites left to consider for development and he asked whether it would be possible for the very small sites to now be considered or whether the Council was operating a size threshold.

The Planning and Housing Manager confirmed that work had been done to look again at the smaller brownfield sites in the light of changes to the definition from 20% of total sites to 10% of total numbers, whilst, in terms of the brownfield land register, no threshold had been set for sites to be put forward for inclusion. She also referred to windfall sites not necessarily included in the brownfield land register and she confirmed that farmsteads and residential gardens were no longer included in the brownfield land definition.

Councillor Arnold referred to an exercise undertaken some years ago to identify hard to access sites and questioned what had happened to this and whether the results had been acted upon. He also referred to the Space Syntax report in the late 1990's which had included a multitude of recommendations and whether these might still be of use.

The Planning and Housing Manager considered this exercise may have been the Urban Capacity Study which she estimated had been conducted around 2000.

The Strategic Director confirmed his recollection of the Space Syntax work from which the St Botolph's Masterplan had emerged. He referred to the housing review led by Sir Oliver Letwin MP due for publication in the autumn and a Ministerial Announcement expected at the same time in relation to the shakeup of housing delivery nationally. He expected these would include the types of issues referred to such as bringing sites forward and development having to provide the appropriate infrastructure at a local level which he considered was building to a radical change in the way the market for housing in the country was stimulated.

Councillor Warnes welcomed the protection afforded to veteran trees and he referred to entry level exception sites in terms of people's aspirations to enter the rental housing market. He acknowledged the existence of need and deprivation in rural areas but questioned whether the definition included social housing as well as affordable housing. He also welcomed the reinstatement of Garden City principles and also the reinstatement of social rents but questioned whether there was a ratio for setting the level of social rents.

The Planning and Housing Manager could not confirm how social rents were set and offered to provide a more comprehensive answer separately. She was, however, able to confirm that affordable rent levels were set at up to 80% of marketable rents and she confirmed that entry level homes were defined as homes suitable for first time buyers or equivalent for those looking to rent, together with references in paragraph 71 to the land not being already allocated for housing, comprising one or more types of affordable housing, on land adjacent to existing settlements and restrictions in terms of size.

Councillor Barber referred to the anticipated review by Sir Oliver Letwin MP on the delivery of housing and his understanding that this would include measures to speed up the delivery of developments which had the benefit of approval as well as a social housing fund for the release of housing land in areas which experienced acute housing need.

The Strategic Director explained that the housing review was looking very specifically at large sites including issues about the nature of the housing industry, the monopoly towards large developers which constrained the way large sites were delivered and he anticipated the review would be suggesting mechanisms around diversifying the product of large sites. He confirmed that up to now the Government, in planning terms, only referred to affordable housing, however there were other initiatives such as the potential to increase the Housing Revenue Account headroom for which the Council was about to bid, in order to increase borrowing with the intention to deliver more social housing.

Councillor Warnes referred to villages which no longer had any social housing and the use of exception sites which would enable council housing to be put back into some villages.

Councillor Barber referred to an initiative to use Colchester Borough Homes owned sites to deliver more housing in rural areas.

The Planning and Housing Manager explained that the rural exception site policy was a long established one and this initiative would allow something similar in areas that weren't designated as rural areas.

*RESOLVED* that the publication of the revised National Planning Policy Framework July 2018 be noted.

#### **141 Statement of Community Involvement – Consultation Summary and Adoption Request**

**Councillor Luxford-Vaughan (in respect of her membership of Wivenhoe Town Council) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered a report by the Assistant Director Policy and Corporate giving details of the completed consultation on the Statement of Community Involvement (SCI), summarising the responses from stakeholders during the six week consultation that was conducted predominantly due to changes within emerging national policy that needed to be reflected at the Borough level.

Sean Tofts, Planning Policy Officer, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to member's questions. The Planning

Policy Officer explained that new arrangements for the production of SCI, which set out policies for involving communities and other interested parties in the preliminary stages of plan-making, would come into force on 31 July 2018.

The amendments to the document that were included within the consultation draft were:

- A new chapter with specific regard to Neighbourhood Planning;
- A concise explanation of Neighbourhood Planning;
- An explanation of the consultation process in relation to Neighbourhood Plans (including table of time frames);
- Support and guidance that will be provided by the Council in relation to Neighbourhood Plans.

Twelve responses had been received to the consultation which was not unexpected given the nature of the document and the scope of changes being sought. In addition, none of the responses proposed any specific revisions to the SCI document prior to adoption by the Council.

Once adopted the Colchester SCI would be published on the Council's website and become part of the adopted evidence base. The new SCI would provide clarity on the extent of community involvement that would take place. It would also set out clear consultation procedures and standards that the Council would follow when undertaking consultations on draft planning policy documents and when planning applications were received.

Councillor Barber referred to Neighbourhood Plans and whether financial support could be made available to Parish Councils to stimulate this work. He was aware that some communities didn't have the resources or capacity to undertake such work.

The Planning and Housing Manager explained that some financial help was provided and she had recently received a request from West Bergholt Parish Council which she was currently considering as to how it could be taken forward. She was also aware that Wivenhoe Town Council had been successful in attracting the Locality Funding Body for its Neighbourhood Planning work and Tiptree Parish Council had recently appointed a consultant to assist them.

Councillor Luxford Vaughan sought clarification about the public consultation arrangements for the Neighbourhood Plan and whether this was a cost which had to be borne by the Parish / Town Councils.

The Planning and Housing Manager confirmed that the cost of public consultation at submission stage was covered by the Borough Council.

Councillor Warnes referred to the existence of the Parish Precept to cover costs.

Councillor Barber explained that un-parished areas, an example being Braiswick, had the ability to undertake Neighbourhood Planning work.

*RESOLVED* that the proposed Statement of Community Involvement 2018 as shown in Appendix One to the report by the Assistant Director Policy and Corporate be adopted.

## **142 Colchester Local List – Review 2018**

The Committee considered a report by the Assistant Director Policy and Corporate giving details of the review of the Colchester Local List and explaining its role in safeguarding selected heritage assets that, although not suitable for designation nationally as a Listed Building or Scheduled Monument, are considered historically or architecturally important at a local level, are valued by the local community and make a significant contribution to the character and setting of Colchester and the surrounding villages.

Stuart Davis addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he was representing a family who had recently bought Runkins Corner Farm in Tiptree with the intention of turning the existing run down eyesore into a well-designed family home. The property was being considered for local listing but he was of the view that it did not meet the criteria nor warranted local listing. He explained that the building originated from the late 17th or early 18th century but there was very little of the original structure left. The rear and east walls had been completely removed and replaced with modern construction, the original front wall had only 50% remaining and required extensive repairs, the roof had been replaced and raised and the building had extensions to all four sides. As such no original form remained which was visible from outside. He referred to the criteria for local listing being earlier than 1840 and in good or restorable condition, to the English Heritage guidance note on local listing and the report by Moreton Partnership which showed the poor state the building was in. He explained that the property was not in the Conservation Area and the closest Listed Building was more than ½ mile away and therefore did not form a group of historic buildings. He explained that his clients were looking forward to working with the planning department to produce a well-designed building in line with the Essex Design Guide and national requirements. He feared that this would be inhibited by the building's addition to the local list.

Jess Tipper, Archaeological Adviser, presented the report and, together with Simon Cairns, Development Manager, responded to member's questions.

The report explained the role of the Local List in safeguarding selected heritage assets which, although not suitable for designation as a Listed Building or Scheduled Monument, were considered historically or architecturally important at a local level, were valued by the local community and made a significant contribution to the character and

setting of Colchester and the surrounding villages.

In line with agreed procedures, the List had been reviewed and a number of proposed amendments to and extension of the adopted Local List were proposed. The revised list would then be integrated into the Colchester Historic Environment Record (HER) and published via the Colchester Heritage Explorer website.

It was also proposed, following a review of the Local List criteria and selection process, that the list be extended beyond Colchester and Wivenhoe to cover the whole Borough as well as a review of, and public consultation for, the use of an Article 4 Direction to support Local Listing which would provide greater scrutiny for assets on the list.

The Local List currently covered urban Colchester (769 heritage assets) and also Wivenhoe and comprised primarily buildings as well as monuments (e.g. memorials) and street furniture (e.g. lamp posts). The Wivenhoe List also contained a small number of landscape features (e.g. Wivenhoe Woods and King George V Playing Fields) and below-ground archaeological sites (Field 2 Lodge Farm).

There had been regular reviews of the Local List by the Local Plan (previously LDF) Committee, resulting in additions, amendments and deletions and in January 2018, a press release had been issued inviting nominations for consideration for either inclusion or removal from the List. The Spatial Policy team had also consulted colleagues in Development Management to gather information about any planning applications that had resulted in the loss of or alteration of buildings or historic/architectural features on the List.

In response to the press release and internal consultation, a total of three additions were being proposed as follows:

- 121 Maldon Road, Colchester
- Gate House, Cherry Chase, Tiptree
- Runkins Corner, Langham Road, Boxted

Whilst a decision on the inclusion of Middlewick Ranges Colchester was recommended to be deferred until the Key Selection to include archaeological sites had been reviewed/revised.

The information about individual heritage assets on the Colchester Local List is currently held on the websites of the Colchester Historic Buildings Forum and the Wivenhoe History Group. However, these websites were not regularly updated which was why it was proposed to integrate the information into the Borough-wide Colchester HER.

The Selection Criteria for Colchester's Local List currently made no provision for heritage assets other than buildings whilst the adopted Local List for Wivenhoe included several archaeological sites. Therefore, in accordance with the broad definition of heritage assets in the NPPF (buildings, monuments, sites, places, areas or landscapes) it was proposed to review of the Selection Criteria for Colchester's Local List to provide for the

expansion of the Key Selection Criteria to include other types of heritage asset.

Assets on the Local List were given consideration in the planning process where there was a planning application that affected them or where an asset was located in a Conservation Area. However, all permitted development rights, including demolition, were still available to building owners and, as such, an owner could demolish a Locally Listed Building with only a prior notification and there would be no way the Council could prevent it. A public consultation was therefore being proposed concerning the application of an Article 4 Direction to any Locally Listed asset located outside of a Conservation Area to require planning permission for demolition. This would provide consideration of the value of the local heritage assets by bringing demolition applications through the planning system.

Councillor Chapman supported some of the recommendations contained in the report but sought clarification regarding the Runkins Corner property and commented that there was very little supporting information to justify the building's inclusion on the local list and, as such he considered there needed to be stronger arguments to warrant its listing. He referred to photographs which had been sent to the Committee members by the applicant from which it was clear that the building was in a poor state.

The Archaeological Adviser explained a Heritage Statement and the Morton Partnership report had been made available on the website, both of which provided more detailed information. These documents confirmed that parts of the building dated back to the late 17th century and, as such, he considered that the building was unquestionably of historic value. He explained that many early timber framed buildings only survived partially and, although this building was not entirely intact, he considered it still met the listing criteria, in that it was pre 1840 and it was restorable.

The Development Manager explained the Committee was being asked to consider whether this building has sufficient intrinsic significance to warrant an addition to the local list. The purpose of the list was to highlight buildings that were potentially of local significance. That would not be a restriction on change and, in itself, not prescriptive in terms of outcome of future planning applications. In his view heritage assets needed to be conserved but that needed to be set against the reality of condition and the merits of any development proposals. In terms of the concerns expressed, he asked the Committee members to simply consider, in isolation, this 17th century timber framed building and the fact that its only partial survival was not uncommon. He acknowledged that alterations had taken place to the building but this was the reason why it was being proposed as an addition to the local list.

Councillor Fox broadly supported all the recommendations in the report. He welcomed the inclusion of Middlewick Ranges to the local list in light of its heritage assets and its value to local residents and he sought clarification on the timetable for reviewing the criteria to enable this to happen.



The Archaeological Adviser confirmed that a review of the criteria for the local list could be commenced without delay.

Councillor Ellis supported the general thrust of the report although he questioned the merits of the inclusion of a building, the original frame of which only partially remained. He also confirmed his understanding that, in planning law, local listing would not prevent redevelopment in any way.

The Development Manager confirmed that within the 2012 National Planning Policy Framework was the first formalisation of undesignated assets being a material consideration in the planning process. The fact that a building was included on the local list simply just flagged up that interest, that the building existed and that it was of significance as an undesignated heritage asset. It did not create a situation where proposals were precluded.

Councillor Arnold sought clarification regarding the inclusion of a building in the local list meant that it could not be demolished without consent.

The Development Manager confirmed that it was only after an Article 4 Direction was served on the local list that consent would be required prior to demolition for buildings included on the list. At present the local list was not subject to an Article 4 Direction but this would form part of the review of the criteria proposed in the report. In response to questions concerning the potential demolition of the Runkins Corner property and whether it could currently be demolished without consent, he further confirmed that if that property were to be demolished, given its location, there would be no structure to replace.

*RESOLVED* that the following changes to the Colchester Local List be approved:

- (i) The proposed amendments to the adopted Colchester Local List entries;
- (ii) The integration of the Colchester and Wivenhoe Local Lists into the Colchester Historic Environment Record (HER);
- (iii) The publication of the Local List via the Colchester Heritage Explorer website;
- (iv) The extension of the Local List to the rest of the Borough following a review of the Local List criteria and selection process for non-designated Heritage Assets;
- (v) A review of, and public consultation for, the use of an Article 4 Direction to support Local Listing.