

# Local Plan Committee

Monday, 15 August 2022

<b>Attendees:</b>	Councillor Tracy Arnold, Councillor Martin Goss, Councillor Richard Kirkby-Taylor, Councillor Sam McLean, Councillor Patricia Moore, Councillor Kayleigh Rippingale, Councillor William Sunnucks
<b>Apologies:</b>	Councillor Lewis Barber, Councillor Jocelyn Law, Councillor Gerard Oxford, Councillor Paul Smith
<b>Substitutes:</b>	Councillor Darius Laws (for Councillor Lewis Barber), Councillor Julie Young (for Councillor Jocelyn Law)

## 243 Minutes of Previous Meeting

The Minutes of the meeting held on the 25 May 2022 and 13 June 2022 were confirmed as a correct record.

## 244 Have Your Say!

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard from the speaker about the recent meeting of the Tendring Colchester Borders Garden Community Joint Committee (TCBGCJC) and queried how this related to Colchester and the Governance arrangements surrounding the meeting including Colchester Borough Councils Membership. The Committee heard about the impact that any development would have on Salary Brook nature reserve and how there must be a 1.5-kilometre gap between development and reserve. Further to this the speaker outlined that any planting on the site would need to be started immediately so any development would not be seen in Greenstead as the proposed allocations would be harmful to the landscape and asked that any reference to a Country Park was highlighted early on. The speaker elaborated that a report from Councillor Sunnucks had been given to the TCBGCJC but had been disregarded and raised concern over how much money could be spend on consultants. The speaker concluded that the TCBGCJC should walk the proposed site before any decisions and listen to what has been said by the Community and interested parties.

The Chair responded that the that the TCBGCJC had a separate mandate from the Council agreed with Tendring and that the Local Plan Committee had separate governance arrangements.

Councillor Young responded to the Have Your Say speaker and outlined that they were present as a representative of Colchester Borough Council at the previous meeting of the TCBGCJC on the 18 July 2022 and elaborated that Councillor Sunnucks' report was made available to Officers prior to the meeting and confirmed that it would not be dismissed. Councillor Young commented that Salary Brook was discussed and there was a uniformity of opinion at the meeting that the development would come halfway down the slope on the proposed site and that the Committee would be revisit the representations once they had been received by Officers.

Councillor Sunnucks responded to the Have Your say speaker and outlined that Salary Brook was a wonderful area and commented that the TCBGCJC had not grasped the themes that he had addressed and that the proposals were lagging behind on the planning side and had suggested some contacts who would provide professional advice. Councillor Sunnucks concluded by raising concern regarding the minutes of the previous meeting of the TCBGCJC and their accuracy.

The Lead Officer for Housing Planning and Economic Growth addressed the Committee and confirmed that Officers would be taking onboard the report and advice that was being provided by Councillor Sunnucks and confirmed that the TCBGCJC only had decision making power for the designated area and commented that the style of Minutes was not the same as Colchester Borough Council's.

## **245 Infrastructure Audit**

Nick Chilvers addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard how the timeline for the completion of the audit was optimistic and questioned some of the data referenced within the report as it was dated as 2015. The speaker asked the Committee to consider consulting with Councillors and Parish Councils who would be able to provide information for the audit as they knew their areas well and would be able to provide an insight into the infrastructure in the area.

Councillor Sunnucks commented that it was vital to get the Council and Parish Councillors engaged in the information gathering and would be a sound basis for securing funds at the planning stage through Section 106 Agreements and CIL contributions as well as inform any revision of the Garden Community and future investments in all infrastructure.

The Democratic Services Officer read out a statement from Councillor Lee Scordis as follows:

*I wanted to raise the issue tonight on infrastructure in the South of Colchester and asking for us to not be forgotten. For residents in the South, the main direction of travel, especially in the South-East, is to head north. It's where the jobs, the city centre and the train stations are. As it stands the current road infrastructure is struggling to cope, while the bus network is inadequate.*

*The South has changed dramatically, as there are fewer jobs available than there have been in past decades. We constantly talk of a future tram system linking East to West Colchester, but South to North is rarely hinted at. Instead the majority of traffic is forced up a very narrow bottleneck on Mersea Road or onto the flooded Haven Road.*

*Moving forward it is vital that the Local Plan committee do look at future potential bus routes for the new communities being proposed in the recently approved Local Plan.*

*However infrastructure is not just roads. It is also schools, GP surgeries, community centres and playparks. The Hythe is a perfect example of where we have failed on*

*infrastructure. Apart from a community centre, there is little else here. It's almost a stop-gap between New Town and Greenstead and has become nothing more than a dumping ground for houses, with no infrastructure considered. Most of the Section 106 monies from the developments appear to have gone elsewhere, while the flooding of Haven Road remains unaddressed. Developments with playparks have at most a swing, a slide and possibly a small roundabout - they are frankly laughable, and we can and must do better moving forward. On mass developments like we have seen in the Hythe it is vital that Section 106 monies stay in the immediate area to help create a future community.*

*I do hope you can take my points into consideration during your debate.*

The Lead Officer for Housing Planning and Economic Growth presented the report to the Committee outlining that the Committee were being asked to inform the methodology for the Audit. The Committee heard that the methodology was not restricted by legislation with the Council free to choose its approach to provide the baseline data of where infrastructure was and where investment was needed. It was noted that the comments from the Have Your Say speaker would be taken onboard and advised that Parish Councils had been contacted in December 2021 but could be contacted again. The Lead Officer for Housing Planning and Economic Growth outlined that the process would create an evidence base and confirmed that some work would undertaken by officers but it would also involve professional consultants to understand what information would be needed. The Lead officer For Housing Planning and Economic Growth gave the example that they had a draft report regarding sports halls and the standard approach to demand from Sport England which had identified deficiencies in the sports provision in the East of the borough.

The Committee discussed the possible inclusions of headings including youth provision and whether this needed its own provision in the infrastructure audit, whether issues relating to Mersea Island and coastlines should have a special status especially with regard to expected development, road network issues including traffic issues and access to the Island due to tidal forces. Members continued to discuss the topic and asked that utilities were included in the audit such as adopted drains and roads as this would be important information to understand the required need. Furthermore, the Committee asked that the audit include details on the pinch points in GP services as well as the playground and open space provision in the borough.

The Committee continued to discuss and debate the information that should be included in the audit which included the blue green infrastructure, surface water, drainage, and sewage capacity as there was not a clear strategy in place and that enforcement on the issue was required. The Committee agreed that there was an increasing issue with surface water drainage especially with road drainage and ongoing maintenance of infrastructure which was causing major refits as some infrastructure was not properly maintained.

Members discussed the size of the topic and how there were many areas that could be detailed and discussed how to focus the scope of the work to ensure that the task set was manageable and what the outcomes would be. It was discussed that the audit at this point should be top down akin to one conducted by Essex County Council

which had identified an £11 Billion shortfall in infrastructure. Some Members of the Committee were concerned about the use of consultants but agreed that their expertise would be required in some areas and that there would be a significant challenge in data gathering as some authorities and agencies could say that they have enough provision already. It was noted that a benefit of this undertaking would allow the Council to have an evidence base to inform Section 106 Agreements and lobbying of local MPs.

Committee Members discussed the topic of youth provision and how this should be singled out as its own category as this was a priority and how this should be looked at on a localised basis rather than city-centric and using data from existing sources such as the YMCA and how the process would need to involve young people, Councillors and Officers working collaboratively. Members continued to discuss the topic and noted that it was woven in with many other factors of infrastructure such as safe spaces, sports provision, as well as mental health needs and the issues surrounding County Lines. It was further noted that many of the designated youth services were run through volunteer roles and not paid positions.

The discussion from the Committee continued and considered that the scope of the review should be moderate and based upon capital investment, the reach of Essex County Council and how the needs of the Colchester should be based upon the Councils aims and shape the report to reflect those needs. The Lead Officer for Housing Planning and Economic Growth responded that youth zones would be classified under community and noted that there was a distinction regarding youth facilities and that consultants would be required to kick off this area of research to benchmark data and provide some key performance indicators.

The Chair allowed the speaker (Nick Chilvers) to address the Committee. The speaker outlined how they were heartened to hear that there would be engagement with the parishes and that their ideas could be used to inform the process.

The Committee continued to discuss the themes to be included in the methodology which included the needs of elderly people based on the Country's aging population and that research should be undertaken to compare what other infrastructure studies had been undertaken by other authorities.

**RESOLVED (UNANIMOUSLY)**

That the Methodology for the infrastructure Audit include:

- A top-down approach looking at the baseline data of what information was required before an in-depth analysis was undertaken.
- That consultation would be carried out with the Parish Councils and elected Members.
- That Youth provision would be included as a separate area in the report
- That Officers research similar audits that had been conducted
- That Professional advice would be sought on areas of the audit where the Council did not have expertise.
- That health provision is included which (including impacts from an aging population)
- That Blue Green infrastructure was included as well as provisions for drainage and foul water systems.
- That open space and children's playgrounds be included.

The Place Strategy Manager presented the report to the Committee and explained that Supplementary Planning Guidance would add to the statutory development plan. The Place Strategy Manager added that these would be used to identify topic areas that needed further information, evidence and policy to inform the planning process.

The Committee heard that these included an Affordable Housing Supplementary Planning Documents (SPD) and Climate Change and Sustainability SPD. It was noted that there was likely to be a crossover with other authorities reviews in areas such as car parking from the County Council. The Place Strategy Manager concluded that there may need to be further SPDs in the future.

The Committee discussed the update from the Place Strategy Manager on whether there was a need for more SPDs in the planning process and whether these were urgently required by the Council and whether there the Council needed to lead the process with regards to Biodiversity net gains where it could be copied from other work that was being undertaken.

The Place Strategy Manager responded that the some of SPD's including Affordable Housing needed to be updated and that once completed would correspond to provisions in the Local Plan. The Committee heard that there was a priority for some work and that other plans would need to be looked at in conjunction with the Councils partners which included Climate Change and Sustainability.

Members debated whether the rules associated with S106 agreements and planning obligations could be enforced in a more rigorous manner which could create a stiffer policy in the Infrastructure Audit. Members of the Committee queried whether the Government's Levelling Up agenda would affect the planning system and the Councils approach in the next five years. It was subsequently confirmed that there was not enough detail to conclude whether there would be substantive changes.

The Committee continued to debate the SPDs on the issues including archaeology and the preservation of the Towns Heritage, and whether a shopfront design guide would something that the Council wanted to consider. It was noted that the survival of the high street was of key importance to the Town and considered whether the appearance of the shops could be improved to increase the appeal of the high street especially with city status conferred on Colchester. Members discussed this comparing what was currently in place regarding metal shutters as well as what possible colour palettes could be implemented.

The Development Manager advised the Committee that a unified management approach to the Town Centre would provide a holistic approach and drew Members attention to the work of the Development Management team and commented on how the there had been mixed success in the past with regards to shopfronts but concluded that there were options available to the Council. Members discussed some

of the options which included lighting and signage and how there needed to be a balance as more regulation could cause damage to the high street. It was noted that Councillor Young provided photos to the Clerk of various examples of shops around the town which were subsequently emailed to the Committee after the conclusion of the meeting.

The report was noted by the Committee

## **247      Guidance Note on Permitted Development**

The Development Manager presented the report to the Committee outlining that the purpose of the guidance note was to inform Councillors, interested parties and the general public of extended Permitted Development Rights and Permitted Changes of Use. The Committee heard that the note set out what considerations could be taken into account by the Council when making a decision and how representations could be made and on what issues. The Development Manager concluded by advising the committee that Permitted Development rights were very complex which now included major changes to development and demolition but hoped that the guidance note would provide some clarity on the area.

Members debated the content of the guidance note including homes of multiple occupation as well as the relationship this would have on fire safety. Some Councillors felt that the note could be interpreted as advertising the permitted development rights and could lead to an uptake in their use. The Committee debated how PD rights could be taken away from developments by Officers and the Planning Committee and whether these rights would help promote development but would take away the chance for full consultation from the local community. The Committee continued to discuss the guidance note including Homes of Multiple Occupancy (HMO) as well as the conversion of office blocks and how this would affect the town but also the future occupants.

The Lead Officer for Housing, Planning and Economic Growth and the Development Manager responded to the points that had been raised by the Committee which included: that the purpose of the document before Members was as an aide to help them when contacted by residents, that it was not an exhaustive list of all General Permitted Development Orders, and that when applications were made within the scope of the document before Members a certificate of lawfulness was requested from the applicants.

RESOLVED (UNANIMOUSLY) that the guidance note be published to the Council's website and that a copy of the guidance note is circulated to all Councillors.

## **248      Neighbourhood Planning Update**

The Democratic Services Officer read out a statement from Tassanum Sayed as follows:

*1/The Neighbourhood Plan Process*

*Architects and Developers need to be included from the outset. Neighbourhood Plans were introduced by the Localism Act 2011 and have remained a Political Priority locally and nationally. The Neighbourhood Planning Act 2017 ensured further progress in preparing NPs. NPs are led by qualifying bodies which are made up of 1/Parish Council 2/Town Council 3/21 Local Residents or 4/Civic Leaders Local Organisation. They start by designating a NPA (Neighbourhood Planning Area) by applying to the Local Planning Area (LPA). Once the area has been defined and designated, the team will start drafting a plan, which involves considerable "Community Consultation". The plans are submitted to an Examiner, to ensure it meets basic requirements. After the exam, the NP goes to Referendum. If successful it is formally made by the LPA and will become part of the Local Development Framework, LPP, and NPPF.*

*2/The Importance of Neighbourhood Plans in less affluent areas, with diverse communities, lower incomes, and varied programmatic landscape.*

*Architects and Developers can help improve the area. Planning appeals can be recovered by the Secretary-of-State where there is an application for 10 or more houses in an area with a Neighbourhood Plan, demonstrating the importance of Neighbourhood Plans, politically. There is additional protection from insensitive developments where the local community are unable to engage with the Planning Process. In Colchester, which has 17 electoral Wards, 7 of the Neighbourhood Plans that have been brought forward are in affluent areas 1/Boxted, 2016 2/ Myland and Braiswick, 2016 3/Wivenhoe, 2019 4/West Bergholt, 2019 5/Eight Ash Green, 2019. More recently 6/Marks Tey, 2022 and 7/West Mersea, 2022. Areas with an Neighbourhood Plan, led by a Steering Committee have better Urban Regeneration results, opening the Conversation between Community and Developer, empowering and supporting the local communities needs. EMERGING NEIGHBOURHOOD Plan Steering Group, (all in affluent, rural areas) include 1/Tiptree, 2022 2/ Copford, 2022 3/Great Tey, 2022 4/Great Horkesley, 2022. Stanway and Messing have a designated area but no NP.*

*3/Community benefits of Neighbourhood Plans working with Architects and Developers*

*Architects and Developers need to be involved from the outset, when an area of a distinguished Neighbourhood is earmarked for new Development. In areas where there is a Neighbourhood Plan and a Parish Council. The Parish can receive 25% of the Community Infrastructure Levy, to spend on Community Priorities in the Neighbourhood Planned area, providing a CLEAR INCENTIVE for Neighbourhoods to get a plan together. The Neighbourhood Planning Act introducing extra powers to strengthen the position of Neighbourhood Plans, making it clear that NP should be a material consideration on a Planning Application. Government encourages NP as all communities can have a greater say on the new developments that are planned. A healthy exchange of ideas and information between resident community and incoming developers is encouraged by the NP.*

#### *4/Challenges for Locals, with preparing Neighbourhood Plans in less affluent areas.*

*Architects and Developers need to be "called in" from the outset. Neighbourhood Planning can be very difficult for local people to prepare, as most may not have Professional experience of the UK Planning Process. Local people, new residents who do not know much about their environs. They may not have come into contact with various NP requirements nor have an understanding of the area. NPs are COMPLEX, MULTIFACATED DOCUMENTS and have robust and detailed technical requirements.*

*Evidence suggests Neighbourhood Plans (2012-2022) are concentrated in rural and wealthy areas with professionally-educated landowners and long-term homeowners protecting their property and neighbourhoods from large Developments. NPs need to become accessible to all, and tackle those Neighbourhoods that are vulnerable would benefit the most. NPs must include various groups of society in the Neighbourhood PLANNING CONVERSATION. The Local Plan needs to be up-to-date (it may cover items from a set period-in-time). An Emerging Neighbourhood Plan can come forward in advance of a Local Plan (which was prepared in a different period). An Emerging Neighbourhood Plan needs to look forward, identifying Key Drivers, working with Architects, Developers, the Community and the Neighbourhood to produce the most successful results for all.*

Following the statement the Committee and Officers commented that they would like to see examples of where Neighbourhood Plans had been created in non-Parished areas and that there was support for Parishes Councils and for formulated residential groups to undertake plans from the Council however it was noted that a vast amount of work, time, and money was required to create a plan even within the structured governance of a Parish Council.

The Place Strategy Manager presented the report to the Committee, which was for Members information, and confirmed that the Neighbourhood Planning Process remained active in the borough with previously adopted plans remaining part of the Development Plan. The Place Strategy Manager informed the Committee that work was continuing on plans including Tiptree who were working tirelessly and would be submitting a revised draft imminently. The Place Strategy confirmed that plans were emerging in Copford, Great Tay and Great Horkesley and that support was being provided by the Council where possible.

The report was noted by the Committee.