

# Local Plan Committee

Monday, 24 August 2020

**Attendees:** Councillor Nick Barlow, Councillor Tina Bourne, Councillor Andrew Ellis, Councillor Chris Hayter, Councillor Patricia Moore, Councillor Lee Scordis  
**Apologies:** Councillor Gerard Oxford  
**Substitutes:**

## 198 Substitutions

Councillor Luxford Vaughan attended for Councillor Coleman and Councillor Willetts attended for Councillor Barber.

## 199 Have Your Say! (Virtual Local Plan Meetings)

Councillor Lilley attended and with the consent of the Chairman addressed the Committee and stated that the White Paper was a developer's charter to build anywhere, anytime on anything and in particular would allow developers to return to previously rejected sites. Lack of infrastructure and too many homes were a concern. The new guidance would affect all Councillors in all areas and would be bad for rural areas. He urged all Councillors to work together and he proposed that the Committee write to the three Members of Parliament representing the borough to ask them to reject the White Paper.

Councillor Cory attended and with the consent of the Chairman addressed the Committee to stress the importance of ensuring local residents' involvement in planning and of local democracy steering the planning process. The figure of 1612 given for new homes in Colchester that would result from the changes proposed in the White Paper was too high; there was a need to protect communities and the environment from over development. He concurred that the Committee need to work together to reject the changes and make clear that Colchester already understands what good planning is.

## 200 Local Plan Committee Minutes 140720

*RESOLVED* that the minutes of the meeting held on 14 July 2020 be confirmed as a correct record.

## 201 Colchester Local List Report 2020

The following written submission had been received from Patricia Beech and was read to the Committee, pursuant to the provisions of Remote Meetings Procedure Rule 5(1).

*"I am very pleased that the majority of the buildings and features identified in Marks Tey are being recommended for inclusion on to the Local List. There is a slight disappointment that the former goods shed located at the station will not be one of these because although I appreciate the building has been used for many functions since it was last used as a good shed the basic silhouette remains the same as when it was built in the 1840s. Underneath all those alterations some of the original brick work can still be found. Proposed building works for a bicycle park will result in a drastic change of the local skyline. Many of the buildings associated with Marks Tey Station have already been turned into rubble, such as the gas works and the main entrance, it will be a shame to lose this last remaining large structure at the site. Fingers crossed the waiting room between platforms 2 & 3 will be the sole surviving building for many years to come."*

The Committee considered a report from the Assistant Director, Place and Client Services, setting out proposed amendments to the adopted Colchester Local List and seeking approval to a delegation of authority to the Lead Officer: Planning, Housing and Economic Growth, to add heritage assets to the Local List for an interim period prior to ratification by Committee.

Dr. Jess Tipper, Archaeological Adviser and Karen Syrett, Lead Officer: Planning, Housing and Economic Growth attended to present the report and assist the Committee. 64 nominations had been scrutinised against the criteria for addition to the Local List adopted last year. These nominations were across the Borough and included many outside Colchester town centre. Local volunteers had engaged through Neighbourhood Planning or as residents in bringing these forward, and Robert Mercer and Patricia Beech were thanked.

The report recommended the inclusion of most of the sites and assets nominated. It proposed that three nominations (Nos. 1, 48 and 58) be rejected as they did not meet the selection criteria, whilst as there was insufficient information about another (No. 51) it was proposed that it should be also rejected and/or until further information is provided.

Committee members were pleased that the list had been extended and many assets identified to be safeguarded for future generations and agreed some positive communications around this should be issued. Some concern was expressed about the concentration of assets in urban Colchester on the Local List and that more emphasis should be placed on assets in the rural wards. It was proposed that the list be renamed the Colchester *Borough* Local List, to make clear that the Local List relates to the entire Borough.

Councillor Moore requested that the decision regarding (1)12 Beach Road, West Mersea be reviewed as it was a good example of a building of its period and place in the development of Mersea and was at threat of demolition. It was confirmed that inclusion on the Local List would not prevent demolition. The Archaeological Adviser explained that this nomination had been carefully considered but had not met the criteria, but that he was content to review that decision again. The Lead Officer: Planning, Housing and Economic Growth proposed that an independent local expert be consulted as part of the review, which would be undertaken urgently.

*RESOLVED* (UNANIMOUSLY) that

- (a) The proposed amendments to the adopted Colchester Local List shown in the report be approved;
- (b) The decision not to include (1) 12 Beach Road, West Mersea on the Local List be reviewed urgently, with the review to include consulting with a local independent expert;
- (c) Authority be delegated to the Lead Officer: Planning, Housing and Economic Growth, to add heritage assets to the Local List for an interim period prior to ratification by Committee be approved;
- (d) Officers arrange that information on the approval of additions to the Local List be communicated widely;
- (e) The Local List be renamed the Colchester Borough Local List.

**202**

**Adoption of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD)**

Councillor Goacher attended and with the consent of the Chairman addressed the Committee and stated that too much weight had been given in the report to the approval of Natural England, an organisation that serious naturalists view as a government puppet. Colchester is a fast-growing town in one of the driest areas of England. There is a danger to bird mortality and a threat particularly to non-English migratory birds in terms of habitat outside the breeding season when they arrive to feed. Sea walls are a valuable habitat but not monitored regularly. The views of an unbiased ecologist were needed.

The Committee considered a report setting out a mitigation strategy to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex. Karen Syrett, Lead Officer: Planning, Housing and Economic Growth attended to present the report and assist the Committee.

The Lead Officer: Planning, Housing and Economic Growth explained that the Committee had adopted a report in October last year and agreed the consultation that had taken place this February. Amendments could no longer be made. Should the Supplementary Planning Document (SPD) be adopted it contains an obligation on all residential development to pay a contribution of £125 per unit which will help to mitigate the effect to the Essex Coast and help protect birds and habitats. The project was in delivery phase with Chelmsford City Council as the accountable body to administer this, with another Local Authority to be determined to employ the rangers. Monitoring was carried out through membership of the Essex Coastal Forum, which included members and officers.

Some members of the Committee expressed concern about aspects of the SPD, particularly around the enforcement and monitoring of the policy. It was suggested that the pressure of tourism on the coastline was such that the level of contribution

from development was not enough to fund the necessary level of protection. The provision of two rangers was insufficient. It was suggested that there would be benefit in a full-time in-house ecologist but it was acknowledged funding was not available.

It was pointed out that Committee had already looked at the merits and demerits of partnership working. The SPD had been subject to extensive consultation and all points raised had been incorporated. The adoption of the SPD would be a considerable improvement on the existing position. Members expressed an interest in the level of contributions collected so far and stressed the need to ensure that these were spent on direct projects to protect the coastline. The Lead Officer: Planning, Housing and Economic Growth agreed to provide a financial update on contributions collected so far and confirmed that specialist ecological advice was sought where necessary.

**RESOLVED** (FIVE voted FOR, THREE ABSTAINED from voting) that –

(a) the RAMS SPD be adopted

(b) authority be delegated to the Lead Officer: Planning, Housing & Economic Growth to make minor changes to the RAMS SPD should it be necessary. Any changes considered by the Lead Officer and Group Spokespersons to be more than minor will be reported back to the Committee.

**203**

### **Consultation on Proposals for Reform of the Planning System and Changes to National Planning Policy and Regulations**

Councillor Fox attended and with the consent of the Chairman addressed the Committee to stress that the paper on the consultations was of vital importance. Reforms were proposed that were not democratic and there was a risk to social housing funded by and controlled by developers that would lead to poor quality housing. The right homes, in the right place with facilities such as parks, roads and schools were needed: the right infrastructure. There was concern about sustainable development and where further development would be placed. The proposed changes to Permitted development rights allowed for small homes, some rooms without light and little outside space. Truly affordable homes were needed. He agreed that Colchester's 3 local Members of Parliament should be approached.

Councillor Goacher attended and with the consent of the Chairman addressed the Committee to express concern that these proposals would remove local democracy and accountability from the process and that countryside not in the green belt would be designated for renewal or growth. It threatened the fabric of the countryside and it supported mass development. It would be harder to deliver social housing where most needed. The Committee should ask the 3 Members of Parliament(MPs) representing Colchester to lobby the government to change direction and asked that members of the Conservative group lobby their MPs too.

Councillor J Young attended and with the consent of the Chairman addressed the Committee pointing out that whilst the local planning process was complex it was a democratic and thorough decision-making process. No proposed site was without

controversy. Three words that describe Colchester Borough Council planning now were Consultative, Professional and Democratic. A new body to support the delivery of design codes was proposed but it was a quango and not local. She expressed concern about the removal of section 106 payments, the calculations shown around housing numbers, and how to support those on the housing waiting list. She asked the Committee to shape a response that rejected these plans.

The Committee considered a report requesting comments on two Government consultation documents: “Changes to the Current Planning System” and “Planning for the Future” These comments would then be incorporated into a draft response for approval by the Portfolio Holder. Karen Syrett, Lead Officer: Planning, Housing and Economic Growth, presented the report.

The Lead Officer: Planning, Housing and Economic Growth highlighted some areas of concern: -

- Zonal planning – all land in the borough would be allocated for either growth, renewal or protection. Growth would imply automatic online planning permission and renewal also presumed development being granted. An alternative option was combining these two into one category and extending permission to all land in this area or limiting automatic permission in principle just in growth areas. Protection zones would likely be Areas of Outstanding Natural Beauty (AONB) and Conservation Areas.
- Development Management planning would change with an emphasis on policies being set at national level resulting in a loss of local distinctiveness
- Local plans to be completed in 30 months, which was considered unrealistic
- Permission in principle extended to major developments up to 150 dwellings (currently 10)
- Increase in housing numbers required from Colchester – methodology calculating need suggests 1612 new homes per annum.
- New infrastructure funding combines section 106 and Community Infrastructure Levy (CIL) and would be levied at the point of occupation, which could delay the receipt of contributions. Local authorities would be allowed to borrow against the levy
- Affordable housing and First Homes – 25 per cent of all affordable housing units secured through developer contributions should be First Homes. The price of First Homes would be discounted for first time buyers. This proportion of units required would trigger a knock-on effect of fewer affordable rental homes. Under the formula proposed this would mean a loss of around 150 affordable units in the borough.
- Delivery streamlined, no extensions of time given, so the likely outcome would be to see more refusals
- Consultation and Plan-making would be digital which could limit public access to the process and public opportunities to comment were limited.

The Lead Officer: Planning, Housing and Economic Growth considered that there were also some positive proposals in the consultation: -

- The proposals maintained a plan led system

- Single statutory sustainability test
- The removal of the requirement for a 5-year housing land supply to be constantly tested
- Review of Rural Exception sites policy
- Quicker framework for environmental impact assessments
- Greater scope for spending infrastructure levy (including contributing to lowering Council Tax)
- Stronger emphasis on design –with a requirement for each council to appoint a Chief Officer for Design and Place Making
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Members were invited to give their views which would help inform the responses to the two consultation papers.

Members considered that whilst some of the aims of the consultation papers were laudable, the existing planning process, whilst not perfect, was not broken and did not require reform as extensive or far reaching as set out in the consultation papers.

Committee members acknowledged that there were some positives in the proposals put forward in the two consultations such as changes to engage the community and standardised maps. However, the evidence and data to strengthen the ideas being put forward was not complete and there were no suggestions of how the transition period would be managed or how new IT systems would be implemented, which was a concern given the emphasis on digital working.

Local Government Reform needed to be considered and the White Paper had not referenced or considered post COVID issues. It appeared that in the light of local government reform, it would be likely that plan-making will be taking place over larger areas than it does at present. A local framework was needed to support local needs rather than a larger or national framework. Considerable concern was also expressed about the lack of democratic accountability in the process as proposed, especially through the granting of automatic permission. The role of democratic elected representatives in decision making on applications, particularly in growth and renewal zones, would be reduced.

Members were concerned over how zoning would be implemented, if zoning would be designated differently in different areas and that the consequence of the new zones would be that residents would all wish the areas in which they resided to be designated as a protected zone where the planning process would be as it is now. Therefore, the process by which areas were zoned was likely to be particularly contentious. In the growth area plans proposed a lack of safeguards and oversight would lead to the building of poor-quality housing and an absence of social housing.

A key issue for all was the process for allocating new housing targets. It was noted that consultants had estimated that under the proposed methodology, Colchester's annual housing requirement would be 1612 homes per annum which was a very significant increase. The methodology for arriving at that number needed clarification as this target was too high. This would subject the borough to speculative and uncontrolled development that would not deliver the infrastructure necessary to support new housing. The proposed housing need formula was undeliverable. It was

suggested that no change in calculations for new house allocations was needed.

In the course of the discussion members also raised the following points: -

- Where development takes place in bordering authorities it was highlighted that these developments would impact on Colchester's infrastructure.
- There was a lack of green initiatives such as renewable energy, solar panels, insulation and recycled water.
- The changes to permitted development rights would impact builds and extensions to homes and the process would need to be very robust particularly as the possibility of little planning and design oversight of many buildings being converted into residential properties would lead to many poor-quality dwellings. The proposal on permitted development rights would not deliver fair and accessible housing for all; it would result in the provision of poor-quality housing for vulnerable people.
- The First Homes policy increasing the percentage of properties discounted for sale would impact on the provision of socially rented and affordable housing.

The Chair thanked members for their contributions, which would help inform the consultation responses. However, he suggested that it would be useful for the Committee to consider further with the Cabinet the responses to the consultations and proposed that a briefing be established for the Committee and Cabinet to consider and comment on the draft responses to the consultations.

The Committee also endorsed the suggestion made that the Committee should write to the three Members of Parliament representing the borough asking them to support the Council's views on the proposals in the consultation papers and asking them to lobby for appropriate changes to the proposals. The Chair indicated that he would draft a letter which would be circulated to the Group Spokespersons for comment.

#### *RESOLVED (UNANIMOUSLY)*

- (a) The Chair write to the Members of Parliament representing the borough of Colchester outlining the concerns of the Committee and requesting that they lobby for appropriate changes to the proposals.
- (b) The views of members be noted and used to inform the draft response and that a briefing be arranged for the Committee and Cabinet members to comment on draft responses to the consultations.