

# LOCAL PLAN COMMITTEE

## 28 APRIL 2014

*Present:-* Councillor Frame (Chairman)  
Councillors Barton, Blundell, Ellis, Goss, Jowers and Naish.

Also Present:- Councillor Tim Young, Councillor Paul Smith

### **28. Minutes**

The Minutes of the meeting held on the 3 February 2014 were confirmed as a correct record.

### **29. Have Your Say! Speakers**

Chris Parkin attended the meeting to comment on boundary treatment at Garage Site Two on Monkwick Avenue. This site had been previously discussed at the Planning Committee on the 14 November 2013. It was claimed that the construction cost figures provided by Colchester Borough Council were not accurate for boundary treatment, and did not include an estimate of total life costs. Chris Parkin then proceeded to invite all Councillors to attend a presentation and discussion on this subject. A flyer was circulated, and the intention to e-mail all councillors regarding the meeting was announced.

The statement from Chris Parkin was noted by the Chairman, Councillor Bill Frame.

Councillor Frame welcomed Councillor Carlo Guglielmi from Tendring District Council to the Local Plan Committee. Councillor Guglielmi, the Tendring District Council Portfolio Holder for Planning and Corporate Services, stated that he was attending the meeting to observe as Tendring District Council are in the processes of setting up their own Local Plan Committee.

### **30. Adoption of Archaeological Strategy for Colchester**

**Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Head of Commercial Services submitted a report asking the Committee to adopt the Archaeological Strategy as strategic planning guidance. The Strategy will highlight the national significance of Colchester's archaeological resource and promote effective stewardship for the benefit of future generations as an intrinsic facet of sustainable development.

Simon Cairns, Planning Project Manager, introduced the Archaeological Strategy for Colchester, stating that it supplements the policies within the adopted Local Plan, and exists to provide guidance for developers and interested parties about the significance of Colchester's archaeological resource. The report also includes relevant information on how Colchester Borough Council will look to manage this asset and ensure it for future generations.

He stated that the Archaeological Strategy has been designed as an online document,

containing a number of links that provide further information resources. This will form part of an overarching Heritage Strategy that will be developed in due course.

The Committee welcomed the Strategy and noted its importance for Colchester given the historical assets in the town. It was commented that some of the links provided in the online document were not providing access to the additional material, which was noted by officers and will be addressed. Queries were raised as to whether there is additional financial support from outside bodies to carry out archaeological work, and whether Essex County Council provides technical archaeological support to Colchester Borough Council. A further question was raised about whether, with Essex County Council providing highways services, the replacement of broken historical paving stones was included in this strategy.

In response Simon Cairns stated that with regard to additional works Colchester Borough Council seeks to recoup its costs when the service goes beyond the basic provision as stated in the planning application. In future the Borough Council will continue to attempt to recoup its costs by working with the developer. The Archaeological Service is run by Colchester Borough Council in-house, supplemented by English Heritage advice, which is provided free of charge.

With regard to the work with Essex County Council, particularly in respect of the replacement of old broken paving stones, this would fall under the Public Realm Strategy and relates more to wider conservation issues, rather than the Archaeological Strategy. Colchester Borough Council would have to provide the funding for the replacements, which may be available through the Public Realm Strategy or section 106 monies from developers.

*RESOLVED* that the Archaeological Strategy for Colchester be adopted

### **31. Colchester Local List**

**Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Head of Commercial Services submitted a report asking the Committee to agree the proposed amendments to the adopted Colchester Local List.

Beverley McClean, the Coast and Countryside Planner introduced the report, outlining that this is the second annual update to the Colchester Local List.

The Local List covers the urban area of Colchester and Wivenhoe, with 741 buildings/assets currently included, with this proposed amendment increasing the number of buildings/assets to 742.

As part of the annual update of the Local List, a press release was sent out asking local residents to put forward suggestions to either add or remove buildings/assets from the Local List. In addition the Spatial Policy team contacted Development Management to gather information on any planning applications that may have altered the historic features of any of the buildings.

In response to the distributed press release, only one request was received to add Hardings Yard in Wivenhoe to the list. Other recommendations were for the removal of three buildings, the first linked to the renovation of Williams and Griffin, the second which was damaged by fire

and the third because it was approved for demolition. A total of four properties were nominated for inclusion, which are;

- Calvary Barracks Officers' Quarters
- Nursery Cottage, Priory Street
- Guard Houses to former Goojerat Barracks, Goojerat Road
- Hardings Yard, Wivenhoe

Beverley McClean then highlighted the benefits of buildings/assets being on the Local List, as this is included in planning considerations. Recently two applications affecting buildings on the Local List were subject to appeal and on both occasions the planning inspectors dismissed the appeal in Colchester Borough Council's favour.

The Committee welcomed the amendments to the Local List, and noted the benefits for those properties that are included when planning applications are being considered. Members were pleased that Colchester has a Local List when many other towns across the country do not, allowing for those sites of importance to be recognised. It was queried whether inclusion on the Local List gave any further safety guarantees considering the recent fire damage at one of the properties.

Karen Syrett, Place Strategy Manager, stated that the Garrison building that was damaged by fire had been inspected prior to the incident and was deemed to be secure. It was reiterated that the inclusion of sites of importance on the local list is taken into account by the Planning Committee. However, there may be situations where the proposed development justifies a change to the property listed. One such example was the Williams and Griffin development proposal.

*RESOLVED* that the amendments to the Colchester Local List be approved.

## **32. Habitats Regulations Assessment – Final Monitoring Report**

**Councillor Ellis (in respect of owning a Bed and Breakfast located in the vicinity of one of the sites included in the report) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**Councillor Naish (in respect of his membership of Angling Trust and the Fresh Water Forum) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Head of Commercial Services submitted a report asking the Committee to note the findings of the final Habitats Regulations Assessment 3 year Monitoring Report.

Beverley McClean introduced the report, which summarises the key findings from the research undertaken by the Spatial Policy Team. The report is the result of work of a series of surveys and monitoring of visitors required by Natural England, to ensure that Colchester, Tendring and Braintree Councils spatial plans do not have adverse effects on Natura 2000 sites. The project began in November 2010, and concluded in June 2013.

The report has four objectives, as stated in section 4.4 of the report, which are:

1. Establish baseline data about visitor numbers at Natura 2000 sites in Colchester Borough and Tendring District
2. Investigate visitor trends to Natura 2000 sites in Colchester Borough and Tendring District.
3. Identify whether there is a link between site condition and housing completions.
4. Identify management measures needed to mitigate and manage the impacts of increased visitor numbers.

The Final Monitoring report outlines the baseline data that has been collected; however, Beverley McClean stated that it is too early to establish any particular trends between changes in visitor numbers and housing growth. The information does however show that a number of the sites are getting busier each year, that the coastline is a significant attraction for visitors, and that local people make good use of green areas near to where they live.

Further work has been agreed with both Braintree District Council and Tendring District Council with surveys will commencing in 2015, and taking place every two years until 2021. A total of £16,000 had been received from Tendring District Council and Braintree District Council for the work undertaken over the 3 year period to date.

The Committee welcomed the report and the work undertaken by Officers in compiling the information. Concern was expressed regarding whether the report had managed to achieve its objectives of identifying trends between housing developments and visitor numbers. Comments were also made regarding the focus of the report on birds, and not other animal populations in the surveyed habitats, nor the impact of pollution.

In response to the Councillors concerns, Beverley McClean stated that the intention of the report is to identify trends once there is a greater amount of data available. This current set of information is only the baseline data, and therefore trends are not yet identifiable. In addition, the report does only cover those issues that are within its remit, which do not include other animals or levels of pollution.

*RESOLVED* that the Habitats Regulations Assessment be noted.

### **33. Local Plan Duty to Cooperate Requirements**

**Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Head of Commercial Services submitted a report asking the Committee to note the requirements for the Council to co-operate with relevant stakeholders on strategic cross-boundary issues in the development of its Local Plan and to initiate joint work with adjacent authorities and others as needed to demonstrate compliance with this requirement.

Councillor Paul Smith attended the Local Plan Committee and as part of Have Your Say addressed the committee. He highlighted the importance of cooperating and coordinating with neighbouring authorities for those significant planning, housing and economic growth issues. He cited an example of working with Tendring District Council for a development on Ipswich Road, just across the Colchester Borough Council border, and praised Tendring District

Council for allowing him to speak at their Planning Committee. Councillor Smith put it to the committee that there should be clear rules for co-operation between the councils which benefit both areas. He urged the Committee to comply with the Duty to Co-operate as other areas that do not work together successfully can encounter problems, and to discuss the possibility of neighbouring authorities speaking at Colchester Borough Council committees

After the contribution from Councillor Smith, Karen Syrett, Place Strategy Manager, introduced the report. The Duty to Co-operate is a legal requirement, which is reinforced by the National Planning Policy Framework (NPPF). It was explained that this requirement is essential to ensure that when developing a Local Plan it is deemed 'sound' at examination.

The Council submitted comments to Tendring District Council following discussion at the previous Local Plan Committee meeting and it was noted that they had decided not to proceed with their plan partly because of concerns about the duty to co-operate.

Karen Syrett highlighted the need to ensure that co-operation across local authority boundaries is effectively undertaken to ensure that a Local Plan is not challenged. Housing provision issues are closely linked to duty to co-operate requirements, and some authorities have fallen short of the requirement to demonstrate that their housing numbers reflect the situation in surrounding authorities.

In terms of the requirements for Colchester Borough Council much of the evidence base work is already undertaken with neighbouring authorities, such as the Strategic Market Housing Assessment which will help identify future housing requirements for the wider area. A recent memorandum of understanding has been signed with other Local Authorities and the University of Essex. Implementing the Duty to Co-operate is a further opportunity to formalise this work and meet the legal requirement.

The Local Plan Duty to Cooperate requirements will continue to be developed, with regular updates provided to the Committee in due course. A report on the housing figures for the area will be due in June and also brought to the Committee.

The Committee welcomed the report, and took a pragmatic view towards co-operation with other local authorities. A query regarding the size of the gap between two local plans across borders was asked. In response, Karen Syrett stated that no guidance had been received by the government, but there were examples where Bedfordshire Council had submitted comments on plans from London.

In addition to this, members of the committee discussed the possibility that councillors from other councils be permitted to speak at Colchester Borough Council's Planning Committee, but that this must be set up correctly. The importance of housing figures and meeting the requirement was discussed, as was economic growth and environmental issues across the wider area.

*RESOLVED* that the implications for the Borough of the requirements contained in national legislation for local authorities to demonstrate a duty to co-operate in the development of their Local Plans be noted.