

# Local Plan Committee

Monday, 19 March 2018

**Attendees:** Councillor Lewis Barber, Councillor Nick Barlow, Councillor Nigel Chapman, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Martin Goss, Councillor Dominic Graham, Councillor John Jowers, Councillor Martyn Warnes

**Substitutes:** No substitutes were recorded at the meeting

**Also Present:**

## 131 Have Your Say!

Giles Coode-Adams addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the outcome of that part of the recent planning inspection relating to West Tey and was of the view that the Council's viewpoint had not been supported because of factors including insufficient contingency levels, interest on land purchases, inflated employment figures, modal shift, no clear decision about Marks Tey railway station, the new route for the A12 closer to Easthorpe and Copford, the lack of space for patients and car parking at Colchester General Hospital, questionable viability based on current inflated house prices and low interest rates, the failure of the Council to publish details relating to Monks Wood on the website and failure to take account of the complexities of compulsory purchase arrangements.

The Chairman thanked the speaker, referred to the ongoing nature of the planning inspection process, that Part 2 of the Local Plan would be subject to review later this year and, as such, he explained that he was unable to comment further on the points made.

Christopher Lee addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He asked the committee to address what he considered to be repeated false remarks made by Conservative councillors in relation to the delivery of the Local Plan. He acknowledged that the Conservative members of the Committee had voted against the Local Plan but on the basis that they were opposed to the inclusion of the Colchester Braintree Borders garden community proposals, whilst supportive of the published housing target of 920 per year as well as development to the East of the town. He considered that a failure to deliver the Plan properly would have a massive impact on everyone in the Borough. He referred to the offence of misconduct in public office and quotes on social media by Conservative members which were, in his view, intended to deliberately mislead the public. He further speculated whether a failure to act on these matters by the Council could be deemed to be wilful negligence. He further referred to

the Country Park and sought clarification in relation to support for a garden community on the Colchester Tendring Border whilst at the same time advocating the creation of a 1.5 km wide Country Park in the same location. He further questioned whether this apparent anomaly would mean that the Inspector would deem the Plan to be unsound.

The Chairman thanked the speaker whilst reminding him that the Committee was a quasi-judicial body. He referred the speaker to the extensive information that he had voluntarily provided at the start of the previous meeting of the Committee which was a fact based list of issues intended to provide definitions and an explanation of the Local Plan process and an outline of which parameters the Committee was trying to work within.

Councillor Scott attended and, with the consent of the Chairman, addressed the Committee. She referred to the Statement of Community Involvement (SCI) and sought clarification in relation to the status of Wivenhoe Neighbourhood Plan which had been extensively consulted upon, with clear evidence that residents wishes for the community was for it to remain separate and for its rural character to be safeguarded. She requested confirmation that the Neighbourhood Plan would not be affected by the SCI update.

The Planning and Housing Manager confirmed that the Wivenhoe Neighbourhood Plan had advanced sufficiently to proceed to the examination process.

Councillor Cope attended and, with the consent of the Chairman, addressed the Committee. He referred to the children's' play area adjacent to Cavalry Road in the Quadriga estate which had been unusable for some five years. He considered the situation had consequences in terms of planning policy and, as such, was not entirely a matter for the Planning Committee. He explained that the area had been contaminated and, as such, the developers, Bovis, were required to submit information to the planning department. Permission for the development included a condition requiring a trigger point of 75% occupancy prior to the play area being released. He questioned the use of trigger points on the grounds that developers were able to restrict occupancy by use of the phasing of development so that the trigger is not activated. He had sought advice as to how this matter could be resolved and had been assured that officers were actively negotiating with the developer to bring the matter to a satisfactory conclusion. However, he considered that residents were becoming impatient that the matter would be resolved on the basis that the policy and its administration by officers were both at fault. He considered the continuation of this matter had become unacceptable.

The Chairman acknowledged the unsatisfactory situation but confirmed that, unfortunately, it wasn't unique.

The Planning and Housing Manager explained that the original decision had probably been made by the Planning Committee and subsequent reserved matters had followed.

She did not consider that it was a matter for the Local Plan Committee as it would not be appropriate to include a policy about trigger points in the Local plan. An approach of not including trigger points would mean there would be no flexibility and, as such, would be deemed to be unreasonable. She confirmed the Government was moving away from pre-commencement conditions, whilst a development of the scale of the Garrison development meant that not all of the infrastructure could be provided up-front. Certain elements would also suffer in terms of not being fit for purpose if provided too early, before sufficient residents had moved in. She confirmed that the officers were working with the developers to seek a satisfactory resolution.

### **132 Minutes of 18 December 2017**

The minutes of the meeting held on 18 December 2017 were confirmed as a correct record.

### **133 National Planning Policy Framework Consultation**

**Councillor Jowers (in respect of his Vice-Chairmanship of Essex County Council and his substitute membership of Essex County Council's Development and Regulation Committee) 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 summarising proposed changes to the National Planning Policy Framework (NPPF) and providing committee members with the opportunity to feed in to the Council's response to the consultation.

Laura Chase, Planning Policy Manager, presented the report and, together with Karen Syrett, Planning and Housing Manager responded to members questions. She explained that the deadline for responses was 10 May 2018 and the Portfolio Holder for Business and Culture had agreed to consider individual comments from Local Plan Committee members submitted to him after the meeting but no later than 12 April 2018.

It was explained that the Ministry of Housing, Communities and Local Government had published draft revisions to the NPPF on 5 March 2018, together with a report which summarised the changes proposed and highlighted the questions asked in the consultation. The Planning Policy Manager confirmed that the consultation would not affect Colchester's draft Local Plan schedule.

The proposed changes to the framework, the first since the original version had been issued in 2012, included matters from the previous policy consultations and planning policy changes including the NPPF consultation in 2015, the Housing White Paper, Planning and Affordable Housing for Build to Rent, Planning for the Right Homes in the

Right Places, changes to planning policy implemented through Written Ministerial Statements, changes reflecting the effect of case law on the interpretation of planning policy and textual improvements to increase coherence and reduce duplication.

The consultation sought views on further changes to planning policy including those announced in the 2017 Budget. A number of supporting documents, government responses, and further consultations had also been published, including:

- Supporting Housing Delivery through Developer Contributions: consultation;
- Draft Planning Practice Guidance for Viability;
- Housing Delivery Test: draft measurement rule book;
- Government responses to the Housing White Paper and the Planning for the Right Homes in the Right Places consultations; and
- Section 106 Planning Obligations and the Community Infrastructure Levy in England, 2016 to 2017: report of study.

The NPPF was now set in 17 topic-based chapters which provided an overview of the planning framework and the relevance of different policies.

The review focused on ways to improve delivery to reach the Government's 300,000 homes per year target and how to increase affordable housing provision. The standardised methodology for calculating local housing need developed by the Local Plans Expert Group had been included, together with policies regarding design, densification, affordable home ownership expectations, the housing delivery test, making the most of town centre sites and small sites. A new proposed policy allowed the development of exception sites to provide entry-level housing for first-time buyers and renters.

Plans had been strengthened and provided with an even greater role, further underlining the Government's intention for the English planning system to be a plan-led one, with a focus on strategic policies. The plan-making chapter reflected previous announcements and/or changes, such as for local plan policies to be reviewed 'at least once every five years' as well as proposed revisions to the tests of soundness. The duty to co-operate would be bolstered by a requirement for the preparation of statements of common ground, documenting the cross boundary issues to be addressed, and progress in dealing with them.

The proposals clarified that when development proposals accorded 'with all the relevant policies in an up-to-date development plan' there would be no need to submit a viability assessment. Furthermore, there was a fundamental shift towards focusing viability assessments at the plan-making stage rather than the decision-making stage, but with the local plan setting out where further (publically available) viability assessments might be required at planning application stage.

The objectives of the proposed reform were to provide more clarity and certainty around

how developer contributions work, improve their relationship with market signals and changes through time, improve transparency, accelerate development, and allow the introduction of a Strategic Infrastructure Tariff by combined authorities. Proposals included the simplification of the process for reviewing Community Infrastructure Levy (CIL) charging schedules, lifting section 106 pooling restrictions, allowing CIL charging schedules to be set based on existing use of land, and for setting developer contributions nationally, which would not be negotiated. A separate consultation on supporting housing delivery through developer contributions had been launched alongside the NPPF consultation to deal with these proposed changes.

It was proposed that policies should look at least ten years ahead in allocating sites to meet the need for town centre uses but not necessarily over the entire plan period, in view of the difficulties of longer term forecasting. The changes proposed to the sequential test for main town centre uses would allow out-of-centre sites to be considered only if town centre or edge-of-centre locations were not available, or not expected to become available 'within a reasonable period', acknowledging that a suitable town centre site might be in the development pipeline. Whilst the requirement for office development outside of town centres to undertake and submit an impact assessment was proposed to be removed.

Consultation on the revised draft NPPF extended to 10 May and the government's intention was to produce a final version before the summer. The intention was also to consult on further planning reforms, particularly around new permitted development rights for upwards extensions, as well as around more effective ways of bringing agricultural land forward for housing. The transition period for plan-making would be six months following publication. However, there were no proposed transitional arrangements for either the amendments to the soundness test or for the introduction of statements of common ground as it was considered that the Housing White Paper, and other consultations, had provided enough time for local authorities to recognise the direction of travel and prepare for these potential future changes to the revised NPPF.

The Planning Policy Manager confirmed that the response to the consultation was likely to include comments in relation to the reference to Garden Community principles having been dropped and also in relation to viability and developer contributions.

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) on what the consultation would mean for the Colchester and North Essex Garden Community project. She considered there were positive changes including a platform for local people to influence changes in their local communities, a situation which she felt hadn't been the case currently in Colchester. She also welcomed proposals that strategic matters would be dealt with rather than deferred, provision for stricter rules on statements of common ground, Community Infrastructure Levy (CIL) being encouraged more strongly with a request that

this be considered again for Colchester and she referred to examples of infrastructure being delivered elsewhere by means of CIL, such as in Bristol and Norwich. She also welcomed brownfield land being given more priority. The main area of concern for CAUSE was the new Objectively Assessed Needs (OAN) housing formula which she considered would punish Colchester as it would not help affordability and Colchester would continue to grow at an increasing rate. She asked the Committee to consider again the benefits available through the adoption of a CIL as an approach to deliver infrastructure, whether the brownfield land register would be looked at again, including a call for sites particularly in relation to the village locations, and whether the Council's response to the consultation would include a robust argument against the OAN formula proposed and how will the Committee ensure that local people's views are listened to and taken into account.

The Chairman responded by explaining that the Committee had considered the issues relating to a CIL a number of times but had not yet progressed to this option pending more information from the Government as to what it intends to do in relation to CIL and Section 106 agreements. He was of the view that currently more benefits could be obtained through the use of Section 106 agreements. He also referred to Colchester's very good record in relation to the use of brownfield sites for development, the challenge now being that such sites were now in short supply. The Council had already compiled a brownfield sites register which had included a call for sites and the register was open to the submission of suggested sites from the public for inclusion in the future. He was aware that members of CAUSE did not feel their views had been listened to but he referred to previous consultation exercises, the duration of which had been extended, to enable the public to submit more comments. He also referred to information he had provided at the last meeting of the Committee, setting out the numbers of houses which were planned to be delivered in Colchester and in the neighbouring local authority areas and the timescales attached to that delivery.

Karen Syrett, Planning and Housing Manager, explained that CIL was still included in Colchester's Local Development Scheme and, as such, could be progressed if it proved to be more viable than the use of Section 106 agreements. She confirmed that, when there was more certainty from the Government, then the matter could be considered again by the Committee. She was aware of funds being made available for infrastructure delivery in Bristol and Norwich but was of the view that it was not clear whether they had been delivered through CIL or Section 106 agreements. She further explained that of the total £6 billion combined financial contribution delivered through CIL and Section 106 agreements in 2016-17, £5 billion of that had been through Section 106 agreements and she confirmed that any consideration of CIL would be in conjunction with the continued use of Section 106 agreements. She explained that the brownfield sites register had included a call for sites on two previous occasions, however, it was an open register and requests for sites to be included could be made at any time. She confirmed that the Council's response to the consultation would include an objection to the housing methodology if it recommended the same approach as the previous consultation. She

went on to welcome the recent recognition of the Council's current housing target of 920 homes per year, as well as the affordable element of that, by a planning inspector.

Councillor Graham referred to misconceptions in social media which had referred to 42,000 homes being built in Colchester and explained that the 42,000 homes were to be delivered in the whole of North Essex, not just Colchester.

David Cooper addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the NPPF consultation as well as many other consultations being undertaken by the government and considered this made it very difficult for members of the public to understand the planning process. He hoped that consultees would be listened to and co-operated with. He called for a multi-way consultation and meetings between consultees and the Council for a public discussion. He welcomed the NPPF consultation in terms of proposals for more houses on exception sites which would assist first time buyers and renters. He considered this may be of interest in Mersea. He noted the new NPPF would not be applicable to the draft Local Plan currently under review but asked whether it would apply to Neighbourhood Plans which were being developed in West Mersea. He referred to continuing concerns about two sites being identified in the draft Local Plan for development in Mersea, each with up to 100 dwellings, which he considered did not comply with the NPPF principles of making 'effective use of land' and asked why this hadn't been consolidated to just one site.

The Planning and Housing Manager explained that, until the new NPPF had been adopted, in whatever form, it would not apply to the Local Plan or Neighbourhood Plans. She confirmed that the Local Plan had been submitted to the inspector so no changes to its contents, such as the number of sites identified in Mersea, were being proposed.

Councillor Jowers agreed with the comments made by Mr Cooper in relation to the inclusion of two sites in Mersea, which he regretted. However, he considered the total number of houses needed to be seen as a commitment such that 200 dwellings was a maximum which would not be exceeded.

Councillor Barber sought clarification on the benefits or otherwise of CIL and asked whether it would be possible for more information to be provided to the Committee in the future. In terms of his own ward he considered that there were too many restrictions on development in the countryside, particularly in relation to proposals which were supported by residents. He also advocated the support of businesses in rural areas and regretted the use of the term unsustainable as he wished to see local employment measures encouraged. He also asked for clarification on the Strategic Infrastructure Levy and voiced his concerns about the removal of references to the Garden Community principles in the consultation document.

The Planning Policy Manager explained that CIL was a tariff which applied to all

development and, as such, one of its benefits was that it applied to small scale developments. It did provide for the pooling of contributions for large scale infrastructure, rather than each development only mitigating its own impact. However, once the Levy was set then the contributions were required to be paid which may be at the expense of the delivery of affordable housing when this element remains to be negotiated. She referred to a potential national standard for affordable housing which would be seen as a benefit as this element would then be a known front-loaded expectation of the developers. She went on to confirm that there were no unsustainable settlements in Colchester, as all settlements had been designated either other settlements or less sustainable. There was provision in local policies and the current and new NPPF for development in these villages, predominantly through rural exception sites.

The Planning Policy Manager explained that the Strategic Infrastructure Levy in London was the tariff to fund Crossrail.

Vincent Pearce, Planning Projects Specialist, explained that for communities with an adopted Neighbourhood Plan, there was a further benefit of CIL in terms the amount that community can take out of the financial contributions. He also reported that Colchester had managed £300m of planning gain through the Section 106 agreement system which had delivered significant benefits for the people of Colchester.

Councillor Barlow suggested, in the light of the growing number of consultations and changes to the legislation, the response to the consultation needed to include a request for stability within the planning regime, particularly if the government wished to move to plan based development.

Councillor Jowers recollected that the Committee had previously been on the verge of launching CIL but it had not been implemented when it was emerged that the Levy in Chelmsford was lower than that proposed for Colchester. He acknowledged that local authorities were able to use a combination of CIL and Section 106 agreements and recollected that on an average sized house the levy would amount to £15k to £19k whilst the actual amount required to provide all necessary infrastructure was £39k per house. He was therefore of the view that Section 106 provided more flexibility than CIL. He acknowledged the advantage of being able to pool CIL contributions and that CIL was often better in relation to larger scale schemes but he agreed that more information needed to be provided by government before the committee should consider it again.

Councillor Fox welcomed the report and the consistency of comments from the contributors. He referred to the dropping of the references to Garden Community principles in the consultation document and was hopeful that the draft Local Plan, including the joint garden community proposals would shortly receive the support of the planning inspector.

The Planning and Housing Manager confirmed that the Council had sought advice as to



why the Garden Communities principles had been removed from the consultation document and she confirmed that the quality and design aspects of the draft have been considered to be of predominant importance at a local level, whilst references to national standards had been removed. However because the Council's draft Local Plan included its own principles in relation to the Garden Communities then these would prevail.

Councillor Chapman asked about the proposed requirement for 20% of housing to be on half an hectare or less, presumably to encourage development in villages and whether this provision would be welcomed in the Council's response. He also asked whether there was any references to social housing in the document.

The Planning and Housing Manager confirmed she had not found anything specifically on social housing, more in terms of local authorities being innovative and to look at opportunities to increase social housing through rural exception sites and, as Colchester had done in the past, using local planning policies to deliver some market housing as part of an affordable housing development. She confirmed the intention to include a response to the consultation in relation to small sites.

Councillor A. Ellis commented that he found it difficult to differentiate the changes to the original NPPF proposed in the consultation document and speculated whether a version highlighting the changes was available. He indicated that he would welcome the adoption of a CIL if it meant that Colchester could take a more holistic approach to infrastructure delivery. He was aware that Chelmsford had adopted CIL but that the contributions had decreased from the levels achieved under a Section 106 agreement regime. He suggested that it would be helpful for committee members to be advised of neighbouring authorities who had adopted CIL and to what extent the change had affected the total financial contributions achieved. He questioned the 10% target level for affordable homes contained in the consultation document, given this was considerably below the 30% target identified by Colchester in the new Local Plan. He referred to the proposal regarding entry level homes that would be offered for discounted sale or affordable rent and queried that definition of affordable was being used. In terms of development in rural areas, he highlighted a clause within the document which supported the sub-division of existing residential property. He was also of the view, in relation to planning policies in rural areas being responsive to local circumstances and housing developments reflecting local needs, that this should also extend to local wishes. He also considered that the document made it patently clear that a Local Plan would, in future, only have a life of five years.

The Planning Policy Manager agreed to send a copy of a track changes version of the consultation document to Councillor Ellis and other members of the Committee, if this would be helpful.

The Planning and Housing Manager confirmed that the consultation did include a reference to the expectation of affordable housing levels being higher than 10%. The

definition of affordable housing was set out in the document as being at least 20% below local market rents.

Councillor Barber asked the Committee to consider having an in depth discussion about CIL in the new municipal year at which time the Government may have made its position more clearly.

Councillor Jowers asked whether the size of a village was applicable in relation to the development of exception sites in rural areas and queried the reference in the document to more effective ways to bring agricultural land forward for development which seemed to indicate an unwelcome relaxation of planning law. He also sought clarification on the viability assessment obligation on the part of developers and whether this was proposed to be a requirement for developers prior to development. He commented on the reference to areas defined as heritage coast and asked why Colchester had not taken the opportunity to look at this before now. He also mentioned planning policy for travellers sites and the need to initiate discussions with neighbouring authorities in order to agree a county wide solution sooner rather than later. He also asked for it to be made absolutely clear the distinction between green belt and green field.

The Planning and Housing Manager confirmed that the government was looking to introduce more viability testing at the plan making stage, rather than on individual applications, with a view to speeding up the application process. Also where viability discussions did take place, the detail of these could be made public. She agreed to look into the heritage coastline issue and confirmed that Roger Hirst, as Essex Police, Fire and Crime Commissioner was leading discussions on the traveller site issue and the transit site issue.

RESOLVED that –

- (i) The consultation on the National Planning Policy Framework be noted and the points raised as part of the Committee's discussions on the matter, together with any individual comments submitted direct to the Portfolio Holder for Business and Culture by Committee members prior to 12 April 2018, be considered for inclusion in Colchester Borough Council's response to the consultation, which would subsequently be finalised by means of a Portfolio Holder Report prior to submission to Government.
- (ii) That arrangements be made in the new municipal year for a training session on the issue of Community Infrastructure Levy – its benefits or otherwise and an invitation be extended to all councillors to attend.

## **134 Statement of Community Involvement**

**Councillor Jowers (in respect of his Vice-Chairmanship of Essex County Council and his substitute membership of Essex County Council's Development and**

**Regulation Committee) 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 seeking approval to consult with the public on the revised Statement of Community Involvement, new arrangements for which set out policies for involving communities and other interested parties in the preliminary stages of plan-making and would come into force on 31 July 2018.

Sean Tofts, Planning Policy Planner presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to member's questions. The Planning Policy Planner explained that new arrangements for the production of Statements of Community Involvement (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.

It was explained that the regulations would require all authorities to have up to date plans (and SCI) and commence the statutory duty for authorities to identify their strategic priorities and the policies to address them. Additional powers were also provided for the Secretary of State to intervene in plan-making where authorities were not planning effectively for the needs of communities. The regulations introduced a requirement to review Local Plans and SCI at least every five years from adoption. There was a requirement for local authorities to set out policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making. Also requirements to set out how Neighbourhood Plan Groups would be assisted within the process of reviewing matters which may be expected to affect the development of their area or the planning of its development and to set out how Neighbourhood Plan Groups would be assisted in relation to their plan preparation, timing and process.

Changes to the Colchester SCI as a result of the new requirements included:

- 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.

Details were further provided in the SCI as to how this support and guidance were planned to be delivered. Preliminary work was being undertaken on producing a comprehensive Neighbourhood Planning Guide for the Borough.

It was explained that the requirement to update the Colchester SCI had also been taken as an opportunity to ensure that the information in relation to community involvement for the development management process was accurate, minor amendments had been

made to ensure the document accurately reflected the current procedures, restructuring to make the document clear and concise and reformatting to reflect the document style of other Local Plan documents.

Councillor Jowers welcomed the report and firmly supported the principle of local people being involved in the planning process. He referred to funding being made available in the early days of Neighbourhood Planning and two Parish Councils in Colchester had been able to benefit from this. However, he questioned whether funds from the New Homes Bonus could not have been used before now to assist the Neighbourhood Planning process. He was aware that there was a significant financial burden for Parish Councils and was hopeful these new arrangements would go some way to relieving this issue. He sought clarification in relation to certain specific consultation bodies quoted in the document and referred to how the council communicated with local communities, citing difficulties for Parish Councils in relation to their ability to comment on planning applications within required timescales due to cycles of meetings and the complexity of the Councillor call-in procedure for planning applications.

Councillor Barber welcomed the report and commented on the Neighbourhood Plan process and the length of time it took to come to a conclusion, asking whether it was possible to expedite the process as he considered that opportunities for speculative development proposals may take advantage of the protracted consultation process.

The Planning and Housing Manager explained that there was a meeting planned with West Bergholt Parish Council to take the matter forward. She explained that the consultant employed had been unwell which had slowed down the process. She explained that the Council only wished to support allocated sites especially in areas where a Neighbourhood Plan was under preparation and that this was recognised. It was necessary to get Neighbourhood Plans to a stage where they could carry weight and, as such, she gave an assurance to assist in this process wherever possible. She confirmed that there were statutory timescales and procedures which needed to be complied with but in the periods where there was discretion then they would offer support to maximise progress so far as possible.

RESOLVED that –

- (i) The Draft Statement of Community Involvement be approved and authorised for formal public consultation for a six week period commencing in March 2018; and,
- (ii) The results of that consultation be reported to a future meeting of the Local Plan Committee along with any proposed amendments to the content, where appropriate, with a view to the document being formally adopted.

## **Appraisals and Management Proposals**

**Councillor Jowers (in respect of his Vice-Chairmanship of Essex County Council and his substitute membership of Essex County Council's Development and Regulation Committee) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

John Akker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was making representations in relation to the collection of reports on conservation. He congratulated the author of the reports as they were an excellent example of a very important subjects for the Borough, namely heritage and cultural issues. The three reports went into detail and depth in terms of what is involved in assessing a potential conservation area. He was interested to know what the selection process was for these area assessments and he was of the view that Mersea and Pyefleet would be worthy of special consideration in order to safeguard historic areas particularly the waterfront. He hoped to see a report in due course on Mersea and for it to be considered sympathetically as a very important part of North Essex.

The Chairman thanked Mr Akker for his comments and congratulated him on speaking up for and on behalf of his local community.

Councillor Jowers explained that the waterfront at West Mersea was already designated a Conservation Area, as demonstrated by narrower yellow lines on the roadsides. He agreed with the comments of Mr Akker and supported the expansion of the Conservation Area and it would be interesting to look back at the rationale for previous Conservation Area designations in order to help in the consideration of which areas would have the appropriate merit to be included. He referred to areas of terraced housing and examples of artisan housing which were of interest.

The Committee considered three reports by the Assistant Director Policy and Corporate seeking approval to consult with the public on three individual Consultation Draft Conservation Area Character Appraisals and Management Proposals Document for:

- North Station Road,
- Birch and
- Mill Field Estate.

Vincent Pearce, Planning Projects Specialist, presented the reports and responded to members questions. It was explained that the Management Proposals Documents analysed the key components that contributed to making the three areas area worthy of designation as Conservation Areas. Included in the document was an assessment of positive and negative features and key issues and the documents followed an established format for such documents.

In respect of the North Station Road area, the need for Conservation Area consideration

had been triggered by:

- The emergence of the embryonic North Bridge Conservation Enhancement project (refurbishing North Bridge and other environmental improvements) for which external funding was being sought,
- The initial delivered phases of the 'Fixing the Link' project and
- The longstanding objectives within the North Station Road Masterplan.

All of these had indicated that the area, which retains significant special heritage importance, was likely to be under considerable positive pressure for change. In this context it was considered necessary to give additional statutory conservation protection to the area by the designation of a new Conservation Area.

The area was on the cusp of potential largescale change and it was clear that there had been little recent investment in property maintenance, with many sites representing redevelopment opportunities. This appraisal recognised that the area was vulnerable and had special historic and architectural merit worthy of greater statutory protection. It was considered that as North Station Road functioned as a major pedestrian corridor into and out of the Town Centre, this could bring new energy, investment, public spend and a bright future for the area.

Despite much change, some of which had not been particularly sympathetic, it is still easy to visualise its past, more picturesque character. The area was important in the recreational life of people of the town in that it once housed the public open air swimming pool. The area also has strong links with the growth of the railway, in that it housed one of the earliest Railway Worker Missions and Colchester's first publicly funded school was built, in what is now John Harper Street, and which remains in almost all its original external form. It was proposed to build on existing initiatives to promote better interpretation of the history of the area and to sensitively signpost other attractions, destinations and nodes in the wider vicinity.

In respect of the Birch area, the possible demolition of the Church of St. Peter and St. Paul within the existing Conservation Area and a possible Public Inquiry had increased the need for an appraisal to support the Council's objection to the proposed demolition. The Birch Conservation Area had been designated in 1993, soon after the Church of St Peter and St Paul was closed for worship, with uncertainty about the future of the landmark building and it being a key component within the townscape of Birch, prompted the designation.

In respect of the Mill Field Estate area, it had seen largescale redevelopment immediately to its east in the Garrison Conservation Area and the appraisal recognised that the area was vulnerable and had special historic and architectural merit worthy of greater statutory protection.

It was considered that, as the area was on a major walking route into and out of the town

centre, it brought with it great pressure for change, whether that be from the demand for more homes in an attractive area or from the pressure from existing residents to alter or extend their homes. Being a Conservation Area would allow for a development management that would reconcile these competing demands with the need to preserve and enhance the area's special character. It is proposed to describe the new Conservation Area as the Mill Fields Estate to reflect its Victorian suburban origins and the former windmill that preceded the Victorian terraced housing.

The Chairman thanked the Planning Projects Specialist for the exceptional quality of his presentation.

Councillor Jowers wholeheartedly welcomed the report and congratulated the Planning Projects Specialist on his enthusiastic and passionate presentation. He supported the view that areas of North Station Road which he considered to be the most important cultural part of Colchester. It was where things got done and in parts it was stunning and beautiful. He understood the need to protect the church in Birch from demolition and supported the proposals to designate the area around Maldon Road and Butt Road, including Hamilton School. He acknowledged that it was hard to determine what would be aesthetically valuable in the future. He wholeheartedly supported all three proposals whilst acknowledging that it would put an onus on people living in the areas but that this was a price worth paying.

Councillor Barber the passion demonstrated by the Planning Projects Specialist in his presentation gave him confidence to support the proposals. North Station Road in particular, because this was a main route into the town centre from the railway station which was currently quite disappointing visually. He acknowledged it would take time and a lot of effort, with people needing to support the concept. He agreed that a lot of the signage was brash and garish and did not fit into the area. Business owners would also need to take responsibility to improve the area visually. He had looked at places where signage had been improved elsewhere and cited Great Yarmouth where a small amount of money had been provided to business owners in order to deliver improvements. He asked the Committee to consider the inclusion of Belle Vue Road in the North Station Road Conservation Area boundaries which he understood also demonstrated some good historic features. He fully supported the measures to retain the church in Birch as it would be devastating to the area if it were lost.

Councillor Barlow he had lived on the edge of the proposed North Station Road Conservation Area for 20 years and wholeheartedly welcomed that proposal as well as the ones for Birch and Mill Field Estate. He supported the request for Belle Vue Road to be included in the Conservation Area and also the section of North Station Road to the north of Cowdray Avenue which included houses with features identical to those highlighted in the Mill Field Estate area. He also asked, because of the commercial nature of the North Station area, for the consultation to encompass residents living adjacent to the designated area itself and who may use the services and shops in the

area which would therefore capture the wider community implication beyond the area itself. He further commented, in respect of the proposed name of Mill Field Estate for the residential roads between Maldon Road and Butt Road, that he had been unaware of the area's historic association with a mill and suggested this was a matter for discussion for people who lived in the area as part of the consultation.

Councillor Graham confirmed that he used to live on North Station Road, just north of the Albert Roundabout and agreed that this section of North Station Road up to the Essex Hall Roundabout should be included in the Conservation Area, as it had very good examples of Edwardian architecture and it was the first introduction to Colchester to people walking to the town centre from the railway station. He also supported the inclusion of Belle Vue Road in the Conservation Area. He had previously been involved as Portfolio Holder with the Fixing the Link project which had cost in the region of £35k but this had only scratched the surface of what could be done and he was pleased this was continuing. He wholeheartedly supported the refurbishment of North Bridge and supported further partnership working with Essex County Council to deliver improvements here. He questioned the planting of trees in the wide pavements near North Bridge on the basis that it would also be beneficial to introduce cycling infrastructure, which would supplement the link to the railway station although he would welcome the introduction of both trees and a cycleway, if possible. He was disappointed how much Colchester was reliant on support from Essex County Council to deliver improvements and was particularly concerned about the track record in terms of improvements which were also aesthetically pleasing. He sought clarification as to whether there was anything that could be done to build on existing partnerships to improve this situation for Colchester. He also requested further information on the background to the vulnerability of the church in Birch.

Councillor A. Ellis also wholeheartedly welcomed the presentation by the Planning Projects Specialist although he recollected previous presentations and proposals to deliver improvements to bring the town to life had not actually come to fruition mainly due to budgetary restrictions. He referred to utility companies undertaking work but not reinstating original materials such as flagstones and was of the view that the Council may have to commit to pay the difference in cost between the use of standard reinstatement materials and the reinstatement of higher quality materials fitting a Conservation Area location. He was concerned about the deliverability of the project associated with the North Station Road area should the funding applications prove to be unsuccessful. He explained that he had sent a copy of the report on the Birch area to the Parish Council but had yet to receive a response. However, he had received some further information from the Round family who indicated that they would welcome a meeting with the Planning Projects Specialist. He was aware that there were proposals to convert the church into a dwelling but the issues associated with that were very complicated and the matter was now the subject of a public inquiry. He considered the church spire was a very important landmark for both Birch and Colchester generally and hoped it would be possible to preserve that landmark for the future. He acknowledged



that some of the road infrastructure in the village was visually unattractive, although serving a practical purpose and welcomed any proposals for replacement with more visually appealing solutions. He welcomed all three of the the proposals as an overall concept but needed further reassurance in terms of their deliverability.

Councillor Chapman he strongly welcomed the recognition of Victorian and Edwardian architecture in the form of these proposals. He considered there may be challenges in attempting to improve the overall look of the areas and was aware of houses within the Mill Field Estate area which had undergone renovation using, for example, unsympathetic window replacements. He had been familiar with this area for many years but had not heard the term Mill Field Estate used to describe it at any time before now and hoped a better or more recognisable name may emerge from the consultation. He was aware of a scheme proposed by the Deputy Mayor to improve the Avenue of Remembrance wall as part of the commemoration of the centenary of the end of the First World War which would be an important contribution to the improvements to the North Station Road area. He commented that he had attempted to locate the various Conservation Areas within the Borough on the Council's website but had been unable to do so and asked that arrangements be made for the information to be made more accessible.

The Planning Projects Specialist acknowledged the problems with using the website for information on the Borough's various Conservation Areas but was hopeful this would be addressed in due course. He had included a Conservation Area list in the report but acknowledged this was also not entirely complete and would need to be updated.

Councillor Fox he welcomed the excellent reports and as a former resident of the North Station Road area he was pleased to see conservation and heritage being highlighted. He referred to previous work done by the Scrutiny Panel to make sure the town centre was accessible in terms of A Boards and other street furniture and wished to ensure that any work which does take place in the North Station Road area was accessible for people with disabilities, with pushchairs and wheelchairs. He fully supported the Mill Field Estate area designation as well. Being familiar with the area he was aware that the streets tended to have a uniform design but each house had individual characteristics and features. He also welcomed proposals to retain the church and its spire in Birch, which he considered to be of real value.

Councillor Barber urged the committee to look into the concept of living walls to help reduce pollution in run down areas and also consideration of the Council assuming some highway responsibilities from Essex County Council. He supported the proposal to look into the introduction of cycle ways for the North Station Road area but was of the view that these should not be shared with pedestrian routes.

Councillor Jowers explained that Essex County Council had provided funding for the Fixing the Link initiative and confirmed that he was aware of examples where the County

Council had responded positively to requests from District Councils for non-standard highway improvements. He further confirmed that a Conservation Area designation, once made, would greatly assist in delivering more aesthetically pleasing highway solutions. He also referred to the Community Initiative Fund which had delivered some innovative and community led projects.

The Chairman summarised the views expressed during the course of the Committee's discussions:

- That part of North Station Road, north of the Albert roundabout up to the Essex Hall roundabout, together with Belle Vue Road be included in the North Station Road Conservation Area boundary;
- Support for greater protection of traditional street furniture, such as lamp posts, as well as protection for traditional highway materials within the Conservation Areas;
- Consideration of a better working name for the area currently referred to as Mill Field Estate that would mean more to the people who lived in the area;
- In terms of trees on North Station Road, he was aware that a number had previously been subject to episodes of vandalism and some had been removed as a result due to the ongoing cost of maintenance and protection;
- The introduction of a Conservation Area designation would lead to the removal of permitted development rights for residents this may have an impact in relation to residents' ability to make the best energy efficiency choices;
- Support for the refurbishment of North Bridge with a need for clarification as to whether the funding would be available and sufficient to deliver the project;
- Support for using opportunities to be derived from the creation of Living Walls wherever possible;
- An overwhelming wish on behalf of all of the Committee for the church in Birch to be protected from demolition and for further investigations to be made by the Council to ensure all available measures had been pursued to prevent such an action.

Councillor T. Young, in his capacity as Portfolio Holder for Business and Culture (and Deputy Leader of the Council), attended and, with the consent of the Chairman, addressed the Committee. He agreed that the report and the presentation by the Planning Projects Specialist was exceptional and he supported all three Conservation Area designations. He acknowledged the benefits of the Fixing the Link project in the North Station Road area, agreed that the examples of street clutter needed to be improved urgently and hoped Colchester could work together with Essex County Council to improve the areas. He was very familiar with the Birch area, having been married in the church. Birch was an old fashioned village which, along with Layer Breton and Layer Marney, was a beautiful example of rural England and an important part of the Borough of Colchester. He agreed that the church itself was an important iconic landmark and welcomed the Committee's strong support for its protection. He also supported many of the issues raised by the Committee during its discussions.

The Planning Projects Specialist confirmed that he would be happy to extend the

boundaries of the North Station Road Conservation Area to include the additional part of North Station Road north of the Albert roundabout as well as Belle Vue Road and to do this before it went out to consultation. He confirmed that he had a very good dialogue with all the shop keepers in the North Station Road area and that they were on board with the project. However, he explained that he was mindful not to seek to completely refresh area as this may prompt many of the long term businesses to disappear. He confirmed some of the funding being applied for would be available to the local traders to assist with refurbishments. He confirmed that the consultation at North Station Road could be extended to include those living outside the strict boundaries of the proposed Conservation Area itself. He confirmed that he was working closely with colleagues in relation to cycling provision for the area with the intention of seeking measures to reduce traffic in the area to make it far more accessible for cyclists and pedestrians. In terms of deliverability, he confirmed that other sources of funding to support the projects would be actively pursued and that the Council had been working closely with Essex County Council and other partners to achieve the best outcomes. He confirmed he would be very happy to meet with the Round family in relation to the proposed Birch Conservation Area as well as representatives from the Parish Council. He also confirmed there may be funding available to look into improvements to the car park at the village hall and indicated his willingness to work with Councillor Jowers in order to put a good business case to Essex County Council in relation to the Community Initiative Fund. He supported the suggestion to investigate the creation of Living Walls to help reduce pollution and the need to work with Environmental Protection colleagues to pursue all pollution reducing measures. He confirmed that he would be happy to liaise with the Deputy Mayor in relation to the refurbishment of the Avenue of Remembrance memorial. He supported the need to ensure pavements were accessible for all. He also commenting that it was often statutory undertakers who were to blame for the use of inappropriate reinstatement materials, although he was of the view that there was likely to be a requirement for them to return to these sites to provide a better permanent solution at a later date. He acknowledged this needed to be looked at in more detail as it often had a huge and adverse impact, particularly in Conservation Areas. He was unclear as to what had led to the church in Birch being under threat of demolition but anticipated this would become known during the course of the public inquiry which was due to take place in October 2018.

RESOLVED (UNANIMOUSLY), bearing in mind the various points raised in the course of the Committee's discussion on these matters, that, –

(i) Subject to the extension of the proposed boundaries of the Conservation Area to include Belle Vue Road and North Station Road north of the Albert roundabout and the inclusion in the consultation of residents living in areas adjacent to the immediate Conservation Area boundaries, the Consultation Draft Colchester North Station Road Conservation Area Character Appraisal and Management Proposals be approved and authorised for formal public consultation for a six-week period commencing in March/April 2018;

(ii) The Consultation Draft Birch Conservation Area Character Appraisal and Management Proposals be approved and authorised for formal public consultation for a six week period commencing in March 2018;

(iii) The Consultation Draft Colchester Mill Field Estate Conservation Area Character Appraisal and Management Proposals be approved and authorised for formal public consultation for a six-week period commencing in March/April 2018;

(iv) The results of the three consultations be reported to the Local Plan Committee at the earliest opportunity, along with any proposed amendments to the contents, where appropriate, with a view to the documents for North Station Road and Mill Field Estate being formally agreed to enable the statutory designation process to be legally pursued and the document for Birch being agreed as a formal Supplementary Planning Document (SPD).