

Local Plan Committee

Monday, 19 December 2016

Attendees: Councillor Nick Barlow, Councillor Nigel Chapman, Councillor Nick Cope, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Martin Goss, Councillor John Jowers, Councillor Sue Lissimore, Councillor Martyn Warnes

Substitutes:

92 Minutes

The minutes of the meeting held on 7 November 2016 had been circulated to the members of the Committee in draft form only and, as such, their confirmation would be considered at the next meeting of the Committee.

93 Local Plan Preferred Options - Consultation Report with Responses

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

Councillor Lissimore (in respect of her membership of Essex County Council's Development Regulation Committee, her responsibility as Essex County Council's Deputy Cabinet member for Lifelong Learning and her daughter's previous employment at Colchester Zoo) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Warnes (in respect of his spouse's ownership of property in the vicinity of the Abberton and Langenhoe housing sites) declared a pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Warnes (in respect of his spouse's relatives' ownership of property in the vicinity of the site south of Berechurch Hall Road) 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 Head of Commercial Services giving details

of officers initial responses to the representations received following public consultation on the Colchester Local Plan Preferred Options.

Karen Syrett, Place Strategy Manager presented the report and responded to Councillors questions. She explained that consultation on the Local Plan Preferred Options document which had been carried out from 9 July to 16 September 2016 had attracted an all-time high number of responses totalling (at the time of writing the report) 3,102 representations from 1,539 respondents. Approximately 62.2% of responses were received by people using the on-line consultation portal, 27.5% had emailed and 10.2% had written in.

Whilst Committee Members had previously been asked to note the representations received these had now been analysed by officers and external organisations, such as Essex County Council and Essex Wildlife Trust, had been asked to address specific issues. In addition, Part 1 of the Plan was a joint plan and included cross boundary sites, the responses on which had been confined to comments on the two Garden Communities with allocations in Colchester. It was intended that further comments, to be jointly agreed with Tendring and Braintree, would be circulated to the Committee in the form of the three Councils' response to the Campaign Against Urban Sprawl in Essex (CAUSE) comments on Part 1. The evidence base had also been developed and had helped inform some of the changes proposed to the Plan. The Appendix to the report provided a summary of the number of responses received on each part of the plan and a summary of the key issues raised. The full responses were available on the website.

Any proposed changes to the Preferred Options Local Plan which would create the Submission version of the Local Plan would be presented to the next meeting of the Committee on 7 February 2017.

An Addendum Sheet had been published which identified amendments necessary to the forthcoming plan in relation to land at Achnacone Drive which was now recommended for removal from the Plan and the allocation of land South of Braiswick (Golf Club) and land at St Botolph's Farm which were now recommended for retention with further consideration given to policy wording to reflect adequate protection of relevant site constraints and to safeguard existing residential amenity.

William Sunnocks, on behalf of Campaign Against Urban Sprawl in Essex (CAUSE), addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was disappointed that no response had been made in relation to the very detailed submission made by CAUSE despite the assurance they had been given that this would be provided before the Christmas break. He considered that the residents were not being listened to and that specific requests to Councillors Goss, Smith and T. Young to meet with members of CAUSE had not been agreed to. He considered that the debate on the issues raised in the consultation had been pitiful and that sound comments had been made which could not simply be ignored. He explained that CAUSE was concerned for the future of the Borough and would not be going away.

Councillor Arnold attended and, with the consent of the Chairman, addressed the Committee. He was concerned about the balance of information available on the Council's website in relation to the consultation and was of the strong view that more information needed to be made readily available to the public so that better understanding of the processes and issues was possible for a wider group of people. He also considered safeguards needed to be provided that views expressed were being based on the correct information. He sought clarification regarding the implications of the proposals in relation to West Colchester should the anticipated re-routing of the A120 not transpire and was concerned that this scenario may mean the Council would be deemed to have an unsound Local Plan with vulnerability to speculative development proposals. He also asked for assurances that his previous comments had been taken on board in relation to the loss of car parking facilities for the St Botolph congregation members and the need for consultation with the Highway Authority on an alternative access to the proposed site at Swan Grove, Chappel and he confirmed preference locally for the site at the Manor, Great Horkesley.

David Broise addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was concerned about the pressure for new houses and the instruction to local authorities from the Government to set targets for housing development. He was of the view that communities were being forced to accept new development by Planning Inspectors and that green spaces were being massively reduced as a consequence. He asked for the targets for Colchester to be confirmed and questioned the ability of the new development to deliver the requisite infrastructure.

Christopher Lee addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was concerned about the demands being placed upon local primary schools and doctor's surgeries by the additional numbers of residents and was also of the view that there was a considerable shortage of jobs for lower skilled workers. He questioned the ability of residents to respond adequately to the consultation exercise given the absence of all the background and supporting information required.

Joseph Greenhow addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was concerned about rural housing provision and the need to retain local services for all the rural communities. He considered all settlements had a role to play in delivering new housing for the Borough and was concerned that the Local Plan would actively negate growth as a consequence of settlement boundary restrictions. This would lead to a scenario whereby in certain communities, such as Dedham, no village housing would be permitted which would adversely affect the social and economic needs of the communities. He requested that the strategy for rural communities be reviewed as a matter of urgency.

David Cooper addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was concerned about the impact on health care capacity on

Mersea Island and asked whether an assessment had been undertaken, particularly bearing in mind the restrictions on access and the suspension of the bus services. He questioned the potential for Bradwell Nuclear Power Station to be the subject of re-commissioning and the likely impact in terms of population increases and he referred to the principles contained in the National Planning Policy Framework in terms of infrastructure requirements. He also referred to the need for consideration to be given to Sustainable Drainage Systems.

John Crookenden addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was concerned regarding the lack of empathy with local residents in relation to the West Colchester Garden Community proposals and was of the view that residents were unable to feel confidence with the Council's negotiations due to its poor track record on the delivery of infrastructure. He considered developers had been allowed to reduce the delivery of Affordable Housing and that little consideration had taken place in relation to Community Infrastructure Levy or Section 106 Agreements. He was concerned that the Council did not have the ability to undertake negotiations on the scale required to deliver the number of houses being projected and that mistakes from previous generations would be repeated.

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he had addressed the Committee four times in relation to the Local Plan consultation and he had also attended Local Plan meetings at Tendring District Council where he considered he had received a more positive response to discussions about the retention of open space. He had attended a workshop on the protection of Salary Brook where participants had been unanimous in concluding that development should not be extended to include East Colchester. He also referred to the Local Plan Committee meeting on 5 July 2016, when he had been given the impression that there would be meaningful open space provision agreed for Salary Brook.

Councillor Cory attended and, with the consent of the Chairman, addressed the Committee. He explained that he had supported the view that the creation of a Local Delivery Vehicle (LDV) would be the best solution to relieve Colchester's housing problems. He further considered that the Council had, to some extent, been compelled into this course of action due to the Government's lack of a coherent housing strategy which was impacting most on those Counties surrounding the London area. He was particularly concerned about the need for infrastructure to be delivered with new housing, citing the considerable traffic problems associated with Clingoe Hill, and advocating the need for a visionary solution to be agreed promptly. He particularly welcomed the opportunities derived from the LDV to deliver more Affordable Housing but sought assurances in relation to the environmental impact of more development of green spaces. He also wanted the Council to strive to have better sustainable credentials such as through the delivery of zero carbon housing and to seek to engage the public in new and different ways in order to more greatly involve communities in shaping their own

future.

Rosie Pearson addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She was of the view that the West Tey Garden Community proposals would do nothing for Colchester. She was concerned that the consultation exercise had not been a genuine consultation and she sought assurances that the detailed letter of complaint to the Council submitted by CAUSE setting out the shortcomings of the consultation had been forwarded to all the councillors. The 77 page submission from CAUSE in response to the consultation had identified that the evidence base was flawed and that the West Tey proposals were in the wrong location for a new town. She considered no adequate explanation had been given as to why West Tey was considered to be such a good location for development and, as such, called for the proposals to be dropped.

Councillor Chillingworth attended and, with the consent of the Chairman, addressed the Committee. He congratulated the officers on the huge task to undertake the consultation exercise and he considered they had demonstrated a willingness to listen to comments and to reconsider some of the options. He was also aware that officers in the Planning Policy team had agreed to meet with the Parish Councils in the Rural North ward. He referred to the recent proposals for up to 1,000 homes on land at Middlewick Ranges and considered this to be a welcome opportunity to deliver much needed infrastructure to the south of the town. He was concerned that the proposals for West Tey were premature given the yet to be determined new route for the A120 and the absence of a funding allocation for that project as well as the untried issue of potentially seeking to deliver two LDVs within a similar time frame. He considered that the designation of Middlewick Ranges site as a preferred option would raise questions regarding the need for proposals for West Tey, particularly in relation to the former's brownfield status in comparison with the green field status of land in West Tey.

Councillor Barber attended and, with the consent of the Chairman, addressed the Committee. He had reservations about the West Tey proposals and endorsed previous comments about the environmental impact of Garden Communities, given his understanding that the development would include only 15% of land to be open space and the density of housing proposed. He was of the view that more innovative ways to deliver the required infrastructure needed to be explored so that more detailed plans about employment opportunities and the actual location of housing could be assessed in terms of the viability of the proposals. He explained that the existing allocation for the land at Middlewick Ranges was brownfield which he considered to be preferable to the use of green field land such as that at West Tey. He had been accused of nimbyism but he considered his role to be to safeguard the environment for the residents within the ward he represented. He would soon be welcoming a large number of new residents to North Colchester, however, he was aware that residents were concerned about the pressure on the local road network. He advocated a meeting to discuss the road infrastructure issues with representatives from Essex County Council and he invited

Councillor Goss to join him.

Tony Barker, on behalf of East Colchester Action Group, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the proposals for the Salary Brook area and asked for details to be agreed in relation to the boundaries and extent of the area to be allocated. He considered discussions about its status in terms of a Nature Reserve or Country Park needed to be dealt with later as the most pressing issue was to secure the open space for the future.

Councillor Scordis attended and, with the consent of the Chairman, addressed the Committee. He referred to the proposals for land at Middlewick Ranges and his concern regarding the complete lack of existing infrastructure associated with the current use for military purposes only. Mersea Road, which provided the current access, was already very busy even outside of rush hour times. As such, he considered an alternative access solution needed to be found to enable the housing proposals to be included as an option for development. He was also concerned about the impact on local schools from additional numbers of children as a consequence of the development of the land. He considered the voicing of opinions about the potential suitability of the land at Middlewick Ranges to avoid the need to develop land at other proposed sites to be unhelpful and he cited the more helpful approach adopted in Rowhedge to identify an alternative site within the community in order to combat the unsuitability of an unpopular location.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Committee. He acknowledged that Rowhedge does need additional housing and the local community members had always been willing to identify suitable locations. The community was waiting for housing to come on stream which already had the benefit of permission. Battleswick Farm had not been supported locally whilst the alternative site now being considered in preference had been welcomed by the community if nothing else on the basis of the associated benefit of an extension to the GP surgery. He regretted the tendency of other councillors to seek solutions to housing provision elsewhere from within other communities. He referred to the concerns expressed about West Tey in relation to the new route for the A120 but also acknowledged the views about lack of infrastructure at the Middlewick Ranges site.

John Akker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He acknowledged that the report referred to revisions to the proposals for Mersea Island but he was concerned regarding inconsistencies he had identified and lack of detailed evidence and he maintained his concerns regarding the potential impact on the Coastal Protection Belt. He considered the consultation to be flawed in so far as it discriminated against older people who were less likely to choose to respond online. He continued to be of the view that Mersea was unsustainable for significant development due to its island characteristics. He also voiced his scepticism regarding the comments from Anglian Water in relation to sewage capacity and sought assurances that the implications for the fishing industry would be taken into account.

Councillor T. Young attended and, with the consent of the Chairman, addressed the Committee. He welcomed the contributions made by the various speakers. He explained his support for both the Garden Community proposals for East and West Colchester whilst also acknowledging the need to protect the green wedge between East Colchester and Tendring. As such, he was also supportive of the Salary Brook initiative and the benefits to be gained from protecting the view in this locality. He was of the view that both Garden Communities as well as the proposed development on land at Middlewick Ranges would need to be accepted and he agreed with the revised housing numbers for Mersea Island. He acknowledged the views expressed by community groups such as CAUSE but explained that the four Councils involved with the Garden Community proposals were all in favour of going ahead with the proposals and considered this to be a legitimate endorsement of the principles by democratically elected representatives. He noted the request to meet with representatives from CAUSE and indicated he would await the responses from Councillors Goss and Smith. He referred to Lord Bob Kerslake's review of the Garden Communities project and his published view that it had 'huge potential on a national scale', together with his praise for the progress made to date. Councillor T. Young acknowledged that the early delivery of infrastructure was essential to the success of the proposals, he confirmed that Garden Communities were a government initiative but they represented a welcome opportunity to deliver the necessary housing numbers to this Council. He welcomed the fact that there was demand for housing from people who wanted to live in Colchester and was of the view that most of this demand was from people already within the locality. He was also of the view that the Council had a good track record in delivering housing and its associated infrastructure.

The Chairman acknowledged the importance of infrastructure to the proposals and explained that there were other responsible authorities, such as Essex County Council and the National Health Service who would need to work collaboratively to deliver the necessary requirements. He referred to the comment regarding lack of information about Section 106 Agreements and confirmed that details were readily available online. He was also of the view that Colchester Borough Council's reputation in relation to the development of its Local Plan was acknowledged to be a very good one. He thanked members of CAUSE for their invitation to meet with them and explained that he had been unable to accept on the grounds that his position as Chairman of the Local Plan Committee required him to remain impartial, such that if he accepted one meeting invitation, he would have to accept all. He did, however, give an assurance that a detailed response to the submission from CAUSE would be provided before Christmas.

The Place Strategy Manager responded to the comments made as follows:

- She referred to the comments made by Lord Kerslake who had praised the work undertaken on the Garden Communities and the level of co-operation between local authorities that had been achieved. It had been agreed that more time needed to be built into the programme in order to further develop the evidence base, as a consequence of

which, the Councils were each looking to hold an additional meeting cycle in May 2017 to facilitate this. Further consultation would also be undertaken which would take place before the school holidays and extend for a six week period;

- She referred to the detailed submission to the consultation from CAUSE and confirmed that, due to its very detailed nature, an individual response was deemed to be merited on this occasion which would demonstrate the Council's willingness to listen to the issues identified;
- She confirmed it would be possible for elements of the Local Plan to be reviewed and phased if, for example, it was considered that there may be deliverability issues;
- Further negotiation was being undertaken in relation to the sites identified in Chappel;
- The Council's Housing target had been identified as 920 per year whilst the detail of the Council's Community Infrastructure Levy would be set out in the form of a policy document;
- Questions in relation to school provision and school places were a matter for discussion with Essex County Council, as Education Authority;
- Additional work would be undertaken to address the employment criteria for the Garden Community projects and this would be included in the Submission Plan;
- She confirmed the argument that all communities should be permitted to accommodate additional growth but she was of the view that not all communities needed to do so;
- She disagreed with comments made regarding lack of provision of infrastructure. She explained that the Council had taken a decision not to proceed with the Community Infrastructure Levy up to now but to continue instead to use Section 106 Agreements which had been working and continued to work successfully;
- She explained that it would be inappropriate to define the boundaries for the Garden Communities at this stage of their development;
- She confirmed that the need for additional engagement opportunities had been identified for the Garden Community projects in the form of Community Enabling posts;
- She confirmed that a policy to address agriculture and soil issues would be investigated;
- A Brownfield Site Register had been compiled by the Council which listed all previously developed land with potential for development. This had been presented to the Committee and the public had been asked to support sites for inclusion;
- Regular meetings were taking place with representatives from Essex County Council Highways and Education Departments;
- The land at Middlewick Ranges had been submitted as a late addition to the options document and, as such, a lot of detailed work was still required to determine its deliverability and viability;
- She agreed that the review of the Coastal Protection Belt would be made available on the Council's website;
- She remained of the firm view that there would be far greater matters of concern for the public if the Council had opted not to proceed with a new Local Plan and to leave development opportunities for speculative applications.

Members of the Committee discussed the issues raised at length and, in particular, comments were made, as follows:

- The importance of maintaining a sound Local Plan for the benefit of the borough as a whole;
- Acknowledgement that the consultation exercise needed to allow for detailed comments from members of the public and the importance of the Council being open and to engage fully with the public so far as possible;
- The likely need for a southern relief road to be acknowledged and for the opportunity to be taken now to include it in the infrastructure requirements for the future;
- The continuing importance of Neighbourhood Plans for local communities, giving them freedom to specify what residents want for their own communities, but qualified with the acknowledgement that they required a great deal of work to bring them to a conclusion;
- Welcome the maintenance of a green buffer between Colchester and Tendring;
- Welcoming the views expressed by Lord Kerslake and his proposal that more time be taken to develop the evidence base further;
- The benefits which had been obtained from the use of Section 106 Agreements, that the details were publicly available for the public to view and the fact that officers worked with ward councillors to agree what schemes are needed within the communities;
- Concern regarding the lack of infrastructure on the land at Middlewick Ranges and concern in relation to the sites viability and its potential to deliver housing on the scale currently envisaged;
- The need to start discussions with Essex County Council regarding the appropriate access arrangements for the Middlewick Ranges proposal, bearing in mind the shortcomings of both Mersea Road and Fingringhoe Road and the costs associated with improvements to Weir Road;
- The Garden Communities projects provided a mechanism to deliver infrastructure in a planned and measured way and to retain control of the developments;
- The need for a full transport analysis of the Borough to be undertaken, to include the rail as well as road the networks as well as a retail study to provide information on the number of accommodation spaces might be available;
- The encouragement of more innovative types of house design to be included in future developments to take advantage of low energy usage such as passivhaus systems;
- The need for infrastructure assessments to be on a more holistic basis so that for areas where a number of small developments have been created they can be looked at collectively;
- Tentative support for the removal of development boundaries in rural communities to allow for opportunity for growth without opening up to large scale development;
- Concern within some communities that no alternative sites were being identified in the event that the Garden Communities proposals do not proceed;
- The potential for the East Colchester Garden Community proposal to be more

successful given its smaller scale and the forward funding already identified by Essex County Council for the link road;

- The opportunity for a Garden Community workshop to be arranged to assist with councillors' understanding of the concepts and requirements;
- Support for the proposals identified at the site in Irvine Road, Colchester in the light of the benefit to be derived for residents in the nearby Prettygate ward;
- Support for the enhancement of non-car related transport links in the form of a cycle path from the town centre to Colchester Zoo which would assist with the Zoo's plans for future expansion;
- The importance of the protection of wildlife corridors and also the preservation and or creation of corridors between them;
- The anticipated timescale for the publication of Essex County Council's review of Protected Lanes;
- The changes made to the preferred options document as it was submitted to each meeting of the committee demonstrated that comments and submissions made by the public were being listened to and, in a number of cases, taken on board and the numbers of people who were in attendance at meetings of the Committee was testament to the successful engagement of the public with the processes.

The Place Strategy Manager commented further to explain:

- That there was scope for communities such as Marks Tey to identify smaller scale development by means of the Neighbourhood Planning model and that it might also be possible to allocate some support to the Parish Council from the Community Enabler posts once appointed;
- She welcomed the suggestion to arrange a Garden Community workshop for councillors' to aid their understanding of the issues;
- She confirmed that the publication on Protected Lanes would be made available on the website.

RESOLVED that –

- (i) The representations submitted following public consultation on the Colchester Local Plan Preferred Options, together with the proposed officer response on each in order to inform the Full Submission version of the Draft Local Plan be noted and used to inform the emerging Local Plan.
- (ii) Arrangements be made for a training session / workshop to be held for councillors on the Garden Community proposals.

94 Authority Monitoring Report

The Committee considered a report by the Head of Commercial Services providing details of the 2015-16 Authority Monitoring Report (AMR).

Laura Chase, Planning Policy Manager, presented the report and responded to

Councillors' questions. Laura explained that the AMR provided key information that helped the Council and its partners to evaluate planning policies in the context of current trends and delivery levels. The full report covering the period April 2015 to March 2016 was attached as an Appendix to the report.

The format of the AMR had been designed to clearly demonstrate how the Council was meeting targets and indicators arising from the adopted policies contained in its Local Plan and to provide information that could be used in reviewing the plan. The AMR also included information on how the Council was working with partners to meet the duty to co-operate on cross-boundary strategic matters.

An Addendum Sheet had been published which identified amendments to the AMR to reflect updated information.

Members of the Committee discussed the issues raised at length and, in particular, comments were made, as follows:

- Considerable surprise that the traffic levels were considered to have declined since 2014;
- Advice was sought as to the level of funds received in relation to commuted sums in relation to Affordable Housing for 2015-16 and how the funds were being spent;
- Advice as to what constituted rural and urban jobs;
- The considerable funds available to the Local Enterprise Partnership (LEP) and the importance of recognising the LEP had responsibility for allocating these funds there were benefits to be had from working with that body to a greater extent than previously;
- The statistics on house completions contained in the AMR appeared to be out of date compared to actual numbers on site;
- The attraction (but likely impracticality) of a policy to provide for developers to undertake to complete each site in turn before commencing work on another;
- Problems associated with the management of developments after the building companies had moved on and the likely benefit to be gained from local authorities retaining control of the delivery of infrastructure to communities;
- The potential to provide for location specific affordable housing provision on the basis that this was the optimum way to secure sub-market housing provision;
- Reference to pollution levels in town centres and the initiatives being adopted elsewhere to address this issue such as the installation of carbon filters on top of flat roof bus shelters.

The Planning Policy Manager responded to the comments made as follows:

- The Council's Affordable Housing Officer had responsibility for negotiating the level of commuted sums for Affordable Housing and she offered to provide this information to the Committee members after the meeting;
- Information in relation to the definition of urban and rural jobs had been derived from census data and she offered to provide further detail to members of the Committee after the meeting;

- The statistics contained in the AMR were in relation to the period up to 31 March 2016 and so would be different to those acquired through local knowledge currently. Also the statistics were based on information by the Building Control service from data supplied by developers who, individually, may use different criteria to define completions.

RESOLVED that the Authority Monitoring Report be agreed for adoption and publication and the various additional requests for information/ data be forwarded to members of the Committee following the meeting.

95 Mrs Louisa White

The Chairman reported that, Mrs Louisa White, a long standing attendee of the Local Plan Committee, was currently unwell and he requested that the best wishes of the Committee for a speedy recovery for Mrs White be recorded.