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Local Plan Committee

30 October 2018

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**MINUTES OF THE MEETING OF THE LOCAL PLAN COMMITTEE,  
HELD ON TUESDAY, 30TH OCTOBER, 2018 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Stock OBE (Chairman), Turner (Vice-Chair), Bray, Bush, Chapman, Davis, C Guglielmi, Land, Newton, Platt, Poonian and Skeels Jnr
<b>Also Present:</b>	Councillors Everett, Nicholls, Scott, Stephenson and White
<b>In Attendance:</b>	Ewan Green (Corporate Director (Planning and Regeneration)), Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services), Gary Guiver (Planning Manager), Ian Ford (Committee Services Manager) and Will Fuller (Planning Officer)
<b>Also in Attendance:</b>	Mary Foster (Senior Development Technician)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Broderick, I J Henderson and Porter (with Councillor Davis substituting).

**2. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on 20 November 2017, be approved as a correct record and signed by the Chairman.

**3. DECLARATIONS OF INTEREST**

Councillor Bush declared a Disclosable Pecuniary Interest in item A.2 of the Report of the Head of Planning (Updated Housing Supply Position and Housing Trajectory) insofar as he owned land that was the subject of Planning Applications 15/00987/OUT and 18/01766/DISCON. The land that was subject to those planning applications was referred to in Appendices 1 and 4 to that report.

Councillors Stock and G V Guglielmi each declared a personal interest in item A.1 of the Report of the Head of Planning (Local Plan Examination – Inspector’s Findings and Next Steps) insofar as they were, respective a Director and an alternate Director of the NEGC Ltd Board.

**4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were none on this occasion.

**5. PUBLIC SPEAKING**

The Chairman invited the following persons to address the Committee:

Bill Marshall, a resident of the District, made a statement relating to item A.1 of the Report of the Head of Planning in which he expressed his concern that the Garden Communities Scheme had not recently been fully debated with local residents and that there had been very little input from the Councils to the residents recently. He also expressed his concern that the Council's decision to pursue Option 2 (do more work to fill in the gaps in the evidence now but delay the examination of Section 2 of the Local Plan until the Inspector was satisfied that the Garden Communities were deliverable and that Section 1 of the Plan was sound) had been taken by an executive decision rather than by the Committee as a whole. He stated his belief that the letter submitted to the Inspector on 19 October 2018 was late in the day and that Braintree, Colchester and Tendring Councils could have been a lot further down the road in progress with the Garden Communities if those Councils had collaborated together and produced one joint Local Plan. He expressed his hope that there would not be too many problems with the resubmitted Section 1 of the Local Plan but was further concerned that Section 2 of Tendring's Local Plan would be in disarray if Section 1 was not approved by the Inquiry Inspector. This would then lead to speculative development all over the District. He therefore felt that to pursue Option 2 was a gamble.

Carol Bannister, a resident of Weeley, made a statement relating to item A.2 of the Report of the Head of Planning in which she raised her objections to the inclusion of the words: "All issues raised in objections have been resolved" in the "Other Comments" section relating to Site Code SAMU5 ('Barleyfields', land to the rear of the Council Offices, Thorpe Road, Weeley – Barley Fields Phase 2) as detailed in Appendix 3 to the report. She felt that this was inaccurate and that the residents' objections were still outstanding and valid pending the result of the Public Inquiry and that therefore those words should be removed from the appendix.

Councillor Everett made a statement relating to items A.2 and A.3 of the Report of the Head of Planning in which he expressed his concern that Planning Officers were, too often, conceding the point of a 'presumption in favour of development' at Planning Appeals in their evidence and 'Statements of Common Ground'. They were conceding this point when they did not in fact need to do so just because policies QL1 and EN2 were deemed to be 'out of date'. However, the NPPF stated that just because a policy was out of date it did not necessarily follow that a presumption in favour of development would then apply. Paragraph 11 of the NPPF was quite clear in stating that there were exceptions by using the word "unless" and that this Council was conceding the point when it did not need to do so and giving in before the discussion had even been held therefore making the Appellant's case for them. Once this point had been conceded and a speculative development won on appeal then this would become a material consideration at all future planning appeals thereby letting in unwanted and unneeded speculative development despite the Council have a five year supply of housing land. He urged the Committee to take action now to stop this from happening in the future.

Asa Aldis, Parish Councillor for Wivenhoe, made a statement relating to item A.1 of the Report of the Head of Planning in which he expressed his objections to the Garden Communities Scheme as he felt that it would have a negative impact on the residents Wivenhoe and north Essex and its transport infrastructure. He felt that the Local Plan had ignored the objections of the residents of Wivenhoe as the scale of the proposed Garden Community was too vast to be viable and would damage Wivenhoe. He urged this Council to work with stakeholders to produce a more viable Local Plan by pursuing alternative options. He stated that the Sustainability Appraisal for the Garden Community was unworkable and that there would be funding shortfalls for the proposed

infrastructure and that CPOs were unlikely to succeed. In addition, the Garden Communities scheme was financially unviable.

Councillor Luxford-Vaughan, Colchester Borough Council, made a statement relating to item A.1 of the Report of the Head of Planning in which she stated her belief that, in pursuing Option 2, this Council was “rehashing” a failed plan with Members making uninformed decisions. She urged Members to learn from their mistakes particularly with regard to the Sustainability Appraisal which had been found to be ‘biased’ and pre-determined’ by the Inspector. She stated that Members had a duty not to waste taxpayers’ money in making only cosmetic changes to the Garden Communities Scheme e.g. that alternative sites needed to be identified and that the proposals needed to be at a lower scale. Otherwise it would not survive the further Examination-in-Public as the new Sustainability Appraisal would be deemed to be inadequate.

Paul Griffith, a resident of Wivenhoe, made a statement relating to item A.1 of the Report of the Head of Planning in which he advocated that the Garden Communities Scheme be ‘dropped’ and the new housing allocated to the Scheme be distributed equally over the settlements of the District of Tendring. He advocated the Council using Neighbourhood Plans to engage the local communities to draw up appropriate expansion for their local villages. Those Plans would also form a material consideration in planning policy and could be used successfully to deter speculative development.

The last three speakers then left the meeting.

## **6. REPORT OF THE HEAD OF PLANNING - A.1 - LOCAL PLAN EXAMINATION - INSPECTOR'S FINDINGS AND NEXT STEPS**

Earlier in the meeting Councillors Stock and G V Guglielmi had each declared a personal interest in this item insofar as they were, respectively, a Director and an alternate Director of the NEGC Board.

The Committee had before it a detailed report of the Head of Planning (A.1), which updated it on how the examination of the Local Plan was progressing; reported the Planning Inspector’s findings in respect of Section 1; and advised it as to the next steps of the process.

Members were aware that, following a series of hearing sessions held at Colchester’s Community Stadium in January 2018 followed by a further session in May 2018, the Inspector had issued his findings in respect of Section 1 of the Local Plan and had concluded that whilst the Plan met with legal and procedural requirements, additional work would need to be carried out in order to demonstrate that it met the tests of soundness. This meant that Section 1 of the Local Plan which was common to Tendring, Braintree and Colchester Councils (“the Councils”) could not yet be adopted by those Councils and the examination could not progress to dealing with Section 2 of the Local Plan, which included policies and proposals specific to the District of Tendring.

The Committee was informed that the Inspector had identified additional evidence that he required in order to help him determine whether Section 1 of the Plan could be considered to be sound. Whilst the Inspector was happy with the concept of Garden Communities, he had requested further evidence - 1) justifying the choice of Garden Communities over other possible development options; 2) to demonstrate their practical deliverability and viability within the timescales of the Local Plan and beyond 2033; and

3) the cost and timescales for delivering important public transport and road improvements.

Importantly however, the Inspector had endorsed the Councils' Objectively Assessed Housing Needs (OAN) figures including Tendring's figure of 550 homes a year which was critical to the soundness of Section 2 of the Local Plan and this Council's ability to demonstrate an ongoing five-year supply of deliverable housing sites. The Inspector had also indicated that some modifications to certain policies would be required to bring them in line with the tests of soundness and that those would need to be the subject of consultation in their own right before the Plan could be adopted.

It was reported that in order to address his questions about Garden Communities, the Inspector had given the Councils three options to consider, namely:

- 1) Remove Garden Communities from the Local Plan (for now) and proceed with the examination of Section 2, so long as the Local Plan was reviewed again within 2-3 years (at which point the evidence in support of Garden Communities might be stronger);
- 2) Do more work to fill in the gaps in the evidence now but delay the examination of Section 2 until the Inspector was satisfied that the Garden Communities were deliverable and that Section 1 of the Plan was sound; or
- 3) Withdraw the Local Plan and start again (which would require compliance with the new National Planning Policy Framework (NPPF)).

Members were reminded that the three North Essex Authorities had jointly written to the Inspector on 22 October 2018 to advise him that the Councils remain committed to using Garden Communities principles to secure the future housing requirements in the North Essex Authorities' area and would provide the further evidence requested by the Inspector including evidence on:

- the availability of funding for the necessary strategic infrastructure;
- the financial viability of the proposed communities;
- the environmental effects, including transport issues;
- employment provision within the Communities (and elsewhere) to ensure housing growth was matched with economic growth; and
- continuing engagement with the local communities.

The Committee was made aware that the Councils had also committed to reviewing the 'Sustainability Appraisal' underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of realistic alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils would review all of the above mentioned evidence before it was submitted to the Inspector and before any further consultation. That additional evidence would be the subject of future reports to the Committee in due course.

Members were advised that the Councils had also agreed that continued support for the Garden Communities was dependent on funding for the necessary strategic infrastructure being confirmed, otherwise there would need to be a review of the Local Plan at the appropriate time to bring forward an alternative strategy. There was also an acknowledgement that any Garden Community proposed for the Colchester/Braintree

border would be delivered later in the Plan period than previously proposed and that the timescales for delivering the other Garden Communities would also need to be reviewed to ensure they were realistic and deliverable.

The Committee was informed that the Councils were awaiting the Inspector's response to the letter.

It was reported that, if the Inspector accepted the Councils' proposal, the timetable for the next stages of the Local Plan process would shift in order to reflect the requirements for additional evidence, hearing sessions and consultation. It was currently envisaged that the additional evidence would be prepared and agreed by February 2019 before being submitted to the Local Plan Inspector. Further examination hearings for Section 1 of the Local Plan would then take place in, or around, June 2019 following the local elections. If Section 1 was then found to be sound, the adoption of Section 1 and the examination of Section 2 could commence before the end of 2019 with the adoption of the whole Local Plan in 2020. A revised Local Development Scheme (LDS), containing a detailed timetable, would be prepared for the Committee's approval in due course.

Having considered and discussed all of the information provided, it was moved by Councillor G V Guglielmi, seconded by Councillor Bray and unanimously:

**RESOLVED** that the contents of the report be noted.

7. **REPORT OF THE HEAD OF PLANNING - A.2 - UPDATED HOUSING SUPPLY POSITION AND HOUSING TRAJECTORY**

Earlier in the meeting Councillor Bush had declared a Disclosable Pecuniary Interest in this item insofar as he owned land that was the subject of Planning Applications 15/00987/OUT and 18/01766/DISCON. The land that was subject to those planning applications was referred to in Appendices 1 and 4 to that report.

The Committee had before it a comprehensive report of the Head of Planning (A.2), which reported to it –

- the number of new homes built in the District of Tendring during the 2017/18 financial year;
- the current housing land supply position (the 'five-year' supply); and
- the updated year-by-year trajectory for building new homes over the remainder of the new Local Plan period up to 2033.

Housing Completions

It was reported that in the period 1 April 2017 to 31 March 2018, 565 new homes had been completed in Tendring. This meant that the housebuilding target for the District had been achieved for a second year in succession.

Five Year Supply

The Committee was informed that the Council could demonstrate a 5.66 year supply of deliverable housing sites. This reflected the Local Plan Inspector's recommendation that the housing requirement for Tendring should remain at 550 homes a year and also took

into account recent appeal decisions and changes to the National Planning Policy Framework (NPPF).

#### Housing Trajectory

Members were made aware that the Council could also demonstrate that the requirement of 11,000 new homes between 2013 and 2033 could be met and comfortably exceeded. This was through a combination of homes already completed since April 2013, development on large sites with planning permission, sites allocated for development in the plan and small 'windfall' sites.

In response to a question asked by the Chairman in relation to the concerns raised by Carol Bannister in her statement made earlier in the meeting, the Planning Manager (Gary Guiver) stated that he had some sympathy with those concerns and that he would not be adverse to the requested amendment to Appendix 3 of the report being made.

It was thereupon moved by Councillor Bray, seconded by Councillor Turner and unanimously:-

**RESOLVED** that the words "All issues raised in objections have been resolved" contained in the "Other Comments" section relating to Site Code SAMU5 ('Barleyfields', land to the rear of the Council Offices, Thorpe Road, Weeley – Barley Fields Phase 2) as detailed in Appendix 3 to item A.2 of the Report of the Head of Planning be deleted.

Having discussed the information provided, and following advice from the Head of Governance and Legal Services (Lisa Hastings) reiterating to Members that, regardless of the proposed additional wording at (b), each Planning Appeal would also still need to be defended on its own individual merits, it was moved by Councillor Bray, seconded by Councillor G V Guglielmi and unanimously:

**RESOLVED** that -

- (a) the Committee endorses the contents of the report as evidence to demonstrate an up-to-date five year housing land supply (taking into account any changes arising from the latest demographic information) and for the purposes of determining planning applications and contesting planning appeals; and
- (b) this Committee believes that, as the Council can demonstrate in excess of a five year housing land supply, the 'Presumption of Favour of Development' therefore should not apply even in cases where important policies are deemed to be 'out of date'.

#### **8. REPORT OF THE HEAD OF PLANNING - A.3 - THE 2018 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The Committee had before it a report of the Head of Planning (A.3), which informed it of the implications of the Government's new National Planning Policy Framework (NPPF).

Members were informed that the revised NPPF had been published on 24 July 2018 and that the document set out the Government's planning policies for England and how those were expected to be applied. This revised Framework replaced the previous NPPF published in March 2012 and implemented approximately 85 reforms announced

previously in the Housing White Paper, "Planning for the Right Homes in the Right Places" consultation and the draft revised NPPF Policy consultation.

The Committee was made aware that at the time of issuing the new NPPF, the Government had also published the following documents:

- the Government's response to the draft revised National Planning Policy Framework consultation, setting out its summary of the consultation responses and the Government's proposed changes;
- an updated Planning Practice Guidance on housing and economic development needs assessments;
- an updated Planning Practice Guidance on viability;
- the Housing Delivery Test Measurement Book showing the methodology for calculating housing deliver; and
- James Brokenshire MP's Ministerial Statement entitled 'Housing Policy'.

It was reported that the key alterations and changes in Government policy related to the following:-

(a) Policies to encourage the delivery of new Housing

- (1) Strategic Plans;
- (2) Introduction of a new standardised method of calculating Housing Need;
- (3) Maintaining Supply;
- (4) Annual Position Statement;
- (5) Housing Delivery Test;
- (6) Revised definition of a deliverable site;
- (7) Affordable Housing;
- (8) Small Sites Policy;
- (9) Entry Level Exception Sites;
- (10) Delivery of larger sites; and
- (11) Prematurity.

(b) Policies to improve Plan Making

- (1) Reviews;
- (2) Test of Soundness;
- (3) Viability; and
- (4) Neighbourhood Plans.

(c) Making more effective use of land

- (1) Avoiding low density development.

(d) Highways

- (1) Considering development proposals; and
- (2) Parking Standards.

(e) Design

- (1) Importance of design standards emphasised; and

(2) Pre-application discussions.

(f) Town Centres

(1) More positive and flexible approach.

(g) Other Issues

- (1) Health and Public Safety;
- (2) Ecology;
- (3) Environmental Standards;
- (4) Storage and Distribution; and
- (5) Implementation.

Having discussed all of the information provided, it was moved by Councillor G V Guglielmi, seconded by Councillor Platt and unanimously:

**RESOLVED** that the contents of the report and the introduction of the new National Planning Policy Framework be noted.

The meeting was declared closed at 7.32 pm

**Chairman**