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Planning Policy and Local Plan Committee

29 October 2019

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**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE, HELD ON TUESDAY 29 OCTOBER 2019 AT 6.00 PM IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY, CO16 9AJ**

<b>Present:</b>	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Broderick, Chapman (except minutes 19 (part) and 20), Davidson, S Honeywood, Newton, Scott and M Stephenson
<b>Also Present:</b>	Councillors Davis, P Honeywood and Wiggins
<b>In Attendance:</b>	Ewan Green (Corporate Director (Planning and Regeneration)), Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Gary Guiver (Planning Manager), Will Fuller (Planning Officer) and Katie Sullivan (Committee Services Officer)

## **9. CHAIRMAN'S OPENING REMARKS**

*"Good evening fellow Members, Officers and to our public.*

*Welcome to the second meeting of the Planning Policy and Local Plan Committee.*

*Since our last meeting in July a lot has happened.*

*The first part of that meeting was to discuss and agree the new Sustainability Appraisal and other evidence for the Garden Communities. This is known as Section 1 of the new District Plan. The Committee did agree the report and then went onto Full Council to ratify. I am pleased to tell you that our first report went through Full Council without any amendments and all in favour. Unlike our neighbours Colchester Borough Council and Braintree District Council, who did ratify their sections, but with amendments and dissenters.*

*Those amendments were in relation to the Housing Infrastructure Fund. The bids made to this fund by another partner Essex County Council were successful. The bids that are important to Tendring are £69m for a link road between the A133 and the A120 and a further £30m for a Rapid Transport System to join up the proposed Garden Community with Colchester. A date for the Public Consultation on routes and the type of Rapid Transport System will be made by Essex Highways very soon. The date and a link will be available on our Planning website.*

*The rest of that agenda was for Housing Land Supply with an update. There is still a major point of discussion between the Examining Inspector and his colleagues. This is to be resolved in the New Year, when the public examination of the emerging District Plan will recommence on the 14<sup>th</sup> January 2020. It is to consider the 1000+ responses the North Essex Authorities have received to the final 6 week consultation on the Sustainability Appraisal, other evidence and suggested amendments for the section 1 Local Plan.*

*The last report we saw for RAMs, Recreational Disturbance Avoidance and Mitigation Strategy. This has appeared in every appeal decision I have read and it is a stopper on development where land has not been allocated for building. There will be a Public*

*Consultation starting in January. I will ask the Officers for the date, links and contacts to be placed on the Planning website.*

*On tonight's agenda we have before us five reports, four of which we will decide. Item nine is for comments to go to Cabinet, that is the Heritage Strategy and it forms but one part of a larger over reaching Policy.*

*Before I start the meeting, do any Members have any queries or comments that they would like to make?"*

**10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Bush (with Councillor M E Stephenson substituting) and I J Henderson (with Councillor Davidson substituting).

**11. MINUTES OF THE LAST MEETING OF THE COMMITTEE**

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on Tuesday 16 July 2019 be approved as a correct record and be signed by the Chairman.

**12. DECLARATIONS OF INTEREST**

There were none on this occasion.

**13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

On this occasion no Councillor had submitted notice of a question.

**14. 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 raising his concerns in regards to the 6 week Public Consultation not being advertised. Mr Marshall also raised concerns in regards to Section 1 and Section 2 and stated that further work and evidence was required prior to consideration.

It was agreed by the Chairman that Mr Marshall could address the Committee on items A.2 to A.5 on the agenda at the time the Committee started to consider them during the meeting.

**15. REPORT OF CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.1 - EMPLOYMENT LAND**

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Planning and Regeneration) (A.1) which:-

- a) reported the findings of the latest 'Employment Land Review' for Tendring which updated the evidence base in support of the employment land policies in the emerging Local Plan;

- b) sought its endorsement for suggested amendments to the employment land policies aimed at ensuring that they are up to date, addressed some of the constructive criticisms raised during public consultation and were as robust and effective as possible; and
- c) sought its agreement for the suggested amendments to be put forward for the Planning Inspector's consideration when they come to examine Section 2 of the Local Plan in 2020.

The Committee recalled that one of the objectives of the planning system, both at a national and local level, was to build a strong, responsive and competitive economy. The Council's emerging Local Plan sought to support economic growth and job provision through a variety of means, including through the protection and future provision of 'employment land' – i.e. land for business and industrial use in classes B1 (Business), B2 (General Industry) and B8 (Storage and Distribution).

#### Employment Land Review

Members were reminded that the 'Employment Land Review' was part of the evidence base to inform the Local Plan's employment land policies and to help determine which sites to protect or allocate for business and industrial use.

An Employment Land Review had initially been undertaken by consultants on behalf of the Council in 2013 and had been updated in 2016 and again in 2019. Key findings from the latest 2019 update included the following:

- Projected demand for additional employment land (over and above existing sites already in employment use) was forecast to be low for the period to 2033 (between 0 hectares and 9 hectares), based on market trends and analysis of different scenarios.
- Sites with extant outline or detailed planning permission already accounted for over 27 hectares of future employment land and an additional 17 hectares were allocated for employment use in the emerging Local Plan and were available to the open market.
- A further 53 hectares of land across a variety of additional sites had been assessed for their potential suitability for business and industrial use and those might provide options for further development in the longer term (potentially through a future review of the local Plan).
- The existing range of operational employment sites across the District continued to play an important role in meeting the needs of existing businesses and most should continue to be protected, however, some sites had been identified as not suitable for further business activity beyond the specific requirements of their current occupiers and could be considered for alternative forms of development if current operations were to cease.

Overall, the Employment Land Review had demonstrated that there was already more than enough employment land available in Tendring to meet projected demand for business and industrial floor space up to 2033 and there was consequently no need to

include any additional land in the emerging Local Plan over and above what was already allocated.

#### Policy SP4 – Providing for Employment

It was reported that Policy SP4 within Section 1 of the emerging Local Plan set out the overall employment land targets for each of the North Essex Authorities (Tendring, Colchester and Braintree) for the period up to 2033. As published, the plan currently proposed a range of between 20 and 38 hectares of employment land for Tendring; although this was set to be revised down to a range of 12 to 20 hectares in line with the Local Plan Inspector's interim conclusions following the examination hearings that had taken place in 2018. The latest Employment Land Review broadly supported the view that based on up to date projections, the future requirement for additional employment land was likely to be lower than originally predicted.

#### Policy PP6 – Employment Sites

Members were informed that Policy PP6 within Section 2 of the emerging Local Plan sought to protect existing operational sites for employment use. However, having considered some of the constructive criticisms submitted by various parties as part of the last Local Plan consultation in 2017, Officers believed that the wording of the policy could be simplified and that the plan would also be greatly improved if the policies maps and local maps could expressly show the location of the existing employment sites to be protected – as opposed to requiring the reader to refer separately to the latest Employment Land Review document. Officers were therefore requesting the Committee's agreement to put forward some amendments to Policy PP6 for the Planning Inspector's consideration as part of the examination.

Having considered the findings of the updated Employment Land Review, Officers' suggested amendments would include identifying the following employment sites as protected sites in the Local Plan:

- Ford Road (Newman) Industrial Estate, Clacton;
- Oakwood and Crusader Business Park, Clacton;
- Gorse Lane Industrial Estate, Clacton;
- Valleybridge Road Industrial Estate, Clacton;
- Oxford Road Industrial Estate, Clacton;
- SATO Site, Valley Road, Harwich (supporting the current planning proposal to reconfigure the factory within its site alongside new housing);
- Durite Works, Valley Road, Harwich;
- Mercedes Site, Bathside, Harwich;
- Europa Way, Harwich;
- Kirby Cross Trading Estate, Clare Road, Kirby Cross;
- Harmer's Foundry, Walton on the Naze;
- Lawford Dale Industrial Estate, Manningtree;
- EDME Maltings, Mistley (working with owners to secure the future re-use of heritage buildings);
- Crisp Maltings, Mistley;
- Mistley Marine, Mistley;
- Mistley Port, Mistley;
- Morses Lane Industrial Estate, Brightlingsea;

- Shipyard Estate, Brightlingsea;
- Old Ipswich Road, Ardleigh.
- Lanswood Park, Elmstead Market
- Plough Road Centre, Great Bentley;
- Martell's Pit Industrial Estate, Ardleigh; and
- Rice Bridge Industrial Estate, Thorpe le Soken

The proposed simplified wording to Policy PP6, which would apply to the above sites, was set out in the Officer's report and in Appendix 2 thereto.

#### Policy PP7 – Employment Allocations

The Committee was made aware that Policy PP7 within Section 2 of the emerging Local Plan contained the list of sites that were allocated for future business and industrial development. The policy currently listed 8 sites with the potential to deliver between 19 and 22ha of employment land up to 2033 and further development beyond; but this list did not provide an accurate and up to date representation of the full range of employment sites (amounting to some 37ha) that were available for inward investment, many of which already benefited from outline or detailed planning permission. This included 11.2 hectares of land south west of Horsley Cross which had now obtained detailed planning permission.

Whilst 37 hectares was well in excess of the projected employment land requirement, there was nothing to stop the Council making an 'over-allocation' of employment land and, if anything, this would ensure a choice of opportunities for potential inward investment to help create jobs in line with the Council's priorities.

Officers considered that the plan would be improved if Policy PP7 could be updated to include all of the available employment sites and therefore were requesting the Committee's agreement to put forward some amendments for the Planning Inspector's consideration as part of the examination. The proposed amended wording to Policy PP7 was set out in the Officer's report and in Appendix 2 thereto.

It was also recommended that the Local Plan's policies maps and local maps would be amended to show all of the sites listed in the above policy.

#### Policy PP13 – The Rural Economy

Members were advised that a large section of Policy PP6, as currently worded, related to farm diversification schemes and other rural employment developments as opposed to existing protected employment sites. In suggesting a simplification of Policy PP6, Officers were also requesting the moving of the wording relating to farm diversification schemes into Policy PP13 which specifically related to the rural economy. Officers considered that this would be a more logical place for such policy wording to be provided.

#### Making amendments to the Local Plan

The Committee was aware that the Local Plan had already been submitted to the Secretary of State for it to be examined by a Government-appointed Planning Inspector. The Inspector had the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the Plan. Whilst

it would be at the Inspector's discretion which modifications were formally recommended, the Council would have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process. It was recommended that the changes outlined in this Officer report be put forward to the Inspector for their consideration, at the appropriate time.

Matters raised by Members included issues in regards to derelict employment land, protection of employment land and encouragement for farms to diversify.

Having considered and discussed the information and advice contained in the report and the appendices thereto:-

It was moved by Councillor Scott, seconded by Councillor Fairley and unanimously:-

**RESOLVED** that -

- (a) the findings of the 2019 update of the 'Tendring Employment Land Review (ELR) undertaken by Hatch Regeneris and BE Group (September 2019) (as set out in Appendix 1 to item A.1 of the Report of the Corporate Director (Planning and Regeneration)) be noted and be included in the Local Plan evidence base;
- (b) the Officers' suggested amendments to Policy PP6, Policy PP7 and Policy PP13 in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan), as set out in the aforementioned report and Appendix 2 thereto be approved;
- (c) the Head of Planning be authorised to put forward the suggested amendments to Policies PP6, PP7 and PP13 to the Planning Inspector for their consideration as part of the examination of Section 2 of the emerging Local Plan; and
- (d) farmers within the District should be encouraged to take up telecommunications projects on their properties in order to boost jobs and help provide a better telecommunications infrastructure in the District.

**16. REPORT OF CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.2 - DRAFT HOUSING STRATEGY AND PLANNING POLICY FOR AFFORDABLE HOUSING**

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Planning and Regeneration) (A.2) which:-

- a) presented the draft Housing Strategy for consultation and any comments for Cabinet's consideration;
- b) reported the current position in respect of delivering affordable housing and the practical issues that had arisen in the application of the Council's emerging Local Plan policies;
- c) sought its endorsement for suggested amendments to the emerging Local Plan's affordable housing policy aimed at maximising the delivery of affordable housing in light of weak delivery in the past; and

- d) sought approval for the suggested amendments to be put forward for the Planning Inspector's consideration when they come to examine Section 2 of the emerging Local Plan in 2020.

The Chairman invited Bill Marshall to address the Committee:-

Bill Marshall, a resident of the district, made a statement relating to item A.2 raising his concerns in regards to National Planning Policy Framework Paragraphs 34 and 64. Mr Marshall urged Officers to rethink affordable housing viability and the taxing nature on the developer and ordinary market home purchasers.

Members were informed that the Council's draft Housing Strategy 2019-2024 had been developed in order to guide the future of new homes within the District to meet local needs and to guide the future management and direction of the Council's housing service. The Council retained its own housing stock and currently had 3,134 homes in its ownership. The Council was the largest landlord in the District and remained fully committed to this role and would consult with and continue to support its tenants to ensure that they all had a decent, affordable home in an area that they felt proud of. One of the strategic housing priorities set out in the Strategy was '*delivering homes to meet the needs of local people*' which was highly dependent on the implementation of policies and proposals in the emerging Local Plan. Many of the specific actions in the Housing Strategy linked directly to policies in the emerging Local Plan.

The Committee was made aware that the Council's draft Housing Strategy had been developed at a time of major actual and proposed changes to the national housing landscape and financial constraints for the Council. In 2018, three separate opinion polls published by Kantar, Survation and Ipsos had highlighted that only Brexit and the NHS were issues of greater concern to the UK population than housing. Recent years had seen the introduction of neighbourhood planning and the Localism Act 2011, changes to the National Planning Policy Framework (NPPF), welfare reforms, increased regulation in the private rented sector, the tragedy of Grenfell Tower and the most fundamental change in homelessness legislation in many years, the Homelessness Reduction Act 2017. Whilst local authorities were not required by Government to have a formal housing strategy, they were expected to adopt a strategy approach to housing in their local areas to deliver a thriving housing market and to address local needs.

In order to meet the challenges facing the District, the draft Housing Strategy identified four key housing priorities, as follows:

1. Delivering homes to meet the needs of local people;
2. Reducing and preventing homelessness and rough sleeping;
3. Making the best use of and improving existing housing;
4. Supporting people in their homes and communities.

Each of the key housing priorities was accompanied by a series of actions as set out below:

Delivering homes to meet the needs of local people

- *Strive to implement our Local Plan.*
- *Seek 30% affordable housing on all eligible sites as set out in the emerging Local Plan unless there are prudent reasons not to do so.*

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- *Support our registered provider partners in bids for funding to provide affordable housing in the District.*
  - *Review our nomination agreements with registered providers in the District to maximise affordable housing to tackle demand.*
  - *Work in partnership with developers, land owners and registered providers to deliver quality affordable homes and cohesive vibrant communities.*
  - *Encourage and support low cost home ownership and starter homes in the district in line with national planning policy.*
  - *Encourage and support the provision of self-build and custom build housing*
  - *Deliver a development and acquisitions programme to deliver council housing in the district and maximise the opportunities on council owned land and on private developments.*
  - *Support and facilitate the creation of community land trusts to deliver affordable housing in the district.*
  - *Work with the Rural Community Council of Essex to support the delivery of rural exception sites in our villages.*
  - *Work in partnership with commissioners, specialist providers and other statutory bodies to deliver affordable housing provision suitable for our older people and those who are less able.*
  - *Decide and explore if it is feasible to set up a housing company to deliver affordable housing in the District.*

#### Reducing and preventing homelessness and rough sleeping

- *Deliver a new homelessness prevention and rough sleeping strategy in 2019.*
- *Recruit a Private Sector Accommodation Officer to work with landlords and other private sector providers to deliver more accommodation to reduce homelessness.*
- *Work in partnership with registered providers to deliver supported temporary accommodation in the district.*
- *Explore the feasibility of setting up a council leasing scheme to increase the supply of accommodation.*
- *Reduce reliance on nightly-paid hotel accommodation and seek to eliminate its use by the end of the forthcoming homelessness prevention and rough sleeping strategy.*
- *Review the impact of the Homelessness Reduction Act 2017 on current service provision and update policies and procedures accordingly.*
- *Create tailored information for specific clients most at risk of homelessness and rough sleeping such as care leavers and veterans and develop specialist in-house knowledge to assist the most vulnerable members in our communities.*
- *Work with the Clacton Town Centre Working Group and other statutory partners to address the housing and social issues in the town.*
- *Deliver new services to address the needs of rough sleepers and those at risk of sleeping rough.*
- *Support residents threatened with homelessness as a consequence of welfare changes.*
- *Review the Housing Allocations Policy to ensure it is compliant with the Homelessness Reduction Act 2017 and still provides homes for local residents.*
- *Work with the health and social care sector to improve discharge arrangements for those leaving hospital or care.*

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Making the best use of and improving existing housing

- *Work with planning colleagues and other statutory partners to tackle unlawful houses in multiple-occupation.*
- *Review our civil penalties policy and HMO licensing policy to ensure they remain fit for purpose.*
- *Work co-operatively with private landlords and agents to improve conditions in the private sector.*
- *Publicise and encourage affordable warmth and energy efficiency programmes in the District.*
- *Deliver a new incentive scheme to assist tenants wanting to move to the right size accommodation*
- *Discontinue our cash incentive scheme which provides grants to council tenants to purchase private homes.*
- *Deliver an annual housing investment programme over the course of this strategy.*
- *Reduce the number of empty homes in the district.*
- *Publish a revised Financial Assistance Policy for Private Sector Housing during 2019.*

Supporting people in their homes and communities

- *Encourage a maximum take-up of Disabled Facilities Grants and discretionary loans to support our older and disabled residents to remain in their homes.*
- *Seek accessible properties as a priority on planning applications where affordable housing is required.*
- *Undertake a project in partnership with other providers and commissioners to determine the housing aspirations and needs of our older population to facilitate future housing provision.*
- *Create a new financial assistance policy to help those affected by welfare reform.*
- *Implement any necessary recommendations following the consultation exercise on the Housing Green Paper “A New Deal for Social Housing” in consultation with our Tenants Panel.*

The most relevant of the actions for the Local Plan was that “to seek 30% affordable housing on all eligible sites as set out in the emerging Local Plan unless there are prudent reasons not to do so” such as the impact/implications of matters such as:-

- (1) The National Planning Policy on Affordable Housing;
- (2) Affordable Housing Delivery; and
- (3) Economic viability for both the developer and the landowner.

The Committee was reminded that affordable housing was housing for sale or rent for people whose needs could not be met by the market – i.e. people with lower incomes who could not afford to buy or rent property from the open market. As of March 2019, there were 1,585 households on the housing register, requiring affordable housing in Tendring and the Council’s Strategic Housing Market Assessment (2015) which formed part of the Local Plan evidence base, indicated that 160 new affordable homes were needed, each year (as part of the overall requirement of 550 a year), in order to address existing and projected needs in the period 2013 to 2033. Between 2013 and 2019, the actual delivery of new affordable housing had fallen well short of this requirement for a number of reasons including:

- low levels of housebuilding of all types in the early part of the Local Plan period (reflecting economic and housing market conditions of the time);
- a high proportion of housebuilding on small sites that were below the Local Plan threshold for providing on-site affordable housing; and
- a number of development sites being granted planning permission with either none or a lower number of affordable housing units than were required by the Local Plan.

Whilst affordable housing delivery had been weak in recent years, it was considered that the situation was set to improve rapidly as construction commenced on a greater number of larger development sites across the District and as registered providers such as housing associations, and the Council itself took a more active role in building new property. Between now and 2033, more than 900 new affordable homes were expected to be built as a proportion of homes on large development sites with extant planning permissions, 800 were expected from sites allocated for housing and mixed-use development in the emerging Local Plan and a further 300 were proposed to be developed by the Council. The emerging Local Plan also included a policy that allowed 'rural exception schemes' for affordable housing on the edge of villages in order to meet a specific local need which would also make a contribution towards affordable housing delivery and which was supported through the Housing Strategy.

Members were informed that Policy LP5 in Section 2 of the Council's emerging Local Plan required 30% of all homes on new housing developments of 11 or more units to be provided in the form of affordable housing or 'council housing' (i.e. owned and managed by the Council) in order to meet the needs of people and families with lower incomes who could not afford to buy or rent property on the open market. The policy, as currently worded, also offered an alternative route by which developers could provide a minimum of 10% of homes for affordable housing alongside a financial contribution to the Council that could be used for building or acquiring property to meet affordable/council housing needs elsewhere.

The Committee was advised that in recent years, the Council had taken a very flexible approach to the interpretation of Policy LP5 in order to secure a smaller number (often around 5%) of 'gifted' dwellings on development sites to be transferred to the Council or a nominated housing trust for a nominal price of £1. This was in response to Government legislation introduced in 2016 which affected the rental model for affordable housing and which made it unviable for housing associations, or the Council, to acquire 30% (or even 10%) affordable housing from large development sites, at a discount, in the traditional manner. Whilst this approach had been a pragmatic solution to the delivery of affordable housing at the time, it had resulted in a large number of housing developments obtaining planning permission, either from the Council or on appeal, with a commitment to deliver only a small number of affordable housing units which, when totalled up, would fall a long way short of meeting Tendring's future needs. The Council was expected to take receipt of approximately 180 'gifted' units in the next five years and a further 50 would be transferred to the Lawford Housing Enterprise Trust.

It was reported that further changes to Government legislation had now made it viable again for housing associations to build and acquire affordable housing and the Council's latest Viability Study confirmed that 30% affordable housing was achievable on the vast majority of development sites. Therefore, to ensure that the Council secured the maximum amount of affordable housing in the future, 'gifted' units would no longer be accepted as an alternative to the full 30% requirement and the draft Housing Strategy made it clear that gifting would only be considered as an option in exceptional

circumstances. In addition, Officers proposed the deletion of the section of Policy LP5 that allowed for the alternative of 10% affordable housing alongside a financial payment or any other alternative forms of delivering affordable housing.

The revised wording of the Policy was set out in the Officer's report and in Appendix 3 thereto.

Members were aware that the Local Plan had already been submitted to the Secretary of State for it to be examined by a Government-appointed Planning Inspector. The Inspector would however have the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the plan. Whilst it would be at the Inspector's discretion which modifications were formally recommended, the Council would have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process. It was therefore the Officers' recommendation that the changes outlined in the report be put forward to the Inspector for their consideration, at the appropriate time. This was most likely to be in response to the Inspector's 'Matters Issues and Questions' which would be issued to the Council ahead of the Section 2 examination.

The Committee was made aware that any modifications proposed by the Inspector at the end of the examination process might have to be published for consultation in their own right before the Council could proceed to the final adoption of the Local Plan. The amendments being suggested through the Officer's report were not an indication that the emerging Local Plan as currently written was 'unsound', but were aimed at improving the delivery of affordable housing.

Having considered and discussed the information and advice contained in the Officer's report and appendices thereto:-

It was moved by Councillor Scott, seconded by Councillor Broderick and unanimously:-

**RESOLVED** that –

- a) the current position in respect of affordable housing delivery and the means by which it is proposed that more affordable housing will be delivered in the future, to meet identified needs be noted;
- b) the Officers' suggested amendments to Policy LP5 in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan) as set out in the aforementioned report and Appendix 3 thereto be approved; and
- c) the Head of Planning be authorised to put forward the suggested amendments to Policy LP5 to the Planning Inspector for their consideration as part of the examination of Section 2 of the emerging Local Plan.

**17. REPORT OF CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.3 - TOWN CENTRE PLANNING POLICIES AND REGENERATION SCHEMES**

The Committee had before it a detailed report (and appendices) of the Corporate Director (Planning and Regeneration) (A.3) which:-

- a) reported progress on the Council's regeneration projects for Clacton and Dovercourt Town Centres and their implications for policies and proposals in the emerging Local Plan;
- b) suggested possible amendments to the planning policies in the emerging Local Plan relating to town centre uses aimed at allowing a more flexible range of activities in response to the changing role and function of town centres, the decline of traditional retail on the high street and Government changes to the Use Classes Order; and
- c) sought the Committee's agreement for the suggested amendments to be put forward for the Planning Inspector's consideration when they come to examine Section 2 of the emerging Local Plan in 2020.

The Chairman invited Bill Marshall to address the Committee:-

Bill Marshall, a resident of the district, made a statement relating to item A.3 and made reference to the Government white paper 'Fixing our broken Housing Market Feb 2017', 'New Town Act 2018' and 'Revised Permitted Development Legislation' and urged the Committee to delay any recommendations until after Section 1 re-examination has taken place.

Members were aware that it was one of the Council's corporate priorities to maintain vibrant town centres and Clacton and Dovercourt Town Centres in particular had been identified as 'priority areas for regeneration' where, due to their complex economic and social challenges, it would be essential to create the conditions for vitality, economic growth and a sustainable long-term future whilst addressing some of the problems and challenges that affected those areas on a day to day basis.

Members were further aware that following a successful application from this Council and its partners, Clacton Town Centre had been shortlisted by the Government as one of 50 town centres across the country to bid for a share of the £1billion 'Future High Streets Fund' aimed at delivering transformational changes. Having developed a bold vision for the town centre through a dedicated Clacton Town Centre Working Party, Officers were now working with Government officials, Essex County Council, local businesses and other partners to draw up detailed proposals for key sites in the town centre to be submitted to Government for its consideration in 2020. In the meantime, Officers were progressing a number of short-term actions aimed at improving conditions for town centre trading, including changes to parking and access arrangements, the creation of a purpose-built performance/events area and measures to positively promote the town through the 'Love Clacton' brand. Those actions had been approved by the Cabinet in September 2019 with a fund of £250,000 set aside to deliver certain projects with further funding expected from government.

The Committee also recalled that Dovercourt Town Centre was the subject of a new Master Plan that had been approved by the Cabinet in July 2019 and which articulated its own vision for the regeneration and transformation of the town. It included targeted interventions focussed on vacant, derelict and rundown sites and securing improvements to the quality of the public realm. It also included specific development proposals for key sites including the Starlings site and Milton Road car park which had been considered by Cabinet in September 2019 and allocated a fund of £1.6million towards their delivery.

It was reported that in order to ensure that the District's town centres could adapt in response to the decline in retail on the high street, Officers had reviewed the Council's planning policies for town centres in light of the work that had been undertaken for Clacton and Dovercourt, the discussions with businesses and key stakeholders, the latest planning guidance contained within the National Planning Policy Framework (NPPF) and recent changes to the 'Use Classes Order'.

Historically, Government planning policy had been very focussed on supporting growth in the retail sector and promoting the expansion of town centres to accommodate an increasing demand for shops. However, with the rise in online shopping and other services and the need for town centres to take on a more varied and 'experiential' function, the 2019 NPPF required planning policies to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The Committee was informed that the Council's planning policies for town centres in its emerging Local Plan (Section 2) were already broadly in line with Government thinking, but there remained a strong emphasis on protecting certain areas for traditional A1 retail use – a principle that had been carried forward from previous Local Plans. Notwithstanding the protection afforded to A1 retail use in the Council's policies, the Government in May 2019 had introduced changes to the 'Use Classes Order' which allowed shops in A1 retail use to change to A2 financial and professional services; A3 food and drink; B1 business use; or public libraries, exhibition halls, museums, clinics or health centres on a three-year temporary basis without the need to apply for planning permission.

With those changes in mind, Officers considered that a more flexible approach might now be required to make the town centres more resilient, ensure that the national decline in retail on the high streets did not result in an increase of vacant shop units and to encourage a diverse range of activities, including eating, drinking and community-based activities as well as new residential accommodation, in the interest of vibrancy and vitality.

To achieve the above, it was being recommended by Officers that Policy PP5 in Section 2 of the Council's emerging Local Plan be amended to remove designated primary and secondary 'shopping frontages' which sought primarily to protect A1 retail and were thus in conflict with the thrust of current Government policy.

The amended policy would still however retain a 'town centre boundary' where a wide range of 'town centre uses' would be encouraged, which, as defined in the NPPF would include:

- Retail development (including warehouse clubs and factory outlet centres);
- leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos;
- health and fitness centres, indoor bowling centres and bingo halls);
- offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

It was also suggested that residential development could form part of the mix of uses allowed within town centres in order to support footfall, vibrancy, natural surveillance and security – helping also to support the evening and night time economies.

It was reported that the amended policy would also retain a defined ‘primary shopping area’ within the core of the town centre where the use of property would be restricted to those allowed under the amended Use Classes Order and where residential use would only be permitted on upper floors above shop units. Some flexibility might need to be allowed in respect of parking provision and private amenity space for residential development in such core areas.

The revised wording of the Policy was set out in the Officer’s report and in Appendix 1 thereto.

For Clacton Town Centre specifically, it was also suggested that the boundary of the town centre and the primary shopping area within it (as currently shown on the Local Plan’s policies maps and local maps) be amended, in line with the recommendations of the Clacton Town Centre Working Party, in order to reduce the overall size of the centre, allow more flexibility for residential development to take place on the periphery of the shopping area and to help focus investment in town centre uses on its central core.

Members were aware that the Local Plan had already been submitted to the Secretary of State for it to be examined by a Government-appointed Planning Inspector. The Inspector would however have the power to recommend ‘modifications’ to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the plan. Whilst it would be at the Inspector’s discretion which modifications were formally recommended, the Council would have the opportunity to suggest changes to the Inspector, for their consideration, as part of the examination process. It was therefore the Officers’ recommendation that the changes outlined in the report be put forward to the Inspector for their consideration, at the appropriate time.

Having considered and discussed the information and advice contained within the Officer’s report and its appendices:-

It was moved by Councillor Scott, seconded by Councillor Chapman and unanimously:-

**RESOLVED** that –

- a) the progress of the regeneration projects for Clacton and Dovercourt Town Centres be noted;
- b) the latest position in respect of Government policy on town centres, including the National Planning Policy Framework and changes to the Use Classes Order be noted;
- c) the suggested amendments to Policy PP5 ‘Town Centre Uses’ and relevant policies and local maps and the specific amendments for Clacton Town Centre in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan), as set out in item A.3 of the Report of the Corporate Director (Planning and Regeneration) and Appendix 1 thereto, be approved; and

- d) the Head of Planning be authorised to put forward the suggested amendments to Policy PP5 and relevant maps to the Planning Inspector for their consideration as part of the examination of the Section 2 of the emerging Local Plan.

**18. REPORT OF CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.4 - DRAFT HERITAGE STRATEGY**

The Committee had before it a report (and appendix) of the Corporate Director (Planning and Regeneration) (A.4) which enabled it to consider the contents of the draft Heritage strategy and to agree its feedback to the Cabinet.

The Chairman invited Bill Marshall to address the Committee:

Bill Marshall, a resident of the district, made a statement relating to item A.4 raising his concerns that this strategy should be put on the back burner in order for Officers to focus on Section 1 and Section 2.

Members were informed that Tendring's Heritage Strategy aimed to promote the protection and celebration of the area's rich history, predominantly contained within its historic environment, and guides its evolution to enhance the positive contribution it makes to the lives of those people living in and visiting the District. The Strategy would form a baseline document, accessible to all, pertaining to the management and promotion of all aspects of the historic environment. An enhanced understanding of Tendring's Heritage would enable the Council to:

- Recognise and understand the key assets within Tendring which gave it its special character;
- Create a knowledge hub of existing museums, archives, traditions and local groups which contributed to the protection and continuation of Tendring's heritage;
- Provide a platform for collaborative working across Tendring, and encourage a continued joined-up approach to heritage management;
- Identify key areas and assets which made the greatest contribution to the heritage of Tendring;
- Identify priority areas where heritage in the form of the historic environment was under threat and the unique issues faced; and
- Actively engage with and promote heritage opportunities in terms of the wider regeneration and economic development of Tendring to provide a framework for future investment.

The draft Strategy was organised into two parts:

Part One: The Baseline

The Strategy began by giving a potted history of the District from 400,000 years ago, the time at which the oldest wooden implement in England dates from; to its Victorian era when seaside holidays thrived in the District.

The Strategy then considered the archaeology and historic landscapes of Tendring with its significant Mesolithic settlements, Neolithic enclosures and monuments, and Bronze Age monuments and cemeteries.

The architecture of Tendring was highlighted with illustrations of particular buildings, streets, vistas and building detailing throughout the District. Physical heritage assets were also detailed here. Those included listed buildings, conservation areas and scheduled monuments. Also detailed in this section was Tendring's heritage at risk.

An exploration of Tendring's museums, societies and heritage-focused groups was given. As tourism and attractions could have an historic basis, those were also examined and covered navigational, piers, military and maritime, arts and culture, industrial and built heritage attractions.

## Part 2 – Objectives, Action Plan and Case Study

### Objectives

To inform the objectives of the Strategy, six key themes had been formed. Those are:

Objective 1: Conservation Ensure the sustainable management of all heritage assets, including buildings, landscapes, monuments, landscapes and settlements, through the appropriate conservation and preservation of their significance.

Objective 2: Collaboration Promote and support initiatives for partnership working involving all people and organisations engaged with the heritage of Tendring District.

Objective 3: Knowledge Support the furthering of knowledge and understanding of Tendring's heritage through research and education, and promote training and education opportunities to share knowledge and skills with all people and organisations engaged in the heritage of Tendring District.

*Objective 4: Character and Identity* Support and promote initiatives and events that celebrate the culture, traditions and customs of all people and communities within Tendring District, and promote the unique characteristics and attractions of the District.

Objective 5: Interpretation Raise public awareness and appreciation of Tendring's heritage through a considered approach to communication methods with different audiences, and support initiatives to encourage the promotion of heritage and the engagement of residents and visitors with it.

Objective 6: Accessibility Recognise and promote the value heritage offers to people's wellbeing, health, identity and sense of belonging by supporting improvements in accessibility to Tendring's heritage sites, buildings and monuments and encouraging initiatives which provide wider audiences with access to heritage.

### Actions

Opportunities for enhancement included:

- The use of technology,
- Promoting museums and collections,
- The re-use of vacant historic buildings,
- Education of both landowners and children,
- Promoting 'Healthy Heritage'
- Helping existing attractions reach full potential and

- New development and quality design.

Once adopted, a programme of implementation could be developed to manage delivery of the heritage strategy actions. Projects delivered through this programme could look to various sources for part funding. Those included:

- National Heritage Lottery Fund
- Heritage Action Zones (Historic England)
- Section 106 Agreements
- Partnership Schemes in Conservation Areas with Historic England

#### Case Study

A case study of Church Street in Harwich's Old Town was included in order to demonstrate what could be achieved using the objectives of the Heritage Strategy.

Members were encouraged to email Planning Officers with their thoughts and suggestions in regards to the Draft Heritage Strategy.

Having considered and discussed the information provided in the report and the contents of the draft Heritage Strategy:-

It was unanimously **RESOLVED** that –

- (a) the contents of the Draft Heritage Strategy be noted; and
- (b) any comments submitted by Members to the Planning Officers be incorporated into the further report to Cabinet in due course.

#### **19. REPORT OF CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.5 - LIVWELL DEVELOPMENT ACCREDITATION SCHEME**

The Committee had before it a report (and appendices) of the Corporate Director (Planning and Regeneration) (A.5) which provide it with an overview of the Livewell Development Accreditation Scheme and sought its endorsement of the scheme and outlined the next steps for the promotion of the scheme.

The Chairman invited Bill Marshall to address the Committee:

Bill Marshall, a resident of the district, made a statement relating to item A.5 raising his concerns in regards to the Act of Essex Scheme, the points award system and bronze housing.

The Committee was informed that the Livewell Development Accreditation was based on a two-stage assessment embedding the new HIA (Health Impact Assessment) criteria (as set out within the Essex Design Guide) where developments considered to make a positive contribution to health and wellbeing would be awarded different levels of accreditation. The 'Livewell' brand was used on a wide range of the local authority health and wellbeing initiatives and was jointly owned by Essex local authorities.

Members were made aware that Officers at both the District Council and Essex County Council considered that there was a need to encourage developers to go beyond policy

requirements. In order to incentivise developers to do so, the Livewell Development Accreditation was seen as a means to add value to development schemes and to fully utilise the Active Design principles embedded in the Council's new Local Plan.

Members were advised that this was a voluntary scheme. Developers could express their interest to the Development Management team at the master planning, pre-application or planning application stages.

Having considered and discussed the information provided within the Officer's report and the contents of the Livewell Development Accreditation Scheme and the Livewell Developers Charter which attached as appendices to the report:-

It was moved by Councillor Scott, seconded by Councillor Newton and unanimously:-

**RESOLVED** that –

- (a) the contents of the report be noted; and
- (b) the Livewell Development Accreditation Scheme be endorsed and promoted by this Council.

**20. CHAIRMAN'S CLOSING REMARKS**

The Chairman informed Members that the next meeting of that Committee due to have been held on Wednesday 11 December 2019 would be cancelled.

The Chairman's reasons were twofold. Firstly, Officers needed to focus solely on their preparations for the resumed Examination-in-Public (which would be in January) by the Planning Inspector of Section One of the emerging Local Plan.

Secondly, this date would have meant the Committee meeting the evening before the Parliamentary General Election and the primary focus of both Members and Officers would have been elsewhere in the run up to that meeting.

The Committee noted the foregoing.

The meeting was declared closed at 8.50 pm

**Chairman**