

**MINUTES OF THE MEETING OF THE LOCAL PLAN COMMITTEE,
HELD ON THURSDAY 2 NOVEMBER 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Stock OBE (Chairman), Turner (Vice-Chairman), Bray, Broderick, Bush, Ferguson, G V Guglielmi, I Henderson, Newton, Nicholls, Porter, Raby, Skeels (Jnr), Skeels (Snr) and Yallop
Also Present:	Councillors J A Brown, Cawthron, Everett and White
In Attendance:	Martyn Knappett (Corporate Director (Corporate Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Cath Bicknell (Head of Planning), Gary Guiver (Planning Manager) and Katie Sullivan (Committee Services Officer)

8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Land (with Councillor Skeels (Jnr) substituting) and Councillor Platt (with Councillor Ferguson substituting).

9. MINUTES OF THE LAST MEETING

It was moved by Councillor Turner, seconded by Councillor G V Guglielmi and **RESOLVED** that the minutes of the last meeting of the Committee, held on 12 June 2017, be approved as a correct record and signed by the Chairman.

10. DECLARATIONS OF INTEREST

Councillor Stock OBE declared an interest by virtue of the fact that he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi also declared an interest by virtue of the fact that he was a Director of the North Essex Garden Communities Ltd.

Councillor I Henderson declared an interest by virtue of the fact that he was a member of the Regulation and Development Committee at Essex County Council.

Councillor G V Guglielmi also declared an interest by virtue of the fact that he was a member of the Regulation and Development Committee at Essex County Council.

11. PUBLIC SPEAKING

Councillor Everett made a statement relating to item A.2 of the Report of the Head of Planning in which he informed the Committee that he did not agree with the suggestion in the report that the Council could no longer demonstrate a five-year housing land supply and that he thought the method of calculation of the supply was flawed, by not including, and not limited to, Local Plan allocations in the supply.

John Smith-Daye, a resident of Little Clacton, made a statement relating to item A.2 of the Report of the Head of Planning in which he praised the Council for challenging the Planning Inspector's decision on the Centenary Way, Clacton-on-Sea planning appeal and expressed a hope that the Council would also challenge the Planning Inspector's decision on the Sladburys Lane, Clacton-on-Sea planning appeal. Mr Smith-Daye also

expressed his view that the central Government's desire to increase housing delivery was pressuring Planning Inspectors into approving planning applications at appeal which had hindered local authorities into setting the Objectively Assessed Need calculation at a lower level in their Local Plans.

Carol Bannister made a statement relating to item A.6 of the Report of the Head of Planning in which she informed the Committee that it was not clear if the letter that she had submitted during the consultation on the Publication Draft Local Plan had been submitted in full to the Independent Planning Inspector.

The Chairman informed Carol Bannister that he would arrange for an Officer to write to her with a response.

12. REPORT OF THE HEAD OF PLANNING SERVICES - A.1 - TENDRING COLCHESTER BORDERS GARDEN COMMUNITY ISSUES AND OPTIONS DEVELOPMENT PLAN DOCUMENT

The Committee had before it a report of the Head of Planning Services (A.1), which sought its agreement for public consultation on the Tendring Colchester Borders Garden Community Issues and Options Development Plan Document (TCBGC I&O DPD) and the associated sustainability appraisal and strategic environmental assessment.

Members were aware that the Council was preparing a new Local Plan in order to guide future development in the Tendring area between now and 2033. Section 1 of the Local Plan, jointly prepared with Colchester Borough Council and Braintree District Council, had dealt with strategic issues and had included proposals for three garden communities in north Essex, one of which straddled the Tendring Colchester administrative boundary.

It was reported that those policies were high level and had set out broad principles for the garden community developments and referenced production of Development Plan Documents to set out principles of design, development and phasing for the garden communities.

Members were informed that an Issues and Options Development Plan Document had been produced which had reflected the North Essex Garden Communities Charter principles and the Concept Framework which had been published as part of the Local Plan evidence base. This had set out key attributes of the proposed garden community that would be refined through the stages of development of the Development Plan Document. Those attributes included the fact that the garden communities were being overseen by a strategic planning partnership agreed between Braintree, Colchester, Essex and Tendring Councils as well as the North Essex Garden Communities Ltd (NEGC). NEGC was jointly owned by the four councils in order to drive the delivery of the three garden communities and secure investment in enabling infrastructure across the wider area. Through NEGC, the Councils would act as the 'lead developer' and so would have more control over the type of development, the design and the rate of delivery and also the ability to commit to an 'infrastructure first' approach. Such an approach would ensure that transport improvements (including new roads), schools, health and leisure facilities were developed ahead of, or alongside new housing, to adequately serve the needs of the new community and to minimise any adverse impacts on existing communities. It would also help ensure effective future stewardship of those community facilities. Similarly, this innovative delivery approach would also give the

Councils a key role in attracting investment and businesses to assist in the creation of vibrant, thriving and sustainable communities.

Members were further informed that it was proposed to undertake an eight week period of consultation on the TCBGCI&O DPD and the accompanying Strategic Environmental Appraisal/Sustainability Appraisal. The consultation material would be available via the Council's website as well as at Council offices and libraries. Local exhibitions would also be held in Elmstead Market, Greenstead and Wivenhoe.

Attached to the report for the Committee's information was 'Tendring Colchester Borders Garden Community Development Plan Document Issues and Options Report' (Appendix 1) and 'Tendring Colchester Borders Garden Community Issues and Options Development Plan Document Strategic Environmental Assessment/Sustainability Appraisal' (Appendix 2).

Having discussed the information provided, it was moved by Councillor Turner, seconded by Councillor G V Guglielmi and **RESOLVED** that the Local Plan Committee:

1. agrees that the Tendring Colchester Borders Garden Community Issues and Options Development Plan Document consultation draft be published for consultation;
2. agrees that the associated Sustainability Appraisal and Strategic Environmental Assessment be also published for consultation; and
3. delegates authority to the Head of Planning to make minor revisions to the document prior to publication, subject to the agreement of the Chairman of the Local Plan Committee.

13. REPORT OF THE HEAD OF PLANNING SERVICES - A.2 - REVISED HOUSING LAND SUPPLY POSITION

The Council's Corporate Director (Planning and Regeneration Services) (Ewan Green) apologised to the Committee for the lack of early and clear briefing in relation to Housing Land Supply. Mr Green informed the Committee that since the publication of the report (A.2), new statistical data had been received and advice from Counsel relating to other appeals, and that there might be a significant change to the Council's Housing Supply position. Mr Green suggested that an updated report be provided to Members at a further meeting of the Committee.

Following on from the information provided, Councillor Stock OBE moved altered recommendations to those printed in the report and read them out to the Committee. Those altered recommendations were then seconded by Councillor Bray.

It was thereupon **RESOLVED** that the Committee:

- (a) confirms that the Tendring District Council Methodology for calculating the Housing Land Supply as agreed by Members in January 2017 remains sound and should be relied upon and continue to be used by Officers;
- (b) confirms its strong support for the Council's challenge to the decision relating to Centenary Way, Clacton-on-Sea;

- (c) notes that Counsel's opinion is awaited regarding the decision relating to Sladbury's Lane, Clacton-on-Sea;
- (d) notes that there may be a significant change to the Council's Housing Supply position arising from new statistical data and from advice received today from Counsel relating to other appeals; and therefore
- (e) instructs Officers to prepare a revised report, having regard to each of the above, to be considered at a further meeting of the Committee to be arranged as soon as practicable; and
- (f) that the Leader of the Council & Chairman of the Committee writes to the Secretary of State for Housing regarding the concerns of the Committee on this issue and that both local MPs are copied in to that letter.

14. REPORT OF THE HEAD OF PLANNING SERVICES - A.3 - GOVERNMENT CONSULTATION: 'PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES'

The Committee had before it a report of the Head of Planning Services (A.3), which sought its agreement to the Council's response to the Government's consultation paper entitled 'Planning for the right homes in the right places'.

It was reported that the Government had published draft proposals (attached as Appendix 1 to the above report) which had aimed at reforming the planning system in order to increase the supply of new homes and increase local authority capacity to manage growth. The proposals included:

- a standard method for calculating local authorities' housing needs;
- how neighbourhood planning groups could have greater certainty on the level of housing need to plan for;
- a statement of common ground to improve how local authorities worked together to meet housing and other needs across boundaries;
- making the use of viability assessments simpler, quicker and more transparent; and
- increased planning application fees in those areas where local planning authorities were delivering the homes their communities need.

It was further reported that the Government had proposed to publish a revised version of the National Planning Policy Framework (NPPF) in 2018 to include some of the following proposals:

Standard method for calculating housing needs: The paper proposed a standard method for calculating housing needs to help save on costs and delays. For Tendring, it would mean a target of 749 new homes a year – a significant increase upon the figures included in the Local Plan.

Neighbourhood planning: The paper suggested that Local Plans should specify the amount of housing to be provided in different parts of the District to assist communities in knowing how much growth to put in their neighbourhood plans. It had also suggested a proportionate 'percentage based' formula for working out the best distribution between towns and villages in areas where the Local Plan was not up to date.

Statement of common ground: The paper suggested that Councils should enter into 'statements of common ground' with other authorities and relevant bodies to help demonstrate how they had complied with the legal duty to cooperate.

Viability assessments: The paper suggested that if the policies in a Local Plan were properly tested for their viability as part of the plan making process, there should be no reason for individual planning applications to be tested when developers claimed that they were unable to comply with Local Plan policies for viability reasons – thus saving time and money.

Increasing planning fees: The Government proposed that to help planning departments with resources, a 20% increase in planning fees could apply – but only where Councils were succeeding in delivering their housing numbers.

Members were informed that Officers had produced a draft response to all of the questions contained within the consultation paper (attached as Appendix 2 to the report) for the Committee to consider, suggest any changes and agree as the Council's formal response.

Having discussed the information provided, it was moved by Councillor Turner, seconded by Councillor G V Guglielmi and **RESOLVED:**

- (a) that the contents of the report be noted;
- (b) that an informal meeting of the Committee be arranged to enable Members to consider further the Council's response to the Government's consultation paper "Planning for the right homes in the right places";
- (c) that the informal meeting be chaired by the Vice-Chairman of the Committee (Councillor Turner) and attended by the Council's Planning Manager (Gary Guiver) to give advice to Members;
- (d) that any members of the Committee who wish to feed in comments by email rather than, or as well as, attending the informal meeting should do so via the Planning Manager;
- (e) that the aim of the informal meeting be to agree a final draft response which will be put to the Chairman of the Committee (Councillor Stock OBE) for his agreement; and
- (f) that the Head of Planning Services submit the Council's formal response (as approved by the Chairman of the Committee) to the Department for Communities and Local Government by its deadline of 9 November 2017.

15. REPORT OF THE HEAD OF PLANNING SERVICES - A.4 - LOCAL DEVELOPMENT SCHEME 2017 - 2020

The Committee had before it a report of the Head of Planning Services (A.4), which sought its agreement to publish a new Local Development Scheme (LDS) to update the proposed timetable for preparing the new Tendring District Local Plan and other planning documents.

It was reported that the LDS was designed to set out the process for producing the Local Plan. It included the anticipated timetable of consultation periods, examinations and expected dates of adoption. Publishing the LDS also ensured that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate were kept aware of the timetable the Council was working to and could therefore organise their time and resources accordingly.

It was further reported that the updated LDS retained the timetable for the Local Plan and the Community Infrastructure Levy and had introduced an additional stage (Issues and Options) of consultation in the preparation of a Development Plan Document for the proposed Tendring/Colchester Borders Garden Community in the west of Tendring District (as considered under minute 12 above).

Having discussed the information provided, it was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and **RESOLVED:**

that the Local Plan Committee approves the Local Development Scheme 2017-2020 (attached as Appendix 1 to item A.4 of the Report of the Head of Planning) to have immediate effect and agrees to its publication on the Council's website.

16. REPORT OF THE HEAD OF PLANNING SERVICES - A.5 - PROPOSED AMENDMENT TO THE STATEMENT OF COMMUNITY INVOLVEMENT

The Committee had before it a report of the Head of Planning Services (A.5), which sought its approval to the proposed amendment to the Statement of Community Involvement (SCI) in order to include details of the consultation arrangements for the preparation of the Development Plan Documents.

Members were reminded that on 21 October 2014, the Local Plan Committee had formally adopted the SCI after a six week consultation period.

Members were informed that since that time, the planning landscape had changed and the Council, together with its partners had decided to adopt a Development Plan Document (DPD) as part of its ongoing work with the Tendring/Colchester Borders Garden Community project (as contained under minute 12 above).

Members were further informed that the adopted SCI gave no guidance as to how the Council would involve its community during the preparation of a DPD, therefore it was proposed that a new section be included within the SCI detailing how the Council would engage with its community. The remainder of the adopted SCI would remain in place at this time.

The Committee was made aware that the inclusion of a new section was a significant amendment to the SCI and that therefore, the proposal must be consulted upon. The consultation process that had been identified followed a similar approach to the Local Plan preparation, which had already been subject to public consultation. Delegated authority was therefore being sought for the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee to adopt the revised SCI following a public consultation exercise, subject to no significant objections being received. The amended SCI would be published on the Council's website and used for the purposes of promoting effective community involvement in planning matters.

Having discussed the information provided, it was moved by Councillor Stock OBE, seconded by Councillor Bray and **RESOLVED** that the Local Plan Committee:

- (a) approves the proposed amendment to the Statement of Community Involvement to include details of the consultation arrangements for the preparation of the Development Plan Documents;
- (b) agrees that the amended Statement of Community Involvement be subject to a public consultation for a period of no less than 6 weeks; and
- (c) delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor amendments to the Statement of Community Involvement following that public consultation, and subject to no significant objections being received, is also authorised to adopt the final document for publication on the Council's website.

17. REPORT OF THE HEAD OF PLANNING SERVICES - A.6 - RESPONSES TO PUBLIC CONSULTATION OF PUBLICATION DRAFT LOCAL PLAN

The Committee had before it a report of the Head of Planning Services (A.6), which provided an update on the representations that had been made during the consultation on the Publication Draft Local Plan which had run from 16 June 2017 to 28 July 2017.

The Council had received 620 comments from technical stakeholders; community representatives; businesses; landowners; developers; and members of the public. The report provided details of the key points raised during public consultation.

The Committee was asked to note those comments as any decision on them would be taken by the Planning Inspector at the Examination-in-Public.

Having discussed the information provided, it was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and **RESOLVED** that the Local Plan Committee notes the overview of the results of the Local Plan Publication Draft consultation as outlined in the report.

18. REPORT OF THE HEAD OF PLANNING SERVICES - A.7 - COMMENTS ON COLCHESTER BOROUGH COUNCIL'S PUBLICATION DRAFT LOCAL PLAN CONSULTATION DOCUMENTS

The Committee had before it a report of the Head of Planning Services (A.7), which sought its endorsement of the Officers' responses to Colchester Borough Council's Publication Draft Local Plan.

It was reported that Colchester and Tendring Councils had jointly agreed the content of Section 1 of their Local Plans and had individually agreed Section 2 of each Local Plan. The consultations on the Local Plans had been carried out between 16 June and 11 August 2017. In accordance with the standard practice, Officers had therefore provided comments to Colchester Borough Council (CBC) in consultation with the Chairman of the Committee. Officers had made those comments subject to the endorsement of the Committee.

Members were informed that Officers were generally supportive of the proposals contained within CBC's emerging plan. Concerns had been raised over transport within the Tendring/Colchester Borders Garden Community and opportunities were also identified for a rapid transport system. The provision of a rapid transport system, sports facilities and the protection of designated sites were all welcomed.

The full Officer response was attached to the report as Appendix 1.

Members were further informed that operationally, it would be beneficial to both the Council and its stakeholders, if approved consultation responses could be provided by Officers relating to Local Plan and Planning Policy matters. This delegation would be exercised on the principle that any matters requiring wider debate and attracting public interest would be reported to the Local Plan Committee.

Having discussed the information provided, it was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and **RESOLVED** that the Local Plan Committee:

- (a) endorses the response provided by Officers in regards to Colchester Borough Council's Publication Draft Local Plan consultation documents, as set out in Part 3 and Appendix 1 of the report; and
- (b) authorises the Head of Planning to formally respond to stakeholder consultations in connection with local plan and planning policy matters.

The meeting was declared closed at 7.30 pm

Chairman