

Local Plan Committee

Monday, 18 August 2014

Attendees: Councillor Elizabeth Blundell (Member), Councillor Andrew Ellis (Member), Councillor John Jowers (Member), Councillor Kim Naish (Group Spokesperson), Councillor Lyn Barton (Member), Councillor Bill Frame (Chairman), Councillor Martin Goss (Deputy Chairman), Councillor Gerard Oxford (Member)

Substitutes:

Councillor Feltham was also in attendance.

10 Minutes

The minutes of the meetings held on 16 and 30 June 2014 were confirmed as correct records.

11 Have Your Say!

Annesley Hardy addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to the significance of Conservation Area status in relation to the determination of a recent Appeal decision on the redevelopment of Smithfield Market and she invited the Committee to consider the framework for future development at the Essex County Hospital site bearing in mind its status as a Listed Building. She was of the view that the future development plans for the site should provide strong protection and reflect the raised design standards which already existed. Her own vision for the site included a medical facility, housing of good quality, car parking and an open space and she had taken the opportunity to seek soundings from the public visiting the hospital many of whom had overwhelmingly supported the suggestion that the building should incorporate a medical purpose of some kind. She questioned whether the development parameters for the site had yet been determined and implored the Committee to think beyond money and subsidies.

Karen Syrett, Place Strategy Manager, responded to Mrs Hardy submission to the Committee by acknowledging the importance of the decision in relation to Smithfield Market and confirmed that she would be happy to put together a Development Brief for the Essex County Hospital site for the Committee to consider in due course.

12 Local Plan Development

Councillors Jowers (in respect of his membership of Essex County Council Cabinet with

Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report by the Head of Commercial Services giving details of the key plan making principles which would guide development of the Colchester Local Plan to 2032.

It was explained that there had been a clear message from Government that it wanted the planning system to be plan-led. This had been reflected in the National Planning Policy Framework (NPPF) which stated that “Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.” The NPPF also explicitly stated that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking”

Along with the NPPF there had also been other significant changes including the National Planning Policy Guidance (NPPG), the abolition of Regional Spatial Strategies, the Localism Act including the Duty to Co-operate and the introduction of Neighbourhood planning. Whilst Colchester had been pro-active in producing a range of Local Development Framework documents under the previous set of national regulations, policy and guidance, only those policies in the Focussed Review or used in appeals had been formally assessed for compliance with the NPPF.

Karen Syrett, Place Strategy Manager, made a presentation to the Committee on these issues which would be fundamental to preparing the new local plan, including:

- The implications of not having an up to date Local Plan
- The role of members, particularly in terms of leadership, setting a vision and priorities, agreeing programmes and resources, community engagement, scrutiny and monitoring
- The Development of a Plan
- Stakeholder engagement
- The elements of what a plan should look like
- Key priorities and alternatives

In discussion members of the Committee raised the following issues:-

- Changes to the recommended density of development which was now a matter for local determination
- Whether the Community Infrastructure Levy would assist in the provision of adequate infrastructure
- The ability of Planning Inspectors at Review stage to overrule a Local Authority determined target number for new houses and the need for accurate determinations based on quantifiable data, in the light of this
- The potential for Local Authorities in the South East to be impacted by the outcome of the Local Plan in London
- The importance of collaborative planning and cross border discussions generally such as that which had taken place between Colchester and Tendring

- in relation to the former Betts site
- The possibility of the presentation being usefully condensed into a one page leaflet for distribution to Community Groups and Parish Councils

RESOLVED that the changes that had been implemented at a national level since the last Local Plan/Local Development Framework was produced be noted.

13 Solar Farms

Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Head of Commercial Services submitted a report on the policy implications associated with solar farm development in open countryside. Simon Cairns, Planning Projects Manager, attended to assist the Panel in its discussions.

It was explained that the National Planning Policy Framework provided considerable support for renewable energy proposals, suggesting that such proposals should be approved if the impacts are, or can be made, acceptable. Subsequently guidance had been produced (National Planning Practice Guidance (NPG) reflecting earlier Ministerial guidance published in July) providing criteria for assessment of schemes which highlighted that large scale installations should be directed to brownfield sites, avoid high quality agricultural land and that special regard should be paid to the setting of listed buildings and other designated heritage assets.

The Council has received several applications and pre-application enquiries for major solar farm installations. These have included both greenfield and brownfield proposals at Highfields Farm, Messing; Brook Hall Road, Fingringhoe; Rockingham Farm, Layer Marney; Langenhoe Hall Lane, Langenhoe; Bosted Airfield and Birch Airfield. The guidance and other relevant documents had been provided to applicants together with a ten point check-list of key issues to consider. This approach had not been tested at appeal but was considered would help to reinforce the Councils relevant local plan policies.

The report gave details of the statutory requirements as well as the local policies of particular relevance to the consideration of solar farm proposals. The main issues relevant to the consideration of proposals were:

- Whether the site could be considered to be in a sustainable location, with particular regard to previously developed land or land of high agricultural or ecological value;
- The impact of the proposal on the character and appearance of its rural surroundings, and in particular on the landscape character having regard to guidance on the Landscape Character Areas and, where relevant, the scenic beauty of the Dedham Vale AONB;
- Whether there were any other material planning considerations which might support or undermine the proposal when assessed against the adopted planning framework for the area. These include the setting of listed buildings,

Ancient Monuments or Conservation Areas and protected species such as bats, newts, or birds (red or Amber list) of Conservation Concern or Biodiversity Action Plan Priority Habitats that would be adversely affected by development.

In discussion members of the Committee raised the following issues:-

- Whether it would be necessary to provide a policy for the assessment of solar farm proposals;
- Developers were known to be offering incentives to local communities and receiving support for their proposals in return;
- The fact that proposals typically were for temporary periods of 25 years, after which the land was to be returned to its original use;
- Whether the agricultural designations provided by applicants are subject to verification;
- Whether succession arrangements could be provided for the period immediately following the expiry of a temporary permission;
- The positive impact that solar farms could have upon a site such as by means of landscaping and the provision of mixed use sites which also incorporated grazing;
- The potential for developers to consider schemes utilising commercial development opportunities.

Simon Cairns provided the following information in response to comments made:

- It was not considered necessary for the check list to be formalised given that Policy ER1 was already in place;
- There was no mechanism to record the offer of incentives locally;
- The granting of temporary permissions requiring the removal of equipment after a period of 25 years generally required the developers to agree to enter into a Bond to ensure adequate future security;
- The status of the land after the granting of permission as a solar farm was likely to change, as it could then be deemed to be previously developed land although future potential for residential development might be unlikely given the sustainability requirement for housing sites;
- Applicants were required to provide detailed, verifiable land assessments to accompany their applications which also took into account the need for sequential preferences to be established in respect of agricultural designations;
- It was possible for applicants and developers to apply for permissions longer than 25 years and to also make applications for the permissions to be renewed. However, it was also relevant to bear in mind the changes taking place in relation to Central Government tariffs and the rapid technological changes anticipated in the future.

RESOLVED that the following key points be noted:

- (i) The Council's Local Plan reflects the positive approach towards renewable energy and solar farms and the National Planning Policy Framework (Policy ER1 of the Core Strategy)
- (ii) The National and Local Plan policy framework must be read as a whole as

sustainable development involves harmony between the aims of economic growth and environmental protection and, as such, proposals for solar farm development do not take precedence over other policy considerations meaning that a balanced approach needs to be adopted

(iii) Statutory duties need to be afforded due weight, in parallel with the policy framework, as material considerations.

14 **Magdalen Street Brief**

Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report seeking the adoption of the development brief as guidance to extend the area covered by the existing adopted Magdalen Street Brief. Simon Cairns, Planning Projects Manager, attended to assist the Panel in its discussions. He acknowledged some typographical errors in the Development Brief which would be corrected prior to publication.

It was explained that the site covered by the brief was a brownfield site on the south east edge of the town centre. It included a limited direct frontage to the west side of Brook Street (the existing Essex County Council Education Centre known as Brooklands). To the south of the site was a dense residential development known as South Central accessed via George Williams Way. There were considerable changes in level between the southern and western margins of the site and the heart of the site extended to meet the boundary with the active rail line. The steep slopes towards the site margins had been colonised by self-sown woodland that now provided a significant visual amenity. The site was thought to be contaminated land associated with its former rail and allied industrial uses, including coal storage. The site would need to be remediated to an acceptable level for safe residential use. Both Brook Street and Magdalen Street fell within an Air Quality Management Area due to traffic emissions and it was crucial that the existing air quality was not prejudiced by the development as a result of increased congestion.

The report gave details of the statutory requirements as well as the local policies of particular relevance to the consideration of solar farm proposals. The main issues relevant to the consideration of the draft development brief were whether the suggested design solution was appropriate. In particular, the discouragement given to the principal access being taken from Brook Street as this could impact adversely on air quality but also add to the existing congestion. A high density flatted development solution was also discouraged in favour of a balanced mixture of town houses and flats with adequate areas of public and private open space in compliance with adopted policy. The existing high density South Central development to the south of the site benefited from “borrowed amenity” in terms of the green and open outlook provided by the Sidings Site. It was considered essential that any development considered and responded appropriately to the relationship with adjacent development.

Councillor Feltham, Portfolio Holder for Communities and Leisure and councillor for

New Town ward, attended and, with the consent of the Chairman, addressed the Committee. She welcomed the regeneration of this area of the town but wanted to put a marker down to learn from experience elsewhere in the ward. She was concerned that the development should be in densities appropriate to the site, that proposed open spaces should include areas for ball games and that car parking ownership to be acknowledged. She was of the view that in areas where these issues hadn't been adequately addressed, it had given rise to social tension.

In discussion members of the Committee raised the following issues:-

- The existing parking problem in George Williams Way;
- The need for ball game provision to be accommodated and the suggestion that the ward councillor have discussions with Planning Officers to ensure the usability of these open spaces for young people;
- Concern about the feasibility of access from Magdalen Street given the existing difficulties for turning right from George Williams Way;
- Whether the contamination of the site would mean that it would commercially unviable to develop it.

Simon Cairns provided the following information in response to comments made:

- Access to the site had been provided from Magdalen Street rather than Brook Street as the former had been considered more able to accommodate the increased traffic movements;
- Existing densities of dwellings were looking to be reduced, with indicative only layouts showing 2 and 3 storey units;
- The development would require the submission of a viability appraisal in order to determine the likely commercial impact on the regeneration proposals;
- The possibility of providing a lower level of parking provision for the site, whilst acknowledging the existing commuter parking problems;
- Open space requirements include the need for usability and meaningful provision, reflecting a level of amenity appropriate to the locality.

RESOLVED that the Magdalen Street / Brook Street Sidings Site Brief, as appended to the report, be approved for adoption as guidance to extend the area covered by the existing adopted Magdalen Street Brief.

15 Gypsy and Traveller Assessment

Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report giving details of the findings of an assessment of the Essex Gypsy and Traveller and Travelling Showpeople Accommodation, carried out on behalf of the Essex Planning Officer Association. Karen Syrett, Place Strategy Manager, attended to assist the Committee and presented the report to the Committee.

The document 'Planning Policy for Traveller Sites' came into force in March 2012 with objectives including that local planning authorities should make their own assessment of need for the purposes of planning, and should work collaboratively to plan for sites over a reasonable timescale. Previously targets for Gypsy and Traveller and Travelling Showpeople accommodation had been set regionally through the East of England Plan. To address these requirements, the Essex Planning Officers Association had commissioned an Essex wide assessment quantifying the accommodation and housing related support needs of Gypsies and Travellers and Travelling Showpeople for residential and transit sites as well as bricks and mortar accommodation in five year sections up to 2033.

The study found that there were a total of 918 Gypsy and Traveller pitches in the Essex study area including local authority and private pitches, sites with temporary permission, tolerated sites and unauthorised sites. Numbers for concealed households and bricks and mortar accommodation were also included within the totals.

In Colchester, there were currently a total of 29 pitches on 11 sites. The Council had asked that the report be revised to move the five units in the 'unauthorised pitches' category to the 'households on permanent pitches' category given that the pitches had planning permission. On this basis, the totals for Colchester could be broken down as follows: nine private sites with 16 pitches; one local authority site with 12 pitches and one long-term tolerated private site with one pitch. There was an average of 2.83 caravans per pitch and Colchester did not have any yards for travelling showpeople, and no future plots were considered to be required.

In discussion members of the Committee raised the following issues:-

- The success of the site at Severalls Lane and the need to retain such sites to a manageable size;
- The importance of identifying adequate transit sites in the County in order to address temporary issues;
- The need for Essex County Council to be willing to identify sites in its own landholding for consideration for future provision

RESOLVED that the findings of the Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment be noted together with the following implications arising from it:

- The assessment would form part of the evidence base needed to develop the Council's Objectively Assessed Need for all forms of housing, including gypsy, travellers and travelling showpeople ;
- The Local Plan, currently in the initial stages of development for the period to 2032, would accordingly need to have regard to the need to identify and allocate at least 24 sites for gypsy, travellers and travelling showpeople;
- In the short term sites would be required for up to 12 pitches by 2018.

Councillors Jowers (in respect of his membership of Essex County Council Cabinet with Strategic Plan responsibility) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report seeking the Committee's agreement to the preparation of a draft Charging Schedule, an Instalment Policy and 123 list prior to consultation on modifications to the Council's Community Infrastructure Levy Charging Schedule. Karen Syrett, Place Strategy Manager, attended to assist the Committee and presented the report to the Committee.

It was explained that the evidence base document (BPS Report), which looked at viability across a range of uses and scenarios, would need to be updated. It is intended that the previous consultants (BPS) could update their report to reflect changes in the market which would then inform the Charging Schedule itself.

The Place Strategy Manager had met a team from Savills to discuss the approach to viability and they had considered both the Council's general approach to the Community Infrastructure Levy (CIL) and the previous BPS Report, subject to some updating, to be realistic and appropriate. The previous figures in the Charging Schedule, between £80 – 100 per square metre, were considered reasonable on smaller sites but the Council may need to consider implementing a lower rate on strategic large scale sites, to ensure there is sufficient finance to pay for onsite infrastructure after CIL had been paid and affordable housing delivered. Subject to updating the evidence base, it was therefore intended to undertake consultation on the following basis:

- Lower value areas - £80 per square metre
- Higher value areas - £100 per square metre
- Strategic Sites of 300 or more dwellings - £75 per square metre

Since the previous consultation new regulations had been published which required the Council to publish its '123 List' prior to examination to define which projects and/or types/sections of infrastructure the Council would fund through CIL revenues. Colchester's Draft 123 list, subject to Council priorities and the levels of available CIL funding was as follows:

- Strategic Transport Infrastructure (excluding development specific mitigation works on, or directly related to, a development site);
- Education (excluding land which is expected to be delivered on site through S106 agreement);
- Strategic household waste recycling facilities;
- Community Facilities (excluding where a new development is required to provide facilities on site or directly related to that site);
- Strategic public realm improvements;
- Indoor and Outdoor Sports Facilities (excluding where a new development is required to provide facilities on-site or directly related to that site);
- Strategic Green Infrastructure;
- Allotments;
- Walking and Cycling Infrastructure

During the previous consultation a document had been produced which suggested an approach to paying CIL in instalments. The approach linked payments to the type of use and progress made on site i.e. the number of dwellings completed. However Government guidance had subsequently been issued stipulating policies were required to be related only to the percentage of the payment due and when it was due (i.e. related to time, not development progress). It had therefore been necessary to revise the document to accord with this advice.

In discussion members of the Committee raised the following issues:-

- Whether a reference to the Arts needed to be included in the Draft 123 list, as was the case with Section 106 agreements;
- The potential need to seek further advice on payment in instalments in relation to self-build developments
- The helpful practice recently adopted by Planning Officers to administer the Section 106 agreements as if the CIL was in place, in terms of providing more detailed information regarding the amount of funding and the purpose
- Whether there was any further information regarding the Sustainable Urban Drainage Systems in relation to the CIL

Karen Syrett provided the following information in response to comments made:

- The contents of the 123 list would have to accord with a number of criteria and any addition to the proposed draft would need to be researched to check its compatibility
- It may be possible to include public art type infrastructure within the Open Space criteria
- Latest guidance had confirmed that self-build developments were exempt from the requirements

RESOLVED that public consultation on modifications to the Council's Community Infrastructure Levy Charging Schedule be approved, incorporating the following elements:-

(i) A Draft Charging Schedule refining residential rates dependent on scale and value area, the charge being between £75 – £100 per square metre;

(ii) A Draft 123 List, subject to the inclusion of public art projects where appropriate, as follows:

- Strategic Transport Infrastructure (excluding development specific mitigation works on, or directly related to, a development site);
- Education (excluding land which is expected to be delivered on site through S106 agreement;
- Strategic household waste recycling facilities;
- Community Facilities (excluding where a new development is required to provide facilities on site or directly related to that site);
- Strategic public realm improvements;
- Indoor and Outdoor Sports Facilities (excluding where a new development is required to provide facilities on-site or directly related to that site);

- Strategic Green Infrastructure;
- Allotments;
- Walking and Cycling Infrastructure

(iii) A Draft Instalments Policy as set out in the Appendix to the report.