

Local Plan Committee

Monday, 08 February 2016

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

Substitutes: No substitutes were recorded at the meeting

61 Have Your Say!

Louisa White addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to the legislative framework around the work of the Local Plan Committee and the professional work carried out by the Local Plan Committee officers and members. This was in relation to the National Planning Policy Framework (NPPF), the Core Strategy and the various policies adopted by the Council. However, she was of the view that it was when the policies were implemented that there was a problem in terms of enforcement. She was aware that, for the public, it could be difficult to understand the necessary processes which the Council was required to follow but there was a mandatory framework which needed to be enforced so far as was possible and she was of the opinion that this should be pursued and monitored.

Committee members sympathised with Mrs White's views, acknowledging that there was flexibility within the NPPF but it would be beneficial to receive guidance as to when this was applicable.

Councillor Naish referred to articles in the local media criticising the policies of the Local Plan Committee. He explained that previously members of the Planning Committee had attended meetings of the Local Plan Committee in order to raise issues which they considered needed to be amended or updated and he was of the view that this type of interaction between Committees had worked successfully.

62 Street based Services Delivery Strategy - Update

Councillor Jowers (in respect of his membership of the Essex County Council) 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 changes required to update the adopted Street-based Services Delivery Strategy as a Supplementary Planning Document.

Laura Chase, Planning Policy Manager introduced the report and together with Chris Dowsing, Group Manager – Recycling, Waste and Fleet, responded to Councillors questions.

It was explained that the adopted Core Strategy and Development Policy documents set out the need to consider design and amenity, as well as to safeguard people friendly streets, improvements to roads and traffic and the need to meet carbon targets and be mindful of energy, resources, waste and recycling needs. In line with these policies, the Council had adopted the Street Services Supplementary Planning Document (SPD) in October 2012 to achieve the following objectives:

- Support sustainable growth ;
- Highlight the importance of street service facilities and infrastructure;
- Ensure adequate provision of the service;
- Inform developers and other interested parties about what the Council expects in new developments;
- Protect and improve existing street facilities;
- Enable a more strategic approach to the provision of Street Services facilities in new developments .

The adopted SPD, which had been used in negotiations to secure the delivery of street infrastructure and waste and recycling containers, now required minor updates to reflect recent service restructures and responsibilities of service provision within the Council, including the following:

- Changing the name from Street Services to Street-based Services, reflecting the new remit of the service, along with additional text on the service arrangements;
- Updating the table of background statistics; • Reduction in the distance from storage areas to collection vehicles from 25 to 15 metres;
- Addition of food waste containers;
- Changes to costs associated with the bins and containers.

In discussion, Members of the Committee commented, in particular, in relation to:

- Where the Council was ranked in terms of efficiency and cost of waste and recycling collection in the County;
- How the change in the Waste Levy would affect the County;

- Essex County Council had recently identified sites in Fingringhoe and in Stanway as potential locations for recycling plants in the County;

- The need for additional contextual information such as the distance travelled by waste vehicles during the course of the waste collections and the damage being caused to kerbstones by refuse freighters due to reduced road widths on newer developments;

- The greater long term merits of retaining cast iron waste bins in preference to plastic varieties and the possibility of undertaking a cost benefit analysis to support this view;

- The potential for parking standards to be reviewed in relation to the height of car ports in order to take account of an increased level of ownership of larger vehicles, such as for commercial and disabled uses;

- Whether it was possible to require contributions for special collection arrangements to be for periods longer than five years.

In response to questions from the Committee members, the Group Manager – Recycling, Waste and Fleet, explained that:

- The Council was currently ranked 10th out of 12 in the County on a measure of recycling amounts whilst from the aspect of waste generated, the Council was the highest ranked in the County;

- Since the introduction of the Mechanical Biological Treatment (MTB) site, the Waste Levy would be much less of an issue for the Council.

The Place Strategy Manager confirmed that it was not usual for financial contributions from developers to be made in perpetuity and that it was only considered reasonable for mitigation measures to be for fixed periods of time.

RESOLVED that changes required to update the adopted Street-based Services Delivery Strategy as a Supplementary Planning Document be approved.

63 Community Infrastructure Levy - Consultation on Viability

Councillor Jowers (in respect of his membership of the Essex County Council) 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 updates made to the Council's Community Infrastructure Levy Viability Evidence Base and the associated public consultation.

Daniel Cameron, Planning and Contributions Officer, presented the report, responded to questions and assisted the members in their discussions.

Daniel explained that in 2011 work commenced on implementing the Council's Community Infrastructure Levy (CIL). In November 2011 the Draft Charging Schedule proposed the following charges:

- Residential development - £120/m²;
- Comparison retail - £90/m²;
- Convenience retailing - £240/m²;
- All other uses were exempt.

At this time a number of Inspector decisions were released which had a bearing on the how the Levy was applied. The most relevant required CIL to be viable at the same time as delivering policy compliant affordable housing. The Council's policy at the time was 35% affordable housing but this was rarely being delivered because of viability concerns. It was therefore considered that the policy needed to be reviewed as part of the Core Strategy Focused Review with the result that the Affordable Housing target was set at 20%. At the same time the Local Plan Committee was concerned about the impact of CIL on viability, especially with regard to small builders and, accordingly, it was decided to review the viability evidence base. These two processes have taken time to complete and in the meantime the Council has continued using Section 106 agreements to secure infrastructure contributions.

There had been recent changes to the planning system which curtailed Local Authorities ability to fund infrastructure from small sites through Section 106 Agreements. In April 2015 the CIL Regulations came into effect as statutory policy, meaning that all Councils, regardless of whether or not they had adopted CIL were bound by its Section 106 pooling limit. Councils cannot now take five or more pooled contributions towards an infrastructure type or project. Recent consultation by the Government has raised issues regarding the speed by which Section 106 agreements are completed and the impact that any delay in negotiating the agreement may have on the development process. A Government response to this consultation is expected which may limit the amount of time to negotiate a Section 106 agreement with a developer and, consequently, it has become more important that the Council progresses its intention to implement CIL.

BPS Chartered Surveyors had been instructed by the Council to update the evidence base used to test the viability of development and to advise on the charging schedule for the CIL and it was now proposed to undertake a six week web-based consultation on BPS' findings which suggested the following charges:

- Residential development outside of Colchester urban area (Greenfield) - £150/m²;
- Residential development within Colchester urban area (Brownfield) - £0/ m²;

- All other uses would be CIL exempt.

In discussion members of the Committee referred to:

- The provision of comparative CIL charges, such as for Chelmsford City Council together with an explanation regarding the different charge thresholds for brownfield and greenfield sites and how charges are calculated where sites are partly brownfield and partly greenfield;

- Whether developers were likely to opt to develop in Local Authority areas whose charging regime was lower;

- The removal from planning policy of the Ministerial Statement on small sites;

- The situation at Grange Road Tiptree, the use of the CIL Regulations and whether this approach could be adopted elsewhere;

- Whether Parish Councils could continue to generate ideas for local community projects to be funded through CIL and how will the CIL funding would be apportioned between the local area and the Borough as a whole;

- The Council's current target for achieving Affordable Housing within developments.

In response to questions from the Committee members the Planning and Contributions Officer, together with the Place Strategy Manager, explained that:

- The charges set out in the report were in draft form on which consultation would be conducted and, as part of the process of adopting the CIL, comparisons would be made with other Authorities such as Chelmsford City and Babergh and Mid Suffolk;

- The calculation of the charge for sites on differently designated land was undertaken on a pro-rata basis according to postcodes;

- It may prove more beneficial to calculate charges in accordance with the Zonal split for the Borough which allowed for higher sales values in rural areas to be taken into account;

- The different Local Authority charging regimes tended to provide 'winners' and 'losers' between Local Authorities meaning that one Local Authority may be more cost effective for certain categories of sites while being less so in relation to another category;

- The need for an evidence base to be provided in order to quantify the funding of infrastructure through developments;

- The CIL Regulations outlined how the funding would be apportioned and that it was a fairer mechanism to collect funding;

- The Council's current target for delivery of Affordable Housing was 20%.

RESOLVED that –

(i) The viability evidence compiled by BPS Chartered Surveyors in October 2015 which served to update the Roger Tym and Partners Community Infrastructure Levy viability evidence base document of October 2011 be noted

(ii) The proposals to go out to public consultation on the updated viability evidence in advance of progressing with a more complete Community Infrastructure Levy draft charging schedule alongside the emergent Local Plan be approved.

64 Broadband Guidance

The Committee considered a report by the Head of Commercial Services giving details of new guidance on the provision of high speed broadband in new developments.

Karen Syrett, Place Strategy Manager, presented the report and assisted the Committee members in their discussions.

Karen explained that the National Planning Policy Framework (NPPF) stated that advanced, high quality communications infrastructure was essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also played a vital role in enhancing the provision of local community facilities and services. The Council's proposed Guidance on the provision and benefits of high speed broadband in new developments would add detail and set out the benefits to this national policy objective.

The Guidance stated that Local Planning Authorities have a pivotal role to play in encouraging developers to 'future-proof' their developments by installing high speed broadband infrastructure. In addition to the reputational and wider economic benefits of ensuring that residents are able to access high speed broadband when they move into new developments, there is also the issue of avoiding the costs and frustrations to occupiers of future retro-fitting if the infrastructure is not fit for purpose. Although the Government and the NPPF both support and encourage the inclusion of high speed broadband, there is no statutory requirement which supports this aspiration.

The key benefits were outlined, including:

- Superfast speeds were increasingly important to prospective home buyers;
- Costs per unit for larger sites were usually cost neutral;
- Options such as satellite broadband for rural or isolated developments to address financial viability concerns.

In discussion members of the Committee generally welcomed the guidance and specifically referred to:

- The many benefits to the public not only in respect of the access to broadband but also in terms of the avoidance of installation work after the developments had

- been completed;
- The fact that fibre broadband was being installed in all new roads and schools as a matter of routine but this practice was not being replicated in respect of new homes;
 - The assistance provided by the Guidance in terms of simply identifying the fast track access to various broadband providers;
 - Personal experiences of ward councillors when attempting to secure the co-operation of BT Openreach who were unwilling to fund the infrastructure and were of the view that the cost should rest with the Government or the individual developers;
 - The problem was often seen as one for those living in rural areas but this was not necessarily a question of a more isolated geographic location;
 - The very positive assistance being provided by County Broadband in providing alternative solutions for those in poorly connected locations;
 - The difference in technology between broadband provided via the telephone connection to a house and the technology providing mobile phone online access.

RESOLVED that the guidance on the provision of broadband in new developments be adopted as Supplementary Planning Guidance.