

# Local Plan Committee

## Monday, 02 February 2015

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

**Substitutes:** Councillor Lesley Scott-Boutell (for Councillor Lyn Barton)

### 26 Have Your Say!

Annesley Hardy addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to the Committee's recent adoption of a development plan for the Essex County Hospital site and explained that local residents had indicated their strong support for the retention of the site for a possible medical facility. The view had also been expressed in opposition to the introduction of additional housing due to the difficulties of providing sufficient parking facilities. She cited the example of the development at the former Cavalry Barracks where no parking provision had been made in respect of some units which had led to [parking in garden areas. She was concerned about the impact of parking generally in the neighbouring area, bearing in mind existing problems. She asked the Committee to reconsider the vision contained within the development brief, in the light of these representations.

Karen Syrett, Place Strategy Manager, confirmed that the development brief had been approved by the Committee at its last meeting and it was not considered necessary to amend this decision. She advised that the Planning Committee would be responsible for considering planning applications submitted in relation to the Essex County Hospital site and the contents of the development brief would be borne in mind at that time.

### 27 Tiptree Neighbourhood Plan Area

**Councillor Jowers (in respect of his representation of the Division covering the Tiptree area on Essex County Council Cabinet) 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 seeking the Committee's agreement to formally designate the Tiptree Neighbourhood Plan Area, as set out by Section 61G of Town and Country Planning Act (1990) (inserted by the Localism Act (2011)).

Sarah Pullin, Planning Project Officer, presented the report and explained that the purpose of neighbourhood planning was to give local communities a much greater influence over the development of their neighbourhoods and to increase engagement in the planning process. The Neighbourhood Plan Area had been published on the Colchester Borough Council's website, in accordance with Regulation 6 of the Neighbourhood Planning Regulations (2012) and included the application letter and a map of the proposed Neighbourhood Plan Area. The consultation ran for six weeks from 10 November to 22 December 2014. Nine representations were received within the consultation period none of which were objections. The application letter referred to the wards of Birch and Winstree being included in addition to Tiptree ward but confirmation had been received that the designated Neighbourhood Plan Area was intended to reflect the whole of the Tiptree Parish area alone.

Members of the Committee welcomed the positive work being undertaken by Tiptree Parish Council.

*RESOLVED* that the designation of the Tiptree Neighbourhood Plan Area be approved.

## **28 Employment Land Needs Assessment**

**Councillor Blundell (in respect of her membership of the Court of the University of Essex) 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 findings of the Employment Land Needs Assessment carried out on behalf of the Council by Nathaniel Lichfield and Partners (NLP).

Laura Chase, Planning Policy Manager, explained that the National Planning Policy Framework (NPPF) provided for Local Authorities to ensure that the Local Plan was based on 'adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area'. To help develop this understanding, the Council appointed NLP to carry out the work. The purpose of the Employment Land Needs Assessment was to provide part of the evidence base by providing an understanding of the current and potential requirements for employment land based on considering a range of scenarios for how the Colchester economy could change in the future.

The study involved three main stages, in line with Government guidance on methodology in Planning Practice Guidance and the report was structured as follows:

- Economic Context
- Overview of Employment Space
- Commercial Property Market Signals and Intelligence
- Review of Current Employment Sites Portfolio
- Future Requirements for B Class Employment Space

- Demand/Supply Balance
- Overall Conclusions and Policy Implications

The next stage in the process was the development of a portfolio of sites to be put forward through the site allocation element of the Local Plan. In addition to sites considered in the Assessment, the Council would also need to review any new sites submitted for employment land purposes through the ongoing Call for Sites process and the findings from the Assessment would also assist in the determination of applications for new commercial development.

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

#### Economic Context

- Colchester, unlike most other Local Authorities, was illustrated as being a net exporter of labour. The Council should improve opportunities for inward development and to become more flexible in allocating employment areas where jobs needed to be located in infrastructure terms;
- The problems of traffic congestion in the town centre and the areas of Whitehall road and Barrack street and the impact this would be having on businesses in the area;
- Healthcare being the largest employing sector in the Borough and how much consultation had been undertaken with Colchester Hospital Trust, the known shortage of midwifery staff and the capacity for the General Hospital site to be expanded
- Whether Colchester had met its employment growth targets set out in the Local Development Framework;
- The low level of business start-ups and self-employment;
- Colchester's historical reputation for being very strong in terms of manufacturing industries and the importance for this sector of successfully retaining Flakt Woods in the Borough;
- Whether the conclusion that should be drawn from the report was that Colchester needed to improve its performance;
- The problems associated with the A120 and the A12 and the significant impact on the town of traffic incidents on these routes.

#### Overview of B use Employment Space

- The reasons why Stanway was not performing as well as North Colchester;
- The growing demand for central Colchester locations;
- Whether enough was being done to cater for the more highly skilled jobs.

#### Commercial Property Market Signals and Intelligence

- The need for flexibility in relation to the allocation of buildings for use as rural employment space;
- The relocation of businesses from the town centre to outlying areas and the consequent vacancies in the town centre;
- The current situation regarding opportunities for the location of John Lewis in

Colchester.

## Review of Employment Sites Portfolio

- The University Research Park / Knowledge Gateway, the need to develop improved road links to the A12 and the requirement for residential development in order to forward fund infrastructure works;
- Stane Park and the huge costs associated with the upgrading of the road network and the need to consider the development of whole areas rather than sites on a piecemeal basis;
- The works necessary to improve traffic flow at Junction 26 of the A12 at Stanway, whether developments locally would be required to make contributions to this scheme or whether possibilities existed to forward fund the highway works prior to the developments being built;
- The positive contributions more recently received from Anglian Water in discussions regarding drainage issues;

## Demand/Supply Balance

- The wide variation in need for employment space and potential surplus identified in the report which made it difficult to plan;
- Whether it was possible to utilise surplus space designated for employment for alternatives uses.

In response to the discussion, the Planning Policy Manager considered that the data in the report, when all was balanced out, was typical of the area as a whole but the close proximity to London also needed to be borne in mind and consequently jobs in Colchester were therefore considered to be of lower value. The changes in terms of work and life in Colchester were in relation to workers getting older, larger numbers working from home and working part time with consequent lower pay averages. She was aware of measures that the Council had adopted to assist businesses, such as support for the creative sector. She also confirmed the Annual Monitoring Report shows that, the employment targets set out in the Local development Framework were being met and that, whilst it was not entirely clear how healthcare would be delivered in the future, consultation had taken place with Colchester Hospital Trust and the channels of communication were open. The recent relocation of a television studio to a business retail unit at Peartree Road was evidence of the Council's successful approach to business opportunities and she also referred to a steady increase in the employment opportunities in rural areas.

Karen Syrett, Place Strategy Manager, explained that this report was just one piece of evidence that would be presented to the Committee in support of the Local Plan processes and that others would follow to future meetings. She took the opportunity to explain that at Tollgate Business Park in Stanway, there had been a change in activity in the last year such that 11 of the 12 units were now either occupied or had contracts in place. She commented on the need for landowners to be willing to consider employment related developments rather than residential ones, whilst in terms of rural employment

the Council's policy was a reasonable one which considered proposals on their merits. She confirmed that Colchester had not received any planning applications from the John Lewis Partnership. Developer contributions towards highway improvements would usually be sought as part of an application process but would be dependent on support for the scheme from the Highway Authority. In relation to Stanway and the A12 junction, she confirmed that a bid had been submitted to the Department for Communities and Local Government for support to understand the infrastructure and improvement works necessary, which was still awaiting consideration. In terms of alternative uses of surplus sites, she referred to a recent Appeal Decision where the Inspector had stated that the fact that where a site was not deemed suitable for employment use at one point in time did not mean that it would be justified for residential use.

*RESOLVED* that the findings of the Employment Land Needs Assessment be noted and the document be added to the Council's Local Plan evidence base.

## **29 Change to the Use of Planning Obligations**

The Committee considered a report by the Head of Commercial Services giving details of the national changes to planning policy regarding the use of planning obligations on small sites and inviting the Committee to consider an interim policy position in advance of the local plan review.

Karen Syrett, Place Strategy Manager, attended to assist the Committee in its discussions. She explained that a written ministerial statement had recently been issued from Brandon Lewis on support for small-scale developers, custom and self-builders and she proposed an interim position for the Council in response.

In March 2014 the Government had consulted on measures intended to tackle the 'disproportionate burden of developer contributions on small-scale developers, custom and self-builders' which included introducing into a threshold beneath which affordable housing contributions should not be sought. The suggested threshold was for developments of ten units or less with rural exception sites being exempted. The consultation also asked if the threshold should be extended to include tariff style contributions which were an approach that this Council had used for a number of years in order to secure funding from new development towards Community Facilities and Open Space, Sport and Recreation. Over 300 responses had been submitted, including one from this Council, which objected to the proposals whilst developers, development representative bodies, and some members of the public generally supported the proposed changes.

The following changes had subsequently been made to national policy and to the Planning Practice Guidance (PPG):

- For sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought.

- For Housing Act 1985 designated rural areas, including areas of outstanding natural beauty, authorities may implement a lower threshold of 5 units or less, beneath which affordable housing and tariff style contributions should not be sought and on developments of between six to ten units contributions should also be as a cash payment only and be commuted until after completion of units within the development.
- The changes will not apply to rural exception sites.

There was general consistency between the Council's Affordable Housing Policy and the new guidance but further clarity could be added to confirm the affordable housing policy would be applied to new development above 10 units and above 5 units in designated rural areas. It would, however, be inappropriate to seek tariff style contributions on sites of ten or fewer units as there is no evidence to support this approach and no distinction in the local policy. There was also inconsistency in two Supplementary Planning Documents relating to the provision of Community Facilities and Open Space, Sport and Recreation Facilities both of which incorporated an approach in which all new development that created new units of accommodation contributed towards the provision and maintenance of facilities. These documents would need to be revised to clarify that only those developments above the thresholds (5 and 10 units) would be expected to make a contribution towards community facilities and sport, recreation and open space.

The Place Strategy Manager proposed that the following interim resolution to clarify the Council's position in relation to planning obligations from small sites:

"The Use of Planning Obligations on Small sites

In November 2014 the Government published a ministerial statement and updated the Planning Policy Guidance (PPG) in respect of the use of planning obligations on small sites. In light of this updated guidance, the Council recognises that it needs to clarify its own policy and approach in relation to the use of planning obligations on small sites. In the intervening period, until the Local Plan is reviewed, the following statement sets out the Council's interim policy position in relation to the use of planning obligations on small sites, which should be read alongside the Council's adopted policies H4, SD2 and DP3, as well as the National Planning Policy Framework and Planning Policy Guidance.

Affordable Housing

The Council will seek to secure 20% of new dwellings to be provided as affordable housing, as follows:

- In Colchester Town, Myland, Stanway, Tiptree, Wivenhoe, West Mersea, West Bergholt and Marks Tey affordable housing will be sought on developments of more than 10 dwellings. (The affordable housing will normally be required on site)
- In the other villages, an affordable housing contribution will be sought on housing developments for more than 5 dwellings. Where a contribution is sought from a development of between 6 and 10 units it will be in the form of a cash payment which will be commuted until after completion of the units within the development.

## Other Contributions

Standard charges will not be applied to developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. Site specific contributions will still be sought where necessary to make the development acceptable but they must be directly related to the development and fairly and reasonably related in scale and kind to the development.”

Members of the Committee were concerned at the potential implications of the new guidance in terms of loss of contributions, particularly in relation to smaller sites, just below the 10 unit threshold but welcomed the interim resolution set out in the report.

In response to the discussion, the Place Strategy Manager confirmed that the guidance was unlikely to impact on the allocation of open space but it may lead to restrictions in relation to maintenance and replacement of play equipment. In the longer term, it was anticipated that the Community Infrastructure Levy would be in place by the end of the year which would mean that all developments would be subject to assessment for contributions. In terms of contributions from smaller sites, she reiterated that planning case officers would continue to consider each application on its merits and ward councillors continued to have the opportunity to submit their views.

*RESOLVED* that the national changes to planning policy regarding the use of planning obligations on small sites be noted and the proposed interim policy position as set out in Paragraph 5 of the report by the Head of Commercial services be agreed for implementation with immediate effect in advance of the local plan review.