

LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

29 SEPTEMBER 2010

Present :- Councillor Colin Sykes (Chairman)
Councillors Elizabeth Blundell, Mark Cory,
Beverly Davies, Christopher Garnett, Martin Goss,
John Jowers, Kim Naish and Henry Spyvee

Also in Attendance :- Councillor Lyn Barton
Councillor Laura Sykes
Councillor Anne Turrell
Councillor Dennis Willetts

17. Minutes

Mrs Louisa White addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She stated that her experience was that residents were not permitted to join in discussions on the content of Village Design Statements. She had asked Myland Parish Council if she could participate in the development of the Myland Design Statement on this agenda but had not been allowed to do so or to have access to any related documents. She wanted all Parish Council meetings to be open to the public.

Councillor Goss was of the opinion that the development of local documents should be resident led with guidance only from councillors and officers and in this respect the chairman of the Design Statement Group was independent of the Parish Council. He also stated that Mrs White would be invited to join the group for the development of the Parish Plan.

The minutes of the meeting held on 16 August 2010 were confirmed as a correct record subject to Councillor L. Sykes being recorded as having attended the meeting as an observer.

Councillor John Jowers (in respect of his membership of Essex County Council and role as Cabinet Portfolio Holder for Communities and Planning) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

18. Development Policies Development Plan Document (DPD)

The Committee considered a report by the Head of Strategic Policy and Regeneration on the Development Policies DPD. An Independent Examination had taken place by the Planning Inspector who had submitted his binding report which was appended to the report by the Head of Strategic Policy and Regeneration. The Inspector had found that the Development Policies DPD was 'Sound' and his recommendation was that it be adopted in accordance with Section 23(3) of the Planning and Compulsory Purchase

Act 2004. The only changes recommended were those detailed in the Annex, a schedule of minor changes put forward by the Council in order to bring the document up to date factually, correcting minor errors, to add clarity or to improve consistency. This document was annexed to the Inspector's report and was circulated at the meeting to assist the Committee. Once adopted the Development Policies DPD would form part of the statutory development plan for the Borough and together with the Core Strategy and the Site Allocations DPD would replace the Local Plan. The Committee was requested to recommend to the Council that the Development Policies DPD be adopted.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. In her presentation she explained that this DPD would add detail to the Core Strategy and set local standards against which planning applications could be determined. She also referred to specific policy areas which had been changed from those in the Local Plan and to the Annex detailing the minor changes.

Some Committee members were disappointed that the Annex had not been made available in advance of the meeting because its late submission did not conform with this Council's standards of integrity and transparency, although it was acknowledged that the content of the Annex did not appear to have revealed any surprises. It was explained that the Annex document had not been included in the agenda papers because it had only been received in its current format a few days before this meeting. The document had been available on the website and was updated throughout the examination process but it appeared that some members had not been aware of this fact. The Committee were reminded that there would be an opportunity for councillors and the public to comment on the content of the Annex at the Council meeting but in any case the Inspector's Report and the Annex were both binding on the Council and could not be altered.

Members wished it to be recorded that the provision of these documents immediately prior to the Committee's meeting would not set a precedent for the future.

RECOMMENDED to the Council (ONE ABSTAINED from voting) that the Development Policies Development Plan Document be adopted by the Council as recommended by the Inspector in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004.

RESOLVED (ONE ABSTAINED from voting) that the Spatial Policy Manager be authorised to deal with all the necessary adoption documentation and other consequential matters in accordance with the appropriate Regulations.

Councillor Elizabeth Blundell (in respect of her membership of Marks Tey Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Jowers (in respect of his membership of Essex County Council and role as Cabinet Portfolio Holder for Communities and Planning) declared a

personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Christopher Garnett (in respect of his membership of Langham Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Martin Goss (in respect of his membership of Myland Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Colin Sykes (in respect of his membership of Stanway Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

19. Site Allocations Development Plan Document (DPD)

The Committee considered a report by the Head of Strategic Policy and Regeneration on the Site Allocations DPD. An Independent Examination had taken place by the Planning Inspector who had submitted his binding report which was appended to the report by the Head of Strategic Policy and Regeneration. Subject to four binding changes needed to meet the statutory requirements as set out in Annex 1 of the Inspector's report, the Inspector had found that the Site Allocations DPD was 'Sound' and his recommendation was that it be adopted in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004. A schedule of minor changes put forward by the Council in order to bring the document up to date factually, correcting minor errors, to add clarity or to improve consistency was set out in Annex 2 to the Inspector's report and was circulated at the meeting to assist the Committee. Once adopted the Site Allocations DPD would form part of the statutory development plan for the Borough and together with the Core Strategy and the Development Policies DPD would replace the Local Plan. The Committee was requested to recommend to the Council that the Site Allocations DPD be adopted.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. She expanded further upon the four binding changes made by the Inspector and commented on other significant parts of the Inspector's report where he had supported the Council's approach including the safeguarding of existing open space, the retention of the local employment zone on Mersea waterfront and the approach to allocations in Langham. The Inspector concluded that in terms of the North Growth Area, the Site Allocations DPD was in accord with the Core Strategy, and there was no basis for reducing the amount of development or delaying its delivery. In paragraphs 2.40 and 2.41 of the Inspector's report, he confirmed that an Area Action Plan for the North Growth Area was unnecessary and further that he did not believe the land allocated as open space within the Local Plan and now forming part of the North Growth Area Urban Extension was ever realistically going to be delivered given that the land was in private ownership.

Catherine Clouston addressed the Committee pursuant to the provisions of Meetings

General Procedure Rule 5(3). She found it very difficult to use public transport, apart from trips into the town centre, because the available public transport was inadequate to meet her travel needs. She recognised that this resulted in her being part of the congestion problems, particularly during the peak times. She considered that if 4,000 new homes were to be built in North Colchester by 2021 the congestion would increase significantly. People may wish to use public transport but it may not be a viable option.

David Clouston addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). The Site Allocations DPD was sound within the Inspector's terms of reference and the Committee would recommend adoption to the Council. However, from a qualitative point of view he considered the report to be ingenuous. The Inspector did not appear to have taken suggestions made by Myland Parish Council into account. He considered that the Inspector had too willingly favoured expediency over justice in his Inspector Change No. 2, that housing on greenfield sites could be brought forward ahead of brownfield sites but noted that the Inspector had not removed the phasing element altogether. Bringing greenfield sites forward would put more pressure on the next stage of the process.

In response to Mrs Clouston, the Spatial Policy Manager referred to the Inspector's comment on transport issues in paragraph 2.44 of his report concerning the evidence base, part of which is in the Core Strategy but more recent evidence was also included. The Council continued to develop the evidence base, in partnership with Essex County Council, with ongoing modelling work. In response to Mr Clouston, she confirmed that some of Myland Parish Council's comments had been incorporated by the Inspector.

The Chairman drew the Committee's attention to the background papers circulated at the meeting and to a letter, also circulated, from Myland Parish Council which contained a request for a statement to be included in both DPD documents on this agenda. This request could not be met because there was no ability for the Council to change either document.

At the Chairman's request the Spatial Policy Manager confirmed that legal advice had confirmed that failure to adopt the Site Allocations DPD would be unwise and the Council would need to have a strong justification for such action which could lead to a Judicial Review. The Inspector's report is a material consideration from the time it is published. In addition where a local planning authority fails to prepare a document in accordance with the provisions of the Act, the Secretary of State may use default powers "to prepare, revise or approve" such a document.

Councillor Turrell, Leader of the Council, attended and, with the consent of the Chairman, addressed the Committee. She was also concerned at the Inspector's Change No. 2 which appeared to be making it easier for greenfield sites to be developed ahead of brownfield sites on the basis of the need to ensure the delivery of housing. In response, the Spatial Policy Manager referred to the Council's barrister taking the view that the Inspector was seeking to ensure flexibility which was a requirement of the system. She also referred to the Annual Monitoring Report which provided information on housing completions. There was no basis for reducing the amount of development or delaying its delivery.

Some members of the Committee did not entirely support all the comments made by the Inspector but there was an understanding of his rationale. Having heard the public representations and having first hand and daily experience of the congestion in the town, other members of the Committee felt unable to support the Site Allocations DPD. There was some concern about flexibility being provided by permitting greenfield sites to be developed in advance of brownfield sites, although the document did not permit that to occur if there was a reliance on infrastructure being provided through another site which had not been developed. There were concerns about insufficient affordable housing being provided particularly on brownfield sites which were expensive to develop and often the affordable housing element was reduced or lost. Open space should be provided on the site where the housing is built, not allocated to existing large tracts of open space which had been the case on some developments.

The Committee acknowledged the likelihood of the Core Strategy being reviewed in 2012 and there was also the possibility of the Site Allocations DPD being reviewed at the same time because the two documents were closely linked. It was considered possible but not probable that such a review may lead to some of the sites being put back or removed, although if some development was removed it may be necessary to replace the allocation elsewhere in the borough. The majority of the contentious sites were not due to come on stream until 2016. It was noted that the document had been open to debate at the Examination stage and that if the Council did not adopt the document it may lead to unwelcomed development.

RECOMMENDED to the Council (TWO voted AGAINST and ONE ABSTAINED from voting) that the Site Allocations Development Plan Document be adopted by the Council as recommended by the Inspector in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004.

RESOLVED (TWO voted AGAINST and ONE ABSTAINED from voting) that the Spatial Policy Manager be authorised to deal with all the necessary adoption documentation and other consequential matters in accordance with the appropriate Regulations.

Councillor John Jowers (in respect of his membership of Essex County Council and his former role as a member of the East of England Regional Planning Panel) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

20. Regional Spatial Strategy (RSS) Policies

The Committee considered a report by the Head of Strategic Policy and Regeneration on the impact of the revocation of the RSS in terms of the policies which had applied to Colchester up until the revocation. The report set out the regional policies and targets that were most relevant to spatial planning in Colchester and an appendix to the report commented on the need for additional local policy or guidance in respect of each

revoked regional policy. The report identified a few possible gaps and referred particularly to the need to employ joint working with other authorities on the overall strategy, economic development, housing, transport and the environment. The Committee was requested to note the issues where there was now a policy gap and to agree that additional local policies or guidance should be developed to fill any such policy gaps.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. Her report concluded that no immediate action was necessary, especially in view of the prospect of a revised national planning framework and a Transport White Paper expected to be published next year. She provided clarification on whether a policy on renewable energy and sustainability was in prospect and also on the revoked RSS policy E5, Regional structure of town centres. A member of the Committee referred to the need for partnership working with other authorities on matters such as gypsy and traveller sites, and also that the Marine Planning Bill gave terrestrial planning powers to the waterfront.

RESOLVED (UNANIMOUSLY) that –

- (a) The RSS policies which previously applied to Colchester be noted together with any potential gaps in Colchester's Development Plan as a result of the revocation of the RSS.
- (b) Where appropriate additional local policies or guidance be developed and joint working with other local authorities and partners be undertaken in order to fill any such policy gaps.

21. Planning Policies and the Provision of Open Space in New Developments

The Head of Strategic Policy and Regeneration submitted a report following the request of the Committee in response to concerns expressed by local residents in Mile End. The concerns were about the requirement to provide open space as part of new developments which, for some developments, had been provided off site, particularly towards the extension of High Woods Country Park. The Committee were invited to note the current and emerging policy framework in respect of open space provision and if it wished it could request that further work be undertaken to update the policies through the production of a Single Issue Development Plan Document.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations.

Patrick Mills, Myland Parish Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He reiterated his previous request for an end to the practice of reducing the open space required within a residential development on the basis of open space being provided elsewhere. He considered the matter was not only of great importance to Mile End but was also relevant to the whole borough. He wanted a clear policy to put an end to the practice. He considered the report presented to the Committee did not address his request but

instead referred to the past, neither did it address the powers of the Planning Committee.

Councillor Turrell, Leader of the Council and Mile End Ward councillor, attended and, with the consent of the Chairman, addressed the Committee. She commented on the Council's policies in respect of the provision of open space but was aware that developers often refer to existing open space close to their site which is given as a reason for the development to be allowed without the required open space. She considered it important for councillors to have an input and be involved in decisions about planning gain before the application was determined. She was concerned that currently there was nowhere in the process for this to occur. She believed that the public perceived this as a process issue which was within the remit of this Committee.

Members of the Committee were supportive of the policy requiring 10% of a development to be provided within the site and considered that this was the outcome desired, but were aware that during negotiations officers may, for good reasons, apply some discretion in the application of the policy. Some members agreed with Councillor Turrell that councillors should be more involved in the negotiation process alongside planning officers.

The Spatial Policy Manager referred to the imminent replacement of the Local Plan and the two Development Plan Documents containing policies for open space provision which covered the issue succinctly. She did not see a need to provide any additional policy, which would itself need to be subjected to consultation and examination. She agreed that the policy was clear and if it was not adhered to it was the responsibility of the Planning Committee. She had set in motion possible ways of achieving that so that reports on each agenda item made reference to how and where open space was provided. She confirmed that she had addressed Mr Mills' points regarding Turner Rise and High Woods Country Park in her report, and also confirmed that there were adequate measures in place to monitor open space provision at the local level and annually.

RESOLVED (UNANIMOUSLY) that the current and emerging policy framework in respect of open space provided as part of new developments be noted.

Councillor Beverly Davies (in respect of her role in managing the Community Initiatives Fund) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Jowers (in respect of his membership of Essex County Council and role as Cabinet Portfolio Holder for Communities and Planning, the inclusion of the Community Initiatives Fund within his Portfolio and his membership of the East Essex Area Forum) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Martin Goss (in respect of his membership of Myland Parish Council and involvement in the development of the Design Statement) declared a personal

interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

22. Planning Guidance Note // Myland Design Statement

The Committee considered a report by the Head of Strategic Policy and Regeneration together with a final draft of the Myland Design Statement. The Committee were requested to agree the adoption of Myland Design Statement as a Planning Guidance Note. Once adopted the document would complement the suite of planning policies and guidance that make up the Local Development Framework.

Beverley McClean, Coast and Countryside Planner, attended to assist the Committee in its deliberations. She explained that the document had been produced by the community for the community and consultation had been undertaken at a variety of venues and occasions where local residents had taken the opportunity to influence the content of the report. Development Control had also had an opportunity to influence the content of the document and the changes they had suggested had been taken in an open meeting and integrated into the document. This document would also feed into the development of the supplementary planning document being developed for Mile End. This was a method of delivering the localism agenda.

Patrick Mills addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). None of the four residents who had been on the Myland Design Statement Committee were able to attend this meeting. The process has been ongoing since 2008 and has been painstaking and rigorous. He had been a junior member of the team and he believed they had produced a very good result which he commended to the Committee.

Members of the Committee commented that village design statements and parish plans were powerful tools and as such were very useful. They considered that the document bore all the hallmarks of community input and contained their aspirations. It was hoped that they could be achieved.

RESOLVED (ONE ABSTAINED from voting) that the Myland Design Statement be adopted as a Planning Guidance Note.

23. Spatial Policy Team

The Chairman, Councillor C. Sykes, made the following statement:

The Inspector has made comments about the professionalism and support of our Spatial Policy Team and it was only right for the Committee to thank Karen Syrett and her team for the work they have put into the two Development Plan Documents.

On behalf of their Groups, the Group Spokespersons, Councillors Jowers and Naish, both endorsed the Chairman's comments regarding the Spatial Policy Team.