

LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

2 DECEMBER 2008

Present :- Councillor Nick Cope (Chairman)
Councillors Christopher Garnett, Martin Goss,
John Jowers, Kim Naish, Henry Spyvee and
Terry Sutton

Substitute Member :- Councillor Christopher Arnold
for Councillor Robert Davidson

10. Minutes

The minutes of the meeting held on 29 September 2008 were confirmed as a correct record.

Councillor John Jowers (in respect of his role as an Essex County Council Cabinet member for Localism and Planning and his membership 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)

11. Adoption of the Colchester Core Strategy Development Plan Document

The Committee considered a report by the Head of Strategic Policy and Regeneration together with the binding report of the Planning Inspector following the Independent Examination in June and July this year, and the revised Core Strategy which incorporated all the changes recommended by the Inspector.

The Inspector concluded that, with the amendments recommended, the Colchester Core Strategy Development Plan Document satisfies the requirements of Section 20 (5) of the Planning and Compulsory Purchase Act 2004 and the associated regulations; is sound in terms of Section 20(5)(b) of the 2004 Act; and meets the tests of soundness in Planning Policy Statement 12.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. The Core Strategy had been a significant area of work. It sets out the long term vision and objectives for Colchester over the next 15 years. The Committee have had to take difficult decisions at times but there has always been a consensus view. The Inspector's examination took place in June and July and the main changes that the Inspector made, over and above those suggested by officers, related to two areas:

- the deletion of reference to a Park and Ride site to the east of Colchester, because the evidence base was not sufficient to justify an allocation, but it was not ruled out for the future. She also commented that proposals for a Park and Ride should be considered against policy TA3. This does not prevent a proposal coming forward in the future;
- the deletion of Areas of Landscape Conservation Importance and Green Breaks.

The Inspector was mindful of national policy and concluded that there was no need to build in additional protection as there already existed sufficient protection at this stage. More evidence was sought for a Green Breaks policy and a study was under way which would form part of the site allocations document in due course.

The committee report highlighted some particular issues within the Inspectors report – new affordable housing policy for developer contributions and protection of employment land. The Core Strategy provides a robust basis for taking other documents forward.

Councillor Lyn Barton, Portfolio Holder for Planning and Regeneration, attended and, with the consent of the Chairman, addressed the Committee. She considered the document to be an excellent Core Strategy, providing a vision for the future to 2021 and beyond. She highlighted that all developers would in future be expected to make a contribution towards affordable housing, regardless of the size of the development. Also mentioned were transport measures which would contribute towards congestion busting. These included the new cycle town status and, by working closely with Essex County Council, the A12 junction. There were pressures on Colchester to provide development and the Core Strategy would enable it to be done in a sustainable way. The officers were to be congratulated. She considered it a worthwhile document and asked the Committee to recommend this very sound Core Strategy to Council.

Councillor Gerard Oxford attended and, with the consent of the Chairman, addressed the Committee. He also congratulated officers on the Core Strategy, but had some concerns, particularly regarding Policy H5, Gypsies, Travellers and Travelling Showpeople. He was not opposed to the aims of the policy but drew attention to the need for sites to be identified which were deliverable. He requested that a small group be set up to look at other site allocations and asked that a representative from the Highwoods Independent Group be included. He referred to the Severalls Lane site which, more than two years later was still awaiting proof of ownership of the land before progressing. Reference was made to a request that the Local Development Framework Panel be asked to look at the provision of suitable sites and Karen Syrett agreed to investigate the matter.

Members of the Committee congratulated Karen Syrett and her superb team on the achievement of a sound Core Strategy which had involved a great deal of work over a period of four years. When the process started other Core Strategies had been found unsound and the Committee were delighted that the Colchester Core Strategy had been found sound; they noted that only one other authority in Essex had achieved a sound Core Strategy. The Core Strategy was a thoughtful, logical document and would support Colchester during the next 20+ years and inform developers of what could and could not be built. The document would provide flexibility and would assist in resisting undue pressure.

Members of the Committee particularly welcomed the following elements of the Strategy:-

- the high level of urban design;

- provision for open space;
- sustainability built in;
- an ambitious five regeneration areas;
- the requirement for new developments to provide facilities for recycling and minimising waste.

RECOMMENDED (UNANIMOUSLY) to Council that, in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004, the revised Core Strategy incorporating all the changes recommended by the Inspector be approved and adopted.

RESOLVED (UNANIMOUSLY) that, subject to the approval and adoption of the revised Core Strategy, 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 Christopher Arnold (in respect of his membership of Great Horkesley Parish Council) 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)

12. Site Allocations Development Plan Document Consultation Draft

The Committee considered a report by the Head of Strategic Policy and Regeneration on the publication in January 2009 of the Draft Site Allocations Development Plan Document (DPD) and associated Sustainability Appraisal for consultation. Appended to the report was the draft Site Allocations DPD with appendices. The consultation will commence on 16 January 2009 and run for six weeks until 27 February 2009. It would provide the public with the opportunity to comment on the Council's preferred options for future site allocation and development. Submission of a final document to the Government is scheduled for late 2009, followed by an examination in the early summer of 2010.

The overarching Core Strategy DPD sets out the spatial vision and strategic objectives and policies for the Borough up to 2021 and has been declared 'sound' by a Government appointed Planning Inspector. It will be considered for adoption by the Council on 11 December 2008. The policy direction in the Core Strategy has been used in the production of the Site Allocations DPD.

New regulations issued in June 2008 on Local Development Framework (LDF) consultations have removed the requirement to consult on a 'preferred options' stage and instead encourage ongoing consultation over an extended period leading to formal submission to Government. However, whilst the Council is no longer required to consult on preferred options, in this instance it is considered appropriate to do so given that an Issues and Options stage has already been undertaken and a further stage prior to submission is needed to ensure full public consultation. The Issues and Options stage for both Site Allocations and Development Policies DPDs have been undertaken in tandem and it is intended that they will jointly be subject to this further consultation due to the close relationship between sites for future development and the appropriate criteria to determine their location, design and use.

Laura Chase, Planning Policy Manager, and Mark Edgerley, Planning Policy Officer, attended to assist the Committee in its deliberations. Mark Edgerley explained that it had been necessary to circulate an updated document at the meeting. Changes had been made to some explanations, the maps had been enlarged and there were changes to the A3 map of the Central Area (the Stanway growth area and settlement boundary) together with the removal of the following two sites for reasons set out in the revised site allocations document:-

- Land to the rear of the Hare & Hounds Public House, Birch, and
- Place Farm, Old Heath, Colchester.

There had also been some changes to Appendices 2, 3a, 3b and 3c and amended documents were also circulated. No changes had been made to Appendices 4 and 5. All sites identified as preferred sites have come forward as a result of housing land availability assessment or the Issues and Options consultation stage. Sites in Chapter 5 are preferred options and may be appropriate for further consultation.

In addition to the decision required set out in the committee report, the Committee were also requested to consider an additional decision to authorise the Head of Strategic Policy and Regeneration to make minor revisions to the document before the consultation period commences.

Patrick Mills, Myland Parish Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He congratulated the Committee and officers on their efforts in compiling the site allocation document. Whilst he did not necessarily agree with the content he recognised the work that had been done. He was particularly pleased that most of the comments made by Myland Parish Council have been referred to in the document. They related mostly to sites for community facilities because Mile End had no community facilities. The Parish Council hoped for the support of the Committee for more generous provision of facilities for the development to the west of Mile End Road and for those facilities to be available for the rest of Mile End. He understood that the Committee had initiated a detailed survey of community facilities which was to have been completed in September, however, he had yet to hear from the consultants.

In response it was explained that the Council was taking a borough wide look at community facilities and would contact parish councils on the outcome.

Councillor Gerard Oxford attended and, with the consent of the Chairman, addressed the Committee in respect of North Colchester being identified for the bulk of allocations. North Colchester had absorbed a considerable amount of development and he had been hoping for a more balanced approach for the future. He noted that the former travellers' site was now allocated for housing, but considered that it could have continued in use as a travellers' site. He believed it had been closed to make way for new housing. He commented that Marks Tey was regarded as being potentially suitable for development were it not for the lack of infrastructure coming forward and that he believed that North Colchester had been in the same position but that had not prevented it from being allocated as a development area.

In response it was explained that the urban area was blank because there was a separate Colchester Borough Draft Proposals Map for the central area. The allocation of some areas for development and not others was the outcome of work done on the evidence base and sustainability appraisal, following which Marks Tey had been discounted and the growth area in North Colchester was supported.

Members of the Committee made the following comments on the Site Allocation Consultation document:-

- site reference 440, a strip of land off Ipswich Road between Old Church Road and railway line (Castle Ward), the whole site is considered unsuitable for housing;
- site reference S044, land between Mile End Road and Bergholt Road, part of the site to the north of the A12 is considered unsuitable for housing. The areas of land to the north and south of the A12 were linked only by a public footpath across the A12 and accordingly the site cannot be justified for inclusion on the basis that it is well connected. There was a request that land to the north of A12 should be excluded, alternatively the owner of the land could put their comments forward under the consultation process. It was noted that the text for this site makes reference to the section of the site to the north of the A12 being inappropriate for built development;
- part of site reference 162 and 261, Mile End Ward, known as Chapman's triangle, was also in Fordham & Stour Ward. Previous Planning Inspectors have found that development on this parcel of land would have caused material harm to the open countryside and directed that it be not included in the Local Plan. It was considered that it may have potential as a green wedge and the work on green wedges should be completed before this site is allocated for housing;
- there was a concern that building 2,200 homes in North Colchester was only viable if the transport links in Colchester and from Colchester to London were sufficient to cater for the increase in population;
- once the A120 is completed Marks Tey would come under pressure;
- concern at the inadequacy of infrastructure in Colchester and the inability for there to be any more new roads;
- the current site allocations document was in draft form for the purpose of consultation and there was a need for transparency and for the sites which had been submitted to be subjected to the process;
- some comments in Appendix 3(b) were useful and some were not, e.g. site 33, playing field at St James Primary School which indicates 'part of land residential

allocation and part is Private Open Space' whereas it should indicate the land is protected. Site 433, frontage of properties 1 to 15 East Bay, which indicates 'Mixed Use Area B' whereas it should indicate the land is public open space.

The following remarks were made in response to the above comments:-

- on the draft proposals map for the central area the settlement boundary for Colchester is shown as a thick black line which goes along the A12 indicating the extent of development. This boundary excludes the part of site S044 which extends beyond the A12 but does include land at site 162, Chapman's Farm. It is advisable to include this latter site as submitted particularly because there are 3 or 4 other sites with similar circumstances. Part of site 162 was considered worthy of inclusion because that area could come under pressure towards the end of the period. The comments about land to the north of the A12 were noted and would contribute towards the work being done. Site S044, was open space in the north west of the site and across to West Bergholt. The notation under 'Current allocation' for site S044 could be amended to 'site to be included in North Growth area, white land north of the A12';
- in terms of consistency and ensuring there was an audit trail it was considered important to retain the sites in the document as submitted for the consultation process and the results would come back to the Committee in due course;
- other minor matters would be improved - an exercise would be undertaken to ensure that all wards were noted where sites crossed ward boundaries; improvements to be made to the contents; appendix 5, the map legend, to be improved/enlarged; an index at the front to be considered; appendix 3(b) site number 82 – Bowmont Close, should read Beaumont Close, also site number 255 – the comment should read 'land to rear of North Station Car Park'.

RESOLVED that –

(a) The publication of the draft Site Allocations Development Plan Document and associated Sustainability Appraisal be approved for consultation with any minor amendments indicated above.

(b) The Head of Strategic Policy and Regeneration be authorised to make any further minor amendments required prior to the consultation period.

Councillor John Jowers (in respect of being a member of the East of England Regional Planning Panel and a member of the Regional Flood Defence Committee) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

13. Development Policies Development Plan Document Consultation

The Committee considered a report by the Head of Strategic Policy and Regeneration on the publication in January 2009 of the Development Policies Development Plan Document (DPD) proposed and associated Sustainability Appraisal for consultation.

Appended to the report was the draft Development Policies DPD with appendices. An addendum was circulated at the meeting which contained changes to: DP4 – Protection of Employment Land and Existing Businesses; DP8 – Tourism Development; DP14 – Open Space provision for New Residential Development; and DP16 – Parking Standards.

The consultation will run from 16 January to 27 February 2009 and will provide the public with the opportunity to comment on the Council's preferred options for development policies to manage future development. Submission of a final document to the Government is scheduled for late 2009, followed by an examination in the autumn of 2010.

The overarching Core Strategy DPD sets out the spatial vision and strategic objectives and policies for the Borough up to 2021 and has been declared 'sound' by a Government appointed Planning Inspector. It will be considered for adoption by the Council on 11 December 2008. The policy direction in the Core Strategy has been used in the production of the Development Policies DPD. It is important to note that the draft Development Policies DPD contains a relatively small number of policies, given that many issues are sufficiently well covered elsewhere. The areas not covered by Development Policies (DP) are covered in principle in the Core Strategy with more detailed guidance provided by Supplementary Planning Documents (SPD).

New regulations issued in June 2008 on Local Development Framework (LDF) consultations have removed the requirement to consult on a 'preferred options' stage and instead encourage ongoing consultation over an extended period leading to formal submission to Government. However, whilst the Council is no longer required to consult on preferred options, in this instance it is considered appropriate to do so given that an Issues and Options stage has already been undertaken and a further stage prior to submission is needed to ensure full public consultation. The Issues and Options stage for both Site Allocations and Development Policies DPDs have been undertaken in tandem and it is intended that they will jointly be subject to this further consultation due to the close relationship between sites for future development and the appropriate criteria to determine their location, design and use.

Karen Syrett, Spatial Policy Manager, and Laura Chase, Planning Policy Officer, attended to assist the Committee in its deliberations. Policies contained within the document were to be considered in the context of national and regional policies and the Colchester Core Strategy. This is a similar document to the Local Plan and more detailed policies were contained in Supplementary Planning Documents.

Councillor Lewis attended and, with the consent of the Chairman, addressed the Committee. She referred to two applications in Lexden Ward in the last six months for residential properties to become facilities for people with learning difficulties. She was concerned that the Council did not have a relevant policy against which such applications could be assessed and she asked if this could be considered as part of the future development of policies. Karen Syrett, Spatial Policy Manager, responded that she would look into the matter.

In addition to the decision required set out in the committee report, the Committee

were also requested to consider an additional decision to authorise the Spatial Policy Manager to make minor revisions to the document before the consultation period commences.

Councillor Oxford attended and, with the consent of the Chairman, addressed the Committee. He referred to the addendum; there were many issues with averages for provision of open space and he questioned whether the document could refer to 'useful' open space. He would prefer at least 15% of the gross site area of developments to be provided as open space. In respect of DP16 – Parking Standards – there were housing areas with very little parking provision which causes problems in the locality. The policy will assist in easing congestion and improve the appearance of residential areas.

It was explained that this was a consultation document and parking provision would match Essex County Council parking standards which will be the subject of a consultation process early in 2009. However it was proposed to include residential parking standards in this policy so that the higher standards could be implemented earlier and the preference was to consult on the document as submitted and consider the responses. In respect of open space provision, again the preference was to consult on the document as submitted rather than insert the word 'useful' or increase the proposed minimum gross site area from 10% to 15%. It was also explained that a sustainability appraisal would be undertaken for all the options.

Members of the Committee made the following comments on the Development Policies DPD:-

- Policy DP6 – Agricultural Diversification and Rural Enterprise – was welcomed because it went a long way towards addressing the dilemma of competing policies concerning rural regeneration;
- Housing Policies – social housing should not be provided in pockets within a development;
- Open Space Policies – open spaces have been lost and there was a wish to correct this situation and also for open spaces to be provided across developments;
- Policy DP15 – Transport Infrastructure and Accessibility – was welcomed because it would provide measures to reduce vehicle dependency. Penalties were needed to bring about a reduction in the use of the car. Garage size was highlighted as an issue and it was explained that the Essex County Council document would be a Supplementary Planning Document which would contain a level of detail which might go as far as specifying sizes for garages;
- Policy DP16 – Parking Standards – there was a concern that parking restrictions were an issue, as was the parking of cars on pavements; the balance was not yet right. The proposed parking standards would go some way to improve the situation, but if matters were left as they were because no comments were received, existing and future problems would remain, a thorough review was needed. Colchester had a more stringent parking policy than neighbouring towns and there was a need to look at consistency and best practice from the Essex Planning Officers Association. If the standard was raised planning officers should be able to apply discretion depending on how close to public transport or the town

centre is the development. There was a strong case for planning officers to determine that the minimum will apply where public transport is very good at that location, and the converse should also apply;

- Policy DP21 – Coastal Areas – refers to the provision of opportunities for adaptation to climate change, e.g. managed retreat. There was a concern that the Marine Bill could extend the right to access to coastal areas provided for in the Countryside and Rights of Way (CRoW) Act. The Bill was just starting to be adopted but would have considerable implications on rural planning and it was requested that Planning Policy take into account the implications of the Bill.

RESOLVED that –

- (a) the report be noted and the Development Policy Development Plan Document be agreed for public consultation.
- (b) The Spatial Policy Manager be authorised to make any minor amendments required prior to the consultation period.

14. Proposed Planning Guidance Note - The Wivenhoe Town Plan

The Committee considered a report by the Head of Strategic Policy and Regeneration on the adoption of the Wivenhoe Town Plan as a Planning Guidance Note. Appended to the report was the Wivenhoe Town Plan.

The Town Plan is a guidance document produced by the local community. Its adoption will add to the Local Development Framework evidence base and will provide up to date information for anyone making a planning application in Wivenhoe. Planning Guidance adds detail to policies already contained within the Local Plan/Local Development Framework. A Town Plan will have been produced with a high degree of community involvement and much of the information gathered from workshops, factual surveys and questionnaires will be useful to the borough council as part of the evidence base. This information can be considered when policy is created through the production of Development Plan Documents.

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

Eugene Kraft, Secretary of the Town Plan Group, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He commended the document to the Committee as a community effort which had taken more than 2½ years to prepare following the distribution of 6,500 questionnaires of which 25% had been returned. The document is a good summary of the opinion of people in Wivenhoe and he hoped that the Committee would agree to its adoption as a Planning Guidance Note.

RESOLVED that the report be noted and the Wivenhoe Town Plan be adopted as a Planning Guidance Note.