

**LOCAL DEVELOPMENT FRAMEWORK COMMITTEE
16 AUGUST 2010**

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

Substitute Member :- Councillor Nick Cope for Councillor Henry Spyvee

Also in Attendance :- Councillor Lyn Barton
Councillor Andrew Ellis
Councillor Ray Gamble
Councillor Mike Hardy
Councillor Sonia Lewis
Councillor Laura Sykes

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, the Cabinet member for Planning, and memberships of the Local Government Association Rural Commission and of the UK National Rural Network) 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)

10. Have Your Say!

Patrick Mills, Myland Parish Councillor, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He requested that a policy be formulated prevent the practice of reducing the required open space provision on a development site when there was significant open space provision nearby, for instance offsetting open space provision at Turner Rise and the NAR development to High Woods Country Park. He considered this to be an undesirable and anti-social practice because in some instances it necessitates crossing the NAR to access the Country

Park which few responsible parents would allow their children to do without supervision. He wanted the practice banned and the full entitlement of open space to be provided on the development site which generated the requirement.

In response Karen Syrett, Spatial Policy Manager, suggested that a report be prepared on the matter for the next meeting of this Committee. She explained that the Mile End chapter in the Local Plan made reference to agreeing the transfer of open space provision for sites to High Woods Country Park and this provision had been carried forward to the subsequent plan.

Mrs Louisa White addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She was mainly concerned that only key players were involved in the negotiation of Section 106 Agreements and she considered that in the public interest and the right to access information, residents should be able to participate at all levels including the negotiation of Section 106 Agreements.

In response the Chairman referred to the ability for residents to have an input into what is provided in their parish through the development of a parish plan. Section 106 Agreements were a Planning Committee matter and the involvement of residents at that stage was not possible.

Nick Chilvers, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He considered that the Local Development Framework was probably the most important issue affecting Colchester and he supported a framework policy rather than a free for all. He was concerned at the high housing target and wanted a pause in the process to allow the provision of facilities in the town to catch up, and in this regard he requested information on any major infrastructure benefits which would be forthcoming. He did not believe that the Park and Ride facility would make a tangible difference to the congestion around the North Station roundabout.

David Clouston, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the planning delivery grant which he wanted to be spent wisely in whatever form it took and in respect of funds from Section 106 Agreements he wanted it all used for local facilities and infrastructure. He referred to the localism agenda and how local communities might be persuaded to accept more housing.

The Chairman responded that the planning delivery grant had now ceased and there would be another grant coming through.

Dan Caffin, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He had assisted in the collection of signatures to the petition presented to the previous meeting and he queried whether councillors were aware of how vehemently opposed people were to the North Colchester development. He referred to Councillor Naish as being the only member of the Committee who had voted against accepting the North Colchester Urban Extension and that he was surprised that other Liberal Democrat councillors had not voted likewise.

The Chairman responded that the petition asked for a particular document style to be revoked and a different document style produced because petitioners believed that was more appropriate. It did not ask this Committee to abandon all housing on that land. Press reports had believed that this Committee had agreed to proceed with the development, but that was not the case; the Committee recognised the issues raised but there were some things that the Committee must continue with, for example education, highways, etc. because they impacted on the North Station Masterplan document as well as in the Colchester North Growth Area. The further consultation with Myland Parish Council will go ahead in any case. The outcome of the process was unknown but the Committee had not ignored what people have said. The petition will go to the Cabinet on 6 September 2010 and he urged Mr Caffin to attend and address that meeting.

11. Minutes

The minutes of the meeting held on 7 June 2010 were confirmed as a correct record subject to the deletion of the words 'Chairman of' and Patrick Mills being identified as a Myland Parish Councillor in the second paragraph of minute no. 3.

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, the Cabinet member for Planning, and responsibility for the budget which provides funding to the Essex Association of Local Councils) 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 with a representative role on the Colchester Association of Local Councils) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

12. Policy Review and Development Panel - Minute Reference

The Policy Development and Review Panel had submitted minute no. 28 of its meeting

held on 1 March 2010 and minute no. 4 of its meeting held on 14 June 2010 concerning representations made by Parish Councillor John Gili-Ross on the consultation on the development of the North Station Supplementary Planning Document and implications of residential development in the North of Colchester. The Committee was asked to consider the referred minutes. It was suggested to members of the Committee that they should consider whether or not consultation could take place with individuals and groups on the work of the Local Development Framework Committee and that an invitation to participate in the development of Local Development Framework documents could be extended to the Colchester Association of Local Councils (CALC) and that in the interests of fairness consideration should be given to extending such an invitation to other such groups.

Mr Gili-Ross signalled his consent to the CALC being included as a consultee on issues likely to affect residents in parished areas within the Borough of Colchester.

RESOLVED (UNANIMOUSLY) that the Colchester Association of Local Councils be included as a consultee on Local Development Framework documents where the issue was likely to affect the residents in parished areas within the Borough of Colchester.

Councillor John Jowers (in respect of his membership of Essex County Council, the Cabinet member for Planning and responsibility for the budget which funds measures within the scope of the Flood and Management Bill) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

13. Sustainable Design and Construction Supplementary Planning Document

The Committee considered a report by the Head of Strategic Policy and Regeneration providing information on measures that are currently supported to mitigate and adapt to the effects of climate change. The Council had adopted a Sustainable Construction SPD in October 2007. Policy ER1 in the Core Strategy set out targets in terms of sustainable design and renewable energy which were currently not being implemented. Following on the recent revocation of the Regional Spatial Strategy which had resulted in the loss of regional policies relating to energy and water, the Spatial Policy team had identified a need for an update to the Sustainable Construction SPD.

Councillor Gamble attended and, with the consent of the Chairman, addressed the Committee. He had visited the BREEAM establishment some while ago. He wanted Colchester to reach the level 6 standard, but he recognised that because of the current economic climate that may not be possible but it might be possible to reach level 3 by 2014 and level 4/6 by 2016. He was aware that there was not a great deal of expertise in the planning department and considered training was equally important for officers and members. He also thought that a specialist within the unit would be useful and could form the basis of a consultation service. He supported the report and hoped that Colchester could achieve the targets which had been set.

Shelley Blackaby, Planning Policy Officer, attended to assist the Committee in its deliberations. It was explained that Sustainable Urban Drainage System (SUDS) was a natural way for surface water to drain. There were a variety of different SUDS such as permeable paving and green roofs.

Whilst it was excellent that Colchester would be working towards attaining standards for sustainability, members of the Committee referred to the extra cost that sustainable measures added to dwellings and commented that anything that could be done to reduce the extra cost would be helpful. They were aware that Section 106 Agreements will need to encompass some of the standards required by BREEAM and the Code for Sustainable Homes, and that the energy category of level 3 of the Code for Sustainable Homes formed part of the 2010 improvements to building regulations. It was considered that SUDS was important because the Flood and Water Management Bill placed a responsibility upon local authorities to prevent surface water flooding. Local councils will be required to achieve levels 5 and 6 of the Code for Sustainable Homes by 2016 and buyers of homes within good developments which had achieved these levels would need to understand that it was a cost effective measure. Every house had a lifespan of 1000+ years and whilst level 6 would be extremely difficult to achieve the aim should be to provide good quality homes.

In response to a query regarding the conversion of the levels scale to the A to F scale with which the public were familiar, it was explained that the standards were set by the Government so this was not something the council could request. New homes will come with a certificate showing their energy rating. Good design was considered as important as good energy efficiency and it was regretted that the design of some new homes in the borough did not match their excellent energy efficient standards.

RESOLVED (UNANIMOUSLY) that the proposed Sustainable Design and Construction Supplementary Planning Document be supported and progress on its development be noted.

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)

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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)

14. Little Horkesley Village Design Statement

The Committee considered a report by the Head of Strategic Policy and Regeneration together with a draft of the Little Horkesley Village Design Statement. The aim of the Planning Guidance Note was to establish the principles of conservation, preservation and good design which the local community wish to see adopted within all new proposed developments within the parish. The adopted guidance document would influence how any new development would fit into the existing parish vernacular.

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

RESOLVED (UNANIMOUSLY) that the Little Horkesley Village Design Statement be adopted as a Planning Guidance Note.

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

15. Inclusive Design and Access

The Committee considered a report by the Head of Strategic Policy and Regeneration in response to a request from the Equality and Diversity Members' Liaison Group.

James Firth, Planning Policy Officer, attended to assist the Committee in its deliberations. He explained that it provided information on the current procedures and policies on inclusive design and access and proposed that a Planning Guidance Note be produced to ensure that Colchester's policy requirements were better addressed in planning applications.

RESOLVED (UNANIMOUSLY) that the production of an Inclusive Design and Access Planning Guidance Note be supported.

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

16. Impact of emerging Government Policy of 'localism' and the revocation of regional housing targets

The Head of Strategic Policy and Regeneration submitted a report following the impact of emerging government policy of 'localism' and the revocation of regional housing targets and the implications for Colchester's Local Development Framework.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. She explained that any review of the Core Strategy or parts of it would need to be supported by new evidence, and targets would need to be justifiable and defensible at an Examination in Public. She confirmed that the documents were relevant and extant and she considered it difficult to see how a review would show that the background information had changed. She made reference to the housing needs register and the numbers of people on the register. She also referred to Government announcements which have been made recently such as the intention to reward authorities who deliver house building, and that there has been a legal challenge to the decision to revoke the Regional Spatial Strategies (RSS) and that the Communities and Local Government Committee was undertaking an enquiry into the RSS. She also mentioned the extra funding for councils who go for growth now with the prospect of extra funding in the future.

Peter Hewitt addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He believed that the report chose to ignore the impact of urbanisation and that the current infrastructure would be unable to cope if 4,000+ homes were required. He wanted the Core Strategy to be reviewed because circumstances had changed since it had been adopted and he asked the Committee not to succumb to threats that a higher housing target would be the outcome of a review. He considered that the greenfield land that had been included in the Core Strategy could be removed, preventing the irreversible loss of biodiversity.

Councillor Gamble attended and, with the consent of the Chairman, addressed the Committee on a number of concerns. He considered that should the Core Strategy be abandoned it could lead to a position of planning by appeal. He believed that the current infrastructure was inadequate to support more than 830 new homes a year; and he acknowledged the genuine concerns regarding the affordable housing situation but was concerned that a reassessment of housing need could lead to a higher target. He urged the Committee to support the retention of the Core Strategy without reviewing housing targets or any of the supporting documents.

In response, the Spatial Policy Manager referred to infrastructure being a key point. The Core Strategy was based on discussions held with key providers and a robust evidence base which was collected prior to the Examination in Public when the document was found sound.

The Chairman acknowledged the safeguard that the Core Strategy provided against unlimited development and that Colchester was fortunate in being one of a few authorities which had adopted a Core Strategy. Once adopted the Site Allocation Development Plan Document would also provide the authority with protection and firm

guidance for developers and he referred to several parcels of land which could not be developed until certain infrastructure was in place. The Committee could ask the Cabinet to authorise a review of the Strategic Housing Market Assessment (SHMA) but such a review may result in figures which were uncomfortable. He reminded the public in attendance that this was not a simple choice and a review may result in a higher target.

Members of the Committee made a number of observations:-

- the views of Mile End residents regarding the site allocations and the housing target figures had been put forward clearly and the Committee should take them on board, the rest of the Core Strategy was sound. New sites or the housing targets should be investigated;
- infrastructure needs to be improved and has not been given enough attention; Mile End and the whole of Colchester could come to a standstill;
- the new A12 junction will solve the problem of getting into Colchester;
- the Core Strategy must not be revoked because it has been found sound and any challenge would require proof that the evidence is now incorrect;
- the Office of National Statistics predictions would see Colchester take 28,000 new homes and a great deal of effort was put into getting this figure reduced; if the SHMA was reviewed it could result in a target of 1,400 per annum. The target is as low as can be achieved;
- a road from the Cowdray Centre through to Colchester North Station will cost £16million;
- the target of 17,200 new homes by 2023 was about right. If an allocation is in the wrong place an alternative location which is at least as sustainable elsewhere in the borough would need to be identified and supported with appropriate evidence;
- although the Secretary of State has indicated that communities do not have to take the previously imposed figures, any change would need to provide supporting evidence;
- an independent review was supported because it would provide confidence in the figures;
- the data on Registered Social Landlords' waiting lists may not be correct because it was believed that they may not undertake frequent reviews;
- some brownfield sites would come forward later in the timeframe whilst some greenfield sites would come forward earlier; a brownfield site in Brook Street was one such site and it was considered that brownfield sites should be built on before looking at greenfield sites;
- no affordable housing was provided from brownfield sites;
- there were no big employers coming to Colchester. It was believed that many jobs do not pay well and people have to commute;
- developers may be disinclined to seek planning permission on brownfield sites because of the requirement for 35% social housing;
- local enterprise partnerships is a funding source which only those with a policy could access.

In response, the Spatial Policy Manager made reference to the section on infrastructure in the Core Strategy document which had been based on information supplied by a number of statutory bodies and subject to examination: the Highways

Agency, Highway Authority, Primary Care Trust, Anglian Water, Fire Service, etc. An independent report on the SHMA was undertaken by independent consultants and was published in February 2008 with updates every year which take account of up to date housing projections, sales figures, etc. The viability of affordable housing was also tested, so there was no need for a further independent test. She confirmed that all the evidence base had been prepared at a local level. The SHMA and retail studies included adjoining authorities and each included a sub-section on Colchester.

In respect of brownfield sites, she referred to schemes in the pipeline with Section 106 agreements. The Severalls site had always been predicted to start delivering in 2012/13 and this was still achievable; there was an application for phase 1 which would deliver approximately 240 units and the scheme as a whole would deliver over a period of five to seven years. The remaining PCT land would be sold off when the price was acceptable. At Tollgate there was a speculative office development under construction and the largest Sainsburys store in the country. Colchester was very proud of having a significant number of small and medium sized businesses in the town. Colchester has a relatively low figure for out-commuting; 70% of people live and work in the borough. She confirmed that it would be possible to review the numbers in the SHMA and live with the consequences but it could result in a higher housing target. In respect of traffic and infrastructure, she was confident that the documents did not need to be reviewed because they related to the same scale of development. In response to suggestions that a decision be deferred until the Inspector's reports were available on the Site Allocations DPD, she confirmed that the Core Strategy and broad locations had already been through an Examination and the Inspector had stated that the Core Strategy provided the most appropriate and sustainable strategy for development in Colchester.

RECOMMENDED (MAJORITY voted FOR) to Cabinet that –

- (a) The adopted Core Strategy to remain on the basis that the development plan and the ability to retain control over the determination of planning applications would be seriously undermined without it;
- (b) David Couttie, Managing Director of DCA be invited to attend the Cabinet meeting to share his experience and expertise.