

LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

2 NOVEMBER 2011

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

Also in Attendance :- Councillor Nick Barlow
Councillor Nigel Chapman
Councillor Peter Chillingworth
Councillor John Elliott
Councillor Sonia Lewis
Councillor Richard Martin
Councillor Anne Turrell

12. Minutes

The minutes of the meeting held on 15 August 2011 were confirmed as a correct record subject to the inclusion of Councillor Goss in the list of members of the Committee present at the meeting, and to the word 'Plan' being amended to the word 'Policy' in the third line of the fourth bullet point under the sub-heading Plan Making of minute no.9.

13. Colchester Town Centre Retail Study

The Head of Strategic Policy and Regeneration submitted a report on a town centre retail study which would inform policy and programmes for the town centre. The report provided a synopsis of the study content and an executive summary was appended to the report. The findings and recommendations would be taken forward by the Town Centre Steering Group which was working with the Planning Policy team to develop an overall plan to guide the Better Town Centre programme. It was intended that a Draft Town Centre plan would be developed into a draft Supplementary Planning Document and submitted to a future meeting of the Committee for approval of a consultation process.

Laura Chase, Planning Policy Manager, and Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations.

Members of the Committee raised a number of issues including:-

- traffic congestion and the likelihood that Park and Ride would help relieve congestion;
- parking including disabled badge holders parking in the high street;
- the pedestrianisation of the high street presenting an opportunity;
- the 'traditional' style high street requiring investment;
- the importance of independent traders particularly to Colchester;

- the attractiveness of market towns, for example Bury St Edmunds;
- Colchester being in competition with local large towns in respect of attracting key large stores, and disappointment that they would very likely go to Chelmsford or Ipswich;
- the recent arrival of some excellent retailers;
- the town centre not being big enough to provide what people really wanted;
- neither Ipswich nor Chelmsford having as much diversity as Colchester;
- the town appearing to be in a healthier position than was the perception of residents;
- a few more trees may be of benefit to the town;
- too many restaurants and drinking establishments;
- surprise that the Westfield Centre was perceived as having a limited impact on Colchester;
- ensuring that any new development was not at the expense of the economic health of existing development.

The Planning Policy Manager explained that the study had compared Colchester to other towns, and areas for improvement had been identified. The challenge ahead would be to identify different approaches and to consider how people spent their leisure time, which would be likely to include more than shopping. She explained that consideration of parking in the High Street was ongoing but that there was considerable support for pedestrianisation. New traffic management guidelines for the Town Centre were being worked on with Essex County Council. Whilst the Westfield Centre may have a huge initial impact, consultants considered that in terms of general overall shopping the Westfield Centre was a once a year experience but the value of spend was likely to be high. In contrast Colchester had a local catchment. She referred to the development of a draft SPD which would be submitted to the Committee for consideration in the near future.

RESOLVED that the report and the Colchester Town Centre Retail Study be noted.

Councillor Elizabeth Blundell (in respect of being acquainted with some members of Maldon District Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

14. Tiptree Jam Factory Plan

The Head of Strategic Policy and Regeneration submitted a report on a process for the preparation of a plan for potential future development at the Tiptree Jam Factory. The report explained that the owners of the factory required new premises by 2014 to meet modern standards and to enable Wilkin and Sons to maintain its market position and grow. Wilkin and Son had carried out a public consultation on the options. The preferred option included three elements:- construction of a new factory on greenfield land allocated for employment through the Site Allocation process; redevelopment of the existing factory site for housing; and development of a greenfield site for housing and open space. The last element represented a departure from the approved

development plan. It was proposed to address this issue by considering a revision to the approved plan rather than dealing with the greenfield housing scheme through the planning application process as a departure from the development plan. The consultation document and the questionnaire report were both appended to the report by the Head of Strategic Policy and Regeneration. Subject to the Committee's agreement to the principle of the preparation of a new plan, it was proposed that consultation be completed on the options stage of the plan (Regulation 25) following which a draft plan be presented to the Committee for approval for a pre-submission consultation (Regulation 27).

Laura Chase, Planning Policy Manager, and Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. The Planning Policy Manager explained that this report set out a proposal for the process of developing a plan. The company had a tight timescale to get a new factory by 2014. The proposed process was intended to support the role Wilkin and Sons played in Tiptree while also ensuring full public scrutiny of the company's proposals. If the Committee was minded to approve the process, the council intended to apply to the Government for a Neighbourhood Frontrunner scheme which would provide advice and funding and assist the council in moving the project ahead. Some concern had been expressed prior to the meeting by residents concerned that a planning application might be imminent, but it was noted that the process of developing a plan would involve more consultation rather than less since detailed planning applications would also be required.

Ian Thurgood addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) as a resident and on behalf of Peter Wilkin and 270 staff employees. They had been overwhelmed by the public response and support in terms of a petition comprising 7,000 signatures and genuine support from people in the village. Wilkin and Sons was a major employer and an integral part of Tiptree. Mr Thurgood accepted that the plans would not be to everyone's liking and there were valid concerns such as infrastructure. He asked that the Committee look to keep the Tiptree Jam Company in Tiptree.

Roy Williams addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). His house abuts a greenfield. He related that for the past year Wilkin and Sons had deluged residents with aggressive public relations and marketing exercises, and he considered that what was referred to as a public consultation was not really a true public consultation, and as such was flawed. Residents had been waiting for Wilkin and Sons to submit a planning proposal and they had not been able to talk to the parish council so there has been no local forum. Wilkin and Sons had decided to go to through Local Development Framework (LDF). He had spoken to two members of the parish council who had different ideas about what the parish council agreed. At the last meeting this committee discussed problems with the National Planning Policy Framework which was an unknown quantity. He asserted that there were serious democratic issues and he requested the committee delay implementation of the Tiptree Jam Factory Plan to allow time to address their concerns and read the representations submitted within the last twenty-four hours.

Steve Read, resident of Tiptree, addressed the Committee pursuant to the provisions

of Meetings General Procedure Rule 5(3). He had written to members to explain his concerns in detail. The Committee was being asked to take a decision based on inaccurate information. The consultation carried out by Wilkin and Sons was limited, flawed and incomplete. Information in the agenda suggested overwhelming support, but that was not the case. The photomontages used gave a misleading interpretation of the development. The questionnaire led respondents to a positive response to questions asked, and he did not consider it to be representative with only 640 respondents out of 11,000 residents. He asked what the proposal meant for the LDF and whether it was now considered not to be robust. There were concerns about accommodating more housing without improving infrastructure because Tiptree had expanded significantly in recent times. He considered this plan was premature and asked the Committee to read his detailed letter before making this decision.

The Committee took the opportunity to ask Mr Read the question: Was he not encouraged by looking at the Wilkin and Sons proposal in a different way.

Mr Read responded pursuant to the provisions of Meetings General Procedure Rule 5 (3). He was encouraged that the debate was starting to take place, but believed it had taken residents by surprise because they had been expecting it to take the planning application route. Tiptree Parish Council had been silent on the issue. There was a need for a local debate and for other participants to engage in that debate.

Councillor Elliott attended and, with the consent of the Chairman, addressed the Committee. He referred to the fact that only a short time ago no more houses were required in Tiptree, but time had moved on and circumstances change, and Tiptree is likely to get allocated more houses. This could be a helpful way of looking at it for Tiptree. He speculated that not many developers would give such a large open space and not a very high density. Residents had not been consulted and this Committee was being asked to authorise a consultation process which would enable local people to give their views and then an Inspector would give his view. There was a poor road junction in the vicinity but it may be possible to improve the situation. Wilkin and Sons employed a lot of people and they attracted a lot of visitors who then use local shops and facilities in Tiptree. This was an amendment which should be looked at.

Councillor Martin attended and, with the consent of the Chairman, addressed the Committee. He referred to Wilkin and Sons being desperate for a new factory as their current buildings were very old and it was a struggle to keep up to date. He hoped the Committee would proceed as recommended in the report.

Members expressed some sympathy with the public speakers and it was stated that if someone lived next door to an area where there might be houses, they were entitled to object and they should. If the Committee agreed with the principle of a new plan, that would give residents and businesses, etc. an opportunity to be consulted. The plan would then go to an Examination in Public by an Inspector where any member of the public would be able to make their representations. Wilkin and Sons would have to demonstrate that there had been sufficient change to require an alteration/increase in the numbers of houses since 2008. If the plan was approved they would then need to submit a planning application which would also require a public consultation. This process would give the public a second opportunity for people to give their views. The

plan would update a small part of the LDF. It could be argued that the report was not balanced because it only represented the factory's point of view but the proposed process would enable more consultation which was the best way forward. The Committee wanted Tiptree residents to be involved as much as possible.

Reference was made to neighbourhood plans in that the National Planning Policy Framework (NPPF) was about building in accordance with the Core Strategy; it was not about taking numbers of new dwellings away. There was now a presumption in favour of development within the new NPPF.

Some members would have preferred a neighbourhood plan and referendum which would have been the most democratic way to do it, but it was appreciated that the regulations for these plans would not be in place until next April. Given the circumstances, the Development Plan Document approach was considered appropriate for a scheme that would have a large impact on the residents of Tiptree. Concerns about the potential bias of the initial Wilkin and Sons consultation were noted, but the Development Plan Document development process would address this by providing additional consultation opportunities for residents to raise concerns. Assurance was sought and given that the consultation would include residents from Tolleshunt Knights because they had asked to be consulted. Reference was made to an exception for Woods some years earlier because the Council wanted to save 550 blue collar jobs. This would be the right route, a safe route, and a democratic route, and everyone would be heard.

The provisions in the National Planning Policy Framework (NPPF) concerning a new system for Neighbourhood Plans were not relevant in this discussion since this plan would go through the existing Development Plan Document system. Maldon District Council would be included in the list of consultees.

RESOLVED that the principle of the preparation of a new plan, to be called the Tiptree Jam Factory Plan, for the Wilkin and Sons site and adjoining land in Tiptree, be approved for consultation.

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)

Councillor Kim Naish (in respect of his membership of The Angling Trust and his role as Essex Consultative on The Angling Trust Eastern Region Freshwater Forum, and his association with the Environment Agency) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

15. Colchester Borough Green Infrastructure Strategy

The Head of Strategic Policy and Regeneration submitted a report on a Green

Infrastructure Strategy which provided detailed and up to date evidence about green infrastructure provision across Colchester Borough. The document mapped existing shortfalls and appendix A to the report identified the scale and location of where new green infrastructure assets could potentially be provided. Appendix B to the report sought to provide indicative costs and delivery partners. The Green Infrastructure Strategy would form an important part of the evidence base for the Local Development Framework and would be used to inform any reviews of Colchester Borough's planning documents and the preparation of a local plan in the future.

Beverley McClean, Coast and Countryside Planner, attended to assist the Committee in its deliberations. In her introduction she referred to a broad body of evidence of the benefits to the population that green infrastructure could deliver. She indicated that because the report was extensive it was available to view on the website.

Members of the Committee commented that the report was very welcome. In response to queries by the Committee, it was explained that the Environmental Agency had attended the second workshop. The Coast and Countryside Planner drew the members attention to paragraph 4.4 (d) of the report which set out the Accessible Natural Green Standards (ANGSt) which had been used in determining whether there was a lack of sufficient green space for a community; within this context she explained that unlike Green Infrastructure spaces, Public Rights of Way were not a destination and thus did not come within the scope of this Strategy.

RESOLVED that the report and the contents of the Green Infrastructure Strategy be noted.

16. Tendring District Council Consultation on Housing Development

The Head of Strategic Policy and Regeneration submitted a report on a public consultation on a housing development in Tendring District and requesting the Committee to agree any comments to be returned at this stage of the consultation. The consultation comprised two sites which bordered Colchester, one of which included land within the borough and would require a cross-boundary approach.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. She referred to none of the sites within the document having been agreed by Tendring District Council, rather they are at the stage of seeking views.

Some Members of the Committee were of the view that Tendring District Council were consulting on these two sites along the eastern edge of Colchester because they preferred not to have such a development close to one of their major towns. There were concerns that there would be no benefit to Colchester in terms of the Community Infrastructure Levy, the Section 106 contributions which would go to Tendring District Council or Essex County Council and the new homes bonus which would go to Essex County Council.

The Committee did not believe that housing on these sites in the countryside were compatible with Colchester Borough Council policies because growth areas had been

identified to avoid building in the countryside; Colchester's policies were predicated against building in open countryside except in exceptional circumstances. Colchester was due to build 19,100 houses and these two sites would deliver 8,100 homes adjacent to the Colchester/Tendring boundary. Colchester had an LDF and a Core Strategy predicated on sustainable developments within growth areas. These proposals would have an impact on the adjacent area which was considered to be a beautiful landscape and the response should refer to the impact on Colchester being significant. These sites were on greenfield land overlooking a nature reserve; there were many things wrong with these two sites and the view was that the proposals were really unacceptable.

One member of the Committee urged caution. Although it was agreed that this was premature because Colchester had its housing numbers allocated, there was the potential for a link road to be provided between the Research Park and the A120. Tendring District Council did not have an LDF in place nor a Local Plan so they were vulnerable and therefore Colchester was vulnerable; they needed to work quickly to get something in place. It was suggested that the council submit a response to try to help them as they were in some difficulty which they were attempting to overcome. They would be giving Colchester some housing numbers which may be needed and in this instance it might be to Colchester's benefit to be reasonable.

The Strategic Policy Manager confirmed that they had not consulted us, no response has been sent yet and ward councillors have not responded, unless they have done so independently. She confirmed that under the new arrangements Colchester was required to work with its neighbours and had a duty to co-operate. There was an upcoming pre-arranged meeting to discuss how the council would do that and it might be an opportunity to refer to some of the issues this proposal has brought to light, such as the Community Infrastructure Levy, Section 106 contributions and the new homes bonus, where there was an impact on Colchester.

RESOLVED that the report be noted and the Committee's comments be submitted to Tendring District Council as Colchester Borough Council's response. The second paragraph be amended to read:-

"Colchester's adopted Local Development Framework provides for new development to be focussed within identified Growth Areas centred around the urban area of Colchester. LDF policies (ENV1 in particular) provide that development in open countryside is to be strictly controlled to conserve the environmental assets and open character of the Borough. The development of the above two sites is accordingly not considered to be compatible with adopted Colchester planning policies. Additionally, it is noted that large scale development in West Tendring is at odds with adopted policy in the adopted 2007 Tendring Local Plan which focuses growth on Clacton and Harwich, an approach which is also reflected in infrastructure planning carried out at sub-regional level through the Haven Gateway partnership."

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

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

17. Community Infrastructure Levy - Draft Charging Schedule

The Head of Strategic Policy and Regeneration submitted a report requesting the Committee to agree the content of the Community Infrastructure Levy (CIL) Charging Schedule and background Documents; to agree to publish and make available the Draft Charging Schedule and all supporting information, in order that representations can be made; subsequently, to submit the Charging Schedule to the Secretary of State for examination; and requesting that the Committee to delegate authority to the Spatial Policy Manager to make minor revisions to the document prior to publication, submission and during the examination.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. The consultation had produced 26 responses including one response reported verbally. There were concerns that in some cases the levy would make development unviable. Documents had been prepared to clarify that viability assessments had been undertaken. £120 per square metre equated to 5% of the average market house. Comments about clarity had been taken on board and as a result the suggested Governance Arrangements and Implementation Plan were appended to the report. Initially it might be more appropriate to consider some sites for Section 106 contributions rather than CIL. However, in 2 years time Section 106 contributions would be severely restricted and if there was no CIL in place the authority may stand to lose out on contributions. Under the CIL arrangements local authorities would not be able to pool contributions as they may have done in the past.

Andrew Crayston, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He urged caution and consideration of the draft charging schedule particularly relating to residential development. This is a major change with significant impacts in the current climate of difficulty and uncertainty. He believed it would hold back development. He agreed with the concept, but calculations were seriously flawed. The levy would extract 5% towards infrastructure which could only come from the land value. He was of the opinion that the land values upon which the calculations were based were vastly different from recent transactions. He referred to the difficulty in developing complex sites such as those at the Hythe and of small sites which would not be viable. The concept relied entirely on reducing land values. Development in the town would rely on major land holdings only. He questioned the viability of the core assumptions made in paragraph 5.84 of Appendix 2. He believed that the council's ambition to be a Frontrunner was not compatible with getting the policy right. He would welcome a workshop at an early date and asked that the decision be delayed until the evidence was accurate.

Jonathan Frank, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He asked if the Committee had received his letter on this issue. He did not believe the Committee had enough information about the Community Infrastructure Levy, and he asked the Committee whether they understood the economics of the issue, whether they knew how much the CIL charge would be for

a three bedroom house, and whether they knew how much building land was worth in Colchester. He advised that the Committee should defer this matter until they had the full facts and figures in front of them.

Pursuant to the provisions of Meetings General Procedure Rule 5(3) a member of the Committee took the opportunity to ask Mr Frank a question:- "was he aware that the Committee was not required to make a decision on whether to accept the CIL draft charging schedule at this stage." Mr Frank responded to the effect that that was what he had hoped to hear.

The Spatial Policy Manager responded. She apologised that she had failed to circulate Mr Frank's letter to the Committee. She explained that the Council had not adopted an Affordable Housing SPD which required any financial contribution. In respect of a meeting being held at firstsite in October, a meeting was being organised and she hoped he would appreciate how many people were involved. In terms of the figures used and viability arguments, she did accept that some sites would be unviable, but there were sites which, at the height of the market, had not been developed so it was not CIL preventing their delivery. Some greenfield sites would yield more through CIL – there were winners and losers. It was necessary to look at the guidance; it was true to say that authorities should avoid setting a charge rate up to the margins of viability. The authority was aware that it needed to bear in mind the economic circumstances and the fact that land values could change over the period of the charging schedule. She had calculated that of the number of homes to be built by 2023, there were only about 1,000 outside of the greenfield allocations which would be subject to a CIL and the levy could be avoided if an application was submitted before CIL was introduced. There would be a long lead in time for CIL, possibly as much as a year. The Council had the right not to adopt CIL if the circumstances were not right or were not to the Council's economic advantage. She remained of the opinion that it was right that the Council proceeds with the consultation on a CIL draft charging schedule.

Members of the Committee made the following comments:-

- that representations from local developers appeared to indicate that the charging schedule was too high in which case it would have a negative impact on whether the development of some sites would be economically viable. There was a view that the calculations were based on large sites;
- Colchester would be at a disadvantage if the charging rates were too high compared with neighbouring authorities;
- whether it would be possible to re-examine the charging and change the rates if they proved to be too high, and how quickly could that be done. Would it be possible to change the rates annually, and would it be necessary to appoint consultants to do that;
- whether Colchester would be better off continuing with Section 106 rather than CIL and slow down the speed of change to CIL;
- it was noted that none of the big developers had submitted comments;
- members of the Committee requested a session with the consultants to look at the technicalities of how CIL works before the proposal was submitted to the Secretary of State;
- members of the Committee requested a meeting with developers to enable them

- to explain what CIL meant to them;
- there was a body of opinion that although CIL was the preferred route, and sooner rather than later for Colchester, there was no compulsion for Colchester to implement CIL at those rates. It would be possible to leave it for a while and to continue with Section 106 contributions, but eventually CIL would be the preferred option.

The Spatial Policy Manager referred to the Governance Arrangements at Appendix 4 which explained how people could be involved in the process. She explained that Colchester was the charging authority and would be able to allocate money to other bodies to deliver infrastructure or to provide infrastructure itself. In terms of viability, she gave an example of a site of 10 hectares of which only 6 hectares would actually be developed; the remaining 4 hectares could be roads and open space. The phrase "meaningful proportion" was subject to current consultation; the Government was not saying what it should be but was asking respondents what they thought it should be. A cap could be set where there was a large development alongside a small community. It would be possible to slow down the process of changing to CIL; the regulations were due to change next April and authorities would be facing a different set of regulations in any case. The chargeable rate was subject to annual review. The critical decision was about when it was to be implemented. It was important to get the policy right. She was uncertain what could be changed between now and December or what the committee wanted changing in the longer term. The practical benefit was that CIL was non-negotiable. An annual review was not set in stone; the authority could set its own review procedures and there would be no need to appoint consultants.

RESOLVED that the report be noted and –

- (a) The content of the Community Infrastructure Levy Charging Schedule and background Documents be agreed;
- (b) The Draft Charging Schedule and all supporting information be published and made available in order that public representations can be made;
- (c) The Charging Schedule be subsequently submitted to the Secretary of State for examination;
- (d) The Spatial Policy Manager be authorised to make minor revisions to the document prior to publication, submission and during the examination.