

**LOCAL DEVELOPMENT FRAMEWORK COMMITTEE**  
**30 JANUARY 2012**

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

*Also in Attendance :-* Councillor Nick Barlow  
Councillor Kevin Bentley  
Councillor John Elliott  
Councillor Sue Lissimore  
Councillor Laura Sykes

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

**25. Have Your Say!**

Pete Hewitt, Myland Community Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) in respect of the North Colchester Growth Area. He wanted the Chesterwell Site to be a sustainable development supported by relevant masterplans and supplementary planning documents. He was of the opinion that the Core Strategy had been based on pre-recession assumptions which were now out of date. Similarly the North Colchester Travel Strategy was based on old data which did not take account of further development. He asked the Committee to provide assurance that the sustainability base would be re-examined and he offered assistance from Myland Community Council.

Some members of the Committee had similar concerns about the North Colchester Travel Strategy document because of a route created via a residential estate which was contrary to earlier reassurances.

Karen Syrett, Spatial Policy Manager responded to the paper developed by Myland Community Council. She indicated that their contribution would help inform the revision of the Core Strategy and Local Plan. However, she explained that there were numerous documents which comprised the evidence base. She also referred to the prediction that the current recession could end in 2015, and that this Council was looking at a long term strategy to 2023 with the likelihood of there being higher housing targets than currently exist. In terms of transport infrastructure, the Travel Strategy had used more up to date modelling, but the document was currently subject to consultation along with the Supplementary Planning Document. She disputed the assertion that the Core Strategy had been undermined or that any evidence based documents were suspect, on the grounds that a wealth of evidence based documents had underpinned the Core Strategy. Employment and housing targets at the time were based on

detailed evidence and therefore not considered to be incorrect. The Council would continue to consider planning applications which would be determined under the current framework.

David Clouston addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He expressed his appreciation of the work undertaken by this Committee and he posed a question about ambitions for Colchester in the very long term. He had first hand knowledge of planning without process when he lived overseas and offered his experiences to assist in the consideration of the very long term future of Colchester if such an opportunity arose.

Members of the Committee thanked Mr Clouston for his generous comments. It was explained that the integrated county strategy looked further ahead in terms of regional growth centres and within that context was the local Core Strategy. In the absence of any detail, this Council was attempting to interpret the National Planning Policy Framework. Reference was made to this Council being one of only three councils which had a Core Strategy, but in those areas where there was no planning framework there could be unchecked growth.

Emma Asensio addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She had become aware that a site referred to as the railway sidings had obtained planning permission for 175 dwellings but she had been unable to locate the permission. She also believed that earlier applications had been submitted for public consultation but the latest application had not and she considered this situation to be unfair and not transparent. Local residents had assumed it already had permission. She believed that the site was part of an Essex Wildlife Trust site. She was of the opinion that the information contained in the Site Allocations document about this site was inaccurate.

Members of the Committee referred to the remit of this Committee having a strategic role in respect of planning matters. Karen Syrett, Spatial Policy Manager, explained the history of the site in terms of it having been included in the Local Plan with an estimated capacity based upon prevailing national minimum density standards. It had then been carried forward onto the Site Allocations document without reference to any particular number of dwellings, and in 2011 a development brief had been prepared with reference to a number of dwellings lower than 175. She reassured Ms Asensio that its inclusion in the Site Allocations document simply confirmed that the site was suitable for development rather than a requirement for it to provide a particular number of dwellings.

Councillor Bentley, in his role as an Essex County Councillor, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) regarding the railway sidings site which was of concern to the residents of Halstead Road. The site was allocated for housing but residents did not believe they had been adequately consulted. They were also concerned that they had not been consulted on air quality in connection with traffic pollution and traffic congestion. He requested that when the Local Development Framework was reviewed this site should be taken out and reviewed separately. In the meantime he considered that no planning applications should be considered until the review was concluded. He also referred to the special

wildlife on the site and asked for a survey to be undertaken. He supported the need to provide homes but was of the opinion that this site was unsuitable.

In response Karen Syrett, Spatial Policy Manager, noted that there had been a consultation period at every stage of the LDF including the Site Allocation DPD which involved either leaflets to every household in the borough or other ways of publicising documents; she offered to provide Councillor Bentley with the detail of that consultation exercise. In terms of infrastructure supporting growth in the Stanway area, she referred to a new primary school, the western by-pass and improvements around Warren Lane. She confirmed that there was no provision for individual sites to be taken out of the LDF. There would be a review of documents which would take place as the evidence base proceeds with consultations and issues raised. In the interim period planning applications would be determined having regard to any existing policies for the area. National policy stated that the Government's key housing objective was to increase the number of new homes built. Local authorities were required to use evidence to provide such housing in their area. If this Council was to start a review in 2014, it would be looking at a 15 year period up to 2029/30 and it would include new sites. A borough wide review of wildlife had been carried out and species identified both on this site and another site further north for which some mitigation measures would be required.

Members of the Committee referred to the site being in the Site Allocations document and to a planning brief for the site. It was noted that no planning application had been received but any application would be judged against the planning brief. Members were concerned that there may be confusion regarding the process. The Spatial Policy Manager explained that there was a section on all of the growth areas in the Site Allocations document. There were no housing numbers for the site as part of that document. The railway sidings site was outside that area and was within the main borough wide housing sites.

## **26. Minutes**

The minutes of the meeting held on 12 December 2011 were confirmed as a correct record.

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

## **27. Colchester Cycling Delivery Strategy // Supplementary Planning Document**

The Head of Strategic Policy and Regeneration submitted a report on a Supplementary Planning Document for the Colchester Cycling Delivery Strategy. The objective of the document was to promote the importance of cycling in the borough, to deliver a cohesive, comprehensive and legible cycle infrastructure network, and to promote

cycle training and marketing.

Jane Thompson, Transport Planner, attended to assist the Committee in its deliberations.

Members of the Committee congratulated the Spatial Policy Team on their work in producing the report. There was member support for a bike loan scheme, similar to that which operated in central London. There were minor concerns about cyclists and motorists not giving sufficient consideration to each other which could only be overcome by educating both groups of road users. It was suggested that paragraph 9.4 of the document should read "The other major destinations will be picked up as part of the zone requirements but should include secondary schools and leisure facilities."

*RESOLVED* (UNANIMOUSLY) that, subject to the amendment to paragraph 9.4 as set out above, the Colchester Cycling Delivery Strategy be agreed and adopted as a Supplementary Planning Document.

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

## **28. Tiptree Jam Factory Plan**

The Head of Strategic Policy and Regeneration submitted a report on the outcome of the recent public consultation and to request that the Committee approve further work on the preparation of a submission draft plan based on Option 4 of the consultation document.

Laura Chase, Planning Policy Manager, and Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. With reference to an earlier discussion on a different site, the Planning Policy Manager explained that whilst there was scope to add sites to the Site Allocations document, there was no scope to delete sites. She explained that all the studies, officer assessments and public comments would be posted on the Council's website. She stated that traffic had emerged as an issue and Wilkins and Sons had been in discussion with Essex County Council regarding solutions. She confirmed that the company had used reputable consultants to provide evidence in the form of various specialist studies. This Council was seeking to progress development in Tiptree through the Development Plan process rather than through the planning process. If the Committee agreed to proceed, the next step would be to finalise the Plan for this site with supporting documentation and publish it for consultation, and then to submit the Plan to the Secretary of State for examination.

Mr Chris Newenham, Wilkins and Sons, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). The company was convinced that their planning over the last year had been worth the effort and the proposal would be of real benefit to the village. He acknowledged that there would be concerns of

impact with any development. He spoke about the increase in population since 1961 which was in part responsible for important infrastructure and facilities. He confirmed this was a viable plan and that the Council had ensured that the proposals met current guidelines. Time was of the essence if they were to meet their target of a new factory available for 2014 and he asked the Committee to support this project. In response to a question from the Committee, Mr Newenham confirmed that their financial affairs were a public record. They were robust and careful; and they wanted their business to be based at Tiptree.

John Clarke, resident of Tolleshunt Knights, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). His main concern was in regard to the infrastructure in Tiptree which had not been updated as a result of considerable growth occurring in recent times. The local Member of Parliament would be acquainting herself with the most recent plans. Residents had heard nothing from the parish council or Wilkins and Sons to reassure the community that they would not suffer from shortfalls in infrastructure. He believed that this proposal would result in detrimental impacts in all areas such as public transport, schools, the medical centre, etc. He was also concerned about any funds which might be required bearing in mind the cuts in services. He suggested the points he raised be reviewed, all services be consulted and the outcome shared with residents of Tiptree. The Chairman reminded Mr Clarke that at this stage the Committee was not looking at a planning application.

Councillor Robert Long, from Maldon District Council and also representing Tolleshunt D'Arcy and Tolleshunt Knights, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He held the company in high esteem, but he preferred Option 3. He was of the opinion that there had been support from council officers for Option 4 before matters had got to this stage and in contradiction to the objections to Option 4. He referred to a loss of green belt cushion, to the site being close to their boundary, and to the lack of infrastructure. They were unable to support Option 4 which would result in an increase in houses, cars, people and children, all requiring local services. He believed that a deterioration in traffic would result in chaos and the ruin of Tiptree.

Roy Williams addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). His home abuts Birch Wood and greenfield land. He had noted that his consultation response had included a report written by Dr C.Macrae pointing to bias in the wording of the Wilkins and Sons questionnaire. He asked that the Committee read the report. His second point was in regard to the numbers of dwellings and the recommended density of dwellings for Tiptree.

Mrs Pat Clayton addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) in respect of the evidence base for Tiptree Jam Factory Plan. The plan was being reviewed under the existing LDF procedures. The site was described in the Planning Policy Statement as previously developed land which was not the case. The land was greenfield protected land and planted with strawberries. The Inspector had upheld the decision not to include this site in the Site Allocations DPD and dismissed Wilkins and Sons appeal. Part of the site, also referred to as the field beyond the strawberry field, was now proposed as public open space to include allotments, a visitor centre, shop and tea rooms.

Steve Read addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He appreciated that this was new for everyone, but he had become convinced that this was an unfair process. The consultation had ended on 9 January, which was not much better than Wilkins and Sons' own consultation. It appeared to him that the Council seemed determined to get this into the evidence base, but when looked at closely it told a different story. Some of the additional reports required specialist knowledge to understand them and some reports contained errors. The documents as presented gave the appearance of this being a planning application rather than a policy document; there was a lack of clarity and scope. This process had been presented by the Council to inform a review, but he questioned how the Committee scrutinised what had been done. He wanted the Committee to be aware that Melville Dunbar was writing reports of which he did not approve. He did not understand the underlying costs to build the new factory and did not understand why Option 3 had been dismissed.

Kenneth James addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the evidence based summary, and the issue of responses to the scheme. He had calculated that 50% of responses in favour of Option 4 had been made by those who would not be directly affected, they could be disinterested supporters of the applicants. Thirty-four reports had been issued by Wilkins and Sons and added to the website in last few days. He questioned whether anyone would be able to respond to the technical reports and doubted whether it would enhance the consultation process.

Councillor John Elliott attended and, with the consent of the Chairman, addressed the Committee. He referred to there having been a resistance to more houses being built in Tiptree when the Local Development Framework was being developed. However circumstances had changed and there was now an awareness that more housing would be needed. He referred to the low housing density and to the open space provision in this proposal. Tiptree needed facilities and this could be an opportunity to get those facilities where there was a shortfall. Local schools still had capacity but the college did not because they had taken students from a wider catchment area. Both the chemist and surgeries were able to cope with current demand. He believed this additional housing would bring benefits to Tiptree whereas individual applications by themselves did not have that ability. He also believed the likelihood of development on this land had been anticipated for several years. He referred to a contribution towards Tiptree Community Centre by Wilkins and Sons which illustrated their commitment to the community. He urged the Committee to support Option 4 but he wanted the number of dwellings built to be as stated by the company. He considered the junction near to the company premises to be the worst in Tiptree, and a traffic light controlled junction at that location should be included in the highway improvement package. He also wanted an assurance that the new factory would be built if the houses were built.

Spatial Policy officers explained that these were unique circumstances and they were working closely with Wilkins and Sons to find the best solution to enable them to remain in Tiptree, hence detailed studies on drainage and other matters being included in the evidence base. The technical studies were being made available on the website so that all interested parties were able to see the evidence base building up and those

same documents would be required for a planning application. All public responses would be available on the website as received. It had been established that there was sufficient funding to support the enabling development and fund infrastructure. This was an opportunity to address issues in Tiptree and the expectation was that the company would assist towards an extension of the surgery building rather than providing a new building. The company would agree to conditions so the development would be built as expected including the highway improvements. It was also explained that in the absence of evidence based documents being provided by Wilkins and Sons, it was likely that this Council would commission the same consultants to undertake the work, the council would not do the work itself. The plan making process allowed almost two months for consultation periods through to Regulation 27 which led through to the examination itself. In the event that the company had simply submitted a planning application, there would be only 21 days for people to submit comments. It was confirmed that the Committee would study the evidence base as part of their considerations over the coming weeks.

Issues raised by members of the Committee included the principle of Melville Dunbar being an author of specialist reports and whether the level of public response was valid. Members of the Committee recognised the diversity in Tiptree including businesses such as Wilkins and Sons, who were major employers in the town. Central policy supported industry and jobs. Members were also aware that a very similar situation to this one had occurred some years ago in Colchester at the Flakt Woods site prior to the Local Development Framework and to the current Government.

Members understood the concerns expressed and also recognised that if the plan was implemented it would have an impact on residents in terms of a deterioration in the current infrastructure which was already struggling. They believed the development would have a major impact on Quince Court, and would increase traffic in an area where the road network was already under pressure. However, residents should be aware that the decision was not one that this Council could make; if the proposal was not supported by the evidence it would be rejected by the Inspector.

Members were aware that that the Site Allocations DPD was a living document and the regulations enabled proponents such as Wilkins and Sons to put forward proposals such as this one. The proposal and evidence base would go to a planning inspector and be subjected to an examination to determine if the proposal had a sound basis. Only if the evidence was sufficient for the Inspector to find it sound would it be allowed. If the evidence was found to be unsound the proposal would be rejected and the Inspector would not allow it to go through as a Local Development Plan.

Members were also aware that the alternative would be that Wilkins and Sons could put in a planning application with three weeks consultation. The Planning Committee would get a lot of representations and the application would either be approved or refused. If approved it would have to go to the Inspector as a departure from the LDF and the Inspector would make the decision. If refused Wilkins and Sons would go to appeal and, again, the Inspector would determine it. By taking this route a local plan would be produced and a planning application submitted. Although there were concerns about whether this process was right, there was the advantage of several opportunities for public consultation.

The Spatial Policy Officers responded to queries raised in regards to consultation responses, the consultation process, Wilkins and Sons involvement with the LDF process and in particular their attempts at inclusion in the Site Allocations DPD, the design of the factory, and release dates of development sites in Tiptree.

*RESOLVED* (UNANIMOUSLY) that the outcome of the public consultation exercise under Regulation 25 be noted and further work be undertaken by the Head of Strategic Policy and Regeneration as set out in paragraph 5 of the report.

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

## **29. Community Infrastructure Levy - Update**

The Head of Strategic Policy and Regeneration submitted a report on an update in the process of developing the Community Infrastructure Levy (CIL) Charging Schedule.

Ian Vipond, Executive Director, and Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations.

Members of the Committee reported that they had found the workshop very useful. Members had queries on whether a charging structure was the best option; whether any delay in adopting a CIL would have an effect on the Frontrunner status, and if so how long could it be delayed, and whether the Council could commission consultants to look at alternatives to CIL. Members were aware that the charging schedule had to be pitched at a level which did not act as a disincentive.

The Executive Director stressed the need for Colchester to get a CIL in place as quickly as possible, given that Colchester had Frontrunner status. Whilst there was a need to get the figure right, it would take some time for CIL to take effect, it was therefore important to get it started as early as possible.

The Spatial Policy Manager reported that Colchester's CIL was being monitored by other authorities and the Department for Communities and Local Government wanted Colchester's CIL to be right. The Council had appointed a consultant to work on the Garrison project who would have access to up to date information on sales, land values, build costs, etc., which could contribute to the supporting information. In response to a query about the funding for this additional work by the consultant, it was confirmed by the member of Essex County Council that the County Council would be funding that work. The Spatial Policy Manager confirmed that the allocation of CIL money would be determined by the Borough Council, and in response to a member query she confirmed that it would be unlikely that Colchester's Roman walls would be top of the list.



*RESOLVED* (UNANIMOUSLY) that the proposed additional viability work to inform the draft Charging Schedule, as set out in paragraph 4.4 of the report by the Head of Strategic Policy and Regeneration, be agreed.