

LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

15 MARCH 2011

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

Also in Attendance :- Councillor Andrew Ellis
Councillor Theresa Higgins
Councillor Laura Sykes

36. Have Your Say! - General

Mrs Louisa White addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to a number of issues in connection with a planning application on the Severalls site, recently considered by the Planning Committee. She was concerned about sustainability, drainage, sewers and ditches, density of housing, and compliance with the Essex Design Guide. She was also concerned that consideration of the application had been deferred for an improved visual presentation rather than the application content. She also mentioned that the new A12 junction had had an impact on Mile End.

The Chairman responded to Mrs White to the effect that most, if not all, of Mrs White's representations related to a particular planning application and such representations were outside the terms of reference of the Local Development Framework Committee. He advised Mrs White to make her representations to the Planning Committee.

Mr Ken Roberts addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the modern method of dealing with surface water by utilising drainage ditches, originally used for farm drainage, instead of piping water away. He asked if any consideration had been given to the public health hazard of mosquitos. He was opposed to moving public right of way no. 69 from one side of the stream to the other, bringing the footpath nearer to his property. He asked about the policy on providing street lighting for footpaths; his expectation was that footpaths would be lit.

In response, the Chairman explained to Mr Roberts the process for the diversion of footpaths, and that it would not be usual practice to have lighting on public footpaths, but some of the urban footpaths may be lit depending on the circumstances. The Spatial Policy Manager explained that the Council had recently adopted three Essex County Council documents on footpaths which may be useful in regard to the detailed matters. A member of the Committee commented that Anglian Water did not look favourably at any new dwellings where it was proposed to pipe rainwater into the drainage system; they preferred that any water run off be dealt with by a sustainable urban drainage system (SUDS).

37. Minutes

The minutes of the meeting held on 31 January 2011 were confirmed as a correct record.

38. Planning Guidance Note // Design and Access

The Committee considered a report by the Head of Strategic Policy and Regeneration on a revised version of Colchester's Design and Access Statements Guidance Note. Additional documentation was also submitted comprising an addendum to the report, a proposed Appendix 2 to the Guidance Note, and a note on the Equality and Diversity Member Liaison Group's meeting for the Committee's consideration.

Karen Syrett, Spatial Policy Manager, and James Firth, Planning Policy Officer, attended to assist the Committee in its deliberations. The Planning Policy Officer explained that Design and Access Statements were required as part of many planning applications and any application that failed to include Design and Access Statements would be regarded as invalid. Furthermore, if Design and Access Statements did not comply with planning policy the planning application would be refused. He explained that the assessment based approach was the most appropriate method of compiling Design and Access Statements because planning appeals were often determined on the circumstances of the case. He referred to the changes to the revised Design and Access Statements Guidance Note and that it now included information on how layout of a site provided the optimal level of accessibility. He also referred to the additional documents which included Appendix 2 setting out examples of best practice for inclusive design.

Councillor Theresa Higgins attended and, with the consent of the Chairman, addressed the Committee on behalf of the Council's Equality and Diversity Member Liaison Group. She confirmed that the Planning Policy Officer had attended the Liaison Group's meeting and whilst most of the Group's issues had been taken into account in Appendix 2 in the supplementary information in respect to mobility, the Design and Access Statements Guidance Note did not go far enough in respect to adaptations for those with hearing or sight impairment. She gave examples of induction loops for community spaces and good lighting to assist people with impaired sight. The Liaison Group had also been disappointed to hear of a recently built supermarket having installed a disabled toilet which did not have sufficient space to permit people to transfer from wheelchairs, despite the existence of websites which provided specific guidance for disabled toilets. The Liaison Group would have preferred a comprehensive Guidance Note which included best practice for all disabilities so that the Council's requirements were clear to developers.

Members of the Committee raised the following issues:- whether the situation regarding the inadequate disabled toilet could have been avoided if the Guidance Note had been in place and whether a standard for disabled toilets could be included in the document; whether the provision of induction loops for community spaces were governed by the Disability Discrimination Act (DDA); and whether it would be useful to

have a template for developers to use. The document was welcomed and although considerable progress had been made, it appeared that a little more work was required. An explanation was requested for the reason why Design and Access Statements were not required for a material change of use of land application.

The Planning Policy Officer explained the assessment based approach and in developing Appendix 2, officers had looked at best practice from other authorities. He made reference to the overlap between building regulations, the DDA and the new Equality Act with regard to internal adjustments, and emphasised that there were no conditions applicable for internal works, nor was it possible for the Council to develop a policy which ran counter to building regulations, nor was there any capacity for the Council to amend building regulations which were a national approval process. In respect of the query regarding a material change of use of land, he confirmed that Design and Access Statements were required if any physical changes were made and the Guidance Note could be amended to make this point clearer. The Spatial Policy Manager requested that she be informed by members if they were aware of any best practice documents. However, she also cautioned that whilst there was nothing wrong in setting out the Council's ambitions there was no capacity to repeat standards which were part of building regulations. It was acknowledged that as there was a cost issue in making adjustments for disabilities each application should be determined on its own merits.

The Chairman referred to an email he had received from Councillor Gamble, the Design Champion, to the effect that he had been unable to identify any errors or omissions and it was therefore concluded that the Design Champion was content with the document.

RESOLVED that the draft revised version of Colchester's Design and Access Statements Guidance Note, including the submitted Appendix 2, be agreed, subject to clarification of the situation where there were physical changes on a change of use application and the inclusion of any examples of best practice provided by the Equality and Diversity Member Liaison Group.

Councillor John Jowers (in respect of being a member of Essex County Council with responsibility for the funding of the Rural Community Council of Essex) 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's Parish Plan Steering Group and his spouse being Chairman of the Parish Plan Steering Group) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

39. Planning Guidance Note // Stanway Parish Plan and Design Statement

The Committee considered a report by the Head of Strategic Policy and Regeneration

together with the draft Stanway Parish Plan and Design Statement.

Karen Syrett, Spatial Policy Manager, and Beverley McClean, Coast and Countryside Planner, attended to assist the Committee in its deliberations. The Coast and Countryside Planner explained that the Rural Community Council of Essex had been involved from the start of the process. Clear recommendations for planning were located at the back of the document. The Committee were invited to support and adopt the Guidance Note as material planning consideration.

Mrs Laura Sykes, Chairman of the Stanway Parish Plan Steering Group, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) to present the Stanway Parish Plan and Design Statement to the Committee for adoption. She made reference to the amount of work which had gone into production of the Guidance Note and she paid tribute to the responses from residents and young people who had indicated their views. They were willing to accept development in Stanway but they wanted clear information throughout the process. They also wanted to know that the infrastructure would be safeguarded with trigger points for the provision of community facilities. The Steering Group had listened and responded to residents' comments and she requested that the Committee adopt the document. In response to a question from the Committee, Mrs Sykes explained the involvement of Stanway School in the process which included the design of a questionnaire and analysis of the results by year 9 as part of their maths project throughout the year. She also thanked Beverley McClean, Coast and Countryside Officer, Vincent Pearce, Planning Service Manager, and John More, Planning Officer, for their support.

The Coast and Countryside Planner explained that the document complied with guidance for consulting but Stanway had gone further with proper engagement which had resulted in a very good document.

Members of the Committee were supportive of the document which would be very important for the future. The infrastructure levy would be spent and delivered through documents such as this and they hoped it would stand Stanway in good stead.

RESOLVED that the Stanway Parish Plan and Design Statement be approved and adopted as a Planning Guidance Note.

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)

40. Affordable Housing Supplementary Planning Document // Update

The Spatial Policy Manager, Karen Syrett, gave the Committee an update on the latest position in respect of the revision of the Affordable Housing Supplementary Planning Document (SPD). She provided background information on how the current economic climate had impacted on the housing market and she then referred to the draft SPD

which had been submitted to the Committee's December meeting but due to the prospect of further government advice becoming available the Committee had deferred the matter to allow the additional guidance to be included. Details of the Affordable Rent scheme had been published in February 2011 and the definition would form part of Planning Policy Statement 3: Housing. She explained that social landlords would be able to charge 80% for affordable rented properties.

Following the guidance on affordable housing being published, a further round of consultation had been undertaken and comments taken into account. It was proposed that the way forward would be to strike a balance between collecting sufficient revenue to provide affordable housing units and setting the contributions at a level which would avoid putting development at risk. Work has been undertaken to determine a unit based contribution that can be applied to small developments in order to avoid having to undertake a financial appraisal on every small development. It was considered that the contribution should be broadly equivalent to that which a developer would have made had the provision been on site. The SPD would be updated to include appropriate levels of commuted sums. It was likely that the draft revised SPD would be submitted to the meeting in June 2011.

In response to a query regarding the percentage affordable housing requirement on a development site, the Spatial Policy Officer confirmed that 35% was the figure set out in the Core Strategy and the figure which the Council would seek to achieve, but there may be instances where it could not be achieved. She also confirmed that Colchester had a full set of Local Development Framework (LDF) documents which not many other authorities had achieved and referred to the amount of work required to achieve the Community Infrastructure Levy (CIL) project timetable. The Planning Advisory Service had supported local authorities with the CIL work. Although some detail was still to emerge there would be an element of the CIL to go to the local neighbourhood where development was taking place.

Members of the Committee referred to the CIL and in particular that Colchester was a front runner for the CIL project and Colchester's progress with the LDF was one reason for this. The result was that not only did this put Colchester in a better position to defend appeals against planning decisions, Colchester had become one of the flagships for the CIL. There would be significant sums available and much of it would come to the local planning authority. The only slight concern was that of Colchester being one of the front runners on its own, and that the funding for infrastructure could be problematic.

RESOLVED that the update on the position in respect of affordable housing be noted.