

LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

13 DECEMBER 2010

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 Michael Lilley
Councillor Terry Sutton

24. Have Your Say! - General

David Clouston addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) to wish them a Happy Christmas.

Councillor Naish made a general statement to the Committee in the following terms:- since he has been on this Committee he has been vocal about traffic matters particularly in connection with the North Station Masterplan and developments in Mile End. He remained concerned about traffic congestion and recounted that it had taken him a considerable time to travel from Head Street to North Station with a customer in his vehicle who complained about the traffic and stated that he was never coming to Colchester again. Councillor Naish believed that such delays were not good for Colchester and they would worsen with future developments.

25. Minutes

Liz Gray addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to the representation made by Mrs White at the last meeting in respect of the ability for members of the public to attend meetings of Myland Parish Council and contribute to discussions. Ms Gray confirmed that an open invitation had been extended to all residents within Myland Parish to volunteer to take part in the development of the Myland Design Statement. Furthermore, all meetings of Myland Parish Council were open to residents to attend with the exception of working groups, but even then anyone could ask to join a working group, however no such request had been received from Mrs White. She concluded that the allegations were without foundation.

Councillor Goss responded that Mrs White attended many meetings of Myland Parish Council and made substantial contributions to its discussions. Residents were free to choose whether or not to join any of the Parish Council's working groups.

The minutes of the meeting held on 29 September 2010 were confirmed as a correct record.

26. Affordable Housing Supplementary Planning Document

The Committee considered a report by the Head of Strategic Policy and Regeneration on the draft Affordable Housing SPD.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. She considered it unfortunate that those who wished to make comments had not done so during the consultation phase. She mentioned that very few affordable housing schemes had been delivered using just public money and it was likely that the reliance on private developers to provide affordable homes would increase. This SPD would carry significant weight. It had been intended to invite the Committee to adopt the SPD at this meeting. However, emerging government advice on affordable housing was imminent and under these circumstances it was considered more appropriate to defer adoption to ensure the SPD would comply with national policy. The Committee was invited to note the content of the draft SPD and when the national policy was known the draft SPD would return to the Committee.

Andrew Crayston addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was concerned about contributions on Below Threshold-Level sites. He believed that high levels of tax were responsible for preventing the supply of development land which was particularly critical on difficult sites. He welcomed the assurance that figures would be adjusted and asked that the Council re-consult on the issue. He considered a lead time of two years to be inadequate. He believed there were problems with the draft SPD which would render it unworkable and considered it appropriate for a further consultation. In response to a question from the Committee regarding whether he had been involved in the consultation process, Mr.Crayston confirmed that he was on the list to receive all documents but suspected that he had been busy and missed it.

Jonathan Frank addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He represented a large number of small to medium size developers who were concerned about the possible introduction of the SPD as currently drafted. The draft SPD would lead to a complete freeze of small scale development. He was concerned that jobs would be lost and the local economy would suffer. Small companies were struggling with the property crash and did not have time to go through all the documents on the website. The developers he represented were important for the town because they provided a substantial number of homes and offered people an alternative to the housing provided by large scale builders. He asked that the Committee defer the adoption of the policy and instruct officers to re-consult. In response to a question from the Committee regarding whether developers being busy was a justification for requiring a further consultation period, he stated that they had not known about the proposed SPD and that this was a flaw in the process. He considered they should have been sent an email regarding the consultation on the introduction of the policy.

The Chairman clarified the situation that this was not a new policy document but was a revision of an existing adopted policy in terms of detail being added. At this stage the Committee were being asked only to note the draft SPD. Once the national policy framework was known any necessary amendments would be made and it would come

back to the Committee.

The Spatial Policy Manager confirmed that the viability of a scheme is currently taken into account and any scheme which is at risk goes through the open book process; the same process would be incorporated into the revised document. In terms of consultation, some of the documents were quite large, but a focussed email is sent to anyone who had registered on the database. Indeed some people at this meeting had made formal representations and submitted comments on other parts of the documents which had resulted in changes to the documents.

Members of the Committee recalled that for some years there were applications for sites for one building below the threshold for the provision of affordable housing. There were also cases where some sites had been split for development purposes for which the council received no contributions towards affordable housing. Other observations made by the Committee were:- concerns regarding the consultation and some developers not having been invited to the developers forum; a suggestion that a group of small developers be set up to ensure their inclusion; consideration to be given to granting more time for consultation in the interests of being fair, open and honest; there being some confusion about the overall level of contributions comprising Section 106 contributions, the community infrastructure levy and a contribution towards affordable housing for developments of less than three units; the funding situation for registered social landlords was raised because they may be finding it difficult to take on new affordable housing because of funding difficulties.

The Spatial Policy Manager explained that the revised affordable housing levels would not be applied to sites which had planning permission because the contribution had already been agreed. In terms of rounding the numbers of units down, any remaining percentage less than a whole unit could be provided through a financial contribution but the methodology of determining the contribution was proving complex. The document would include standardised financial contributions, similar to those used for education and open space, because there was a standard formula. The major developers' forum was well established but there may be an agents forum or a smaller forum which has been re-established and she would follow up this group. A whole workshop session had been devoted to affordable housing. The Three Dragons model was an assessment tool used nationally and although there were other options available this model had been purchased by the Haven Gateway. She confirmed that the Three Dragons model used prices applicable to the area and was continually updated. She also confirmed that 890 people had been notified of the publication of the Affordable Housing SPD.

RESOLVED (UNANIMOUSLY) that the draft Affordable Housing SPD be noted and a further report be submitted to this Committee following publication of government advice.

27. Annual Monitoring Report

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

on the Annual Monitoring Report (AMR) for the period 1 April 2009 to 31 March 2010. The report explained that the approval of the AMR was delegated to the Portfolio Holder with responsibility for Planning, Councillor Lyn Barton, but it had been agreed that the AMR was being considered by the Committee on this occasion to provide an opportunity for the report to be scrutinised prior to the Portfolio Holder taking the decision to submit the AMR to the Government by the end of December.

Laura Chase, Planning Policy Manager, attended to assist the Committee in its deliberations. She referred to the fall in numbers of new homes completed in the year to March 2010 but that it was anticipated that the Council would meet its housing targets in the longer term. A revised trajectory was circulated at the meeting as supplementary information. The figures would be reviewed again next year and could feed into part of the review of the Core Strategy in 2012.

Stuart Cock addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). In the current recessionary climate, the average house price had risen by £30,000 or 17%, but the price of flats had fallen by 10%. He believed this was caused by an over provision of flats and if there were not enough houses then prices would rise. Five hundred and eighteen units were completed in Colchester last year and the national forecast for completions for next year was lower. Following the current course was a potential risk and he considered the Council was not using the AMR correctly to ensure that at least 830 dwellings were delivered every year; there was a need for more homes to provide for growth and this could be achieved by delivering greenfield sites early. In response to a question from the Committee regarding the higher price of new houses compared with the average house price, Mr Cock responded that there used to be a premium for new houses but that was no longer the case.

The Planning Policy Manager explained that the AMR was being used correctly. The economic crisis was a major issue and the basic cause of the fall in house completions and mortgage availability. The sites were allocated but their release was something the council could look at on a site by site basis. Affordability was a separate issue as was the availability of financing for mortgages. The AMR was a statistical baseline upon which to base a reasonable adopted policy and to use when reviewing the Core Strategy.

Members of the Committee commented that house prices were cheap in Colchester when compared to London, but it still needed two incomes to afford a mortgage. Colchester was growing rapidly but had only been able to build 518 units last year. What was needed is cheaper, better housing. There were many changes in prospect and it would take hard work to maintain the building momentum. An amendment was suggested to the section on waste to the effect that if waste remained at a high level there would be pressure on landfill sites.

RESOLVED (UNANIMOUSLY) that the Annual Monitoring Report be recommended to the Portfolio Holder for Planning for submission to Government.

Councillor Henry Spyvee (in respect of his roles as Chairman of the Friends of the Roman Wall and the Council's Heritage Champion) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (3)

28. Revision of the Local Development Scheme

The Committee considered a report by the Head of Strategic Policy and Regeneration on revisions to the Local Development Scheme. The report set out the proposed changes to the Scheme which were required and the accompanying project chart detailed the proposed progress of each document. The Committee was requested to recommend to Cabinet that it be approved at its meeting on 26 January 2011 and submitted to the Secretary of State.

Karen Syrett, Spatial Policy Manager, and Laura Chase, Planning Policy Manager, attended to assist the Committee in its deliberations. In response to a comment from the Committee regarding the disappointing level of public participation, it was explained that it was intended to use different approaches to the consultation process to try and improve engagement.

A member of the Committee commented that the LDS could include a Supplementary Planning Document on the town walls to provide planning support for the enhancement of the town walls. The Planning Policy Manager explained that it was intended to address the issue by including a policy in the Area Action Plan requiring development to have regard to the town walls management plan which would be prepared by the Museums Service with input from Planning and Tourism officers as well as stakeholders such as Friends of the Roman Wall. Members of the Committee were generally supportive of the proposed timetable.

RECOMMENDED (UNANIMOUSLY) to the Cabinet that the Revised Local Development Scheme be approved and submitted to the Secretary of State.

Councillor John Jowers (in respect of his membership of Essex County Council and his role as a Cabinet member with responsibility for planning, and having been a member of the Shoreline Management Planning Team, and his family being owners of one of the proposed Managed Realignment sites) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Henry Spyvee (in respect of his ownership of a beach hut at West Mersea and his role as Chairman of West Mersea Beach Hut Watch Committee) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

29. Essex and South Suffolk Shoreline Management Plan

The Committee considered a report by the Head of Strategic Policy and Regeneration on the draft Essex and South Suffolk Shoreline Management Plan. The Committee was requested to adopt and support the Second Essex and South Suffolk Shoreline Management Plan prior to its submission to the Environment Agency's Regional Director for adoption early in 2011.

Beverley McClean, Coast and Countryside Planner, attended to assist the Committee in its deliberations.

Some members had attended some of the consultation sessions. They expressed some concerns because it was an influential document and would be used to determine future flood management policy. They identified the need to keep a watching brief, particularly in view of potential impacts and changes on the borough's coastline. It was noted that the Plan covered the next 100 years.

RESOLVED (UNANIMOUSLY) that Environment Agency's Regional Director be advised that this Council supports the formal adoption of the Second Essex and South Suffolk Shoreline Management Plan.

Councillor John Jowers (in respect of having been a member of the Rural Community Council of Essex which assisted with the design statement) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

30. West Bergholt Parish Plan

The Committee considered a report by the Head of Strategic Policy and Regeneration together with a final draft of the West Bergholt Parish Plan. The Committee were requested to agree the adoption of the Parish Plan as a Planning Guidance Note. Once adopted the document would complement the suite of planning policies and guidance that make up the Local Development Framework.

Beverley McClean, Coast and Countryside Planner, attended to assist the Committee in its deliberations. She explained that parish plans were the precursor of neighbourhood plans and that the group that produced the Plan would be going on to develop a village design statement.

RESOLVED (UNANIMOUSLY) that the West Bergholt Parish Plan be adopted as a Planning Guidance Note.

31. Cabinet Decision on Core Strategy and Update on Localism

The Committee considered the Cabinet's minute no. 24 - Impact of Emerging Government Policy of "Localism" and the Revocation of Regional Housing Targets. The Committee were requested to note the Cabinet minute and receive an update from

the Spatial Policy Manager on the emerging Government policy of Localism.

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

David Clouston, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He had not noticed that the North Colchester Supplementary Planning Document (SPD) and the North Station SPD were recommended to be completed and agreed in advance of the review of the Core Strategy by some 11 months. He believed this was not the intention of Cabinet when he asked that the Core Strategy be reviewed to reconsider housing requirements for Colchester.

Members of the Committee reiterated that Cabinet has confirmed that the review of the boroughwide Core Strategy, and by implication the Site Allocation Development Planning Document, will start in 2012. It was pressure from those supporting the removal of the NGAUE that prompted the Cabinet to look at this. There is a formal process to the Local Development Framework and the review of the Core Strategy would commence in two years.

The Spatial Policy Manager confirmed that the Core Strategy and Site Allocations were now part of the Local Development Framework and as such were locked in. The SPD would add detail to inform the development. It was not wise to wait and see what the review of the Core Strategy revealed because it would be undertaken after the NGAUE came on line.

Status of Regional Spatial Strategies (RSS)

On 27 May 2010 the Secretary of State for Communities and Local Government (DCLG), Eric Pickles, indicated the intention to abolish the RSS. This statement was followed up on 6 July by the announcement of the revocation of the RSS with immediate effect. In August a major house builder launched a legal challenge and on 10 November the High Court found the Secretary of State's revocation was unlawful. This was immediately followed by a statement from the DCLG on the judgment which indicated that the decision changed very little and that Local Authorities should still have regard to the May letter as a material consideration. The house builders then issued a second claim seeking a declaration from the court that the government's intention to revoke the RSS was not a material consideration, and a decision on this recent claim would be announced in January. Until that time local authorities should still have regard to the RSS.

Verbal report on the Localism Bill

The Spatial Policy Manager gave a broad overview of the Localism Bill as it related to planning policy and planning services which was based on a media background note provided by the Department for Communities and Local Government.

The Bill will enable community empowerment and decentralisation and strengthening of local democracy. Of particular interest to the Committee were measures planned to

reform the planning system and the intention to abolish the RSS was reiterated. The Community Infrastructure Levy would be retained but with three changes: a requirement for some funds to be passed to the neighbourhood where the development has taken place; the ability for funds to be spent on ongoing costs; and to give local authorities greater control over setting charging levels – while independent examiners will still consider whether the charging schedule is reasonable.

There will be a reform of the LDF examination, removing the ability of Planning Inspectorate to re-write local plans. The Local Development Scheme and the Annual Monitoring Report would both continue to be of value to local authorities. Planning inspectors would continue to assess local plans but they would only be able to suggest changes at the request of the local authority. Local authorities would have to publish information on what planning documents were being prepared.

There will be the ability for communities to permit development without the need for applications. There will be measures to give communities the right to build without the need to apply for planning permission but it would need the support of 50% of the community through a referendum. There will be a duty for local authorities and public bodies to co-operate together with other incentives such as the New Home Bonus. There will be a requirement for pre-application consultation with the local community by developers.

RESOLVED (UNANIMOUSLY) that the decision of the Cabinet on 8 September 2010 and the overview of the Localism Bill be noted.