

LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

26 AUGUST 2009

Present :- Councillor Nick Cope (Chairman)
Councillors Elizabeth Blundell, Christopher Garnett,
Martin Goss, Chris Hall, John Jowers and Kim Naish

Substitute Member :- Councillor Christopher Arnold
for Councillor Robert Davidson

7. Minutes

The minutes of the meeting held on 22 June 2009 to be amended to attribute Councillor Chapman's comments as being made by him as a visiting councillor.

8. Have Your Say!

Mr Ted Gittins addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to concerns that site allocations had gone too far towards urban growth at the expense of modest growth in rural communities. The outcome of the Settlement Boundary Review did not provide small sites in villages which would produce affordable housing. The threshold for affordable housing is too low to produce significant numbers on the back of green field land if there is reliance on development within village envelopes as the vast majority of sites in rural areas are for one or two units. The documents are now too advanced to change this and new housing in the next 15 years will not generate sufficient affordable housing. Exception housing will not deliver sufficient numbers to meet the needs of the population.

Karen Syrett, Spatial Policy Manager, referred to the Inspector's report paragraph 7.29 which says the core strategy supports through policies H4 and NE2 the provision of community needs such as affordable housing on land outside but contiguous with village boundaries. Such sites have come forward in the borough already and it may be that limiting opportunities for market housing in villages will stimulate further such schemes and be the most effective way of delivering affordable housing in rural areas. The Rural Commission may be looking at another alternative. A member of the Committee commented that there is a report on this issue due out in two weeks' time. There is a tenfold need for rural housing. Exception sites should not necessarily be allocated to social housing, they should be allocated by the parish council. Essex County Council may be trialling this issue.

Mr Joseph Greenhow addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to an information gap on village settlement boundaries and where land is needed to meet housing targets. It is unclear why the villages of Marks Tey, West Bergholt and Great Horkesley were given targets but not others. It would be expected that an assessment of completed units and land availability would be undertaken to establish how many houses are required in each location. The settlement boundary review, unit completions and development data includes all villages. It is not clear in which specific villages the land should be found to

meet targets. This will rob other villages of housing growth. He requested clarification of the figures.

Karen Syrett, Spatial Policy Manager, explained that Great Horkesley, Marks Tey and West Bergholt were picked out by the consultants in the housing land availability assessment because they had experienced some growth. There is no embargo on proposals, they will be considered in the documents in this agenda and in the Core Strategy. In respect of the settlement boundary review, the Inspector stated that the Council's approach was valid and there was no requirement to consider alternatives which are not appropriate or relevant. A certain amount of growth might be possible without undermining the strategy but would need to be supported by robust and credible evidence relating to core strategy objectives. This could allow for fine tuning. No such evidence had been put forward. Tiptree, Wivenhoe and West Mersea were three settlements identified as rural centres. Their role is to provide for a small amount of new housing and services for surrounding areas.

Members of the Committee commented that Great Horkesley had the largest green field site in the borough. There are 38 to 40 units of affordable housing there. It was a local initiative, locally approved and went to the Inspector. There was little enthusiasm for developing Marks Tey because of the lack of support for the improvement of the A120. Marks Tey had been allocated 70 units and had completed 32 but without improvements to the infrastructure further units could not be built.

Mrs Louisa White addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She was concerned that some people were co-opted onto parish councils rather than being elected which she considered not to be democratic. She also believed that parish councils formed committees which excluded the public from attending. If consultation was important in the LDF process it was not being achieved at the local level. She believed that she had been excluded from participation in a working party whilst people known to the parish councillors were invited to attend.

Members of the Committee confirmed that election to a parish council was part of the democratic process but they do also co-opt people. Myland Parish Council has a Design Statement Team which is made up of residents and representatives of the parish. The number of parish councillors is as low as possible and neither the Chairman nor the Vice Chairman were parish councillors. There was support for road shows which had been extremely useful in the past. Both Dedham and Langham have teams which develop the parish plans and both have parish council representatives but the rest of the membership is local people who have an interest in the welfare of the two villages. The consultation on the site allocations document was announced in the newspaper which is another method of engaging the public.

Karen Syrett, Spatial Policy Manager, explained road shows have been held in the past but there does not seem to be much enthusiasm at that level to talk about planning policy. She had attended a number of local events in Rowhedge, Wivenhoe, West Mersea, Tiptree and Great Horkesley.

Councillor John Jowers (in respect of being a member of Essex County Council, the East of England Regional Planning Panel and the National Urban Design Commission and the Essex Rural Communities Commission) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Elizabeth Blundell (in respect of her membership of Copford and Easthorpe Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Christopher Arnold (in respect of his membership of Great Horkesley Parish Council) 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)

9. Development Policies Submission Document

The Committee considered a report by the Head of Strategic Policy and Regeneration on the Development Policies Submission Document together with the draft Submission Document.

The Core Strategy was the first document to be adopted and any subsequent documents must agree with the Core Strategy which contained twenty-three strategic policies providing a cornerstone for the policies in this document. The draft Submission Document had been produced following a series of consultations; initially on the development issues that could be covered and in how they should be addressed followed by a second public consultation providing the opportunity for comment on the Council's preferred options for policies to manage future development. The Submission Document is the outcome of these consultations after analysis and further evidence base work. It is intended to publish the final Submission Document for six weeks under Regulation 27 which will provide consultation bodies and the general public an opportunity to comment on the soundness of the Council's preferred options before submission to the Government.

Karen Syrett, Spatial Policy Manager, and Mark Edgerley, James Firth and Simon Osborn, Planning Policy Officers, attended to assist the Committee in its deliberations.

DP1: Design and Amenity

Comment from Committee: It is absolutely crucial that visual amenity is not just an urban guide but applies throughout the borough. The use of local materials was

strongly supported. This is an attractive borough and there was a wish to continue its improvement.

DP2: Health Assessments

Comment from Officer: This policy includes access to open space and health facilities.

DP3: Planning Obligations and the Community Infrastructure Levy

Comment from Officer: This policy may need slight rewording because of the suggestion that Section 106 agreements may be phased out. Any authority with an adopted Core Strategy can go on to a charging structure.

Comment from Committee: If Colchester moves to the Community Infrastructure Levy (CIL) it must be remembered that developers are also our partners and without them no development is possible. On a large development in Colchester the Council made adjustments to the legal agreement to enable the company to remain in the town. Interpretation of the policy is key.

Comment from Officer: The comment will be taken on board. When considering Section 106 agreements, viability is taken into consideration during the negotiation process.

DP4: Community Facilities

Comment from Officer: If a change of use or demolition of a community facility is proposed, evidence will be required to show how the proposal complies with criteria set out in the policy.

DP5: Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

Comment from Officer: This policy has been carried forward from the Local Plan which is flexible. It is recognised that in some areas some uses may not be appropriate.

Comment from Committee: A degree of flexibility is needed where employment land has not been taken up for that use. Sometimes it is necessary to make judgements on whether the use should be residential or employment. This needs closer examination.

DP6: Colchester Town Centre Uses

Comment from Officer: It is proposed to retain a percentage approach, but simplified into Inner Core, Outer Core and Mixed Use areas.

Comments from Committee: Concerned that the day time economy should be differentiated from the substantial night time economy. There are conflicts with other uses such as A3, restaurants, and D1 non-residential institutions, museums, libraries, health centres, etc. The street frontage usage quoted in the document should be either a percentage or a distance.

Comment from Officer: An Area Action Plan is schedule for preparation which will address some of the night time issues. A3 is cafes and restaurants, A4 is drinking establishments, A5 is takeaway establishments, and there is a recognition that they should not be allowed to change without permission. The street frontage measurement will be checked and if necessary changed before the document is finalised.

DP7: Local Centres and Individual Shops

Comment from Officer: This policy has been expanded in the light of recent decisions so an individual shop can be protected, and account can be taken of the impact a new shop might have on a locality.

DP8: Agricultural Development and Diversification

Comment from Officer: This is the revised CO10 in the Local Plan.

DP9: Employment Uses in the Countryside

Comment from Officer: A number of new employment sites have been allocated and policy includes a guide to future use.

DP10: Tourism Development

Comment from Committee: The proposal for further youth hostels is not supported in the explanation. There may be a possibility for more than one in the borough.

Comment from Officer: Agreed to add that the preferred location for the first youth hostel is within the town centre which reflects the sequential test that needs to be applied, but the wording will be looked at in order not to prevent further youth hostels in the borough.

DP11: Flat Conversions

Comment from Committee: This is an important policy because the minimum floor area of 110 square feet is defined. The UK is bottom of the table in the EU for the smallest dwellings.

DP12: Dwelling Standards

Comment from Officer: Policy on infill and backland is intended to provide more detail and help the decision making process.

DP13: Dwelling Alterations, Extensions and Replacement Dwellings

Comment from Officer: In the countryside additional criteria will be applied to ensure development is appropriate to its location.

DP14: Historic Environment Assets

Comment from Officer: This policy introduces the concept of a local list which was launched very recently. This policy will be backed up by a local list prepared by a group of experts to identify buildings which are not listed but are important because of their history and local interest. There has been extensive coverage in the press so it should be open to all to submit suggestions.

DP15: Retention of Open Space and Indoor Facilities

Comment from Officer: This policy includes public and private open space.

DP16: Private Amenity Space and Open Space Provision for New Residential Development

Comment from Officer: The focus is on private gardens and minimum standards should apply to all new developments with a garden which reflects the size of the dwelling. Standards are based on the Essex Design Guide and local work on this issue. In response to a question regarding flats it was explained that the policy on flats is 25 square metres per flat provided communal areas and balconies can contribute towards the total. In response to concerns about Juliette balconies, it was explained that the Essex Design Guide specifies a minimum size which can be inserted into the policy if necessary.

DP17: Accessibility and Access

Comments from Committee: This is problematic for rural developments, for example the requirement for a bus stop within so many metres. More flexibility is needed regarding where and what services are provided. There was a requirement for buses to enter into the Woods site but ultimately the service ceased and the substantial finance will not be forthcoming. Leisure World is not served by a bus service. The wording of the paragraph relating to access to all developments will be amended. This policy is very important to ensure a clear access for all traffic.

Comment from Officer: The Core Strategy includes a policy requested by Essex County Council requiring all roads, public and private, to be of an adoptable standard to allow refuse collections to access new homes. DP12 states that an accessible bin and recycling storage area are to be provided within a specified number of metres of the main road.

DP19: Parking Standards

Comments from Committee: An explanation was requested on how the policy would deal with houses in multiple occupation, the issue of rented houses and of gardens being concreted over for car parking.

Comments from Officer: This policy will see a reversion to minimum standards for residential developments. The policy is quite detailed in the event that the Essex County Council document is held up. It is impossible to guess which houses are going to be converted so it is not possible to ask for every five bedroom dwelling to have five parking spaces. Depending on how the property is used, there is no requirement for

houses in multiple occupation to be subject to planning permission. Flat conversion refers to car parking standards but it may not be possible to do anything about proposals which fall under the threshold. It will be possible to exert control where planning applications are required. The issue of concreting over gardens will be dealt with in another policy – planning permission is now required for non-permeable surfaces which will give the Council an opportunity to comment on the proposals. All comments were noted.

DP20: Flood Risk and Management of Surface Water Drainage

Comment from Officer: This policy will apply to all developments and in particular a hard standing will need planning permission and the public need to be made aware of that.

Comment from Committee: This policy is about right.

DP21: Nature Conservation and Protected Lanes

Comment from Officer: This policy expands on a policy in the Core Strategy and is seeking to preserve or enhance biodiversity.

Comment from Committee: Efforts have been made to get a lane designated as a protected but Essex County Council cannot be persuaded to do so. Sometimes the designation is used as a weapon by objectors.

DP22: Dedham Vale Area of Outstanding Natural Beauty (AONB)

Comments from Committee: The AONB is not marked on the village maps. There are many other places that are equally outstanding and which could be equally indicated.

Comment from Officer: Some areas were not transferred but they will be shown on the larger maps. The AONB is a national designation that is not within this Council's control.

DP23: Coastal Areas

Comment from Officer: This policy expands on the Core Strategy and is included to clarify the strategy for new development proposals. Consideration was being given to looking at protecting undeveloped coastline. The coastal protection belt will be shown on the proposals map.

Comment from Committee: This is a comprehensive overview but there are 15 million people within an hour of the coast. There will be a shoreline management report to this Committee in the near future.

DP24: Equestrian Activities

Comment from Committee: This policy was welcomed. The issue here is that quite frequently equestrian activities are a precursor to a residential dwelling.

DP25: Renewable Energy

Comment from Officer: Renewable energy schemes were also supplemented by sustainable development SPD. The national target for renewable resources differs from the regional target so the context may need to be altered before the document goes out for consultation. Offshore wind farms do not contribute to the national target because they are outside the borough boundaries. Nationally there is some work to establish how they contribute.

Comments from Committee: There is a new Marine Bill which will encompass planning powers extending beyond the shoreline to include offshore windfarms. The borough council would respond to national consultation on such proposals.

Holiday lets were raised as an issue not covered in any of the foregoing policies. The officer explained that policy does give support for accommodation such as holiday lodges and Bed and Breakfast facilities. There is a fine line between what needs planning permission and what does not and it might be difficult to word such a policy.

RESOLVED (UNANIMOUSLY) that –

- (i) The content of the Development Policies Development Plan Document and amendments to the Proposals Map be agreed, subject to any amendments referred to above.
- (ii) The agreed Development Policies Development Plan Document and all supporting information, including the Sustainability Appraisal, be published in order that representations relating to issues of soundness can be made.
- (iii) The agreed Development Policies Development Plan Document be submitted to the Secretary of State for examination.
- (iv) The Spatial Policy Manager be authorised to make minor revisions to the document prior to publication and submission.

Councillor John Jowers (in respect of being a member of Essex County Council, the East of England Regional Planning Panel and the National Urban Design Commission and the Essex Rural Communities Commission) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

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10. Site Allocations Submission Document

The Committee considered a report by the Head of Strategic Policy and Regeneration on the Site Allocations Submission Document together with the draft document.

The Core Strategy was the first document to be adopted and any subsequent documents must agree with the Core Strategy which contained twenty-three strategic policies providing a cornerstone for the policies in this document. The draft Submission Document had been produced following a series of consultations; initially on the criteria for site allocations and requests for sites to be submitted for consideration followed by a second public consultation providing the opportunity for comment on the Council's preferred options for site allocations which included inviting parish councils to comment on the settlement boundaries, allocations and designations for their area. The draft Submission Document is the outcome of these consultations after analysis and further evidence base work. It is intended to publish the final Submission Document for six weeks under Regulation 27 which will provide consultation bodies and the general public an opportunity to comment on the soundness of the Council's preferred options before submission to the Government.

Karen Syrett, Spatial Policy Manager, and Mark Edgerley, James Firth, Planning Policy Officers, attended to assist the Committee in its deliberations.

CENTRES AND EMPLOYMENT

Comments from Committee: Concern about how the Council would control the various uses within a mixed use site and a query on the rationale behind the enabling efforts made in some instances and not others, for example the Research Park at the University of Essex. A clear statement behind the rationale was required.

Responses from Officer: There is no set definition of mixed use in this document. Cuckoo Point is one of the four sites with this designation, the other three are not yet under construction but are subject to master plans or development briefs and those detailed documents will be used to define the uses and proportions. It was agreed that the wording in the submission document be changed to clarify in which documents the uses and proportions for mixed use sites would be set out. The wording for the enabling efforts would be looked at to see if it could be improved.

HOUSING

Comment from Officer: Small sites will be included in the Strategic Housing Land Availability Assessment and consulted on for further detail but would not be listed in the

Submission Document. Sites for gypsies and travellers were identified in this section.

URBAN RENAISSANCE

Comment from Officer: The boundaries of all twenty-two Conservation Areas would be shown on the proposals map together with the fourteen ancient monuments and four historic parks and gardens. It would be impossible to show all the listed buildings, but the register is a material consideration when considering planning applications. English Heritage are responsible for the designation of listed buildings. A separate local list of buildings with historic interest has been set up by an interest group and whilst there was no statutory protection for buildings on such a list it would provide guidance for buildings on the list. There would be background information on why buildings on the list were special and it was noted that such buildings could be afforded a degree of protection. There would be no conflict with buildings listed under the formal process.

Town Centre and North Station

Comment from Officer: There is a new boundary for the town centre area which now includes St Botolphs. North Station covers the surrounding area including Turner Rise, the Cowdray Centre and North Station Road. A Supplementary Planning Document will be adopted for the North Station area and it is likely that a further area action plan will also be developed for the Town Centre.

East Colchester Growth and Regeneration Areas and the University of Essex

Comment from Officer: The regeneration programme is expected to continue. New boundaries and specific policies have been identified for areas likely to be the focus of development in next 10 years, for example along the riverside. These policies would include those for housing sites and transportation improvements together with infrastructure for East Colchester. There was a new allocation on the Proposals Map which recognised the importance of academic development at the University of Essex.

Garrison

Comment from Officer: It may be necessary to delete the employment figure on page 134 because Abro may not move to the new site.

North Growth Area

Comments from Officer: This area is expected to be the focus of significant new development over the next 15 years and is identified on the Proposals Map. Housing will also be delivered at Severalls and at Turner Rise together with strategic employment zones. Development will be supported by significant infrastructure including a new A12 junction and Park and Ride facility. Housing numbers need to be amended to 4,500 to reflect the fact that the former Woods site is not within this Growth Area.

Comments from Committee: All the growth in this area relies on a new A12 junction which is currently unfunded. The landscape north of the A12 is important to provide a

separation between Colchester and all the villages north of Colchester so the wording should be amended to reflect the situation.

Responses from Officer: Funding options for the new A12 junction are being explored. The text referred to on page 138 would be amended to reflect the protection for land north of the A12.

Stanway Growth Area

Comments from Officer: New sites have been identified which will deliver new housing and employment. The Stanway Growth Area extends from just north of London Road and sweeps down in a curve to south of Stanway and appears to be the most sustainable location to provide the 800 dwellings. Earlier versions of the Area Strategy included development to the south of Stanway around Stanway Green. This was omitted in the light of deliverability issues which have since been resolved. No development will be permitted within 100 metres of the quarry which is the standard distance used whilst quarrying is ongoing. Dyers Lane will be corrected to Dyers Road on page 146. Amendments are needed to the text of Policies SA and STA1.

Comments from Committee: There were concerns about the Lakelands development at Stanway because the roads in phase 1 have not been finished and remain unadopted with no street lights. There was pressure for phase 1 to be finished before phase 2 is started. There was a trigger point set at the 500th dwelling and work stopped at 499. There was a request for Planning Policy to discuss this matter with Development Control. An explanation was requested on the benefits of the green field sites, if they are green field sites.

Responses from Officer: The rationale for residential development at Fiveways is the Core Strategy. The comment about the new development at Lakelands is not for inclusion within the LDF but may be more relevant for Development Control and Essex County Highways. In respect of the benefits, the Core Strategy contains table 6d, which sets out the benefits: a new primary school, a new western by pass, road improvements, allotments, a secondary school, bus links, village hall improvements and recreational facilities. It was hoped to bring all the land owners together to try and co-ordinate these developments so there is a fairer distribution of finance for the infrastructure.

Tiptree

Comments from Officer: The housing figures have been examined closely in view of representations made and the most up to date information had been used for this purpose. However the housing information used in the submission document would reflect figures as at April 2008 for consistency with the Core Strategy and the rest of the document. Housing completions in Tiptree for 2001 are 628 units. There are extant planning permissions for 72 units but there are 57 units on windfall sites which have to be deducted. The minimum requirement is 37 units, however some flexibility needs to be built in as the permissions on some sites have now lapsed, so there is a need for more sites.

It was anticipated that additional land would be required for 140 dwellings. Land designated for employment purposes off Grange Road has been allocated for housing which according to density requirements is likely to deliver approximately 70 dwellings. This is in accordance with PPS3. There is a further parcel of land which is to be allocated for public and private open space. The Committee were made aware of a recent appeal decision in Norfolk which had a number of similarities with the site in Tiptree. The site in Norfolk was allowed and costs were awarded against the council after the Inspector found there was little likelihood of the site being used for its allocated employment purpose and he also made reference to the requirements of PPS3. A study in 2007 demonstrated that there was enough land to deliver employment requirements elsewhere in the borough and the appeal site was in the lowest category.

Comments from Committee: There is a very strong opposition in Tiptree to any further development. It was acknowledged that the numbers have dropped considerably. It was assumed that the southern site adjacent to the Wilkin factory would be used for employment not housing. The treatment works are ½ mile away from this site. There was reluctant acceptance of the allocations but regret that Tiptree would be taking more than its fair share of development and the traffic generated will be problematic. It was essential that residents get the maximum benefit possible. However, the situation is an improvement on earlier proposals.

PUBLIC REALM POLICIES

Comment from Officer: Existing playing fields will remain as open space.

ENVIRONMENT AND RURAL COMMUNITIES

Comments from Officer: This section of the submission document lists allocations for international and nationally designated sites, together with the 168 Local Wildlife Sites and the coastal protection belt. Both areas are covered by development policies as previously discussed and in the Core Strategy. Two extensions to holiday parks in West Mersea are shown.

Comments from Committee: The issue was how to provide accommodation for 2012. There was a query on whether the Catawade Marshes were within the boundary of Colchester borough, and the text under the heading Special Protection Areas needs amending to 'three' sites.

RESOLVED that –

- (i) The content of the Site Allocations Development Plan Document and amendments to the Proposals Map be agreed, subject to any amendments referred to above (ONE abstained from voting).
- (ii) The agreed Site Allocations Development Plan Document and all supporting information, including the Sustainability Appraisal, be published in order that representations relating to issues of soundness can be made (UNANIMOUSLY).
- (iii) The agreed Site Allocations Development Plan Document be submitted to the

Secretary of State for examination (UNANIMOUSLY).

(iv) The Spatial Policy Manager be authorised to make minor revisions to the document prior to publication and submission (UNANIMOUSLY).