

LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

13 JUNE 2011

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

Substitute Member :- Councillor Scott Greenhill for Councillor Martin Goss

Also in Attendance :- Councillor Peter Chillingworth
Councillor Will Quince

3. Minutes

The minutes of the meeting held on 15 March 2011 were confirmed as a correct record.

Councillor Mark Cory (in respect of being the Council's representative on the Cory Environmental Trust in Colchester) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Scott Greenhill (in respect of his membership of Myland Community Council) 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) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

4. Supplementary Planning Document // Sustainable Design and Construction

The Committee considered a report by the Head of Strategic Policy and Regeneration requesting the Committee to agree the adoption of the Sustainable Design and Construction Supplementary Planning Document (SPD).

Karen Syrett, Spatial Policy Manager, and Shelley Blackaby, Planning Policy Officer, attended to assist the Committee in its deliberations. In her presentation the Planning Policy Officer referred to additional wording requested by the Chairman, as set out on the supplementary agenda, to provide more clarity on how the categories and credits for sustainable homes works. The wording to be inserted immediately prior to the heading 'Category 1: Energy and CO2 Emissions, as follows:-

“Each of the Code's nine categories contains a number of environmental issues (see table 6). Credits are available for each of the environmental issues and the number of credits available per issue varies. The Code Technical Guide explains how many credits are available under each issue and how credits are achieved/demonstrated.

For example, 29 credits are available under the Energy and CO₂ Emissions category, with 15 of these credits coming from one issue (Dwelling Emission Rate) and the remaining 14 coming from the eight other issues within the category. The nine categories within the Code have a different weighting and so the Code is not as simple as merely adding up the number of credits achieved. To establish the Code rating a score is given for each category, based on the number of credits achieved and weighting of the category, which gives an overall percentage. This percentage determines the Code rating. The Code certificate lists the percentage achieved and Code rating and also shows how the dwelling has performed under each category.”

Pete Hewitt, Myland Community Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He stated that whilst Myland Community Council commended the Borough Council in respect of this SPD, the Community Council wanted Sustainable Drainage Systems (SuDS) to be reinstated within the SPD. They believed that this would ensure the document was comprehensive and robust particularly if SuDS were included in Code Level 4. In connection with this request he was mindful of forthcoming greenfield development sites. He had noted that the report referred to SuDS benefiting from a separate SPD, but there was no timescale indicated for its production.

The Planning Policy Officer responded to Mr Hewitt by referring to the written response to Myland Community Council’s identical submission as set out in Appendix B of the report by the Head of Strategic Policy and Regeneration. She also referred to the earlier version of the SPD on Sustainable Design and Construction which had included information about SuDS and renewable energy and waste, but it had not resulted in any positive changes incorporating SuDS measures. It was therefore considered that the proposed SPD would result in more sustainable buildings coming forward. In response to Mr Hewitt’s comment about the forthcoming greenfield development in North Colchester, she referred to a study being undertaken on flood risk which would be available in 2013 and as it was anticipated that work would not start on the development site until after 2016, there would be a 3 year lead-in time. In summary, it was considered that rather than including SuDS in this SPD, it would be more appropriate to provide a separate guidance note on SuDS.

Members of the Committee raised the following points:-

- there was a request to remove a sentence from the SPD in response to comments made by Mersea Homes, page 38 of the report refers. The Planning Policy Officer confirmed that the sentence referred to would be removed as requested because it did not add anything;
- there was a view that the allocation of land for the purpose of generating renewable energy should be encouraged. However, the Planning Policy Officer explained that she had contacted the British Wind Energy Association and their response had been that they did not recommend that land should be allocated for the purpose. They were of the opinion that wind energy companies were aware of the requirements for suitable locations so that allocating land would not only be a waste of time, it could result in the authority coming under pressure to refuse a planning application for a wind farm. The Planning Policy Officer believed that the

- Renewable Energy DPD was worded positively;
- there was a concern that with nearly 6,000 people waiting for homes the introduction of this SPD could lead to an increase in the cost of new homes and this may impact on the number of new dwellings being built in Colchester. It was confirmed that the requirement for developers to adhere to Code Level 3 would add nothing to the cost of new homes because Code Level 3 was equivalent to the current Building Regulations. Other local councils in Essex had been requesting standards up to Code Level 4 for sometime but without any improvements in sustainability.

RESOLVED that the Sustainable Design and Construction Document be approved and adopted as a Supplementary Planning Document subject to the removal of the sentence referred to above.

Councillor Henry Spyvee (in respect of his membership of Colchester North East Essex Building Preservation Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Scott Greenhill (in respect of his membership of Myland Community Council) 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) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

5. Supplementary Planning Document // Shopfront Design Guide

The Committee considered a report by the Head of Strategic Policy and Regeneration requesting the Committee to agree the adoption of the Shopfront Design Guide Supplementary Planning Document.

Karen Syrett, Spatial Policy Manager, Laura Chase, Planning Policy Manager, and Lee Smith-Evans, Urban Designer, attended to assist the Committee in its deliberations.

The Planning Policy Manager explained that the Building, Design and Character Supplementary Planning Document (SPD) and the Design and Amenity Development Policy Document (DPD) had both been used in the development of this new SPD which would apply to new applications. She explained that it was important that a shopfront should fit in with the host building but some companies paid no regard to the building when determining the style of shopfront. She referred to matters requiring consideration such as design rules and security issues. In terms of design rules, applicants should think in three dimensions. In terms of security issues, she referred to the Police Crime Reduction Officer who would be talking to shopkeepers on different ways to deal with the requirement for security. She also made reference to the requirement for fixed canopies to be removed. It was anticipated that the Council

would be in discussions with applicants to ensure that they had read the guidance prior to submitting a planning application to ensure that it reflected the guidance and resulted in higher quality shopfronts.

Ron Levy addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He believed that everyone present at a meeting he had attended was in agreement that there needed to be a change, and this guidance represented a new approach. He referred to the excellent shopfronts that existed in the town but that it was the poor quality shopfronts which spoilt the whole town; he was concerned about security however. There was a fairly high incidence of broken shop windows, and whilst putting security screens behind the glass window would protect stock, it would not protect the window. Some windows had been broken several times and he considered the only way to protect a window was for the security screen to be in front of the window. Shop keepers would be pleased to see that some grilles were considered acceptable. His outstanding issue was boarded up windows, some of which had been boarded up for years. He considered they were not only an eyesore but conveyed the appearance of dereliction and he asked if they too could be dealt with in the guide.

A member of the Committee asked Mr Levy if he had a solution to boarded up windows and whether insurance premiums increased if claims were made for broken windows. Mr Levy responded to the Committee pursuant to the provisions of Meetings General Procedure Rule 5(8). He stated that owners should be subjected to the same guidelines as if the shop was not empty so just as they would not be allowed to board up windows every night, why should they be allowed to do so over long periods? The more claims are made against a policy the more insurance premiums rise. A window costs £300 each time it is broken. An internet café had its glass window replaced several times and it was now left unrepaired.

The Planning Policy Manager stated that they were aware that security was an issue, and that it was probably a matter for new applicants to explore all the options. External shutters would be the choice of last resort and there were a range of different situations, period bay windows for example. Applicants could work with the police to find solutions to their particular concerns. The Council had powers under Section 215 to require people to repair buildings so there appeared to be some enforcement mechanism. The Council was moving ahead with wider regeneration schemes at which time some new shopfronts may come in to upgrade the overall quality of the street.

The Urban Designer referred to the many listed buildings within the town centre and Section Two of the Design Guide provided a justification for the imperative to seek ways to enhance the visual quality of such buildings.

Members of the Committee considered this to be an excellent document. They were aware that the document could not be used to change existing shopfronts as it was only applicable to future shopfronts. Members raised four issues:- 'A' Board clutter, boarded up shopfronts, security/external shutters and impact on insurance as set out below:-

- 'A' boards: These were considered to be a nuisance to disabled, blind, partially sighted and people with prams, although some may have planning permission. Members were aware that the enforcement team had worked hard to reduce this

unnecessary street clutter. The Urban Designer confirmed that 'A' boards were regarded as an obstruction in the highway. The highway was managed by Essex County Council and, in collaboration with the County Council, this Council undertakes to prosecute 'A' board users and to remove the boards.

- **Boarded up shopfronts:** There was a view that boarded up shopfronts could be dealt with by way of a Section 215 Notice, but some members doubted that they came within the remit of a Section 215 Notice. The Policy Planning Manager referred to other towns having used it but believed it might be on a technical issue. In any case boarded up shopfronts were an enforcement issue whereas this new policy was not a tool to correct poor existing shopfronts, but was about providing guidance for shopfronts being upgraded or new shopfronts. The Spatial Policy Manager referred to a development scheme which was required to improve the hoarding surrounding the site. This measure added to the street scene by illustrating to passers by what was planned for the site. She suggested that a similar initiative could be investigated when taking the area action plan forward.
- **Security:** The issue of security was raised in connection with premises such as jewellers who had high value stock. An example was given where external shutters were being used and the jeweller was required to remove them. Ultimately that retailer left Colchester. Members understood that there were other ways of providing security but also supported the need for retailers to protect their stock. There was a view that it should be possible to use shutters when a shop was closed and members sought advice on whether there were any exceptions to the prohibition of external shutters. The Planning Policy Manager explained that there was a presumption against external shutters and the Council had worked to devise an appropriate solution. The Urban Designer explained that there were two issues which retailers sought to protect their premises against – vandalism and the need to protect valuable stock. He referred to some jewellery premises with an internal shutter and the measure was as secure as an external shutter but the negative impact on the public realm was reduced. The officer view was that there was no need to allow external shutters everywhere because of the negative impact on the public realm.
- **Insurance:** questions were raised regarding any consultation that had been undertaken with insurance companies about the best glass to use in terms of it retaining some quality of appearance when it had been attacked by vandals. The Planning Policy Manager was aware that building regulations set a high standard for toughened glass and new applications would be required to comply with building regulations. The Spatial Policy Manager commented that no insurance companies had been consulted directly but they may have seen the public notice of consultation. It was suggested that the Council consult insurance companies to see what was acceptable to them. There was a view that insurance companies should not influence the Council's policies but other members considered it worthy of investigation to inform the policy, but not to hold up its implementation; if considered necessary, it would be possible to amend the policy at a later date. Contact with The Association of British Insurers was recommended as a starting point for relevant information.

RESOLVED that the Shopfront Design Guide be approved and adopted as a Supplementary Planning Document.

Councillor Henry Spyvee (in respect of his membership of Eld Lane Baptist Church) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

6. Planning Guidance Note // Public Realm Strategy

The Committee considered a report by the Head of Strategic Policy and Regeneration on a new Guidance Note to provide a clear set of guidelines to implement and maintain a high quality environment in the Town Centre.

Laura Chase, Planning Policy Manager, and Lee Smith-Evans, Urban Designer, attended to assist the Committee in its deliberations. The Planning Policy Manager referred to the Lighting Strategy which would be appended to the Public Realm Strategy document. The intention was that the Public Realm Strategy principles would be incorporated into schemes within Colchester Town Centre and integrated into the forthcoming Town Centre Area Action Plan.

The Urban Designer clarified that the Guidance Note was only applicable to the town centre and included everything within the public realm. It was anticipated that the Guidance Note would result in an improvement of the public perception of Colchester particularly in terms of safety, consistency, quality and the amount of investment it would attract. He referred to the various areas in the town centre and to the layout of the town centre shopping area as being based on the roman layout. The analysis identified the town centre's weaknesses such as the open spaces, the streetscape, the quality of materials on the floor, the decline of small shops and uncertainty, poorly designed floors and 'A' boards, and the Strategy sought a resolution to these issues.

Members of the Committee considered the Guidance Note to be an excellent document but extremely ambitious. This was a strategy document and an Area Action Plan was intended to follow after good consultation and involvement. Members were of the opinion that if only half of what was in the document was achieved it would make a tremendous difference to the town centre. The two issues that members identified were the cost and a timescale.

The Planning Policy Manager confirmed that delivery was an issue. There was a work in progress built into the Area Action Plan. The Council was working in a corporate way with a steering group which met regularly to develop a cross cutting approach. Most of the document was about setting out the goals in terms of what is desired and then about setting priorities. In terms of the funding, it was likely that to achieve the aims of the document it would be necessary to obtain funding through the Community Infrastructure Levy (CIL) or from Section 106 contributions.

The Urban Designer highlighted improvements to the use of a space which would result from a well thought out public realm space being created as a result of this document. Referring to cost, he acknowledged that the document set out a series of materials which were related to the fabric around them. However, the materials identified for

Colchester were standard materials and there was no requirement to use bespoke materials in the public realm. Improvements to a public space could be achieved without high cost and he gave the example of the space around the water tower, Jumbo. It had been identified as an area through which many people travelled during the day. They could be forced to sit on the grass because there were not enough benches provided and that perceived need should be explored. To make the same space work just as well in the evening it might be necessary to make the entrances through Balkerne Gate more significant. The space needs some exploratory work to make it work for users during the daytime and during the evening.

RESOLVED that the Public Realm Strategy be approved and adopted as a Planning Guidance Note.

7. Community Infrastructure Levy // Frontrunner Project

The Committee considered a report by the Head of Strategic Policy and Regeneration on a new levy, the Community Infrastructure Levy (CIL), that local authorities can choose to charge on new developments in their area.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. She explained that local authorities who had a Local Development Framework in place had been invited to put themselves forward as “frontrunners” for the CIL. The Council, in partnership with Essex County Council, had expressed an interest and in February it was confirmed that Colchester Borough Council was one of the eight local authorities to be selected. She explained the process in terms of consultations and deadline dates and that the Committee did not have a scheduled meeting at the time when the draft CIL report and charging schedule should be reported to Committee to agree the consultation process. If left for the next meeting date it would not be possible to complete the project as agreed with the Department of Communities and Local Government (DCLG). The Committee was therefore being requested to delegate to officers approval of the consultation on the charging schedule. This would be the first phase of participation and all the results would be reported back to the Committee who would be requested to agree the next stage of consultation.

There was still a considerable amount of detail to be made clear and the DCLG did not have all the regulations available. Work was being done to identify all large items of infrastructure costing more than £1million and these items were adding up to an amount which would justify implementing a CIL to help fund the works. The second block of work was concerned with viability and looking across a range of uses from residential to retail, town centre to out of town locations, large stores, business, leisure etc. The Spatial Policy Team wanted to identify a figure for each of the different types of use to enable developers to make a contribution towards infrastructure across the borough without affecting the viability of developments. The biggest misconception was that CIL would fund all the infrastructure identified and the DCLG were encouraging local councils to look at other sources of funding as well as the levy. Decisions were still to be made about what the levy would fund and the publication of additional regulations

was awaited. At this stage it was not known if funding would only go towards items already identified in a list, known as 123 List, or whether a local body could spend the levy on items not on the list.

Pete Hewitt, Myland Community Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He congratulated the Committee on the previous two items. In respect of this item, he was looking for early clarification in respect of whether the 123 List can be changed at any time without the need for a public examination or publicity. He considered it likely that money may be redirected without prior notice and he believed it would open up the possibility for confusion. Myland Community Council would object very strongly if changes were made without consultation. He asked if the Community Council could have some time with a Spatial Policy Officer to ensure they were fully aware how the levy would work.

The Spatial Policy Manager responded that the point about the prioritising and allocating the money for items on the 123 List was still to be resolved. The Spatial Policy Team did not think it would be best practice to change it on a weekly basis for example and this Council would want that process to be open to public scrutiny with appropriate procedures in place to establish who would receive Section 106 contributions in consultation with Essex County Council. The Spatial Policy team would provide Myland Community Council with three documents including a brief overview of the initiative.

In response to questions from members of the Committee, the Spatial Policy Manager explained that the 123 List would be evidence based to ensure there was a delivery plan for the infrastructure. There would not be sufficient money in the levy to spend it on things which would not be required. If the Council did not have a CIL in place by 2014 it would be severely restricted on Section 106 contributions for affordable homes and on site facilities. It would only be able to pool resources for up to five schemes so there might not be enough funding for a scheme. This would apply to any Section 106 contributions collected back to April 2010. The Council would not be able to collect Section 106 contributions for anything on the 123 List.

In respect of neighbourhoods, where there was a parish or town council that body would receive the money and determine how to spend it in accordance with the regulations. Where there was no parish or town council the money would be allocated to a neighbourhood forum comprising three people but that would increase to twenty-one people. Where a neighbourhood forum was established they could spend the money but where there was no neighbourhood forum in existence, the money remained with the Borough Council to spend as appropriate in that neighbourhood.

RESOLVED that –

(a) The background information on the Community Infrastructure Levy and the Council's progress on the Government's Frontrunner project be noted.

(b) After consultation with the Chairman and Group Spokespersons, the Head of Strategic Policy and Regeneration be authorised to publish the draft Community Infrastructure Levy Charging Schedule for public consultation.