

# LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

## 28 SEPTEMBER 2009

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

*Substitute Member :-* Councillor Laura Sykes for Councillor Martin Goss

*Also in Attendance :-* Councillor Sonia Lewis  
Councillor Peter Chillingworth

### 11. Minutes

The minutes of the meetings held on 22 June and 26 August 2009 were confirmed as a correct record subject to the following amendments:-

- 22 June 2009 – delete Councillor Davidson from the list of those present and add ‘Substitute Member:- Councillor Arnold for Councillor Davidson’;
- 26 August 2009 – Minute 9, Development Policies Submission Document - DP 23: Coastal Areas, amend Comment from Committee to read ‘This is a comprehensive overview but there are 15 million people within an hour of the coast.’

**Councillor John Jowers (in respect of being a member of Essex County Council, the East of England Regional Planning Panel, the Regional Flood Defence Committee and the Rural 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 Laura Sykes (in respect of her membership of Stanway 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 Robert Davidson (in respect of his membership of Winstred Hundred Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

### 12. East of England Plan Review to 2031

The Committee considered a report by the Head of Strategic Policy and Regeneration on the consultation published by the East of England Regional Assembly (EERA) on housing and economic growth in the East of England up to 2031. The report was accompanied by a briefing note on the implications of the consultation for Colchester.

Any responses received will be used by the EERA, along with other policy work, to develop a revised draft regional planning policy by March 2010. There would be a further public consultation on the draft plan before an examination in public in summer 2010. It was anticipated that the Secretary of State for Communities and Local Government would finalise the revised East of England Plan in 2011.

Four scenarios had been produced which would form the basis for the revision of the policies within the East of England plan and cover the period 2011-2031, rather than 2001-2021 within the current plan.

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

The Committee made a number of comments and Karen Syrett, Spatial Policy Manager, and James Firth, Planning Policy Officer, responded as indicated:-

#### *Committee Comments*

- A public consultation event had taken place in Ipswich and it was understood that Essex County Council was intending to arrange for a similar event to take place in Colchester on 2 November 2009 and it was hoped details would be circulated when available;
- An additional 12,000 homes had already been delivered in Colchester, sound advice had been obtained and the major issues had been debated at full Council and outcomes had been agreed consensually;
- The approach Colchester had adopted in the past, in terms of gathering evidence and the submission of an informed response had proved beneficial in the past and would be useful to be repeated;
- The delivery of additional houses needed to be linked with additional jobs and additional infrastructure to match;
- The EERA would be disbanded on 31 March 2010 and it was not entirely clear what would happen to the Strategy after this date;
- Essex County Council be requested to give details of the Office of National Statistics data and this be circulated to members of the Committee for information.

Officer Response – it was the responsibility of EERA to make arrangements for the public consultation events. It was intended to wait before compiling a formal response to the consultation in November, in this way the views of other major consultees, such as Essex County Council, the Haven Gateway Partnership and Regional Cities East could be taken into account.

*RESOLVED* that –

- (i) The consultation on the East of England Plan Review to 2031 and details set out in the briefing note prepared by the Head of Strategic Policy and Regeneration be noted.
- (ii) That a consultation response be prepared and reported to Local Development Framework Committee in November 2009.

**Councillor John Jowers (in respect of being a member of Essex County Council, the East of England Regional Planning Panel, the Regional Flood Defence Committee and the Rural 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)**

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**Councillor Robert Davidson (in respect of his membership of Winstred Hundred Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

### **13. Community Facilities Supplementary Planning Document**

The Committee considered a report by the Head of Strategic Policy and Regeneration requesting the adoption of the Community Facilities Supplementary Planning Document (SPD). Upon adoption, the SPD will become a material consideration in the determination of planning applications.

The Community Facilities SPD would add detail to the policies in the Core Strategy and Development Policies DPDs. In particular, Policy SD2 of the Core Strategy provided that new development would be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from a proposal. This policy was supported by SPDs on Open Space, Sport and Recreational Facilities and on Affordable Housing (being revised) and the Community Facilities SPD would be used in conjunction with these related SPDs. The Council's approach also included the review of relevant applications at a bi-monthly cross-departmental Development Team meeting which ensured a corporate and comprehensive approach was taken to requests for planning contributions. Policy DP3 in the Development Policies DPD provided that the Council would develop proposals

to implement a Community Infrastructure Levy (CIL) which may in time lead to revisions in the Council's approach to ensuring development contributes to the cost of ensuring adequate supporting infrastructure.

The Community Facilities SPD expanded upon higher level policy guidance by listing the types of facilities such as village halls and youth shelters that are considered to be community facilities. It then discussed how the Council would identify community facility needs, using a Community Facilities Audit. The SPD provided the formula that would be used to calculate the financial contribution required from all new residential developments towards community facilities. These contributions would be used for local facilities in the first instance, but where appropriate, contributions may be applied to facilities that were centrally located and/or which served residents on a borough wide basis. Contributions could be used for capital contributions and/or land for community facilities as well as for contributions to running costs for the first three years.

Karen Syrett, Spatial Policy Manager, Laura Chase, Planning Policy Manager and Bridget Tighe, Community Development Co-ordinator, attended to assist the Committee in its deliberations.

Councillor Chillingworth attended and, with the consent of the Chairman, addressed the Committee. He indicated his support for the SPD and explained that the Planning Committee members were concerned that the greatest proportion of Section 106 funds tended to be directed to the larger, high spending bodies. He was of the view that school facilities were not used to their optimum capacity and called on Essex County Council to encourage greater community use of local schools. In terms of the way in which community facilities contributions would be used, he considered that the arrangements adopted for leisure and open space facilities, whereby the views of ward councillors were taken into account, worked well and requested this was reproduced in respect of community facilities.

In response, the Community Development Co-ordinator welcomed the opportunity to involve ward councillors and offered to seek guidance from colleagues involved in the leisure and open space arrangements.

The Committee made a number of comments and Karen Syrett, Spatial Policy Manager, and Laura Chase, Planning Policy Manager, responded as indicated:-

#### *Committee Comments*

- The merits of using a formula similar to that adopted in respect of leisure and open space provision in order to hold back a proportion of the contributions to secure benefits for the Borough as a whole;
- The possibility of imposing a levy on the development of household extensions;
- The need for arrangements to be put in place to involve councillors in the process;
- The possibility of 'loading' contributions towards those dwellings with the greater number of rooms;
- The need for information to be provided with detailing for what the contributions would be used;
- Questions regarding the bodies included in the lists of consultees and the

- relatively poor level of response;
- The benefits of Parish Plans whereby consultation is undertaken to ascertain the type of facilities wanted by local residents;
  - The benefits of imposing trigger points in respect of larger developments in order to bring facilities on board in stages;
  - Concerns that valuable community development work involving partnerships may lead to loss of funding for the voluntary sector

Officer Response – Karen Syrett explained that Circular 05/05 provided for a viability criteria in respect of the imposition of a levy. She was of the view that its application to the development of household extensions would be deemed to be unreasonable. She agreed with the need to include ward councillors in the process along similar lines to that adopted for leisure and open space and offered to circulate revised information to provide for this arrangement. Karen also acknowledged the need to hold back a certain level of contribution for Borough wide use and confirmed that the list of consultees was a statutory one which included all neighbouring local authorities. She further offered to refer to colleagues in Development Control any shortfalls in the existing Section 106 trigger point regime.

*RESOLVED* that –

- (i) The Statement of Consultation resulting from the public consultation exercise on the Community Facilities Supplementary Planning Document be noted;
- (ii) Subject to the revision of the wording of Paragraph 9.3.2 to include the involvement of ward councillors in the process, the Community Facilities Supplementary Planning Document be adopted.

**Councillor John Jowers (in respect of being a member of Essex County Council, the East of England Regional Planning Panel, the Regional Flood Defence Committee and the Rural 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)**

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**Councillor Robert Davidson (in respect of his membership of Winstred Hundred Parish Council) declared a personal interest in the following item pursuant to the**

## **provisions of Meetings General Procedure Rule 7(3)**

### **14. Backland and Infill Development Supplementary Planning Document**

The Committee considered a report by the Head of Strategic Policy and Regeneration seeking the Committee's agreement to adopt the Backland and Infill Development Supplementary Planning Document (SPD). Upon adoption, the SPD will become a material consideration in the determination of planning applications.

The Backland and Infill Development SPD provided further guidance on how these types of application would be assessed and added detail to policies in the Core Strategy, Saved Local Plan policies, and policies in the emerging Development Policies DPDs. Section 2 of the SPD outlined the policy framework that is relevant to the SPD. Design and amenity related policies would be the most relevant as the SPD sets out the specific design requirements for backland and infill schemes. National and regional policy would also be relevant and covered in Section 2 of the document. In accordance with this policy, the SPD aimed to ensure the design of schemes was appropriate to their context.

Section 3 of the SPD set out why such guidance was necessary and provided detail on some of the common problems with Backland and Infill Development. Section 4 provided clarity by setting out definitions for Backland and Infill Development to avoid confusion as to which schemes would be covered by the guidance.

The design process was outlined in Section 5. This section explained that the Design and Access Statement, an existing requirement for applications for residential development, would be used to assess the justification for the design of any submitted scheme. The importance of the character appraisal process was covered in the later part of this section. The detailed design requirements were set out in Section 6 of the SPD. This section used text and illustrations to explain how good design should be applied to backland and infill schemes.

Laura Chase, Planning Policy Manager, and James Firth, Planning Policy Officer, attended to assist the Committee in its deliberations.

Councillor Chillingworth attended and, with the consent of the Chairman, addressed the Committee. He welcomed the SPD on the basis that backland and infill development tended to be one of the most contentious issues considered by members of the Planning Committee. He referred to the statement in the report that, from April 2009, a charge would be imposed on pre-application discussions but that he understood that this had yet to be implemented.

The Committee made a number of comments and Laura Chase, Planning Policy Manager, and James Firth, Planning Policy Officer, responded as indicated:-

#### *Committee Comments*

- The planning benefits in respect of the overall final outcome to be gained from pre-application discussions and the potential negative impact of the imposition of a

charge;

- The importance of the statement contained in the detailed requirements section of the report 'innovative layouts that utilise the space in an optimal way may be appropriate';
- The possibility of using a rural Design Guide Supplement within the document;
- The importance and need for emphasis to be placed on the Daylight and Overshadowing information (sun path analysis) contained within the Detailed Requirements section of the report;
- The possibility of including the need for an application to make a positive contribution, by complementing or enhancing the environment, otherwise a refusal would be issued;
- The usefulness to both applicant and the Planning Committee members of compiling a Design and Access Statement including information to explain why a scheme should be permitted.

Officer Response – officers were moving to a more criteria based approach which placed the emphasis on developers to demonstrate how a scheme would work, whilst continuing to bear in mind the principles of the Core Strategy

*RESOLVED* that –

- (i) The Statement of Consultation resulting from the public consultation exercise on the Backland and Infill Development Supplementary Planning Document be noted;
- (ii) The Backland and Infill Development Supplementary Planning Document be adopted.