

LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

7 JUNE 2010

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

Substitute Member :- Councillor Nigel Offen for Councillor Martin Goss

Also in Attendance :- Councillor Lyn Barton
Councillor Nigel Chapman

Councillor Elizabeth Blundell (in respect of her membership of Marks Tey 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 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)

3. Have Your Say!

Mrs Louisa White addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She had attended the recent public examination and wished to commend the skill and professional attitude of the officers representing Colchester Borough Council. They had no difficulty in responding to questions in a professional manner. Whilst she had not necessarily agreed with everything which took place she wished to record her appreciation of the attitude of Colchester Borough Council staff.

Patrick Mills, Myland Parish Councillor, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He praised the excellent and highly professional services provided by the Spatial Policy Team. However, Myland Parish Council were concerned about transparency and leadership, in particular:- why the Committee was in the process of creating a huge housing development on land that was allocated as open space; why were the consultation papers issued over the Christmas period; why do only a handful of people attend the Committee's meetings; why, during public examinations, are draft documents altered without notifying the stakeholders; why did councillors not attend the public examination on the Core Strategy; and why are parish councils not a key party to Section 106 agreements at the conception stage nor are they included in negotiations with developers.

Bob Russell, MP, addressed the Committee pursuant to the provisions of Meetings

General Procedure Rule 5(3). He referred to the recent Government announcement that spatial strategies were to be abolished and considered that in the near future this would enable the Committee to determine the Council's own planning direction. He considered it inappropriate for this Committee to continue with the expansion of housing in Mile End for the sake of a few weeks when the situation would become clearer. He was particularly concerned about Chesterwell Wood in the North Colchester Urban Extension area about which he did not recall being notified, neither had it appeared to have come to the attention of the public. He asked that the issue be deferred, response within minute no. 8 refers.

The Spatial Policy Manager explained that in instances where a consultation period includes the Christmas period the length of the consultation period has been increased to compensate. She also explained that this Committee meets in public and people are encouraged to have their say. She acknowledged that attendance at these meetings was not high, although there were one or two people who attended regularly. However, the forerunner of this Committee was the Local Plan Panel which did not meet in public.

4. Presentation of Petition

Catherine Clouston presented a petition containing 1,193 signatures from residents of Mile End and Braiswick in opposition to the building of thousands of homes in North Colchester in the following terms:-

"We, the under signed, petition Colchester Borough Council to:- 1. Withdraw the North Colchester Growth Area Supplementary Planning Document dated December 2009, on the grounds that an SPD is the wrong planning instrument for the proposed Myland development; and 2. Prepare an Area Action Plan DPD, which we believe to be the appropriate planning instrument under the terms of PPS12.

5. Minutes

The minutes of the meetings held on 1 February 2010 and 19 May 2010 were confirmed as a correct record.

6. Local Development Framework Update

The Committee considered a report by the Head of Strategic Policy and Regeneration together with an updated LDF project chart. The report set out the Council's adopted delegation arrangements and the appended project chart set out the progress made against LDF documents which had been adopted or were in the process of being developed prior to adoption.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. She explained that this document was provided for information only at

the beginning of the municipal year and the Committee was requested to note the contents of the report. The report set out which decisions are made by which council body and it also identified the documents produced by officers.

Members of the Committee sought clarification on the current situation following the recent announcement by Eric Pickles, Secretary of State for Communities and Local Government, that Regional Spatial Strategies would be abolished. Members sought advice on how planning policy would operate both in the interim period and after any further guidance was issued.

In response to this request, the Spatial Policy Manager proposed that a report be prepared for the Committee's next meeting in August by which time it was hoped there would be more information available upon which to base her advice to the Committee. She anticipated that a new system would be in place in due course which would enable Councils to determine the shape of their neighbourhoods. It was likely that local councils would put forward local housing targets and she considered it unlikely that this Council would depart from the current targets. The LDF legislation remained in force and would prevail until such time as further guidance was issued. The growth targets adopted by the Council in the Core Strategy could not be set aside lightly because they were based on robust evidence and applications should not be refused on the basis of the letter because, although it is a material consideration, the RSS remains part of the development plan for now. The LDF is covered under PPS12 not PPS11 and Regional Spatial Strategy legislation; there has been no mention of unpicking or abolishing the LDF.

In respect of the two Development Plan Documents currently the subject of examinations in public, she had spoken to the Planning Inspectorate who had confirmed that the Inspector would be making a decision in the timescale set out and in doing so account would be taken of the letter from the Secretary of State; a response was expected in July.

Members of the Committee commented that it appeared that in the absence of any housing allocations imposed by a regional body local councils might be able to set their own targets. It appeared that the Council could decide it did not have to make provision for any increase in housing, however some members considered this was unrealistic because of the predicted population growth. Local councils have to plan ahead but at the moment there was no indication of how that would be achieved in the absence of the Regional Spatial Strategy. At this stage there was no information on the type of documentation that would be required.

RESOLVED (UNANIMOUSLY) that the Council's progress on the Local Development Framework and the adopted delegation arrangements be noted.

7. Boxted Joint Village Design Statement and Parish Plan

The Committee considered a report by the Head of Strategic Policy and Regeneration together with the draft Boxted Joint Village Design Statement and Parish Plan. This

document was intended to influence the planning system so that any new development in Boxted would be in keeping with its surroundings while conserving, and where appropriate, enhancing the immediate environment.

Beverley McClean, Coast and Countryside Planner, attended to assist the Committee in its deliberations. The Plan, which was driven by the community and prepared for the community, had been through several rounds of consultation with the community and elsewhere. Once adopted it would be a material planning consideration and support decision making at all stages.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. His role had been to encourage the group who had worked on the document. He thanked the Planning Policy Team because they had provided very helpful and clear guidance to the local team, who were also to be congratulated. Boxted has been under threat from North Colchester with the development of the Park and Ride facility, the service station and wind turbines, which make a difference to how the village is seen from that side. There are very few facilities in Boxted and there was a need to maintain the village and ensure that residents' concerns were accepted. He commended the Joint Village Design Statement and Parish Plan to the Committee and requested that it be supported.

Members of the Committee commented that a village design statement was a planning document, unlike a parish plan which was not. The residents of Boxted were to be congratulated because the production of such a document was only possible because of the amount of hard work put into it by the local population. It was also recognised that, unlike many authorities, this borough council provides assistance to villages in the production of village design statements. Once adopted this document would become part of the Local Development Framework.

Beverley McClean explained that an Action Plan still needed to be prepared to complete the Parish Plan and that she would be meeting with the Plan authors shortly to discuss this issue.

RESOLVED (UNANIMOUSLY) that the Boxted Joint Village Design Statement and Parish Plan be adopted as a Planning Guidance Note.

Councillor John Jowers (in respect of being a member of Essex County Council, a Cabinet member for Planning, his role in allocating grants to Essex Playing Fields Association, his membership of the Local Government Association Rural Commission and his membership of the UK National Rural Network) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

8. Colchester North Station Master Plan Supplementary Planning Document Public Consultation Results

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

together with the results of the recent public consultation on the Colchester North Station Master Plan Supplementary Planning Document. The Committee was requested to note the results of the public consultation and to agree revisions in response to the consultation responses and additional traffic modelling work.

James Firth, Planning Policy Officer, attended to assist the Committee in its deliberations. The Colchester North Station Master Plan set out key requirements in various areas. The consultation period on this document was from February to March and the results were summarised in an appendix to the report. It was anticipated that further information would be received from Essex County Council and the Commission for Architecture and the Built Environment (CABE) towards the end of June.

Tony Bland addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He considered that councillors will have followed the process properly and the Supplementary Planning Document (SPD) had been formulated in the right context. However, he did not believe that the SPD went far enough in creating a vision for transport for Colchester in the light of the assessment which deals with growth and changes over the next few years. The document was insufficient in respect of planning for issues such as street noise resulting from alcohol abuse and the misuse of bus lanes. He quoted an extract from the Essex County Council response to the document to the effect that they felt the document was too prescriptive and the proposals as presented required further work. He asked that rather than approve the document, the Committee should go further and do something more integrated. He considered that the two documents, North Station Master Plan SPD and North Colchester Master Plan SPD, were linked and should be taken together. He did not want the document as set out to proceed.

The Chairman responded that the Committee was not being asked to agree the document at this meeting; all the Committee was being asked to do was to take it forward for further work or refining.

Members of the Committee noted that the consultation had resulted in some very definite answers and a wide range of views which should be taken into account. They made a number of comments including those set out below:-

- a study should be made on the traffic flow from the north through the North Station area because the council needed to know how much traffic would come through;
- the North Station area was not a good gateway to Colchester and there were a number of issues which would have an impact on this area. Wider schemes should be investigated;
- traffic from the Park and Ride facility would travel into town through the worst bottle necks possible. There were doubts as to whether anything tangible could be done to solve the problem;
- if the Myland development went ahead what effect would it have and would that effect indicate the development should not go ahead;
- there was too much traffic crossing over each other;
- had a tunnel been considered from the northern approaches through to the exit to the A12 which would take a huge amount of traffic away;
- the permeability of the railway land was mentioned in respect of the tunnel to the

- westward side and one through to the Cowdray Centre;
- have tunnels been considered for pedestrians;
 - there are areas where foot and cycle traffic could be separated out;
 - there was some support for concerns expressed by National Express East Anglia regarding minimising risks. The plan placed significant emphasis on shared space at key locations around the station and this was questioned bearing in mind the movements at peak periods. Segregation in these areas was necessary to avoid risks to all and this should be investigated more closely;
 - it was difficult to see how a scheme would work when there was a conflict between the desire to speed up journey times and the desire for additional routes. Again more work was required;
 - Colchester's North Station was criticised for its lack of facilities for disabled and for being bleak and windswept;
 - it was noted that Cowdray Avenue and Colne Bank Avenue carry a tremendous amount of traffic into the town.

Paul Wilkinson, Transportation Policy Manager, responded to the effect that the borough council was working with Essex County Council on the highway model and movement in the area, specifically how the new junction would affect traffic and buses in the area. He acknowledged that there were very difficult issues about crossing the railway.

RESOLVED (UNANIMOUSLY) –

- (a) The results of the recent public consultation on the draft Colchester North Station Master Plan Supplementary Planning Document as set out in Appendix 1 to the report by the Head of Strategic Policy and Regeneration be noted.
- (b) The draft Colchester North Station Master Plan Supplementary Planning Document be revised in response to the consultation responses and additional traffic modelling work.

Councillor John Jowers (in respect of being a member of Essex County Council, a Cabinet member for Planning, his role in allocating grants to Essex Playing Fields Association, his membership of the Local Government Association Rural Commission and his membership of the UK National Rural Network) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

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9. North Colchester Urban Extension Supplementary Planning Document Public Consultation Results

The Head of Strategic Policy and Regeneration submitted a report together with the results of the recent public consultation process on the proposed North Colchester Urban Extension Supplementary Planning Document (SPD). The Committee was requested to note the results of the public consultation and to agree further work on the SPD in response to the consultation responses, to include additional detail and technical work.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. She explained that this report was now set against the background of the recent Government announcement that Regional Spatial Strategies (RSS) are to be abolished. Legal advice has been sought on the status of the RSS and the advice suggests that it remained part of the Development Plan, and the letter from Eric Pickles, Secretary of State for Communities and Local Government was a material consideration. She indicated that other local documents can be used to inform forward planning, for example the Community Strategy and Strategic Plan, both of which identify the need to improve the supply of housing and provide safe and secure homes for all. Although the regional housing targets are set to be abolished, 1,425 new homes per year were needed to deal with the backlog and increasing need. She was not aware that the Government had announced anything to disable the locally agreed documents.

The Spatial Policy Manager explained that the intention at this stage was not to go straight to adoption of this SPD; the recommendation at this meeting was to carry out additional work and to continue working with Myland Parish Council to revise the document. She acknowledged the role that the parish council had played in raising awareness of the SPD locally and alerted the Committee to the danger in doing nothing which would put the Council in the position of not being able to resist development. Referring to comments made earlier in the meeting, she explained that the parcel of land in Mile End was allocated as proposed open space in the Local Plan but nowhere in that document was reference made to the area being safeguarded to meet open space needs of population growth in North Colchester.

Peter Hewitt addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He spoke in favour of the benefit that parks and green spaces confer on the population in terms of providing a sense of place and contributing to health and well being. In recent years North Colchester has taken an enormous growth of houses; Turner Village has just started and the Severalls site is due to start in the future. He considered it imperative that Chesterwell Wood should not be built upon because it was rich in wildlife and of significant benefit to residents in the wider community. There was no longer any political demand to build there and it would be a tragedy if it was built upon.

Councillor Jean Dickinson, Myland Parish Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). The parish council had not approved the Master Plan at this time. The parish council and the design statement team had generated 476 responses to the consultation on the draft SPD but only 366 appear to have been received by Colchester Borough Council; a total of 1,050 people had responded. She requested that the site for 2,220 dwellings be removed from the Core Strategy because this site was the fifth major site to be developed in that area over the plan period. This would allow time for the current situation to become clearer and to give time to work on the scoping documents. She did not want to see this SPD adopted.

Ted Gittins addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) on behalf of Essex Playing Fields Association. At the beginning of the process of formal statutory allocations, 54 acres were provided as an extension to the playing fields and a further 66 acres to develop as an area of open space. During the full setting of the SPD those allocations have evaporated and yet they were statutorily in the Local Plan. He was not certain that it was a conscious decision to replace the provision of open space with blanket housing. The alternative open space straddles the A12 which is not an ideal situation and he considered that the open space provision had been devalued in terms of commitment and quality. If there was to be a period of reflection in the current situation he hoped that this specific provision in the document be reviewed to get closer to the commitment in the Local Plan.

Stuart Cock, Managing Director of Mersea Homes, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He had read the green paper on the planning requirement and having sought clarification he had received a response by letter from Bob Neill, the then Shadow Minister for Local Government and Planning. This year the country is expected to deliver fewer homes than at any time since 1924. Mr Neill identified a chronic lack of housing with a requirement for solutions. The Conservative Group is pro-development and the country needs to increase building to lead an economic recovery by the private sector. Any application that is accompanied by the usual documents will have no reason for refusal. A strategy for a longer period is required to ensure Colchester can deliver the homes required otherwise there would be no more jobs or homes. To change now would be a retrograde step. He stated there was not an unlimited supply of brownfield land which meant that greenfield land must be delivered for the future supply of homes.

Catherine Clouston addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) representing lovemyland. She had presented a petition signed by 1,193 residents of Mile End and Braiswick in opposition to the building of thousands of homes in North Colchester. The community was asking for further meaningful consultation; they were not biased against new development. Martin Goss had asked for a halt on the SPD for six to twelve months and she asked that the Committee support that request.

David Clouston addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). A recent article was published quoting Councillor Paul Smith on the future of Colchester "it is essential to make it clear that people already living in Colchester will not be disadvantaged by growth". Mr Clouston stated that this

was impossible because whatever growth there was would impact on the existing population. There was tremendous pressure to deliver housing quickly and profitably; he was speaking for the status quo. He appreciated the work done by officers at the council. In his professional capacity he was aware that when traffic modelling gets it right it can design out a problem but what happens when it gets it wrong.

Bob Russell MP addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He endorsed the comments of Myland Parish Council and those from Ted Gittins and Mr and Mrs Clouston. He supported requests for a pause in the process as there was a need for clarification on whether this document was in line with the new Government's strategy. He referred to the playing field being extended in the early part of 1994 and questioned when and who decided to omit the extended playing field; he considered this was not a democratic decision by elected councillors.

In responding to comments, the Spatial Policy Manager explained that the Local Plan was adopted in 2003/04 and showed some areas as proposed open space. The proposals map for the site allocations document and key diagrams for the strategy have all been to this Committee, so it is this Committee which has changed the allocations on those maps at which time those concerned could have made representations. She believed the site was to be included in the Local Plan a few years ago until the Government produced minimum density requirements and the greenfield land was not required. In respect of Councillor Jean Dickinson's representation, the 476 responses by the parish council have not been included because the parish council used a different questionnaire and different plans making it difficult to know what those respondents were commenting on.

The Chairman explained that this matter was a separate issue from the previous item. This draft SPD concerns proposed development land and the Committee needs to take a different approach. In the light of the statement by the Secretary of State, local authorities will have the power and duty to determine their own housing and land allocations. It may be that because of the statement, the Core Strategy may need to be revised so the issue may need to be parked for a period of time, however, the background work on traffic impacts and development at Severalls needs to continue.

Some members of the Committee were concerned that people such as the Member of Parliament, borough and parish councillors may not have kept themselves informed about the progress of work at this Committee and it was hoped that if this was the case this situation would be corrected. There were other concerns that Mile End had taken much of the development in Colchester and there was a view that that area had taken enough. There was a general recognition that a considerable amount of further supporting work needed to be undertaken before the Master Plan could be brought back to the Committee and this period of time would provide an opportunity to obtain more clarity about the future of the LDF process in the light of the statement by the Secretary of State. It was also generally recognised that it would be undesirable to see all development halted and even that the Council may be open to a legal challenge. The land the subject of this report is in private ownership and resisting development might be difficult without a Master Plan to provide guidance. There was also an awareness that new development in the borough had to continue to satisfy demand,

which at the high end of predictions was 1,400 units per annum in the strategic housing market assessment. It may be that allocations already in the Core Strategy were satisfactory; if not it was suggested that one way to formulate a view on a reasonable position for Colchester to take on its housing targets would be to discuss the situation with other districts, in the meantime the Council had to determine planning applications in the current situation. In this respect it was noted that the Inspector's report on the Site Allocations DPD was anticipated in July and if it proved to be sound that too would become a material planning consideration.

Councillor Barton, Portfolio Holder with responsibility for Planning and Sustainability, attended and, with the consent of the Chairman, addressed the Committee. She was concerned that the document would be parked so she was pleased that the Committee wanted to continue working on important issues which comprised a transport strategy, community provision and education. She wanted the background work to continue but with no further consultation until clarification had been received from the Government about how to move forward.

The Spatial Policy Manager responded that the Inspector will issue a decision in respect of the Site Allocations Development Plan Document (DPD). If the document is sound it becomes a material planning consideration and part of the development plan along with the Regional Spatial Strategy (RSS), the Core Strategy, saved local plan policies and SPDs which have been adopted. Guidance suggests that the Council should determine applications in accordance with the Development Plan. If the Development Plan contains material policies or proposals and there are no other material considerations, an application should be determined solely in accordance with the Development Plan. Where there are other material considerations, the Development Plan must be the starting point. One such material consideration will be whether the plan policies are relevant and up to date. The 2004 Planning Act provides that if there is a conflict between any policies, then the most recent policy will take precedence. The Core Strategy is more up to date than the RSS and the Site Allocations DPD could not be more up to date. Section 5 of the report sets out the additional work which needs to be progressed and she reassured the Committee that the additional work would provide a pause of some months. She was reassured to hear that Councillor Mrs Dickinson supports everything apart from the Master Plan at this time. They were awaiting more guidance from Essex County Council on education matters which would feed into the Master Plan. The transport work would take months in its own right and Essex County Council were about to commence work with a compliance study and identify suitable sites for primary and possibly secondary schools. Throughout this time consultations could be undertaken with the parish council and others such as the Health Authority.

RESOLVED (MAJORITY voted FOR) that –

- (a) The results of the recent public consultation on the North Colchester SPD as set out in Appendix 1 to the report be noted.
- (b) Further work be undertaken on the North Colchester SPD in response to the consultation responses to include additional detail and technical work, detailed in the report and set out below:-

- analysis of the consultation responses and meeting with consultants to discuss incorporation of findings;
- independent facilitated workshop with developers, consultants, Myland Parish Council and lovemyland group representatives. The University of Essex are being contacted to act as facilitators;
- preparation of a Master Plan providing more certainty for local community;
- undertaking additional technical work including a transport strategy together with work relating to traffic flows from North Colchester, education and health needs.

(c) A further report be submitted to the next committee meeting in respect of the future policy framework for planning in the light of the letter from Eric Pickles, Secretary of State for Communities and Local Government.