

LOCAL PLAN COMMITTEE

11 JUNE 2012

Present :- Councillor Bill Frame (Chairman)
Councillor Colin Sykes (Deputy Mayor)
Councillors Elizabeth Blundell, Andrew Ellis,
Martin Goss, John Jowers and Kim Naish

3. Minutes

The minutes of the meetings held on 26 March 2012 and 23 May 2012 were confirmed as a correct record.

4. Local Planning Policies

The Spatial Policy Manager referred to the new regulations published in April in which the process for planning policy had changed. Henceforth all matters in connection with planning policy were assigned to the Local Planning Authority and at the Annual Meeting on 23 May 2012 the Council delegated most of those functions to this Committee.

Councillor John Jowers (in respect of being a member of Essex County Council with a Cabinet responsibility for Communities and Planning and Rural Commissioner) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Bill Frame (in respect of his position as Chairman of Colne Housing Society) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

5. National Planning Policy Framework

The Head of Strategic Policy and Regeneration submitted a report on the publication of the National Planning Policy Framework (NPPF) and the implications for Colchester. An appendix to the report identified where there was consistency and where there were potential policy gaps. It was noted that the NPPF made it clear that adopted Local Plans could be given full weight for 12 months from the date of publication of the NPPF, even if there was a limited degree of conflict with the NPPF.

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

Ted Gittins, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He asserted that the NPPF indicated that dwellings in the countryside were now permitted if there was an essential need for a rural worker which

constituted special circumstances for such a dwelling, whereas adopted policy DP24 Equestrian Activities, required that an equestrian worker must utilise an existing dwelling. He noted that the NPPF also removed the ability to base an equestrian enterprise on a mobile home in the early years. Where there was a conflict between adopted policies and the NPPF local authorities were required to give appropriate weight to adopted policies to reflect the degree of conformity with the NPPF, and that where there was serious divergence, limited or no weight should be given to adopted policies, in the interests of the rural economy and job creation.

The Planning Policy Officer explained that the NPPF had implications for Colchester and the report identified any conflict and gaps. The report proposed that any conflicts could be addressed in the forthcoming review of the Local Plan and if necessary additional guidance notes could be produced in advance of the review of the Local Plan. Reference was made to paragraph 5.3 of the report which indicated those areas where there was a limited degree of conflict or where there was a lack of guidance. The issue of rural workers dwellings and what would be considered an essential need for a new dwelling in the countryside was one such issue where there was a lack of national guidance following the withdrawal of Annex A to PPS7 on sustainable development in the countryside. It was proposed that a guidance note on this issue be produced.

In response to members' queries, it was explained that even after the twelve month period the risks were considered to be low because the majority of this council's policies were in conformity with the NPPF. As specified in the Local Development Scheme, it was intended to start with a review of the Core Strategy and Site Allocations documents at the end of the year with a view to adoption in 2015 at the latest, depending on how much work needed to be done. Reference was made to the uplift in housing targets required by the NPPF which was 5% for most authorities including Colchester, but was 20% for those authorities which consistently failed to reach their housing targets. Colchester's housing delivery had been consistently in excess of the annual housing target for a number of years, only reducing more recently due to the downturn in the housing market nationally. It was explained that affordable housing would require on-going further work. The NPPF provided additional flexibility for the council's approach and this authority had a more open hand when the Local Plan was reviewed. In respect of the anticipated abolition of the Regional Spatial Strategy, a national consultation exercise had been undertaken on the environmental assessments that were required before abolition could take place.

Members of the Committee supported the findings of the report including the proposed action in respect of rural workers dwellings.

RESOLVED that –

- (a) The publication of the National Planning Policy Framework and the implications for Colchester be noted as set out in the report and in the attached annex which looked at issues of consistency and potential policy gaps;
- (b) Any potential areas of conflict with the National Planning Policy Framework to be addressed through the forthcoming review of the Local Plan. No single issue

Development Plan Document to introduce additional policy guidance would be undertaken at this stage;

(c) The preparation of guidance to assist applicants making applications for rural workers dwellings be agreed.

Councillor John Jowers (in respect of being a member of Essex County Council with a Cabinet responsibility for Communities and Planning, and Rural Commissioner) 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)

6. North Colchester Supplementary Planning Document

The Head of Strategic Policy and Regeneration submitted a report on the proposed Supplementary Planning Document for North Colchester together with a summary of consultation process and responses and the draft Supplementary Planning Document itself. The Committee was requested to adopt the SPD for North Colchester.

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

Patrick Mills addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He noted that the draft SPD included a proposal for a cycle path along Studds Lane which was currently a private unadopted cul de sac off Mile End Road with terraced housing, and non-residents did not have any right to use the lane. The lane was narrow and residents would need to drive over any cycle path. He asked that it be removed from the documentation.

Members of the Committee who knew the lane were aware of the physical constraints in terms of vehicles needing to utilise residents' driveways in order to turn round, and local knowledge indicated that a cycle path was not possible in a private lane. However, there was the view that footways were now available for cyclists to use and if Stubbs Lane was included in the national strategy it would be within the realm of a cycle path.

The Spatial Policy Manager was aware that this was a private lane but not that it was not maintained by residents and she proposed that the situation be investigated with Essex County Council after which she would contact Mr Mills with the outcome.

Peter Hewitt addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He wished to place on record their appreciation of the time and trouble taken to consult with Myland Community Council on the SPD. He quoted from the Core Strategy in respect of a planned delivery of transport infrastructure and commented that, despite repeated requests to the Highway Authority, the modelling for

the North Colchester Travel Strategy had not been provided. It appeared that a survey had been undertaken but the strategy remained incomplete and undelivered. Proposals needed to be in place prior to occupation of the new dwellings. He urged the Committee to be very cautious in adopting this SPD.

The Spatial Strategy Manager was aware that the Community Council had concerns about the transport strategy but that was not the subject of this report. The Highway Authority had agreed this development in principle at the Core Strategy stage. An SPD provided a level of detail between planning applications and the Site Allocations and Core Strategy. On page 106 of the draft SPD was a list of the types of infrastructure the borough council was looking to implement in the whole of North Colchester. The Borough Council would continue to try and push the County Council to make such infrastructure available.

Jean Dickinson, Myland Community Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). The Community Council viewed the transport strategy as a key document which underpinned development to the north. They were very concerned that the transport strategy and SPD should go hand in hand. The SPD was excellent now but if the transport strategy was not in place that would invalidate the SPD. The SPD referred to a 15% modal shift from cars to public transport or cycling, but there was no mechanism which had achieved that level of modal shift, and when asked for the data and context nothing had been received from Essex County Council. The Community Council could not support the development or agree to proceed on those sites until it was satisfied that the best that could be done had been done.

Members expressed genuine concerns based on past experience regarding the future plans for a transport strategy in this part of the town. It was hoped that earlier mistakes on the Northern Approaches road would be rectified. It was likely that the Park and Ride facility would have a beneficial impact but that benefit was dependent on the NAR3 being completed, and there were concerns that it could be delayed or even not delivered. Some members also shared some scepticism regarding the modal shift of 15% residents using bicycles or buses instead of a car. It was anticipated that there may be some minor adjustments to the road layout, for example at roundabouts and a new bus lane, but the historic issues would not be addressed. There were concerns regarding access by emergency vehicles in some developments off Bergholt Road and Northern Approaches because of the on-street parking. Some preliminary transport work had been done by external consultants but it had not been satisfactory and had been sent back because it was not fit for purpose. There was general consensus for more work being done to resolve the transport issues, but there were questions about the cost of additional work and who would pay. There was a danger that if there was no decision on this SPD the decision would be taken out of the Committee's hands.

Members recognised that this SPD had been fraught from the start. However, what was now before the Committee had been the subject of a consultation process which included Myland Community Council and others. This document was a much improved piece of work than the version two years ago and the Committee was asked to decide whether the document was worthy of support. Colchester was a growth area and a

primary authority in Essex. It had appropriate policies in place against which planning applications could be judged and this SPD would be added to those policies. It was hoped that people in Colchester would be proud of the outcome when the development was finished in 10 to 15 years.

The Spatial Policy Manager acknowledged that this document had provoked interest in the area. Further consultation and engagement with the community had been carried out together with additional work on a travel strategy. Although an SPD cannot create new policy this document had been amended to address some of the concerns. Initially the NGAUE was expected to deliver 2,200 units, but it had been revised down to 1,800 units, and the planning application expected later this month would be for 1,600 units together with provision for schools, a neighbourhood centre, community facilities and open space. The application would also be accompanied by a detailed transport assessment. She recommended adoption of the document in the expectation that specific detailed measures would be included with the planning application documentation.

RESOLVED (TWO voted AGAINST) that the Supplementary Planning Document in respect of the North Growth Area Urban Extension (NGAUE) be adopted.

Councillor John Jowers (in respect of being a member of Essex County Council with a Cabinet responsibility for Communities and Planning) 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)

7. Myland Parish Plan

The Head of Strategic Policy and Regeneration submitted a report on the adoption of a Myland Parish Plan Planning Guidance Note together with the draft Parish Plan. The Committee was requested to adopt the Planning Guidance Note for Myland Parish.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. She explained that the Parish Plan attempted to address environmental aspects, some of which highlighted working with other bodies. Myland Community Council had been awarded frontrunner status for the Parish Plan. She referred to the Highwoods ward councillors being concerned about the boundary line and they had requested that Myland Community Council speak to them to ensure that all factual information was correct prior to the document being published.

Members of the Committee were disappointed to see such a low figure of response but were very impressed with the document which complemented the Localism Act and demonstrated the passion of the community.

RESOLVED (UNANIMOUSLY) that the Myland Parish Plan be adopted as a Planning Guidance Note, subject to any corrections of fact.

Councillor Elizabeth Blundell (in respect of being a holder of a Blue Badge) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Jowers (in respect of being a member of Essex County Council with a Cabinet responsibility for Communities and Planning) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

8. Better Town Centre Plan Supplementary Planning Document

The Head of Strategic Policy and Regeneration submitted a report on a proposed Better Town Centre Supplementary Planning Document together with the draft document. The Committee was requested to approve the draft document for a public consultation exercise.

Laura Chase, Planning Policy Manager, attended to assist the Committee in its deliberations. She outlined the background to the plan, which was intended to provide a framework for a co-ordinated approach to Town Centre development. The plan was a product of the cross-departmental Better Town Centre initiative which was directing a wide range of business development, public realm improvements, redevelopment opportunities and activities for the Town Centre. She explained that the consultation period on the plan would be from 22 June to 27 July including two planned public events in the Town Hall to publicise the consultation. They were also offering to provide a speaker to any group that requested one and information on the document was being sent to consultees. A questionnaire was being developed. It was anticipated that the results of the consultation would be available at the Committee's meeting in October. The user-friendly document would be web based with interactive links.

Members of the Committee supported this large body of work but pulling the strands together would be challenging. They wanted the document to be positive, inclusive and far reaching. Members mentioned a number of issues such as traffic free streets, an accessible town centre, a covered market, the lack of facilities, something to attract people to the town centre, retention of individuality of the town with small independent shops, and built-in flexibility to encourage interest.

RESOLVED (UNANIMOUSLY) that the draft Better Town Centre Supplementary Planning Guidance be approved for public consultation.