

## EAST DEVON DISTRICT COUNCIL

### Notes of a Meeting of the Local Development Framework Panel held at the Knowle, Sidmouth on Tuesday 27 September 2011

Present: Councillors:  
Mike Allen (Chairman)  
Ray Bloxham  
Alan Dent  
Andrew Moulding  
Helen Parr  
Steve Wragg  
Claire Wright

Also Present: Councillors:  
Geoff Chamberlain  
Vivien Duval Steer  
Steve Gazzard  
Roger Giles  
Graham Godbeer  
Frances Newth  
Geoff Pook  
Pauline Stott  
Tim Wood

Honorary Alderman Vivienne Ash

Officers: Matt Dickens, Planning Policy Manager  
Kate Little, Head of Economy  
Fliss Morey, Projects Director, Exeter & East Devon Growth Point  
Ross Sutherland, Planning Officer  
Hannah Whitfield, Assistant Democratic Services Officer  
Andrew Wood, Head of Infrastructure and Partnerships, Exeter  
and East Devon Growth Point  
Frank Woolston, Senior Planning Officer

Apologies: Panel Member  
Councillor Peter Bowden

#### Non-Panel Members

Councillors:  
Derek Button  
Jill Elson  
Paul Diviani  
Stephanie Jones  
Tony Howard  
Peter Sullivan  
Ian Thomas  
Mark Williamson

The meeting started at 2.00pm and finished at 5.23 pm.

- 46 Notes of Previous Meeting  
The notes of the of the Local Development Framework (LDF) Panel meeting held on 20 September 2011 were discussed and agreed as a true record.

## 47 Declarations of Interest

The following declarations of interest were made by Members:

<b>Councillor/Officer</b>	<b>Agenda Item</b>	<b>Type of Interest/ Action Taken</b>	<b>Nature of Interest</b>
Councillor Claire Wright	General	Personal – Remained in Chamber to take part in discussion and voting	Councillor was a member of the Communities Before Developers (CBD) Campaign Group and had signed up to the CBD Candidate's Pledge
Councillor Claire Wright	Item 9 – draft National Planning Policy Framework	Personal – Remained in Chamber to take part in discussion and voting	Drafted a consultation response for Ottery St Mary Town Council to the draft National Planning Policy Framework
Councillors Ray Bloxham and Alan Dent	General	Personal – Remained in Chamber to take part in discussions and voting	Member of National Trust
Councillor Graham Godbeer	General	Personal – Remained in Chamber to take part in discussion	Vice Chairman of East Devon AONB
Councillor Mike Allen	General	Personal – Remained in Chamber to take part in discussion	Honiton Town Councillor
Councillor Geoff Pook	Item 8 – Infrastructure provision and links to section 106 and Community Infrastructure Levy	Personal – Remained in Chamber. Did not participate in discussion.	Commercial interest in small property developments in East Devon

#### 48 Forward Plan and Schedule of Meetings

Members noted the forward plan which scheduled items and subjects for discussion at future meetings; the following amendments were advised:

- Economics and Employment Land, Farming and Tourism would be considered on 11 October
- The meeting that was awaiting confirmation of a date would be held on Tuesday 18 October, 10am in the Council Chamber

#### 49 Retail and Town Centre Issues

Members received a detailed presentation (available on the Council's website) from Mathew Morris of GVA on retail trends nationally, the East Devon Retail Study 2008, including 2011 update and the draft National Planning Policy Framework (NPPF).

Members were invited to raise questions/issues regarding the presentation they had received; responses included:

- Members were advised that development had to be sustainable and any new supermarket should not have a negative impact on the town centre.
- E-trading continued to increase but less of an increase year on year.
- Grocery increases related to volume not price.
- Vitality of town centres - a household survey had been undertaken in 2007/8 asking householders where they shopped and questions regarding their town centre. This local information was available to help plan town centre futures.
- Applications for supermarkets on the edge of towns – impact/harm to the town centre had to be considered. There were examples of East Devon towns that had supermarkets on the edge of the town and yet had a vibrant town centre.
- Concern raised by a Member that car parking charges had led to an increase in out of town shopping, therefore more on street car parking should be provided. Having the right proportion was advised to be key – there was no formula for scale of charges.
- Supermarkets on edge of town were generally located within 300m of the town. The household survey had included a question about other shops people visited when they went to the supermarket.
- Thresholds for impact assessments – different areas could take different approach to thresholds.
- Vacancy rates in East Devon were low compared with national average.
- In towns, such as, Sidmouth tourism supported retail and leisure.
- Concerns raised that local planning authorities would have to provide a solid evidence base to resist proposals;
- Footfall cameras were being considered for Seaton to see if the new supermarket increased the footfall within the town centre.

Evidence from speakers included:

- Heathpark Industrial Estate
  - Emergence as a retail destination as evidenced through recent planning consents on the Estate;
  - Occupiers include retail, leisure, office, light industrial and warehousing;
  - Meets the requirement of the Sequential Test for the majority of retail occupiers and presents a straightforward location for further development in terms of traffic and highways considerations;

## 49 Retail and Town Centre Issues continued..

- Future large scale retail and leisure opportunities could be most appropriately met on the Estate.
- In response to a question from the Panel it was advised that discussions had not been held with the Town Council regarding viability of the town centre – proposal was for uses that would not be acceptable in the town centre.
- Data by reliable local accountants shows a drop of 20% in retail spend in Sidmouth – similar problem as in other towns in the district and nationally. Not just a result of the recession – faced with competition from internet, large supermarkets and surge in rural retailing.
- Task was to create planning policy that corrected the current imbalance that favoured large out-of-town retailers and supermarkets and find ways to improve the ‘offer’ and appearance of the district’s town centres;
- New approach to car parking (charging and allocation) to use capacity in an optimum way.
- Importance of public realm highlighted to attract people back to the towns – maintain local distinctiveness.
- East Devon towns were diverse, offering different services, shopping and activities and all have distinctiveness that required protection.
- The correct amount of supermarket space was key. No indication that extension to Waitrose in Sidmouth had caused further decline in retail spend in the town – the supermarket had a good relationship with the town.
- Tourism was very important to retail spend in East Devon, particularly Sidmouth.

The Chairman drew Members attention to paragraph 79 of the draft NPPF – applications for retail and leisure development outside town centre which were not in accordance with an up to date local plan would require an impact assessment if the development was over a locally set threshold. If there was no local threshold the default was 2,500sqm. During discussion the importance of having a policy that required an impact assessment was highlighted and support was shown for a reduced local threshold. Members noted that an application received under the locally set or default threshold, therefore not requiring an impact assessment, would still be required to meet sequential test. There were options of setting different thresholds for different towns in the district (zoning) or the same threshold for the whole district; further investigation of these options was required.

**RECOMMENDED:** that the Planning Policy Manager explore policy recommendations for a local threshold below the default 2,500sqm. Consideration to be given to a single threshold for the district and separate thresholds for different towns/zones in the district.

## 50 Infrastructure Provision and Links to Section 106 and Community Infrastructure Levy (CIL)

Members considered a summary report regarding CIL and Section 106 agreements and a paper setting out the main procedural issues that would need to be addressed and timetable for establishing an operational Levy.

Members noted that alongside new incentives the introduction of the CIL potentially provided a powerful mechanism for ensuring the timely provision of infrastructure to support development. At its meeting in July, Cabinet had agreed in principle that the CIL should be introduced in association with the Local Plan. Nationally work on introducing the CIL was at a relatively early stage – no local authorities had an operational CIL. The operation of the CIL would need to be supported by robust governance arrangements – funds were not predicated to individual improvements as with section 106 agreements; a majority of the funds collected would be given to communities. Members were advised of a possible government consultation on including affordable housing within ‘infrastructure’.

In order to implement a successful CIL the Council required two key reports:

- A charging Schedule – this would set out (per SqM of floorspace developed) the charge that would be levied for differing uses and in differing locations. A charging authority must aim to strike an appropriate balance between the desirability of securing funding for infrastructure and the potential effects of the imposition of the CIL on economic viability of development across its area.
- An Implementation Plan – this would set out the key infrastructure projects that monies raised would help pay for/contribute to.

Evidence from speakers included:

- Proposed policy of 50% affordable housing in coastal and rural areas would increase the overall cost of infrastructure provided by both public authorities and private utility companies – encouraged disproportionate levels of housing development. Average infrastructure costs in coastal and rural areas were higher than in the main towns.
- Variation in cost of infrastructure – critical factor was size of settlement.
- Proposed policy would disadvantage residents in affordable housing by loading them with higher living costs due to living in high cost coastal and rural areas;
- Need more visibility of sensitivity testing approach.

Matters raised and issues arising during subsequent discussion included:

- Consultants had already been commissioned to support the introduction of the Growth Point area CIL and as there would be cross-over work it was logical to use same consultants to establish a CIL for the rest of East Devon to sit alongside Local Plan;
- Why have differential rates for different zones in which development would be situated? Issue of viability – development would be tested as to what it could contribute (20% was the nationally accepted target). Higher contribution from developments built in areas where there was higher land value;
- Contributions to CIL would not necessarily be spent in the locality it had been generated. Need to look at district as a whole and produce an implementation plan;
- Achieving appropriate balance was crucial – development had to be deliverable;

50 Infrastructure Provision and Links to Section 106 and Community Infrastructure Levy (CIL) continued...

- Concern that CIL and section 106 agreements would not deliver the levels of infrastructure required;
- CIL contributions could not exceed the infrastructure bill;
- Difficulties in achieving dialogue with health service to establish infrastructure need, however dialogue with infrastructure providers had been ongoing to establish requirements;
- Need to be able to provide the infrastructure to support proposed housing numbers;
- There would be settlements that had infrastructure capacity;
- New developments could not contribute towards existing deficits in infrastructure.

- RECOMMENDED:**
1. that consultants be appointed to undertake the work required to establish a charging schedule;
  2. that for the new Local Plan, Preferred Approach Policy CS 37 (and supporting text/reasoned justification to policy) be amended to fully refer to establishing a Community Infrastructure Levy (CIL);
  3. that an initial draft Implementation Plan be included in the Local Plan appendices.

51 Compliance Assessment Paper with Draft National Planning Policy Framework

Members considered a compliance matrix setting out proposals of how the Local Plan (including through future stages of plan productions, research and evidence gathering) should/could seek to implement the National Planning Policy Framework (NPPF) at local level. The matrix would be reviewed and updated as Local Plan production proceeded, providing an audit trail of compliance with national policy; any changes to NPPF, which was still in draft form, would be responded to.

- RECOMMENDED:** that the consultation draft Local Plan be written to accord with the requirement of the draft National Planning Policy Framework (and subsequent redrafts) and the submission document(s) written to:
1. accord with the approved National Planning Policy Framework;
  2. meet requirements of the Localism Bill and other legislative and regulatory requirements;
  3. respond to consultation feedback and ongoing technical evidence gathering.

51 Compliance Assessment Paper with Draft National Planning Policy Framework continued...

Draft National Planning Policy Framework – consultation response

Consultation on the draft NPPF ends in mid October 2011. The Development Management Committee had considered a report regarding the Council's response to the Draft National Planning Framework and resolved that delegated authority be given to the Head of Economy to respond on behalf of the Council – the LDF Panel had asked to consider the response prior to submission.

Evidence from speakers included:

- Draft NPPF was a flawed document – proposals were a seismic shift in favour of developers;
- Concern NPPF would lead to massive development on green field sites – government should continue current policy of requiring 60% development on brownfield sites;
- Over use of the word 'sustainable' – lack of understanding of what sustainable development was. Development should be based on local need;
- Neighbourhood Plans would not empower local communities without major changes to the proposed concept;
- Proposals in the NPPF would not solve the affordable housing crisis – instead would undermine East Devon's countryside and communities;
- Many local communities could not support more housing until deficiencies in infrastructure and facilities were rectified – NPPF suggests that too many demands cannot be placed on developers to meet these needs.

Matters raised and issues arising during subsequent discussion included:

- Definition of 'sustainable development' needed to be clearly defined – Brundtland definition of sustainability should be used as opposed to Department for Communities and Local Government's definition, as focused on balance;
- Draft NPPF contradicts definition by 'pushing' economic growth;
- Need to view NPPF as a 'tick box' for creating the Local Plan – EDDC to develop its own robust policies to reflect local aspirations;
- Important to create balance of environment protection, housing and the economic growth;
- Concern that Framework weakened policies – robust response to the consultation required regarding more detail within the Framework;
- Endorse written evidence submitted – highlights key concerns that should be included in the consultation response;
- Proposals in the draft NPPF would damage design and local distinctiveness;
- Consultation response should contain an emphasis on importance of environment;
- All Councillors should be invited to comment on the draft NPPF before the Council's consultation response was submitted.

51 Compliance Assessment Paper with Draft National Planning Policy Framework continued...

**RECOMMENDED:**

1. that Democratic Services circulate an email to all Councillors inviting them to comment on the draft National Planning Policy Framework before the next Panel meeting. Comments received by Members, including those heard during discussion at the LDF Panel meeting and Development Management Committee in respect of the draft National Planning Policy Framework, be used by the Head of Economy to inform a revised response to the consultation on behalf of the Council.
2. that the Council's revised response to the draft National Planning Policy Framework be considered at the next Panel meeting.