

Local Plan Committee

Monday, 12 December 2022

Attendees: Councillor Lewis Barber, Councillor Martin Goss, Councillor Richard Kirkby-Taylor, Councillor Jocelyn Law, Councillor Sam McLean, Councillor Patricia Moore, Councillor Kayleigh Rippingale, Councillor Paul Smith, Councillor William Sunnucks

Apologies:
Substitutes:

254 Minutes of Previous Meeting

The Minutes of the meeting held on the 3 October 2022 were confirmed as a correct record.

255 Have Your Say! (Hybrid Council meetings)

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The speaker outlined that there was no representative on the Committee for the south of urban Colchester, Berechurch and Old Heath and the Hythe and hoped that there would be a continuing dialogue about Middlewick after the decision in 2022 to include the site in the Local Plan. The speaker detailed that they had hoped that, as with High woods Country Park, elected Members would save the day. It was noted that as the government had dropped its top down housing targets and that as Colchester was one of the fastest growing areas in the Country that Councillors from Berechurch, Old Heath and the Council collectively to see how they could retrieve the situation. They explained that the inclusion of Middlewick in the Local Plan should never have happened and as the land was owned by the government who had changed their approach to protecting green open spaces this was the opportunity for the Council to make a stand and noted that High Woods Country Park would not have happened if Officers had had the final say on Middlewick's ecological aspects which trumped anything else in the City. The speaker concluded by outlining how the Council should take back control and continue the fight in the south of Colchester to save Middlewick.

The Chair responded to the speaker and confirmed that there was currently a vacancy on the Committee to be filled and that the composition of the Committee was the decision of the parties on the Council but welcomed contributions from any other Member of the Council who wished to attend and address the Committee. With regards to the points raised around Middlewick it was noted that Middlewick was still at the beginning of the process following the adoption of the Local Plan and that the Masterplan for the site would need significant consultation.

The Lead Officer for Planning and Place Strategy responded to the points and questions from the Have Your Say Speaker as follows. The Committee heard that the

government had not dropped the top down method in its approach but further consultation was due to take place and confirmed that there was still a target of building 300,000 homes a year. It was noted that the methodology would be the starting point for the consultation but it was anticipated that there would be limits on deviating from the target figures. With regards to Middlewick the Lead Officer confirmed that the Portfolio Holder for Planning and Infrastructure (Cllr Andrea Luxford-Vaughan) had asked officers to investigate what could be done at Middlewick with regard to ecological matters and confirmed that meetings had been undertaken with Natural England to commission work on the site.

Members discussed the representation noting that the Local Plan Committee and the Council voted to adopt the Local Plan as a whole and not an individual site, that transport was a significant issue in the City and the surrounding area, and that a request was made for an agenda item to discuss the implications of the changes to planning would effect the Council's Local Plan especially when there was emphasis on communities that had been oversupplied with housing in the past.

The Lead Officer for Planning and Place Strategy confirmed that the letter from the Secretary of State for Levelling Up, Housing and Communities outlined that there would be a consultation would be launched by Christmas and that this would be brought to the next Committee meeting if the consultation had not closed. If the deadline for submissions of the consultation closed before the Local Plan Committee met again then a response would be sent from the Portfolio Holder for Planning and Infrastructure.

Sir Bob Russell responded to the points raised pursuant to the provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the discussion and work undertaken on Middlewick was appreciated and noted that the issues surrounding the site would not go away asking that the Committee write to the local MP to ask whether Middlewick could be removed from the Local Plan or sale from the Ministry of Defence so that the site would not be built upon.

256 Authority Monitoring Report 2021-2022

Laura Goulding, Planning Policy Officer presented the report to the Committee outlining that the report contained data from April 2021 through to March 2022 which included data from April 2021 – March 2022. It was noted that there was no requirement to publish the Authority Monitoring Data however there were statutory duties to monitor performance. Teams across the Council submitted data for the report and therefore provided a statistical portrait of Colchester. It was detailed that the Authority Monitoring Report (AMR) measures the progress of the adopted Local Plan which was Section 1 Local and have included an update that was outside of this period when Section 2 was adopted.

The Committee heard that the key findings from the report were:

- That the first phase of the population data from the 2021 Census was published and showed an 11.3 % increase in population from 173,100 in 2011 to 192,700 in 2021.

- Tendring Colchester Border Garden Community development plan document was consulted on for 6 weeks from the 14 March 2022.
- West Mersea and Marks Tey Neighbourhood Plans were adopted in March 2022.
- Other Neighbourhood Plans had progressed outside of the Monitoring Period including Tipree, Cockford, and Copford and Easthorpe.
- The total number of planning applications received was 1982 which was an increase on the previous years total of 1535. It was noted that this did not include discharge of conditions or pre-application enquiries.
- 1034 dwellings were built between April 2021- July 24 2022 which was an increase on the previous years total of 741 and above the objectively assessed need for the Council of 920 dwellings.
- 117 Affordable homes were delivered during the monitoring period which included 45 new build affordable housing units consisting of 29 affordable rent, 6 social rent and 10 shared ownership.
- 72 affordable homes have been developed through the Councils acquisition programme.
- The Council has taken on an additional area of 5638 metres squared of open space during the monitoring period from two sites, Barton Boulevard and Northfields.
- The Council was successful in a bid to Defra for £243,700 to carry out Phase 2 of the CAReless pollution programme.
- The introduction of two electric car clubs and two e-bike, e-cargo bike hubs.

In response to questions from the Committee the Lead Officer for Planning and Place Strategy outlined that the recently announced closure of Rollerworld would not be contained within the report before the Committee as it would be shown in the 2022-2023 AMR and that depending on what happened to the building would decide whether it was classed as a loss of community facilities.

The Committee discussed the number of homes that had been built in Colchester being higher than other authorities in the County and how this raised concerns over the infrastructure that was in place for the new dwellings and the people inhabiting them. An item raised in discussion was the number of windfall sites and that these small developments could be made without upsetting communities. A concern was raised by the Committee that the Council was receiving a large amount of applications for permitted development rights and that this was causing issues in terms of resources. It was noted in the report that the Council currently had 11% affordable housing from the new developments and questions were raised over how many applications had been properly appraised and whether funding had been cut for the infrastructure deficit report.

The Lead Officer for Planning and Place Strategy responded to the points made that Chelmsford City Council were building more houses but they had a lot of catching up to do when compared to Colchester and that the previously described windfall developments were very helpful for the authority and should be celebrated. With regard to applications received from the authority it was explained that the Council did not encourage applications that it did not need to decide upon and that the lower amount of affordable housing was disappointing but there was a lapse for when the 30% affordable housing policy would be reflected in the AMR as the policy had only

been agreed in the past year. It was clarified that the guidance on how the policy sought affordable homes on developments that were 10 houses or more in urban areas and 5 or more in rural areas. The Lead Officer confirmed that the funding for the infrastructure deficit report was no longer forthcoming but the initial work could be undertaken by officers.

The Committee continued to debate the report and discussed social housing and the concerns regarding windfall sites not providing any contribution towards this. Members discussed the influence of rising house prices as well as the building rates of other authorities in Essex as well as a question of why Chelmsford City Council collected the RAM's payments.

The Lead Officer for Planning and Place Strategy detailed that the Chelmsford City Council had volunteered to be the governing body for the RAM's payments and that the first homes as opposed to affordable housing were an option which would allow people to get on the property ladder. A Member of the Committee responded that First Homes did not have to be sold to residents who were currently living in the City and that local eligibility criteria could be associated with their sale.

Concern was raised by the Committee on the number of empty homes and whether there was anything that could be done to bring them back into use. It was noted by the Lead Officer that many of these voids were short term and only 125 of the houses were owned by Colchester Borough Homes (CBH). The report also provided the information that 62 of the properties had been empty for five or more years. Further to this it was noted that CBH properties had to be returned to use within 30 days unless there was substantial works that needed to be carried out.

The Chair advised the Committee that voids had always been around the reported number and that the Council could not force the owners of the property to bring the houses back into use.

The Lead Officer for Planning and Place Strategy responded to a question regarding the use of employment land and the changing patterns of working. It was confirmed that the land and premises use associated with employment would be revised and would be included in the next review of the Local Plan.

The debate concluded with Members of the Committee discussing infrastructure and how the lack of it was causing serious travel and commuting issues and whether the Council could be pushing harder for contributions for S106 agreements on items such as roads and healthcare provision.

The Lead Officer for Planning and Place Strategy responded that much of the infrastructure was outside of the Council's control such as highways and healthcare and plans for improvements would be welcomed but the Council could only collect the funding as requested from the NHS and other consultees. The Chair responded that there was huge pressure in the NHS that was not directly related to the Council's Section 106 Agreements.

RESOLVED (UNANIMOUSLY) that the Local Plan Committee Approved publication of the 2021-2022 Authority Monitoring Report 2021-2022 on the Council's website.

The Lead Officer for Planning and Place Strategy presented the Infrastructure Funding Statement to the Committee and explained that the annual statement on allowance for Section 106 funds showing the amount that was held by the authority and the amount that was collected between April 2021- March 2022. It was noted that examples of funding were contained within the report and that on a first glance the headline numbers within the report could be misleading on how much money the Council had at its disposal. It was noted that a lot of the money was allocated towards projects and asked the Committee to note that in recent years there had been precise definitions of where the moneys could be spent. The Lead Officer explained that some agreed Section 106 Agreements required that money be dispensed in phases. It was noted that in recent years there had been a change in the law to require that the Local Planning Authority must have the agreement of the applicant before conditioning works being completed prior to commencement. The Lead Planning Officer concluded by confirming that some of the funds contained within the report were for planned maintenance work in the future and that a lot more of the money is committed to specific areas than the headline within the Colchester Gazette had alluded to. The Chair outlined that Colchester used to be a leading authority providing guidance to other Councils on how this data was captured. The Lead Officer for Planning and Place Strategy advised the Committee that this had been in a database capacity and that the officer who had organised this had subsequently left the Council and had started their own business in this area.

The Committee raised concerns regarding the use of infrastructure funds by the NHS with the example being given of Bryony Paddocks in Abberton where funding destined for local use was transferred to Mersea. It was further noted that there were ongoing issues whereby there was a disagreement on any proposed increase in surgery size. Concerns were also raised regarding the collection of RAM's payments and how this money was being used as its collection had been previously challenged. Further to this it was queried what resources had been put in place to mitigate potential damage to the coastline and if any staff had been recruited.

The Lead Officer for Planning and Place Strategy responded to the points raised and detailed that each planning application was assessed on its own merits and many required Section 106 Agreements with specific funding allocations which were informed on the basis of the consultee responses and that the Council was guided by others in terms of healthcare provision from the NHS and that RAM's payments had also been challenged by Officers but there was a requirement for each new dwelling built and that this was being provided through Birdaware. It was noted that they had appointed an overall manager and two wardens were currently working on the County's coast.

Members of the Committee debated the role of the Section 106 obligations and the sign off process and that some headlines had been misleading but it would be useful in future reports to include allocations of funds. Members discussed how 65% of funds go into the community fund and that this could be used for projects such as regenerating playgrounds, grant funding and that sometimes funds from different

developments would be combined for larger projects.

The Lead Officer for Planning and Place Strategy advised the Committee that the process was being reviewed and that the Council would be asking for further information from Parish Councils to understand what the requirements were in each community and how these could be provided for through future planning applications and their associated Section 106 Agreements.

An example was given of funds being diverted from a scheme in Abberton to West Mersea and that any monies including those for the NHS would be held for a specific amount of time as detailed within the Section 106 Agreement. It was noted that each Agreement was bespoke and the timeframes for the holding of funds would differ depending on each individual agreement. Members discussed how Councillors could be more active on the issues of the Agreements and how further training was needed for Councillors so that they were aware of possible issues that could arise as well as external funding that was available.

The Lead Officer for Planning and Place Strategy advised the Committee that a training session had been organised for February 2023 to inform Members on Section 106 Agreements and that Councillor training would be added to the review of the whole area.

The Debate concluded with Members of the Committee discussing the role of the review, how the Section 106 Agreements could be more flexible and whether a Community Infrastructure Levy would be a better way for the Council to provide infrastructure.

The Chair advised that should Members of the Committee wish to raise issues around the introduction of a Community Infrastructure Levy then these could be raised with the Cabinet or at Full Council.

The Report was noted by the Committee.