

Local Plan Committee

Monday, 14 December 2015

Attendees: Councillor Elizabeth Blundell (Member), Councillor Andrew Ellis (Member), Councillor John Jowers (Group Spokesperson), Councillor Kim Naish (Group Spokesperson), Councillor Lyn Barton (Deputy Chairman), Councillor Martin Goss (Chairman), Councillor Christopher Arnold (Member), Councillor Barrie Cook (Member)

Substitutes: Councillor Philip Oxford (for Councillor Gerard Oxford)

55 Minutes of 5 October 2015

The minutes of the meeting held on 5 October 2015 were confirmed as a correct record.

56 Garden Settlements

Councillor Jowers (in respect of his membership of the Essex County Council and his involvement with the work of the Historic and Built Environment Team) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report by the Head of Commercial Services giving details of the progress made in relation to the consideration and assessment of Garden Settlements as part of the Local Plan process.

Chris Outtersides, Project Manager (Major Growth), presented the report and responded to Councillors questions.

Chris explained that as part of the Local Plan process, the Objectively Assessment of Need (OAN) prepared by Peter Brett Associates suggested that Council needed to allocate land for approximately 13,800 houses (920 a year) to meet housing needs up to 2032, i.e. within the next plan period. To address this need, and in accordance with the Duty to Cooperate, the Council was working closely with Braintree District Council (BDC) and Tendring District Council (TDC), who were at similar stages in their respective Local Plan preparation, to plan effectively for the long term. As part of this process, the Councils (with assistance from Essex County Council) were thinking strategically, were not being restricted by current plan making time horizons and were considering whether Garden Settlements could address some of this long term need both within the plan period and beyond.

The Colchester Issues and Options Report, published in 2015, also included several

growth strategy options including new settlements to the east and west of Colchester and a possible urban extension to the north of Colchester. This report also outlined that *“The Town and Country Planning Association’s Garden City principles provide a useful framework for achieving this.”*

Garden Cities were underpinned by a set of principles evolved from Ebenezer Howard’s original vision in 1898. Whilst, in terms of scale, the Government has indicated that Garden Cities should comprise approximately 15,000 dwellings and above, as well as associated employment, green space and infrastructure, with the expectation that it would take longer than one plan period to deliver these new communities. Additionally, there could be scope to apply Garden City Principles including land value capture to smaller settlements.

Following the Issues and Options Report and the Call for Sites exercise, the Council, in conjunction with BDC and TDC had jointly appointed Garden City Developments CIC (GCD), a not for profit community interest company, to promote and establish partnerships with local landowners and option holders to investigate the feasibility of the proposed Garden Cities.

GCD has met members from each Council, held numerous meetings with key landowners and was currently undertaking discussions with these landowners and option holders. John Walker from GCD and former Chief Executive of the Commission for New Towns, attended the meeting to assist the Committee members in their discussions

The three Councils were also actively seeking to evolve the Local Plan policy process to endorse the emerging concepts should any decision be made to identify a Garden Settlement as a broad location for growth in the Local Plan Preferred Options.

Councillor Smith, Leader of the Council, attended and, with the consent of the Chairman, addressed the Committee. He explained that work with Braintree District, Essex County and Tendring District Councils was continuing, the project was showing great potential and he was hopeful that the project may lead to interesting solutions. There was a strong commitment to work towards an increased job offer for the areas as well as the provision of mixed tenure housing.

In discussion, Members of the Committee commented, in particular, in relation to:

- Whether particular criteria needed to be adhered to as part of the components of Garden Settlements generally;
- The solution provided, in terms of house numbers, was welcomed however there were numerous concerns and questions to be resolved in terms of location for a settlement, the benefits and drawbacks, the nature of employment opportunities and whether an historic town like Colchester could cope with this form of development;
- The relationship between contemporary Garden Settlement development and the early Essex New Town developments in Harlow and Basildon;

- The need to work with another Local Authority in order to deliver a Garden Settlement of the optimum size of at least 15,000 dwellings;
- The mechanism to be used in order to start the process to develop a Garden Settlement;
- Difficulties associated with community benefits being delivered towards the end of a development and the mechanism to provide for benefits to come within the plan period;
- Concern about not having a nucleus when developing a Garden Settlement concept and whether it was necessary to work towards multiple rather than single sites and whether this might lead to competition between different locations and the ultimate development of more than one major settlement;
- The risks involved in successfully securing forward funding for infrastructure improvements and whether there were any others;
- Whether it was possible for Garden Settlements to be developed on greenfield sites;
- The challenge of providing affordable property options for first time buyers particularly given the problems of affordability in the South East and, increasingly in Colchester itself;
- When a decision on the principle of providing a Garden Settlement would need to be taken and by which body of the Council
- Potential risks to the deliverability of this type of long term project in the light of, for example, another economic recession and a future decision on devolution.

In response to questions from the Committee members, John Walker, together with Karen Syrett, Place Strategy Manager, explained that:

- The Garden Cities principles were a good starting point but it was for each Local Authority to put their own stamp on each project and for all partners to be in agreement in order to successfully deliver the outcomes. However, he acknowledged that Garden Settlements typically took 50 years to come to full maturity;
- It was important to find a way to work in partnership with landowners, enabling Local Authorities to be part of the delivery;
- The New Towns of Harlow and Basildon were government sponsored developments which generated around £2b revenue once initially loan funding had been paid off;
- Councils were correct to be cautious but it was important to acknowledge the benefits to be gained for local landowners. In turn, if the agreement of various local landowners could be achieved this would greatly assist in the delivery of the aspirations set out in the Local Plan;
- It was important to adhere to the Garden Settlement principles but each area would need to decide for itself what was best;
- The initial development of a Garden Settlement required the people living in the neighbouring areas to be fully engaged with the process in order to identify what was wanted and what was intended to be achieved. Many of the aspirations were likely to be predictable but not all would be so;
- A settlement with a population in the order of 15,000 was much more likely to be a self-contained community rather than a commuter suburb with capacity to deliver, for example, a greater number of schools. As such it was important for Local Authorities to be prepared to have a bold vision for the future, especially if it

- was thought that a larger community would be required at a later stage;
- Developers tended to work on relatively short term goals meaning that Local Authorities needed to take responsibility for securing a longer term or patient investment approach, for which there were financial models that were useful to follow;
- Government had asked Local Authorities to present their proposals to address the national housing crisis. John Walker suggested it was important for Local Authorities to avoid the previous New Town concept whereby the Government had taken all the profit from the developments;
- He was currently with the Council to help in making informed decision and not to struggle in the delivery. A number of landowners and developers had been involved in discussions and agreement had been forthcoming in principle to work in partnership rather than the adversarial approach adopted in the past;
- The risks were likely to depend on the attitudes of the developers and the relationships which existed with the various partners although any significant development would require the assistance of a commercially minded organisation in order to achieve the stated objectives;
- The use of greenfield sites for the development of Garden Settlements was possible particularly given the amount of brownfield development which had already been achieved in Colchester and the increasing scarcity of brownfield options in this area;
- It was important in terms of the delivery of infrastructure and the timing of that delivery for Local Authorities to act as the developer of the project which provides for the local Council to make judgements about the nature and timing of infrastructure delivery;
- A lot of thought had already gone into the problems around affordability for first time buyers but it was important to remember that Councils, as the determiners of planning policy, were able to decide how housing was to be delivered and the options of what was wanted to be included in its developments. So although Councils did not control the investment and the landownership they did have the ability to persuade developers to provide what the Council wanted for its residents;
- The decision on the potential provision of a Garden Settlement would form part of the ongoing Local Plan process which currently involved looking into the assessment of land as a result of the submissions under the Call for Sites. A decision on preferred options would be made by the Local Plan Committee in June 2016, which would be subject to consultation and potentially further revisions, meaning that there would be a number of opportunities for the matter to be considered and debated upon, prior to any ultimate decision making in the form of a recommendation to the Council;
- Considerable feasibility work was also required in order to determine whether a Garden Settlement proposal would be viable, together with consideration in relation to the level of resources required. As such planning policy decisions by the Local Plan Committee would be considered in the context of decisions made by Cabinet in relation to resources.

RESOLVED that John Walker be thanked for his assistance in the Committee's discussions and the progress made in relation to the consideration and assessment of Garden Settlements as part of the Local Plan process be noted.

57 Affordable Housing Delivery

The Committee considered a report by the Head of Commercial Services giving details of the current level of Affordable Housing delivery within Colchester Borough and inviting the Committee to provide feedback in terms of information provided and frequency of future reports on this issue.

Daniel Cameron, Planning and Contributions Officer, presented the report, responded to questions and, together with Eddie Bacon, Affordable Housing Development Officer, assisted the members in their discussions.

Daniel explained that the current Core Strategy document set out the Council's approach to securing affordable housing, stating a target of 20% of new dwellings as affordable housing and proposals below the target would need to be supported by a viability appraisal. However, the Council's ability to extract affordable housing in line with its policy was significantly restricted where it could be demonstrated that the cost to the developer would harm the viability of the project. The current adopted policy required provision on-site for sites over 10 units in urban parts of the borough and larger villages and over 5 units elsewhere. The housing to be scattered ('pepper potting') in a tenure-blind manner and the mix of properties to be delivered to be reflective of the overall mix of properties being built. Additionally, where developers were unable to deliver on site, commuted sums were sought to enable delivery of elsewhere in the borough so that housing need could still be addressed.

Over the past 18 years a total of 2,380 Affordable Homes had been provided, an average of 132 units per year. Whilst in the last three years a total of 495 Affordable Homes had been provided at an average of 165 units per year. Details were also provided of the predicted levels of delivery over the next three years. However, fluctuations in delivery from year to year were inevitable due to a number of factors such as poor weather and provision of servicing to sites. In addition it was explained that the forthcoming Housing and Planning Bill 2015 and Welfare and Work Bill 2015/16 had created uncertainty in relation to the ability of Registered Providers of social housing to take on the delivery or management of Affordable Housing.

In discussion members of the Committee referred to:

- The Council's track record on the delivery of brownfield development had been very good however this had resulted in a negative impact of the number of Affordable Units being achieved;
- Greater scope to be found in the consideration of Exception Sites, self-build opportunities and Shared Equity schemes and the importance of arranging for the formulation of detailed Guidance on these options to assist local communities in understanding what might be viable;
- How the New Homes Bonus was being utilised to assist in the delivery of Affordable units;
- Whether the level of homelessness in Colchester was increasing and to what

extent.

In response to questions from the Committee members Daniel and Eddie explained that:

- Funding available from the New Homes Bonus was made available to the registered housing providers in the local area in order to deliver affordable units in the Borough;
- The current position regarding the level and extent of homelessness in the Borough would be circulated by email to the Committee members after the meeting.

RESOLVED that the details of the current level of Affordable Housing delivery within Colchester Borough be noted.

58 Local Development Scheme - Revision

The Committee considered a report by the Head of Commercial Services setting out the revised Local Development Scheme (LDS) detailing the programme of work and documents to be produced as part of the Local Plan up to December 2019.

Laura Chase, Planning Policy Manager presented the report and assisted the Committee members in their discussions.

Laura explained that, the LDS set out which documents would form part of the Colchester Local Plan along with the timetable for the preparation and review of each document. The LDS was also reviewed annually as part of the Council's Authority Monitoring Report. A new LDS was now required to extend the timetable beyond 2016 and to reflect the latest developments in Colchester's plan-making. It was explained that the following documents would be prepared and in what time frame:

- Local Plan Review

Preferred Options consultation June/July 2016

Submission Draft consultation Jan/February 2017

Examination June 2017

Adoption October 2017

- Community Infrastructure Levy Charging Schedule, to be prepared in tandem with the Local Plan
- Neighbourhood Planning

Boxted – Plan Area adopted in October 2012

Myland – Plan Area adopted in January 2013

West Bergholt – Plan Area adopted in July 2013

Wivenhoe – Plan Area adopted in July 2013

Stanway – Plan Area adopted in June 2014

Tiptree – Plan Area adopted in February 2015

Eight Ash Green – Plan Area adopted in June 2015

Copford – Plan Area adopted in August 2015

Marks Tey – Plan Area adopted in September 2015

- Revised timetable for the preparation of the Planning Obligations Supplementary Planning Document to be prepared in tandem with the Local Plan and Community Infrastructure Levy
- Evidence base documents and updates which will be necessary to support the Local Plan Review
- Changes to the text of the LDS to reflect the range of documents outlined above.

In earlier versions of the LDS, the Council had been required to specify details of each Supplementary Planning Document (SPD) intended to be produced. Although no longer required there was one SPD programmed for the next three year period on Planning Obligations. Future additional SPDs as well as further guidance notes and development brief documents may however be produced by the Spatial Policy Team without formal modification of the LDS because of their non-statutory status in the decision making process.

In discussion members of the Committee referred to:

- Myland Community Council Neighbourhood Plan had now been submitted to the Council;
- Whether the timetable was likely to require additional staffing resources to ensure delivery as set out;
- Whether any further Neighbourhood Plans would be forthcoming beyond those already identified;
- Clarification on the level of risk identified in the Scheme document in relation to public opposition to plan proposals.

In response to questions from the Committee members Laura explained that:

- The timetable had been devised based upon the current level of resources within the Spatial Policy Team;
- The formulation and submission of Neighbourhood Plans was identified within the Localism Act and, as such, the Council had a duty to respond to any further submissions as might come forward;
- The assessment of risk in relation to the amount of public opposition to the plan proposals was considered to be high whilst the impact of that opposition was

likely to be of medium risk.

RESOLVED that the revised timetable in the Local Development Scheme (LDS) for the period 2016-2019, together with the programme of work and documents to be produced as part of the Local Plan up to December 2019, be agreed.

59 Authority Monitoring Report

The Committee considered a report by the Head of Commercial Services giving details of the 2014-15 Authority Monitoring Report (AMR) for publication on the Council's website.

Laura Chase, Planning Policy Manager presented the report and assisted the Committee members in their discussions.

Laura explained that, the Authority Monitoring Report (AMR) provided key information that helped the Council and its partners to evaluate planning policies in the context of current trends and delivery levels.

The AMR was divided into a number of Key Themes covering progress in meeting Local Plan policy aspirations across a variety of areas. Key findings included:

- The total number of applications received between 1 April 2014 and 31 March 2015 was 1,548 compared to the previous year's total of 1,521. 86% of minor applications had been decided within 8 weeks and 88% of major applications within the national target
- 943 homes were built between 1 April 2014 and 31 March 2015, representing an increase of 725
- The net housing completion figures demonstrated that Colchester had outperformed all other Essex authorities in recent years
- Initial work that would inform the Council's new Objectively Assessed Need target indicated 920 new dwellings per annum over 20 years would be required across the Borough
- 259 affordable housing units were delivered during 2014-15; 248 of these were affordable rent and 11 were intermediate tenure or shared ownership, which amounted to 35.4% of all new homes delivered
- Approximately 93% of new and converted dwellings were on previously developed land
- The Essex Gypsy and Traveller Accommodation Assessment (GTAA) established that Colchester had 12 local authority pitches at Severalls Lane, 15 private pitches, and one site where the use was tolerated and considered lawful due to the length of time it had occurred. The 2014 Gypsy and Traveller Accommodation Assessment found that the Council would need to provide 15 further pitches to meet demand to 2033.
- There has been a net loss of 10,938 square metres of employment floorspace from planning permissions issued in the monitoring period, of which 5,269 square metres of office floorspace was permitted to change to residential use
- Transportation issues were being tackled through a number of approaches including new transport infrastructure as well as behavioural change measures

such as travel plans, which supported shifts away from car-based means of transport.

- A new carbon management plan was to be formulated to identify more innovative and creative ways to continue to reduce carbon emissions by 2020, while factoring in the effects on emissions of predicted population growth in the Borough over the same period.
- There was no loss/damage to Scheduled Monuments, Sites of Special Scientific Interest or (SSSIs), Local Wildlife Sites, key community facilities or loss of designated allotment sites.

In response to comments made by Committee members in discussion, Laura also confirmed that although the covering report referred to the key findings in relation to applications being for the year 2013-14, these were for the year 2014-15, as correctly identified in the AMR itself.

RESOLVED that the 2014-15 Authority Monitoring Report (AMR) be adopted and approved for publication on the Council's website.

60 Consultation on the Strategic Land Availability Assessment, Sustainability Appraisal and Garden Settlement Framework

The Committee considered a report by the Head of Commercial Services giving details of the summary of the consultation responses and the proposed amendments to the Strategic Land Availability Assessment (SLAA) and Sustainability Assessment Frameworks.

Sandra Scott, Planning Officer presented the report and assisted the Committee members in their discussions.

Sandra explained that, as part of the process of developing the evidence to support the production of the Local Plan, the Council was required to carry out a Strategic Land Availability Assessment and a Sustainability Appraisal. In order to ensure a fair and comprehensive approach and to be clear in the process of developing the Plan, Colchester Borough Council had carried out a consultation on draft frameworks for these two processes, to be used in the assessment of sites being considered for allocation.

A six week consultation period for both consultations ran from Monday 27 July to 5pm on Monday 7 September. A small number of responses to the consultation were received on both these documents which had been unsurprising given the technical nature of the Sustainability Appraisal and Strategic Land Availability Assessment (SLAA).

A number of issues raised merited further consideration, including:

- Additional criteria to assess deliverability
- Clarification in respect of reference to "publicly accessible open space" and the relevance of open space without public access
- Confirmation in respect of suggested additional sources of information

- Additional criteria related to an increase in community facilities, visual impact on the settlement and surrounding countryside and impacts on the distinctive setting of the settlement
- Amendment to wording in relation impacts and assessment criteria on heritage assets to provide clarity avoid ambiguity

The changes to the assessment criteria would be made to the SLAA assessment framework and all relevant Sustainability Appraisal Frameworks and the updated wording would be reflected in all assessments including those already subject to initial work. The implications of the changes were limited since they primarily added clarity to existing wording rather than raising new elements and reflected the iterative process of the SLAA and Sustainability Appraisal Methodology.

In response to comments made by Committee members in discussion, Sandra acknowledged the need for the SLAA and Sustainability Appraisal Methodology to be further amended to ensure Colchester was referred to as a Borough rather than a town and for the emphasis on an urban assessment to be modified to include the need for a village related approach as well.

RESOLVED that the summary of the consultation responses be noted and the proposed amendments to the Strategic Land Availability Assessment (SLAA) and Sustainability Assessment Frameworks be approved.