

**MINUTES OF THE MEETING OF THE LOCAL PLAN COMMITTEE,
HELD ON MONDAY 20 NOVEMBER 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

| | |
|----------------------------|---|
| Present: | Councillors Stock OBE (Chairman), Turner (Vice-Chairman), Bray, Broderick, Bush, Ferguson, Land (except minute 24), Miles, Newton, Nicholls, Raby and Talbot |
| Also Present: | Councillors Bucke, Davis, Everett, Stephenson and White |
| In Attendance: | Ewan Green (Corporate Director (Planning and Regeneration)), Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer) and Katie Sullivan (Committee Services Officer) |
| Also In Attendance: | Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director (Corporate Services)), Nigel Brown (Communications Manager), Charlotte Parker (Solicitor – Property, Planning and Governance), Mary Foster (Senior Development Technician) and Ashley Wood (Development Technician) |

19. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors G V Guglielmi (with no substitute), I J Henderson (with no substitute), Platt (with Councillor Miles substituting), Yallop (with Councillor Talbot substituting) and Porter (with no substitute).

20. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on 2 November 2017, be approved as a correct record and signed by the Chairman.

21. DECLARATIONS OF INTEREST

Councillor Bush declared a Disclosable Pecuniary Interest (DPI) in relation to agenda items 5, 6 and 7, by virtue of the fact that he owned a piece of land which had been granted outline planning permission in December 2016 (15/00987/OUT). Councillor Bush confirmed that he had spoken to the Council's Monitoring Officer (Lisa Hastings) and that she had granted him a dispensation for this meeting.

The Council's Monitoring Officer then confirmed that Councillor Bush had requested a dispensation from her and that it had been granted. The Monitoring Officer informed the Committee that it was reasonable to do so as his land ownership was the DPI. The land was referred to within the appendices to the reports as factual information in that it had been granted planning permission, but this actual fact was not the subject of any of the decisions that were before the Committee at the meeting.

22. PUBLIC SPEAKING

Councillor John Cutting, the Chairman of Little Clacton Parish Council, made a statement relating to item A.1 of the Report of the Corporate Director (Planning and Regeneration) in which he referred to Page 48 of the agenda, Appendix 1 (assessment of Little Clacton Local Plan housing allocations). Councillor Cutting requested that the Committee remove the draft proposal as the extended parcel of land had increased in

size from an agreed boundary, spreading into the Green Gap which was against Policy EN2.

The Council's Head of Planning (Cath Bicknell) responded to the statement made by Councillor Cutting, in which she confirmed that Appendix 1 was not a Policy Document and that it was in fact a record of all of the sites that had been flagged up as potential development sites by any land owners in the District and that an Officer's assessment had been provided for each one. The Council's Head of Planning also confirmed that the boundary Councillor Cutting had referred to had been agreed earlier on in the year by the Committee and then Council and that it had now been submitted to Government.

The Chairman of the Committee (Councillor Stock OBE) made a statement in relation to the Council's recent High Court Legal Challenge against the decision of the Planning Inspector to grant planning permission for Centenary Way, Clacton-on-Sea, and explained the next steps that would be taken. Councillor Stock OBE thanked Officers for their diligence and hard work.

23. REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.1 - REVISED HOUSING LAND SUPPLY POSITION

Further to Minute 13 (2.11.17) the Committee had before it a detailed report of the Corporate Director (Planning and Regeneration) (A.1), which laid out the revised housing supply position (the 'five-year' supply) following recent planning permissions, appeal decisions and latest demographic data.

The Committee also had before it an addendum report of the Corporate Director (Planning and Regeneration) (A.1), which was distributed to the Committee prior to the meeting and had provided further information, which had become available since the publication of the agenda.

Members were aware that the Government required Councils to maintain a five-year supply of deliverable housing sites otherwise its housing supply policies were considered to be out of date and planning applications for housing had then to be considered on their individual merits with a presumption in favour of sustainable development.

The Committee recalled that between the publication of the agenda for the Committee's last meeting held on 2 November 2017 and the night of the actual meeting, new information had been forthcoming which Officers felt could have a material impact on the Council's position.

Specifically:

- Officers had received fresh advice from Counsel;
- A number of sites had obtained planning permission; and
- New information had been published by the Office for National Statistics (ONS).

The resolution of the Committee had therefore been as follows:

"That the Committee

-
- *Confirms that the Tendring District Council Methodology for calculating the Housing Land Supply as agreed by Members in January 2017 remains sound and should be relied upon and continue to be used by officers;*
 - *Confirms its strong support for the Council's challenge to the decision relating to Centenary Way;*
 - *Notes that Counsel's opinion is awaited regarding the decision relating to Sladbury's Lane;*
 - *Notes that there may be a significant change to the Council's Housing Supply position arising from new statistical data and from advice received today from Counsel relating to other appeals, and therefore,*
 - *Instructs officers to prepare a revised report, having regard to each of the above, to be considered at a further meeting of the Committee to be arranged as soon as practicable.*
 - *That the Leader of the Council and Chairman of the Committee writes to the Secretary of State for Housing regarding the concerns of the Committee on this issue and that both local MPs are copied in to the letter."*

The Council's Head of Planning (Cath Bicknell) went through the addendum report (A.1) with the Committee which had provided information on the following:

Evidence on Objectively Assessed Housing Need (OAN)

As indicated in the published report, the Council had appointed a demographics expert to help defend the Council's position on OAN in a forthcoming appeal and for next year's Local Plan examination. He had revisited the Council's figures in light of the most recent 2016-based national population projections produced by the Office for National Statistics (ONS) which had been released on 26 October 2017. Those revised projections had:

- i reduced the estimate of medium/long net migration into England from 170,000 people a year to 152,000; and
- ii reduced the projected increase in life expectancy (i.e. they increased mortality rates).

As Tendring had a relatively elderly population profile, the effect of the latter was significant. The consequence for Tendring was that the demographic figures upon which the starting point for calculating housing needs could be lowered.

The expert advice received was contained within a draft Proof of Evidence and this would be exchanged with the relevant parties within the next few days and used to provide evidence of the following conclusions:

- a. 50% to 65% of Tendring's Unattributable Population Change (UPC) is likely to be due to errors in the estimates of migration flows.
- b. Those errors appear to have continued throughout the period between the 2001 and 2011 census and beyond.
- c. There was no evidence that Tendring's UPC was the result of migration flows being allocated to the District that should have been allocated to Colchester or another authority in the housing market area.
- d. In addition to adjusting the latest official population and household projections for UPC, adjustments should also be made:

- i To reflect the ONS's latest views on future mortality rates and international migration flows as set out in their 2016-based National Population Projections.
- ii To recognise that over the last 15 year flows into Tendring from the rest of the UK had not grown in line with the population growth in the rest of the country. Indeed, the long term trend had been a reduction in inflows. It would therefore be inappropriate to assume (as did the official projections) that future internal migration inflows would grow in line with the population in the authorities from which migrant would come.

The advice from the demographic consultant was that as a result of making adjustments for those factors and testing a range of scenarios the demographically-based assessment of the need for housing in the area was shown to be in the range 410-470 homes a year and 440 homes a year was the figure that should be used in situations (such as the assessment of a 5-year housing land supply) in which a single number was required. Adding a 15% allowance for market signals gave a housing need (the Full OAN) of 510 homes a year over the period 2013-37.

This had a significant effect on the Council's housing supply calculation. This evidence would be presented to the Planning Inspectorate for the Examination in Public of the Local Plan in due course and therefore, the impact of a revised OAN on the draft Local Plan had to be considered in more detail and a further report would be presented to the Local Plan Committee in due course.

Centenary Way legal challenge

Officers had learnt that the Council's legal challenge against the Centenary Way appeal decision was not being contested by either the Secretary of State or the applicant. The decision was expected therefore to be quashed with the appeal needing to be re-run in 2018. Officers were awaiting official confirmation from the Courts. It was estimated that 60 dwellings from the Centenary Way site would be delivered within the five-year period, so the quashing of this decision required that the supply figures be reduced by 60.

Minor corrections to the calculations

The figures in the published report had contained a small error which had meant the total requirement for housing was 10 units higher than it should have been. The figures had been corrected to address this error.

Using the methodology previously agreed by the Committee and taking the latest information into account, Officers had revised the housing supply calculations for the Committee's consideration. The revised figures had indicated that the Council could now demonstrate a 5.6 years supply.

Having considered all of the information provided, Councillor Stock OBE moved the revised recommendations as printed in the addendum report (A.1) and read them out to the Committee. Those revised recommendations were then seconded by Councillor Turner.

It was thereupon unanimously **RESOLVED** that the Committee:

- a) notes the outcome of the revised population projections produced by the Office for National Statistics (ONS) in October 2017 and the effect of reducing the Objectively Assessed Needs from 550 to 510 per annum;
- b) endorses the content of the report as evidence to demonstrate an up-to-date 5.6 years housing land supply (taking into account any changes arising from the latest demographic information) and for the purposes of determining planning applications and contesting planning appeals;
- c) requests the implications of a reduced OAN on the draft Local Plan be reported back as soon as possible; and
- d) agrees that the Local Plan Committee members will be notified of any material changes to the housing land supply position that might be necessary for the purposes of determining planning applications and contesting planning appeals followed by formal reports being presented to the Committee.

24. REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.2 - LOCAL PLAN EVIDENCE UPDATE

The Committee had before it a detailed report of the Corporate Director (Planning and Regeneration) (A.2), which provided an update on the progress of the evidence that was necessary to underpin the content of the new Local Plan and Tendring Colchester Borders Garden Community Development Plan Document.

The report provided an update on ongoing evidence requirements including:

- (i) Infrastructure Delivery Plan – Braintree, Colchester, Chelmsford and Tendring;
- (ii) Tendring Water Cycle Study;
- (iii) Tendring Colchester Borders Garden Community Concept Framework; and
- (iv) Strategic Housing Land Availability Assessment.

Having discussed the information provided, it was moved by Councillor Stock OBE and seconded by Councillor Bray and:

Unanimously **RESOLVED** that the Local Plan Committee notes the latest progress on the evidence base to support the content of the Local Plan.

25. TENDRING COLCHESTER BORDERS GARDEN COMMUNITY ISSUES AND OPTIONS DEVELOPMENT PLAN DOCUMENT CONSULTATION TIMESCALE

The Committee received a verbal update from the Council's Head of Planning on the Tendring Colchester Borders Garden Community Issues and Options Development Plan Document Consultation Timescale.

The Committee was reminded that at its last meeting, held on 2 November 2017, it was agreed that the Development Plan Document be published for Consultation for an eight week period.

Members were informed that when Colchester Borough Council had considered this matter they had decided to add on an additional two weeks and so the end date for consultation would now be 22 January 2018.

It was moved by Councillor Stock OBE, seconded by Councillor Ferguson and unanimously **RESOLVED** that the Local Plan Committee notes the consultation end date for the Development Plan Document.

Councillor Ferguson then proposed, and it was agreed by the Committee, that their thanks and appreciation to Officers involved in preparing the reports for this meeting be formally recorded in the minutes.

The Chairman thanked the members of the Committee for their efforts and commitment, and, in turn, the members of the Committee thanked the Chairman.

The meeting was declared closed at 6.45 pm

Chairman