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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

09 May 2018

Dear Councillor

You are summoned to attend the extraordinary;

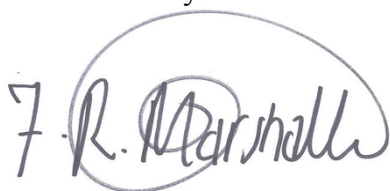
MEETING OF THE MALDON DISTRICT COUNCIL

on **THURSDAY 17 MAY 2018 at 7.30 pm.**

in the Council Chamber - Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'F. R. Marshall', enclosed within a hand-drawn oval.

Chief Executive

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website
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**AGENDA
COUNCIL (EXTRAORDINARY)**

THURSDAY 17 MAY 2018

1. **Chairman's notices (see overleaf)**

2. **Apologies for absence.**

3. **Disclosure of Interests**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-10 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

4. **MLA/MAL/17/00582 - Land Opposite 34 Hall Road, Great Totham, Essex** (Pages 5 - 22)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed, Appendix 1 not for publication and to be considered if required under the following agenda item)*.

5. **Exclusion of Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the specific purpose of the consideration of Appendix 1 to the report associated with Agenda Item 4 above - MLA/MAL/17/00582 – Land Opposite 34 Hall Road, Great Totham, Essex on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

6. **Resumption in open session**

To resolve that the extraordinary meeting of the Council continues in open session for the further consideration of Agenda Item 4 above – MLA/MAL/17/00582 – Land Opposite 34 Hall Road, Great Totham, Essex

7. **Restructure of Planning Committees** (Pages 23 - 28)

To consider the report of the Director of Planning and Regulatory Services, (copy enclosed).

8. **Community Led Housing - Progress and Grant Funding** (Pages 29 - 34)

To consider the report of the Director of Customers and Community, (copy enclosed).

9. **Exclusion of Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

10. **Llys Helig Update** (Pages 35 - 46)

To consider the report of the Director of Customers and Community, (copy enclosed).

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

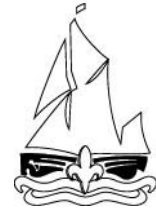
In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

This meeting is being monitored and recorded by CCTV.



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
COUNCIL (EXTRAORDINARY)
17 MAY 2018**

Application Number	MLA/MAL/17/00582
Location	Land Opposite 34 Hall Road Great Totham Essex
Proposal	Application to the part relinquishing of Section 52 Agreement (MAL/408/84) dated 10/10/1984 relating to land at the rear of Seagers and Millways
Applicant	Mr M Payne - J & M Developers
Agent	Miss A Lai - Smart Planning Ltd
Target Decision Date	08 February 2018
Case Officer	Mark Woodger, TEL: 01621 875851
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	No scheme of delegation applies.

1. INTRODUCTION

- 1.1 At the North Western Area Planning Committee on 5 February 2018 an application to vary an existing Section 52 Agreement as attached to the land was considered. After discussing the application at length Members resolved to defer consideration pending the receipt of Counsel's opinion. This has now been received. A copy of this advice and the legal advice also given to the previous Committee is attached at **APPENDIX 1** to this report.
- 1.2 The item was referred back to the North Western Area Planning Committee on 3 April 2018. In considering the application Members resolved to defer decision on the application to the Council for determination.
- 1.3 If the Council wishes to consider this advice in detail, it should do so in private session and resolve to exclude the public and press just for that purpose. The consideration of the report in all other respects should be dealt with in open session.
- 1.4 In brief Counsel has advised that the Section 52 restriction on preventing further residential development and applications for such development on this site serves no planning purpose in today's world that is very different to when the agreement was executed, the Section 52 being signed in 1984. The restriction would not be enforceable and if application was made for its discharge under Section 84 of the Law of Property Act it is likely to be granted despite any resistance by the Council.
- 1.5 Whilst Counsel advises (at paragraph 7) that the only proper outcome for the application is its refusal as the application does not relate to a Section 106 agreement,

Counsel goes on to state (at paragraph 8) that it is wholly appropriate for the Council to treat the application as a request to voluntarily discharge the restriction.

- 1.6 Members are also asked to note that the applicants have written to the Council in the form of a pre action letter with their intention, if necessary, to apply to the Upper Tribunal (Lands Chamber) for the modification of the agreement, as they consider the clause within the S.52 Agreement which this application seeks to remove is “ultra vires” that is to say beyond the powers of the LPA.
- 1.7 Accordingly Members are requested to agree with the previous recommendation, which is repeated below.

2. RECOMMENDATIONS

It is recommended that:


- (i) the Local Planning Authority resolves to refuse to determine the application for the variation of a legal agreement pursuant to Section 106A of the Town and Country Planning Act 1990;
- (ii) the Local Planning Authority resolves that the applicant’s submission is treated as a request to voluntarily vary the existing Section 52 Agreement and agree to such a variation.

3. SITE MAP

Please see overleaf.

Land Opposite 34 Hall Road Great Totham
MLA/MAL/17/00582



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:4,000
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00582
	Date:	26/01/2018
	MSA Number:	100018588
www.maldon.gov.uk		

4. SUMMARY

4.1 Proposal / brief overview, including any relevant background information

- 4.1.1 The applicant seeks to modify an old section 52 Agreement associated with a historic planning application which has the reference MAL/408/84. The historic planning application granted permission in outline for the removal of former derelict buildings, and the limited extension of the “Seagers Estate”. This permitted the extension by means of three bungalows and three houses, they have been built and are numbered 51 – 56 Seagers. This site is located on the eastern edge of the Great Totham with the main residential area to the west, and currently open land to the east.
- 4.1.2 The applicant wishes to remove part of the Section 52 Agreement which prevents a future planning application being made on part of the site. If the Council refuses to vary the Agreement then the landowner would have to apply to the Lands Tribunal for an order removing the restriction.
- 4.1.3 In granting planning permission for the 6 dwellings the Council placed a number of restrictions on the development by a then Section 52 Legal Agreement. A Section 52 (S52) Agreement is similar in effect to a Section 106 Agreement. The S52 legislation was repealed back in 1990, although existing section 52 Agreements are still technically enforceable. The Agreement required incorporated a restriction and required certain actions, firstly the transference of part of the site to an amenity use. This has been done and there is a recreation amenity space on this land located off Maldon Road. As mentioned the Section 52 Agreement also prohibits the landowner from asking for planning permission and erecting any buildings on land coloured green on the plan as attached to the agreement. It is this area of land outlined in green which this application relates to, and it is requested that the requirements of the Section 52 are lifted.
- 4.1.4 Officers have researched the case to see what the reason was for placing the restriction on the Green Land, and this is not documented. However on the southern part of this site outlined in green, over land which measures 1.83 hectares, planning permission has been granted on appeal with reference OUT/MAL/16/00289 for the erection of 30 market and affordable housing. At paragraph 30 of the appeal decision the Inspector stated that :
- “My attention has been drawn to a Section 52 Planning Agreement dating from 1984 which places a covenant on the appeal land, preventing the erection of permanent buildings or structures on it. Procedures for the modification or discharge of planning obligations are set out in the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992. No such application or appeal is before me and, therefore, the land would be bound by the 1984 irrespective of my decision. It would be for the decision maker in any subsequent application or appeal to determine whether the requirements of the 1984 Agreement remain valid.”*
- 4.1.5 It is therefore clear that the Inspector was aware of this restriction when determining to allow that development and did not see this matter as a ground to prevent the approval of that development. The reasoning for this is that the matter should be dealt with through a separate process.

4.1.6 The application site falls outside but adjacent to the settlement boundary and is best described as a former gravel pit, historically landfilled, rising to the north over an undulating surface with scattered trees, generally low level scrub vegetation and rough grassland.

4.2 **Conclusion**

4.2.1 The application has been made under the terms of Section 106A of the Town and Country Planning Act 1990 (as amended). It is clear that this legislation applies only to agreements made pursuant to Section 106 of the 1990 Act and not planning obligations agreed under Section 52 of the 1971 Act. It would therefore be improper to use the incorrect legislation to amend the terms of a Section 52 Agreement and as such it is recommended that the Local Planning Authority (LPA) refuses to determine the application on the grounds that it has no powers to determine such an application.

4.2.2 The Council can however choose to vary the legal agreement voluntarily, outside of an application and it is recommended that this approach is taken by the LPA and the application that is submitted is treated as a request to vary the Section 52 agreement voluntarily.

4.2.3 The Council could refuse to voluntarily agree to vary the Agreement but it then opens itself up to a hearing in the Lands Tribunal and the associated legal costs.

4.2.4 Furthermore if the Council refuses to vary the Section 52 agreement and the applicant does not make an application to the Lands Tribunal, the Council would still be unlikely to enforce the Agreement by application for an injunction for the reasons set out below.

4.2.5 If the Council tried to enforce the Agreement the Court would have to consider whether the requirements of the original Section 52 are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

4.2.6 The imposition of a legal agreement which prevents individuals from submitting applications on land does not pass the test of reasonableness. What development may be found acceptable is determined by planning applications which themselves are made under the Act and not through legal agreements imposed on planning decisions. Therefore and with planning permission being granted for this development at Appeal the acceptability of development has been established and to conclude it is recommended that should the development as approved by application OUT/MAL/16/00289 be undertaken the Council would not reasonably be able to seek an injunction to enforce this legal agreement. Therefore it is recommended that the LPA resolves that the applicant should be advised that the Council would be willing to enter a deed of variation, voluntarily and at the expense of the applicant.

5. **MAIN RELEVANT POLICIES**

5.1 For the purposes of considering this application the sole consideration is to consider if the legal agreement meets the tests as set out in paragraph 204 of the National Planning Policy Framework (NPPF) 2015. This is a single issue application.

6. MAIN CONSIDERATIONS

6.1 Principle of Development

6.1.1 This is a detailed matter and considers the relevance of the obligations as set out in 1984 and their relevance at this time being guided by the definitions of the same as in the NPPF.

6.2 Consideration of the Issues

6.2.1 Firstly, as the legal agreement was agreed under the terms of Section 52 of the Town and Country Planning Act 1971 and not Section 106 of the Town and Country Planning Act 1990, it is not possible to apply for a variation of the existing Legal Agreement under the terms of Section 106A of the 1990 Act, in the way as proposed. This is acknowledged by the applicants in their letter of 7 December 2017 in support of this application. Therefore, the LPA should refuse to determine the application as Section 106A of the 1990 Act is not the appropriate procedure to amend a Section 52 agreement.

7. ANY RELEVANT SITE HISTORY

7.1.1 The application site has the following history:

- **FUL/MAL/09/00219** - Erection of two box stable block with tack room. Refused: 08.05.2009.
- **FUL/MAL/09/00600** - Erection of new stable block containing two stables and tack room, with grazing land. Refused: 14.09.2009.
- **FUL/MAL/11/00278** – Installation of a 'Nissen hut' within a secure compound for a temporary period of 12 months. Refused: 26.05.2011.
- **OUT/MAL/13/00786** - Erection of 50 no. market and affordable housing units, and a community pocket park, accessed from existing Hall Road access point. Refused: 03.07.2014 – Dismissed on Appeal: 29 June 2015.
- **OUT/MAL/16/00289** – Erection of 30 market and affordable housing units accessed via Hall Road. Refused 03 October 2016 – Allowed on Appeal: 14 February 2017

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<p>Strongly object.</p> <p>The previous application was contentious and outside the former development boundary. The development restriction on the land, and the transference of land to the north to the Parish was the correct planning gain. For the application to succeed the Great Totham Plan required amendment which was passed with agreement of a local referendum. To relinquish this would ignore the democratic process. It is asked what action is being taken against the landowner who has informed that agreement by applying for permission.</p> <p>The initial objection was followed up with a letter dated 20/02/18 which reiterates a number of the abovementioned points. The letter provides additional details with respect to the history of the site and the S2 agreement. The letter also highlights the recent comments of the Planning Inspector in relation to this matter which are set out at section 4.14 above. It is expressed that the S52 remains relevant as it will uphold the development boundary of the Approved Local Development Plan.</p> <p>Documentation related to a similar case in Wiltshire has also been provided.</p>	<p>The comments of the Parish Council are noted. As for the matter of current action none has been taken as this is not considered reasonable. The circumstances of the Wiltshire case do not appear to be directly comparable to this case and is therefore given little weight.</p>

8.2 Representations received from Interested Parties

8.2.1 Letters were received objecting to the application from the following and the reasons for their objections are as set out below:

- EJ and Mrs V J Osborn, 55 Seagers, Great Totham
- AK and Mrs C Hood, 51 Seagers, Great Totham
- Brenda Cox, 53 Seagers, Great Totham
- MJ and Mrs EA Saxton, 52 Seagers, Great Totham
- Mrs P Yates, 56 Seagers, Great Totham
- RP Garrod, 42 Seagers, Great Totham
- David Bruce, 41 Seagers, Great Totham
- David Barclay, 26 Hall Road, Great Totham
- Andrew Boorman, 35 Hall Road, Great Totham
- Betty and Dennis Macey, 33 Hall Road, Great Totham
- D R Barclay, 26 Hall Road, Great Totham

Objection Comment	Officer Response
Originally the development at Seagers was subject to change to the Great Totham Plan and followed a referendum. A reversal of this would be unacceptable.	Noted. This consultation took place in 1984. This application falls to be considered in light of policies which exist in 2018.
The current cricket pitch was transferred to a privately owned pitch as a result of the S.52 Agreement.	There will be no change to the cricket pitch.
The agreement limited development outside the village, which is shown in the Local Development Plan (LDP) as a small village.	Noted, never the less permission existing for 30 dwellings on this site.
Any relaxation of the S.52 will allow the landowner to develop the rest of the field as a precedent.	All application for permission will be considered on their merits as and when they may be received.
Hall Road is a charming rural country lane which would be lost by the widening of verges etc.	Noted, never the less permission existing for 30 dwellings on this site.
More development would cause additional traffic to the detriment of the area in general.	Noted, never the less permission existing for 30 dwellings on this site.
The purpose of the S.52 was to ensure that no development be allowed on this green belt land and was a promise to the people of Great Totham.	Noted, the site is no in the Green Belt which does not feature n Maldon District.
The S.52 is an opportunity to stop development on this field once and for all.	Noted, never the less the reasonableness of the 1984 S.52 is here to be discussed.

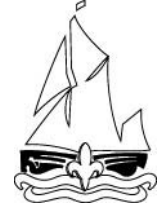
Objection Comment	Officer Response
Comments as received in respect of the application for housing on the site remain.	Noted, however this has to be considered as a stand-alone submission.
Individuals should have been notified officially about the application.	Consultation has been carried out in accordance with the Council's agreed procedure.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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REPORT of DIRECTOR OF PLANNING AND REGULATORY SERVICES

**to
COUNCIL (EXTRAORDINARY)
17 MAY 2018**

RESTRUCTURE OF PLANNING COMMITTEES

1. PURPOSE OF THE REPORT

- 1.1 This paper follows on from the Council meeting on 2 November 2017 when the Council considered a report of the Chief Executive on the subject of the Committee Structure Review. The Report included a number of recommendations which related directly to the Committee structure for decision making relating to the determination of planning applications, and also noted that:

Review of Area Planning Committees

It is recognised that the cost of providing three Area Planning Committees is high. However there are pros and cons for retaining these committees and until such time as the full effect of the Local Development Plan (LDP) is embedded we are unable to confirm that demand on these Committees will fall. It is proposed that a Member led review of the current arrangements will take place over the coming months with a report to the Council coming forward no later than May 2018.

- 1.2 This report provides feedback on the changes to the demands on the three Area Planning Committees as the Local Development Plan (LDP) has been embedded and provides options for Members to consider regarding the proposed future operation of the Committees.

2. RECOMMENDATIONS

- (i) that Members note the data showing the changes to the demands on the three Area Planning Committees since November 2017;
- (ii) that Members undertake a further review of data in September 2018, and agree at that time, either:
 - a. continuation of the three Area Planning Committees
 - b. change to a single Planning Committee for the Maldon District. This would include:
 - proposed options for structure of single planning committee for all Members to take part in the planning process in their wards;
 - schedule for implementation.

3. SUMMARY OF KEY ISSUES

- 3.1 The report of the Chief Executive to the Council on 2 November 2017 on the subject of the Committee Structure Review included a number of recommendations which related directly to decision making for the determination of planning applications. These included the implementation of a change to the Parish Trigger and the introduction of mandatory training for Members to cover core planning regulations and guidance to support and inform Members when determining planning applications. Both of these recommendations have been actioned.
- 3.2 Further, as outlined in 1.1 above, Members agreed to consider a report regarding arrangements with Area Planning Committees, following a review of the impact of the adoption of the Local Development Plan (LDP), with a report to the Council coming forward no later than May 2018.
- 3.3 To enable Members to undertake this review, an analysis has been completed, comparing the period November 2016 to January 2017 (Period 1) with the corresponding data for November 2017 to January 2018 (Period 2). The data considered for each period was:
- Number of planning applications received;
 - Number of planning permissions determined using delegated powers;
 - Number of applications considered by Area Planning Committees and the Council;
 - Average length of planning meetings;
 - Percentage of members attending meetings.
- 3.4 In summary the data showed that the number of applications received has remained largely stable with 262 applications received in Period 1 and 259 in Period 2.
- 3.5 The data does show a reduction in the number of applications considered by Area Planning Committees within each period with 39 in Period 1 and 32 in Period 2, a reduction of some 18%.
- 3.6 Most striking, was the observed reduction in the overall length of Planning Committee meetings between the two periods, with the Committees in Period 1 taking a total duration of 13 hours 37 minutes, compared to 8 hours and 52 minutes in Period 2. This was an overall reduction of 35% in the time spent at Planning Committee. This represents a significant saving in Officer and Member time in supporting the meetings.
- 3.7 **Differential costs**
- 3.7.1 There are a range of costs that are incurred at differing levels depending on the number of meetings, timings of meetings and locations of meetings.
- 3.7.2 There are a range of fixed costs incurred per meeting currently which include the issue and formatting of each agenda and review of standard items and creation and checking of minutes. It is arguable that a reduction in the number of meetings per annum will reduce these fixed costs per meeting incurred by the Council. The table in

section 3.7.5 below highlights this potential saving under the line item described pre-meeting agenda preparation and post-meeting Minutes preparation.

3.7.3 Additional allowances are payable currently to the Chairman of an Area Planning Committee. The annual cost of this was £3554.19 per Chairman in 2017 / 18; by moving to one single Area Committee it would be anticipated that only one additional Chairman's allowance would be paid, assumed to be at the rate for Programme Committee Chairmen. This would generate a saving of approximately £6,000 per annum (based on 2017 / 18 costs). Further information is provided in the table at section 3.7.5 below.

3.7.4 There are a number of additional costs associated with holding a meeting outside of Maldon District Council office hours; these include caretaking costs and the cost of providing time of in lieu to all Officers other than Directors and the Chief Executive. These additional costs have been estimated and are provided at section 3.7.5 below.

3.7.5 Costs Table

	36 meetings (as is)	12 meetings evening (Single Planning Committee) *	12 meetings daytime (Single Planning Committee)
	Area Planning Committee	Combined	Combined
	£	£	£
Caretaker over (not South Eastern Area Planning Committee (SE))	1,407.60	469.00	0
SE cost for Burnham-on-Crouch Town Council	500.00	0	0
Post meeting minutes preparation and agreement	2,945.70	1,172.76	1,172.76
Committee Clerk attendance cost Time Off In Lieu (TOIL)	2,454.84	818.28	0
Planning Officer TOIL	2,275.92	758.64	0
Senior Planning Officer TOIL	2,953.44	984.48	0
Officer Mileage SE only **	648.00	0	0
Pre-meeting agenda preparation	3,273.12	2727.60	2727.60
Costs of Allowance for Chairman	10,962.57	4,738.92	4,738.92
Total	27,421.19	11,669.68	8,639.28

* 12 evening meetings can only be achieved if the business of each meeting can be dealt with within a reasonable meeting length of 2 hours.

** No allowance has been included for Member mileage currently due to uncertainty of the numbers of Members that would attend a combined meeting and the

numbers of Members that would claim mileage for this meeting as not all Members currently submit mileage claims.

4. CONCLUSION

- 4.1 The analysis of the data discussed above and presented in **APPENDIX 1**, demonstrates that the Council processes and Committees relating to Planning decisions have become more efficient in light of the adoption of the LDP and the additional changes recommended in the Committee Structure Review.
- 4.2 There has been demonstrable progress, particularly in reducing the amount of time spent with Member meetings to determine planning applications. If the progress in efficiencies continues it may be possible to condense the Members determination of applications into a single Planning Committee for the whole District.
- 4.3 It will be necessary to consider the trends that have been observed for a longer period to enable further analysis of the data for Members to make a fully informed decision, and a further report should be considered in September 2018.

5. IMPACT ON CORPORATE GOALS

- 5.1 Increasing efficiency and effectiveness in the way we present and deliver our decisions supports the corporate goal of ‘delivering good quality, cost effective and valued services’.

6. IMPLICATIONS

- (i) **Impact on Customers** – Improvements in the effectiveness and efficiency of decision making provides benefits to all stakeholders.
- (ii) **Impact on Equalities** – None noted.
- (iii) **Impact on Risk** – None noted.
- (iv) **Impact on Resources (financial)** – The table in section 3.6.5 above provides information on the additional costs of both evening meetings and higher numbers of meetings.
- (v) **Impact on Resources (human)** – A reduction of evening meetings will reduce the requirements for Officers to work additional hours and in turn be entitled to TOIL.
- (vi) **Impact on the Environment** – None noted.

Background Papers: Report to the Council on 2 November 2017.

Enquiries to:

Paul Dodson, Director of Planning and Regulatory Services, (Tel: 01621 875756).

PERIOD 1 (November 2016 – January 2017)

Planning Committees

Date	Committee	Number of Applications	Start Time	End Time	Duration	Percentage of Members attending
Mon 07-Nov-16	South Eastern Area Planning Committee	1	19:30	20:08	00:38	81.82%
Mon 28-Nov-16	North Western Area Planning Committee	7	19:30	22:01	02:31	90.00%
Mon 05-Dec-16	South Eastern Area Planning Committee	6	19:30	21:37	02:07	63.64%
Wed 07-Dec-16	Council (Planning)	1	19:35	21:52	02:17	75.00%
Wed 14-Dec-16	Central Area Planning Committee	1	19:30	20:47	01:17	66.67%
Mon 09-Jan-17	North Western Area Planning Committee	6	19:30	20:35	01:05	100.00%
Mon 16-Jan-17	South Eastern Area Planning Committee	8	19:30	21:54	02:24	90.91%
Wed 25-Jan-17	Central Area Planning Committee	9	19:30	20:48	01:18	66.67%
TOTALS		39			13:37	

Planning Applications:

	Received	Determined	Delegated
Nov-16	94	82	65
Dec-16	101	62	54
Jan-17	67	108	89
TOTAL	262	252	208

PERIOD 2 (November 2017 – January 2018)

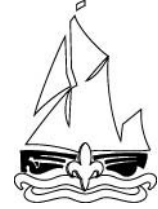
Planning Committees

Date	Committee	Number of Applications	Start Time	End Time	Duration	Percentage of Members attending
Mon 06-Nov-17	South Eastern Area Planning Committee	4	19:30	20:19	00:49	75.00%
Wed 15-Nov-17	Central Area Planning Committee	3	19:30	20:07	00:37	58.33%
Mon 27-Nov-17	North Western Area Planning Committee	3	19:30	20:20	00:50	90.00%
Mon 04-Dec-17	South Eastern Area Planning Committee	5	19:30	21:14	01:44	72.73%
Wed 13-Dec-17	Central Area Planning Committee	2	19:30	20:35	01:05	75.00%
Thu 14-Dec-17	Council (Planning)	1	19:30	20:04	00:34	90.00%
Mon 08-Jan-18	North Western Area Planning Committee	3	19:30	20:35	01:05	81.82%
Mon 15-Jan-18	South Eastern Area Planning Committee	4	19:30	20:18	00:48	100.00%
Wed 24-Jan-18	Central Area Planning Committee	7	19:30	20:50	01:20	90.00%
TOTALS		32			08:52	

CHANGE (between Period 1 and Period 2)	-18%			-35%	
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Planning Applications:

	Received	Determined	Delegated
Nov-17	80	67	59
Dec-17	78	74	68
Jan-18	101	90	74
TOTAL	259	231	201



**REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY**

to
**COUNCIL (EXTRAORDINARY)
17 MAY 2018**

COMMUNITY LED HOUSING - PROGRESS AND GRANT FUNDING

1. PURPOSE OF THE REPORT

- 1.1 To indicate progress with the implementation of the Council's Community Led Housing programme and seek approval for the recommendation for the allocation of capital funding.

2. RECOMMENDATIONS

- (i) that Members note the progress and positive contribution that Community Led Housing contributes towards the reputation of the Council and local housing need; and
- (ii) that capital funding is set to a maximum of £30,000 per unit subject to meeting the criteria outlined in this report, availability of funds and the approval of the Council.

3. SUMMARY OF KEY ISSUES

- 3.1 The Council received funding from the Ministry of Housing and Local Government in January 2017 to initiate a Community Led Housing programme. This is an innovative way to help local community groups become more involved in helping to meet the need for affordable housing, including homes for older people, for their local community.
- 3.2 An Officer was seconded into a fixed-term post dedicated to this initiative and an event held in the spring of last year to engage with possible partners. Approval of the Local Development Plan by the Secretary of State last summer helped by setting development boundaries and making it possible to then demonstrate that any Community Led Development would be in addition to the local plan (a requirement for classification of such projects).
- 3.3 Since this time, officers have built up links with partners who are able to help promote the concept (such as the Rural Community Council of Essex (RCCE) and housing associations who specialise in smaller developments), local community groups (such as smaller housing associations, parish councils, almshouse and other local charities) and landowners.

- 3.4 We have found that a number of local community groups appreciate the promotion of Community Led Housing by the Council and welcome the support that is offered to them to help build their understanding, capacity and potential to expand or in the case of some charities build links with other who can help them meet the housing need for those that they represent or support. Although the Council's Housing Service has an established record of enabling small, locally led housing projects, this has often not been recognised beyond a small select number of local communities. Engaging with groups who are concerned by the impact that the current housing situation is having on their local groups has been warmly welcomed as they may have felt that their needs would otherwise be overlooked or ignored by others involved with housing development. The Housing Service is currently working with the following community groups:
- LEAP – Legacy East Almshouse Partnership;
 - Local Almshouse Charities;
 - SAFE (Supporting Asperger Families in Essex);
 - Maldon Housing Association;
 - Purleigh Old Peoples Housing Association;
 - Rural Community Council for Essex;
 - CHESS – Chelmsford nightshelter;
 - Wingspan – Social Enterprise Group;
 - Dengie Project Trust.
- 3.4.1 Officers are also looking into the possibility of working with charities supporting ex-service personnel. Officers would like to promote the programme more widely but have to take into account the capacity of the Service and will therefore review this later in the year as an action for the Housing Strategy.
- 3.5 Some local housing authorities have concentrated on encouraging Community Led Housing through Community Land Trusts (CLTs); although we would welcome and seek to support any local group who are interested in this as a possibility, feedback from some who have been involved in CLTs elsewhere shows that they can be time-consuming for volunteers to set up and manage through to development and management. By taking a more flexible approach, including the possibility of helping groups refurbish existing buildings, or working in partnership with others such as specialist housing associations, we have found there to be more flexibility and a greater willingness from some groups who may not have the experience or capacity to undertake all the aspects of Community Led Housing.
- 3.6 This flexible approach has also encouraged support and engagement from partners such as the RCCE who can see how Community Led Housing can be a more efficient way in some cases to meet the need for affordable housing in rural areas than more conventional rural exception schemes. Recently Anglia Ruskin University has also begun discussions with the Council's Housing Service, recognising how the Council's innovative approach to working with local groups to meet housing need could fit with some of their proposals to develop and promote best practice in the design, construction and use of new homes, including supporting local businesses and making the supply of new homes more sustainable and relevant to local communities.

- 3.7 As the Community Led Housing programme begins to take shape, there is a need to consider how the Council could consider providing capital investment as it did in the past to help enable the development of affordable homes, using commuted sums or other funding that may be available. Naturally there is no way that such funding can be guaranteed from the outset but as the pace of development increases across the District, there will be more opportunities to secure financial contributions which could be allocated in part to Community Led Housing developments. To facilitate the possibility of this it is proposed that the following criteria should apply:
- (i) The maximum level of grant funding should be set at £30,000 per unit – this is slightly lower than Homes England grant levels but reflects the fact that in most cases Community Led Housing would take place on sites allocated for this purpose.
 - (ii) Applications should be accompanied by a viability statement that details the cost and value of the proposed development, demonstrating that costs are reasonable and grant is not being used to subsidise or inflate other costs.
 - (iii) Payment will only be made on completion and use of the homes will be made a condition of Section 106 (S106) Agreement.
 - (iv) Although the intention will be that homes will be for use as affordable in perpetuity, there will be a requirement for repayment of the Council’s grant should there be a change of use and the homes are no longer affordable and available to meet the intended purpose. Agreements for funding will reflect this and can give the Council discretion to allow for some changes of use where this would still meet the need of the community and the Council’s requirements as the Local Housing Authority. It is not possible to impose this condition to cases where the tenant exercises a Right to Buy.
 - (v) The award of grant will not preclude the provider from applying or receiving other grants or subsidies providing that these are accounted for in the application – as this can help increase investment, improve delivery and help ensure the level of affordability is kept as low as possible.
- 3.8 This is not an exhaustive list of terms and conditions but would be a helpful head of terms for both officers and partners to use as a possibility as and when funds come available.
- 3.9 Officers are currently working on an indicative mix of housing which would provide an optimum balance between justifying the consideration for a scheme as an exception to policy on the basis that it has a much higher proportion of affordable homes (80%) but would still allow up to 20% homes for sale to help improve financial viability including a small incentive to the land-owner. This would also help reduce the need for subsidy, allowing the Council to make best use of its funds.
- 3.10 Enabling development of sites by housing associations and ideally local builders and contractors would also help reduce costs and create greater opportunities for local groups to meet housing need. This would require working with Registered Providers who are sympathetic to smaller developments and working with specialist types of housing so officers will also be looking at identifying and selecting a small number who have both expertise and willingness to support our aims.

4. CONCLUSION

- 4.1 The Council's Community Led Housing programme is beginning to gain interest beyond the initial community groups who have already come forward, helping to highlight the Council's commitment to meeting the District's need for affordable housing and its ability to innovate in order to achieve this and make best use of resources including the engagement of local community groups.
- 4.2 Agreeing possible heads of terms for future grant funding does not bind the Council in any way to awarding funding but does demonstrate its commitment to the government's plans to encourage Community Led Housing as a way to support local communities and diversify the way that homes are delivered.

5. IMPACT ON CORPORATE GOALS

- 5.1 Strengthening communities to be safe, active and healthy – by supporting an ageing population in the case of providing homes for older people and supporting the voluntary sector to help strengthen local communities.
- 5.2 Protecting and shaping the District – by achieving a high quality of design in development and meeting local needs.
- 5.3 Delivering good quality, cost effective and valued services – by providing services that reflect the needs and aspirations of our communities and a democratic structure which facilitates participation and local decision making.

6. IMPLICATIONS

- (i) **Impact on Customers** – Customers are the beneficiaries of Community Led Housing, through which they can work or become engaged to have their need for housing met.
- (ii) **Impact on Equalities** – Community Led Housing has the potential to meet the housing need of some groups, such as older people or people with disabilities, whose needs may not otherwise be met through conventional housing development.
- (iii) **Impact on Risk** – None identified: enabling the development of this type of housing can reduce the risks of not meeting the housing need of the District and improve the supply of homes protecting the Council's housing supply.
- (iv) **Impact on Resources (financial)** – All revenue costs are currently being met through funding awarded by the Ministry of Housing.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – The Housing Service is exploring ways, through working in partnership for example with Anglia Ruskin University, to improve the design and sustainability of new homes to lessen the impact on

the environment as well as look to see where possible to make better use of existing buildings including empty or abandoned homes and buildings.

Background Papers: None.

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