

## PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

THURSDAY, 17 NOVEMBER 2016

PRESENT: Councillors Leo Walters (Chairman), Malcolm Alexander (Vice-Chairman), Gerry Clark, David Evans, David Hilton and Malcolm Beer

Also in attendance: Councillors Christine Bateson (Principal Member for Neighbourhood Planning and Ascot & The Sunnings) and Derek Wilson (Lead Member for Planning).

Patrick Griffin (Society for the Protection of Ascot and Environs Trustee, CPRE Berkshire), Margaret Morgan (on behalf of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan Delivery Group) and Diana Tombs (on behalf of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan Delivery Group).

Officers: Tanya Leftwich, Mark Lampard, Russell O'Keefe and Jenifer Jackson

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor David Burbage.

### DECLARATIONS OF INTEREST

Councillor Gerry Clark declared an interest in Item 6 (Cookham High Street Conservation Area Appraisal Consultation and Adoption) as he was a Ward Councillor for Cookham.

It was announced by the Chairman that the meeting was being recorded.

### MINUTES

**RESOLVED UNANIMOUSLY: That the Part I minutes of the meetings on the 28 June and 14 July 2016 were agreed as correct records.**

The Strategic Director of Corporate and Community Services, Russell O'Keefe, assured the Panel that they would all receive updates on the queries noted in the 28 June 2016 minutes.

### ORDER OF BUSINESS

The Chairman explained that Item 7 (Finance Updates) would be heard second after Item 4 (Borough Local Plan, Consultation Draft – Regulation 18), followed by Items 5 (Affordable Housing) and 6 (Cookham High Street Conservation Area Appraisal Consultation and Adoption) as per the agenda.

**RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda be varied.**

### BOROUGH LOCAL PLAN, CONSULTATION DRAFT (REGULATION 18)

The Head of Planning, Jenifer Jackson, explained that the Borough Local Plan (BLP) was a key corporate priority and over the last few years the Council had been preparing a new BLP

that would provide the development plan framework to guide the future development of the Borough. It was noted that it was important that the Council had an up-to-date Local Plan that had been prepared and adopted in accordance with the National Planning Policy Framework (NPPF), published in March 2012.

Members were informed that the Secretary of State for Communities and Local Government had identified as a key priority the requirement for all local planning authorities to prepare and adopt a NPPF compliant Local Plan without further delay.

The Head of Planning went on to explain that since the agenda had been printed the recommendations to Cabinet had been amended to include an additional recommendation to *'Approve the plan period from 2013 to 2033 to require a total of 14,240 dwellings and adjust the draft Borough Local Plan to reflect this change as necessary'*

Members were referred to paragraph 2.9 of the report.

The Chairman invited the three registered speakers to each address the Panel.

- Patrick Griffin (Chairman, Society for the Protection of Ascot and Environs Trustee, CPRE Berkshire) asked the following question:  
*Why is the draft BLP allowing policies that would override NP policies? Some of the BLP policy wording will totally negate and override NP policies, to the point of making the Ascot, Sunninghill & Sunningdale NP irrelevant. Design policies SP3 and SP4 are examples. The Royal Borough will know that the NP design policies have had considerable success in protecting the character of our area, it would be a major blow to the local community to lose them. It would also undermine the other ten neighbourhood plans in process.*

The Lead Member for Planning, Councillor Derek Wilson, responded by stating that although the draft BLP identified policies that were strategic policies SP3 and SP4 were overarching policies relating to design and were supportive of the Neighbourhood Plan.

- Patrick Griffin asked a supplementary question about the 2010 document and stated that the design could be taken from relationship with local buildings and not necessarily the Plan.

Councillor David Hilton agreed with Patrick Griffin's point and stated that it was an evidence base that supported the Neighbourhood Plan and BLP. It was confirmed that the detailed evidence base remained in place and was supported. Councillor David Hilton added that having said that the policies were deemed to be in conformance with the BLP we have today but that the Council would only find that out at the Appeal stage.

The Head of Planning added that the Ascot, Sunninghill & Sunningdale Neighbourhood Plan was made before that and stated that the draft BLP would have to be in line with the National Framework.

- Diana Tombs (on behalf of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan Delivery Group) asked the following question:  
*Why is there nothing in the draft BLP that sets out a strategy for how the infrastructure that is essential to the proposed development will in fact be delivered? An Infrastructure Delivery Plan is being produced but this simply identifies what infrastructure is required. It is not a strategy for how it will be funded and delivered. Paragraph 156 of the NPPF requires a plan to include strategies and strategic policies to ensure provision of infrastructure alongside homes and jobs. How can a BLP be considered robust without this? With the level of projected development in our area, this issue has become a critical matter of concern for local residents.*

The Lead Member for Planning responded by explaining that the Council had adopted a Community Infrastructure Levy (CIL) that had been examined in March 2016. It was noted that there had been a change in the approach in the CIL and that it was now down to the Council to deliver the infrastructure. It was noted that the Draft Infrastructure Delivery Plan would ensure what was needed was provided.

- Diana Tombs asked a supplementary question stating that she believed there would be a very substantial gap between essential infrastructure and the income from CIL and S106 with ratios of at least 2 or 3 to 1. It was noted that Diana Tombs did not see anything in the BLP if the funding gap was irreconcilable.

The Lead Member for Planning explained that part of the BLP process was to have discussions with a variety of statutory outside bodies to ensure the road infrastructure was up to standard. It was noted that the Council was also looking at additional facilities such as schools, medical establishments, etc. It was noted that this needed to be submitted at the Regulation 19 stage.

The Head of Planning added that it was in the developers interests to provide homes with adequate facilities.

- Margaret Morgan (on behalf of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan Delivery Group) asked the following question:  
*Referring to NPPF 83..... 'Once established, Green Belt boundaries should only be altered in exceptional circumstances.....' My question is a simple one why is Ascot South of the High St being taken totally out of Green Belt without having demonstrated exceptional circumstances. If taken totally out of the Green Belt the land loses any protection.*
- Margaret Morgan asked a supplementary question about the updated BLP and questioned why places in Ascot were being taken totally out of Green Belt when other sites were not.

The Lead Member for Planning responded by explaining that the NPPF made clear that once Green Belt boundaries had been established they should only be altered through the BLP. It was noted that the exceptional circumstances had been set out in the Draft BLP.

The Head of Planning responded by explaining that the NPPF also advised if a village was essentially 'open' it should be included in the Green Belt and if it was not it should be excluded from the Green Belt. The Head of Planning added that the only exception was Silwood Park as it did not join a settlement boundary.

In the ensuing discussion the following points were noted:

- ❖ That the updated version of the report, which was virtually the same apart from a table inserted under para 7.2.16 plus two additional appendices, had been available at short notice as the Planning Team had wanted the Panel to see and debate the most updated version that would be going before Cabinet.
- ❖ That the draft Regulation 18 version of the Borough Local Plan had been reviewed by Counsel and the Planning Inspectorate.
- ❖ That Neighbourhood Plans were referenced throughout the document.
- ❖ That additional resources for the anticipated 30,000 responses, the equivalent of four months work, had already been allocated for in the budget.
- ❖ That the figure of 13528 was from the Strategic Housing Market Assessment (2016).
- ❖ Members were informed that the Local Plan Policies maps were displayed at the meeting on the walls, due to the size of the files.
- ❖ On questioning the officers they stated that para 5.10.5 was in conformity with the NPPF and confirmed that proposals would also need to apply with others in the plan, not just in isolation.
- ❖ That the Council needed to plan positively for development in the Royal Borough.

- ❖ That para 6.8.14 was an area that was felt needed elaboration to ensure opportunities for agricultural/forestry workers to show that they were needed to support that industry. It was noted that an occupancy condition would be applied to enable agricultural/forestry workers to remain in the premises after retirement.
- ❖ That para 6.10.2 (a) had been strengthened to make it more robust in planning terms.
- ❖ That Policy HO 3 – Rural exception sites 5 (a) ‘need’ was to be established from a Local Housing Needs Survey.
- ❖ That Policy HO 3 – Rural exception sites 5 (g & h) were included because they were in the Planning Policy Document (para 7.7.18).
- ❖ That para 11.11 Conservation Areas did not cover management procedures because this was addressed in Conservation Area Appraisals.
- ❖ That policies (such as HE 6(d)) needed to be looked at in a cumulative way rather than individually.
- ❖ That a paper would be going to Cabinet in due course regarding the predicted funding gap for infrastructure / a Community Infrastructure Levy Governance Plan which would be seen by the Panel as part of the Regulation 19 documentation.

The Lead Member for Planning stated that considerable work had been done on the BLP by Neighbourhood Plan Groups and Planning Policy Officers and that he would await feedback from the consultation process.

The Planning & Housing Overview & Scrutiny Panel commented that they would like to see:

- More context added to para 1.5 regarding Neighbourhood Plans.
- A timeframe be added to Non-residential 5 (a) on page 52 of the BLP: Consultation Version (December 2016).
- The development proposal related to relative infilling within the boundaries of a village as defined in the Policy Maps (SP6 point 3(a)).
- Neighbourhood Plans help underpin SP7 to include settlements in countryside’s.
- Para 11.4.10 to read ‘will only be supported...’
- Typos corrected in para 8.2.5 and 8.2.11 in the BLP: Consultation Version (December 2016) and also 1.4.9 in Appendix C on page 319.
- Demonstrated that the necessary infrastructure would be put in place and where the funding would come from. It was noted that it was felt the infrastructure needed to be in place in front of development rather than after it.

Councillor Hilton proposed (seconded by Councillor David Evans) that the Planning & Housing Overview & Scrutiny Panel supported the Borough Local Plan but remained particularly concerned regarding the provision of infrastructure that would be required to make this level of development sustainable. The Planning & Housing Overview & Scrutiny Panel looked to Cabinet to bring forward an Infrastructure Investment Plan to accompany the Infrastructure Delivery Plan (including services) to describe how the infrastructure would be funded and delivered.

**The Planning & Housing Overview & Scrutiny Panel agreed (Councillors Malcolm Alexander, Councillor Beer, Gerry Clark, David Evans and David Hilton voted for and Leo Walters voted against), with a note that the Panel remained concerned about the vision for infrastructure provision and asked for an Infrastructure Investment Plan with the Infrastructure Delivery Plan to show how the infrastructure would be funded and delivered, to recommend to Cabinet that they:**

**I. Approve the plan period from 2013 to 2033 to require a total of 14,240 dwellings and adjust the draft Borough Local Plan to reflect this change as necessary;**

**II. Approve the Draft Borough Local Plan and associated Sustainability Appraisal (including SA/SEA/HRA) for public consultation under Regulation 18 of the Town and Country Planning (Local Planning)**

(England) Regulations 2012 for a six-week period from 2 December 2016 to 13 January 2017; and

**III. Delegate authority to the Strategic Director of Corporate and Community Services in consultation with the Lead Member for Planning to make any final editorial and formatting amendments to the Draft Borough Local Plan and accompanying documents without altering the meaning of the Plan before consultation.**

The Chairman expressed his concerns regarding the proportion of the Green Belt sites included in the report which equated to 37% of the housing requirement as he felt this to be too high. It was noted that the Chairman felt the 84% of Objectively Assessed Need identified in the previous consultation was a reasonable compromise regarding building on the Green Belt as opposed to the 100% identified in this report. He drew attention to the fact that the Court of Appeal had decided that Green Belt was a wholly legitimate objective and that at Reigate and Banstead a 72-77% net housing need was sufficient to find their Local Plan sound at Examination in Public. The Chairman reminded Members that protecting the Green Belt was one of the Councils Manifesto Commitments.

**FINANCE UPDATES**

The Finance Partner - Corporate Services & Operations, Mark Lampard, informed Members that the October and November Finance Update reports had been presented to this meeting as they report significant pressures on the council's temporary accommodation budgets.

The Finance Partner - Corporate Services & Operations explained that the budget for supporting residents into temporary accommodation was projecting an overspend of £470k for this year, 2016/17. It was noted that the projection was based on a detailed review of the housing benefit subsidy for those in temporary accommodation, and the potential impact of the new benefit cap, introduced from November this year.

Members were informed that mitigation of this pressure included increased efforts to source temporary accommodation at rates closer to the local housing benefit reference rate, plus early identification of those residents adversely affected to provide them with individual advice and support.

The Strategic Director Corporate & Community Services, Russell O'Keefe, stated that this was a national trend, and noted significant issues reported by London Boroughs.

The Finance Partner - Corporate Services & Operations stated that the un-mitigated budget overspend projected for the next financial year was close to £1million.

**RESOLVED Unanimously; That the Panel noted the Councils projected outturn position.**

**AFFORDABLE HOUSING**

The Head of Planning informed Members that the report proposed approval of a guide for developers of sites which required the provision of affordable housing to meet national and local planning policy. It was noted that this would apply to sites being brought forward through the planning application process in advance of the new Borough Local Plan.

Councillor Beer raised concerns that para 2.6 first bullet (In addition to the planning process, as guided by this proposed Planning Guidance document, the Council's other affordable housing delivery mechanisms include:

- Progressing the Council's own land holdings for the delivery of affordable housing with developers through Joint Ventures and RBWM Property Company) in his view should be done with the housing associations who have specialist

skills in providing affordable housing rather than developers who would be 'doing it for a profit'.

The Planning & Housing Overview & Scrutiny Panel commented that they felt the scheme identified a range of possibilities to build dwellings that would be specifically designed for affordable housing in the Borough whilst at the same time to tailoring ownership using social land orders to manage them but to take a revenue stream from that asset that could be used to support Council resources.

**The Planning & Housing Overview & Scrutiny Panel agreed (Councillors Malcolm Alexander, Gerry Clark, David Evans, David Hilton and Leo Walters voted for and Councillor Beer voted against) to recommend to Cabinet that they approve the Affordable Housing Planning Guidance Document.**

**COOKHAM HIGH STREET CONSERVATION AREA APPRAISAL CONSULTATION AND ADOPTION**

The Planning Manager informed Members that a review of the appraisal for Cookham High Street Conservation Area was needed to bring it inline with current Historic England guidance. It was noted that this report set out planned consultation on the draft document as local authorities had a duty under section 71(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 to produce such documents and it was appropriate to consult publicly on the documents prior to formal adoption.

The Planning Manager went onto explain that following the outcome of the consultation it was recommended, that the approval of the document was subject to a decision by Cabinet before it was adopted for use in development management (Planning). It was noted that if adopted, there would be no financial implications arising.

Councillor Gerry Clark congratulated the Planning Manager on a comprehensive report and stated that he and the Panel would welcome feedback after the consultation.

**RESOLVED Unanimously: That the Panel noted the draft appraisal and the intention to carry out public consultation.**

**DATES OF FUTURE MEETINGS**

Members noted the following future meeting dates (7pm start):

- Monday 23 January 2017.
- Wednesday 19 April 2017.

**LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC**

**RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion took place on following item 10 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.**

The meeting, which began at 7.00 pm, finished at 9.25 pm

CHAIRMAN.....

DATE.....