

NOTICE
OF
MEETING



PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

will meet on

TUESDAY, 29TH MARCH, 2016

At 4.30 pm

in the

ASCOT ROOM - GUILDHALL, WINDSOR

TO: MEMBERS OF THE PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

COUNCILLORS LEO WALTERS (CHAIRMAN), MALCOLM ALEXANDER (VICE-CHAIRMAN), GERRY CLARK, DAVID EVANS, DAVID HILTON, SAMANTHA RAYNER AND MALCOLM BEER

SUBSTITUTE MEMBERS

COUNCILLORS MICHAEL AIREY, CLIVE BULLOCK, SAYONARA LUXTON, MJ SAUNDERS, ADAM SMITH, LYNDA YONG, LYNNE JONES AND SIMON WERNER

Karen Shepherd - Democratic Services Manager - Issued: Thursday, 17 March 2016

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Tanya Leftwich** 01628 796345

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any declarations of interest.</p>	5 - 6
3.	<p><u>MINUTES</u></p> <p>To confirm the Part I minutes of the meeting of Tuesday 26 January 2016.</p>	7 - 12
4.	<p><u>DATES OF FUTURE MEETINGS</u></p> <p>The dates of future meetings are as follows (7pm start):</p> <ul style="list-style-type: none">• Monday 18 April 2016.• Tuesday 28 June 2016.• Thursday 18 August 2016.• Tuesday 18 October 2016.• Thursday 17 November 2016.• Monday 23 January 2017.• Wednesday 19 April 2017.	
5.	<p><u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u></p> <p>To consider passing the following resolution:-</p> <p>"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on items 6-7 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"</p>	

PRIVATE MEETING

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
6.	<u>MINUTES</u> To confirm the Part II minutes of the meeting of Tuesday 26 January 2016 <i>(Not for publication by virtue of Paragraph 1, 4 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	13 - 14
7.	<u>DRAFT BOROUGH LOCAL PLAN</u> To comment on the report to be considered by Cabinet on the 31 March 2016. <i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	To Follow
	<u>Details of representations received on reports listed above for discussion in the Private Meeting:</u> None received	

MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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Public Document Pack Agenda Item 3

PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

TUESDAY, 26 JANUARY 2016

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

Also in attendance: Councillor Derek Wilson (Lead Member for Planning).

Also in attendance: Rachel Cook (Lead Petitioner), Natalie Hill (member of the public) and Brenda McCarthy (member of the public).

Officers: Tanya Leftwich, Matthew Tucker (Legal), Chris Hilton, Anna Trott, Russell O'Keefe, Mark Shephard, Andrew Brooker and Jenifer Jackson.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bateson (Lead Member for Neighbourhood Planning, Ascot & Sunnings).

DECLARATIONS OF INTEREST

The Chairman, Councillor Walters, declared a personal interest in Item 5 'Draft Conservation Area Appraisal, Holyport' as he and his wife owned property in Holyport however neither properties were affected by the proposals in the report. It was noted that Councillor Walters had also been consulted on the proposals as a Bray Parish Councillor but had come to this meeting with an open mind.

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

MINUTES

The Part I minutes of the meeting of Monday 16 November 2015 were unanimously agreed.

PETITION APPEAL - PETITION TO RETAIN ALL THE LAND AT RAY MILL ROAD EAST, MAIDENHEAD, CURRENTLY DESIGNATED AS PUBLIC OPEN SPACE, UNDER COUNCIL OWNERSHIP AND ENSURE THAT THE MAJORITY OF THE LAND REMAINS SO DESIGNATED AND INCORPORATES NATURE AS AN INTEGRAL FEATURE FOR THE BENEFIT OF FUTURE GENERATIONS.

The Chairman welcomed the lead petitioner, Rachel Cook, to the meeting and explained that she had been allocated three minutes to address the Panel. It was explained that following the lead petitioners three minutes, Ward Councillors would then be invited to address the Panel then the Panel would debate the item.

The lead petitioner addressed the Panel by explaining that inaccurate information had been given to the Full Council meeting on the 15 December 2015 and that it was therefore unfair to the petitioners.

Rachel Cook explained that unfair representation of public opinion had been given that had completely ignored results of the First Preferred Options Consultation that had taken place borough wide in March 2014. It was noted that the land at Ray Mill Road East had been specifically mentioned under question 19 – it had been requested that this land be removed

from the housing allocation. Rachel Cook explained that the Civic Society had stated that this land could easily have been included in the Green Belt. It was questioned why the Council was wasting the residents time when the results of the public consultation had been ignored. It was noted that Rachel Cooks FOI request was outstanding.

It was noted that officers had stated that key worker accommodation was listed as a reason to allow housing development on the land in question – Rachel Cook felt this to be incorrect as the Cabinet decision allowed 20% as share ownership, 50% to be developed for private sale housing and 30% to be retained by the Council as private rented units. Rachel Cook asked the Panel to clarify the Councils exact position.

One of the questions never answered was that if the site is to be sold off how will the Council stop the toads from dying off further – what are the plans to help them survive?

Rachel Cook concluded by explaining that she felt she had demonstrated that inaccurate information had been given to the Full Council meeting and therefore requested that these matters be addressed again given to the high number of people objecting to this land being built on.

The Chairman thanked Rachel Cook for addressing the Panel.

It was noted that the three Ward Councillors were now able to make further comments and that an email had been received from Councillor Adam Smith on the subject of the petition. The Chairman read out Councillor Smith's comments which were that in his opinion wildlife and open space would be given proper consideration in any future planning application. Indeed, December Council resolved 'The Council notes the opportunity for representations to be made to any subsequent planning application.'

The Chairman explained that the Panel needed to debate whether there had been any inadequacies in the way that the petition had been dealt. It was noted that an e-petition containing 1392 signatures had been submitted on the 8 October 2015 all in accordance with the provisions of the Councils Constitution. It had been requested by the lead petitioner that the petition be reported and debated at a Full Council meeting which it had been on the 15 December 2015 at the Magnet Leisure Centre.

The petition read as follows:

'We the undersigned petition The Royal Borough of Windsor and Maidenhead to retain all the land at Ray Mill Road East, Maidenhead, currently designated as public open space, under council ownership and ensure that the majority of the land remains so designated and incorporates nature as an integral feature for the benefit of future generations'

It was noted that at the Full Council meeting in December 2015 a short video had been produced and shown to Members. The Chairman explained that there had been 48 Councillors present at the Full Council meeting in December 2015 of which 45 had voted in favour of the following motion whilst 3 had voted against the motion:

- i) The Council notes the petition and acknowledges the concerns raised.
- ii) The Council notes the extant Royal Borough Cabinet decision from 26 March 2015 to develop part of the land.
- iii) The Council notes the opportunity for representations to be made to any subsequent planning application.
- iv) The Council notes the motion relating to Public Open Space on tonight's agenda.

In the ensuing debate the following points were noted:

- Councillor Hilton requested a definition of open space / status of the land from the Legal Officer as the lead petition had stated it to be a 'public open space'. Councillor

- Hilton stated that the land in question was listed as management land and as such was defined as an asset that would, at some time, be used. The Legal Officer referred the question to the Director of Planning, Development & Regeneration (Chris Hilton) / Borough Planning Manager (Jenifer Jackson) to answer. The Borough Planning Manager explained that this was not straight forward to answer but that it could be classed as land in private ownership that the public could access and use.
- The Director of Planning, Development & Regeneration added that in his view it was important to differentiate between the Council as land owner and it making planning decisions. It was noted that when the Council was classed as the land owner with sites it wanted to develop it had to go through the planning process by submitting planning applications.
 - The Director of Planning, Development & Regeneration also added that the Borough Local Plan was still being progressed and that a public enquiry would ideally be held this time next year.
 - It was noted that whilst a number of comments had been received by the Council which had been considered the Council was bringing this site forward for development not as the Council but as the land owner.
 - Councillor Gerry Clark stated that he felt the process had been fair and proper and that it was clear to him that any legitimate concerns would be fully addressed on receipt of a planning application if it this were to proceed.

The Chairman summarised by stating that the public consultation had gone out to the whole of the Royal Borough and was still ongoing. It was noted that an initial consultation had also taken place with 40 of the local neighbours and a meeting had been held on the 16 December 2015 to which 8 neighbours had attended.

The Chairman went onto explain that the 20% as share ownership, 50% to be developed for private sale housing and 30% to be retained by the Council as private rented units had simply been a proposal that had been put forward at Full Council in December. It was confirmed that this would be addressed at the planning stage.

The Chairman stated that the question asked at the Full Council meeting in December about what plans the Council had to help the toads survive would also be addressed at the planning stage.

RESOLVED: That it was felt that the Council had dealt with the petition 'looking to retain all the land at Ray Mill Road East, Maidenhead, currently designated as public open space, under council ownership and ensure that the majority of the land remained so designated and incorporated nature as an integral feature for the benefit of future generations' in a fair and adequate manner.

(6 Councillors voted in favour (Councillor Walters, Councillor Alexander, Councillor Clark, Councillor D Evans, Councillor Hilton & Councillor S Rayner) and Councillor Beer abstained).

DRAFT CONSERVATION AREA APPRAISAL, HOLYPORT

The Borough Planning Manager, Jenifer Jackson, referred Members to pages 19-30 of the agenda and explained that the report covered the proposed process for a revised Conservation Area Appraisal (the 'Appraisal') for Holyport.

Members were informed that it was a statutory duty of local planning authorities (LPAs) to formulate and publish proposals for the preservation and enhancement of parts of their area which were conservation areas. It was noted that in so doing, and in line with the Government's desire to engage with local communities, it was appropriate to consult the public on the proposed revisions to the Holyport conservation area.

It was noted that in future road names would be added to the maps to help Members identify specific areas. The Borough Planning Manager explained that the proposed area to be added was on the south side of the M4 motorway between the two northbound roads.

The Chairman stated that he believed the report to be a very worthwhile document and asked that the Panels thanks to the Conservation Officer, Brian O'Callaghan, be minuted.

RESOLVED UNANIMOUSLY: That the Planning & Housing Overview & Scrutiny Panel recommended that Cabinet:

- (i) **Notes the revised appraisal and agrees that that it should go out for public consultation.**
- (ii) **Delegates authority to the Strategic Director of Corporate and Community Services to launch the consultation in conjunction with the Lead Member for Planning, and following consultation, to bring revised conservation area proposals (including boundary changes) back to Cabinet for approval.**

DRAFT CONSERVATION AREA APPRAISAL, MAIDENHEAD TOWN CENTRE

The Borough Planning Manager, Jenifer Jackson, referred Members to pages 31-38 of the agenda and explained that the report covered the proposed process for a reviewed Conservation Area Appraisal (the 'Appraisal') for Maidenhead Town Centre.

Members were informed that there was an existing conservation area appraisal for Maidenhead town centre which was prepared in 1995. It was noted that this was available on the Council website with a map of the conservation area boundary.

The Borough Planning Manager explained that Section 69 (2) of the 1990 Act placed a duty on local planning authorities to consider from time to time whether they should designate new conservation areas or extend existing ones. It was noted that general guidance from Historic England was that appraisals should be reviewed every 5 years. Members were informed that officers were seeking to ensure that all appraisals were updated. It was noted that there was a target to do at least two revised appraisals per year and that two had been done earlier this financial year for Inner Windsor and Clarence Road/Trinity Place.

RESOLVED UNANIMOUSLY: That the Planning & Housing Overview & Scrutiny Panel recommended that Cabinet:

- (i) **Notes that the appraisal has been reviewed and updated and agrees that that it should go out for public consultation.**
- (ii) **Delegates authority to the Strategic Director of Corporate and Community Services to launch the consultation in conjunction with the Lead Member for Planning, and following consultation, to bring the conservation area appraisal back to Cabinet for approval.**

BUDGET 2016/17

The Head of Finance, Andrew Brooker, informed Members that the report would be going before Cabinet on the 11 February 2016 and then onto Council on the 23 February 2016.

Members were informed that there had been an increase in demand from Adult Social Care and that the Council would lose about 45% of the grant over the next four years. It was noted that the Council was able to raise funds elsewhere locally possibly by raising Council Tax by 4% if it so wished.

It was noted that nationally, areas such as Wokingham were being hit harder than the Royal Borough with regard to the reduction of the grant.

The Head of Finance went onto explain that there was a new homes bonus scheme 2017/18 which meant that no new homes bonus would be received on homes built after the appeal. Members were informed that there were therefore significant changes proposed to the way the new homes bonus scheme currently worked.

In the ensuing discussion the following points were noted:

- The Head of Finance explained that an injection of £3.8million had been made for the increase in demand from Adult Social Care and £5.7million needed to be made in efficiency savings.
- Members were referred to the capital programme specifically on pages 70 & 71 of the supplementary agenda and asked if there were any schemes the Panel wanted to promote.
- Confirmation was provided by the Strategic Director Corporate & Community Services, Russell O'Keefe that provision had been set aside in the budget for additional interim officers and the Panel were referred to page 166 of the supplementary agenda.

The Planning & Housing Overview & Scrutiny Panel unanimously agreed that they would like to promote the following Capital Bid schemes:

- Item 19 = CIL/S106 Monitoring Software - Purchase and Maintenance of software to monitor and produce all statutory letters and notifications to collect CIL funds from developers. CIL legislation allows for set up cost of CIL to be refunded out of future CIL receipts. The software is produced by a Exacom and is sold as an add on module to the Idox Uniform product.
- Item 25 = Neighbourhood plan - The Royal Borough is a vanguard authority in neighbourhood planning and committed to supporting local groups who wish to produce neighbourhood plans to shape development in their areas, along with the strategic policies in the Borough Local Plan.

The Planning & Housing Overview & Scrutiny Panel suggested that going forward it would be useful to be provided with an index / listing of all services (with groupings broken down) included in the budget. It was noted that it had been difficult to find reference to the Tree team – the Strategic Director Corporate & Community Services, Russell O'Keefe agreed to produce a note to show Members exactly which directorate (Leisure Services) the Tree team now came under.

The Planning & Housing Overview & Scrutiny Panel unanimously agreed to recommend to Cabinet the following:

- That the detailed recommendations contained in Appendix A, which includes a Council Tax at band D of £906.95, be approved.**
- That an Adult Social Care Levy of £1.191m be included in the Council's budget proposals, this levy being equivalent to £18.14 at band D.**
- That Fees and Charges as contained in Appendix B be approved.**
- That the Capital Programme shown in Appendices C and D be adopted by the Council for the year commencing April 2016.**
- That responsibility is delegated to the Cabinet Prioritisation Sub Committee to identify specific scheme budgets for the Highway Maintenance programmes as soon as project specifications have been completed.**
- That authority is delegated to the Head of Finance in consultation with the Lead Members for Finance and for Adult Services and Health to add up to**

- a further £300k to the budget for Disabled Facilities Grant once demand for those grants has been established.
- vii. That the prudential Borrowing limits set out in Appendix L are approved.
 - viii. That Council is asked to note the Business Rate tax base calculation detailed in Appendix P (to follow) and its use in the calculation of the Council Tax Requirement in Appendix A.
 - ix. That the Head of Finance in consultation with Lead Members for Finance and Education, is authorised to amend the Total Schools Budget, to reflect actual Dedicated Schools Grant levels.
 - x. That the Head of Finance in consultation with Lead Members for Finance and Education, the Managing Director and Strategic Director for Adult, Children and Health Services and the School Forum is authorised to approve subsequent allocation of the Schools Budget in accordance with the 2016/17 funding formula and the Schools Finance and Early Years Regulations 2015.
 - xi. That responsibility to include the precept from the Berkshire Fire and Rescue Authority in the overall Council Tax charges is delegated to the Lead Member for Finance and Head of Finance as soon as the precept is announced. (should be 17 February 2016)
 - xii. That the revision to the Council's Minimum Revenue Policy set out in paragraph 3.43 be approved.

DATES OF FUTURE MEETINGS

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

- Monday 18 April 2016

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 10 on the grounds that they involve 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 7pm, finished at 7.55 pm.

CHAIRMAN.....

DATE.....

Agenda Item 6

By virtue of paragraph(s) 1, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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