

Public Document Pack

NOTICE OF MEETING

www.rbwm.gov.uk



PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

will meet on

THURSDAY, 20TH SEPTEMBER, 2018

At 5.30 pm

in the

MAY ROOM - TOWN HALL, MAIDENHEAD

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

COUNCILLORS RICHARD KELLAWAY (CHAIRMAN), MAUREEN HUNT (VICE-CHAIRMAN), MALCOLM BEER, GERRY CLARK, DR LILLY EVANS, LEO WALTERS AND JULIAN SHARPE

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BULLOCK, SAYONARA LUXTON, ADAM SMITH, LYNDA YONG, CLAIRE STRETTON, JOHN STORY AND EILEEN QUICK

Karen Shepherd – Service Lead - Democratic Services - Issued: Wednesday, 12 September 2018

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 **Nabihah Hassan-Farooq** 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. Do not re-enter the building until told to do so by a member of staff.

Recording of Meetings –In line with the council's commitment to transparency the public part of the meeting will be audio recorded, and may also be filmed and broadcast through the online application Periscope. If filmed, the footage will be available through the council's main Twitter feed @RBWM or via the Periscope website. The audio recording will also be made available on the RBWM website, after the meeting.

Filming, recording and photography of public Council meetings may be undertaken by any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be in the public domain. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the Part I minutes of the meeting of the 27 th June 2018.	7 - 12
4.	<u>Q1 PERFORMANCE REPORT</u> To receive and note the above titled item.	13 - 22
5.	<u>VACANT BUILDING CREDIT GUIDANCE</u> To receive a report from Russell O'Keefe on the above titled item.	23 - 30
6.	<u>CONSIDERATION OF THE FINDINGS OF THE PHOSP TASK AND FINISH GROUP</u> To receive the above report from the Chairman of the Task and Finish Group, Cllr Richard Kellaway.	31 - 46
7.	<u>FORWARD PLAN</u> To discuss and schedule items of business for consideration at future meetings.	47 - 48
8.	<u>DATES OF FUTURE MEETINGS</u> Panel Members to note the date of the next meeting: 18 October 2018	

This page is intentionally left blank

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they 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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) 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 licence 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.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

This page is intentionally left blank

Agenda Item 3

PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

WEDNESDAY, 27 JUNE 2018

PRESENT: Councillors Richard Kellaway (Chairman), Maureen Hunt (Vice-Chairman), Malcolm Beer, Gerry Clark, Dr Lilly Evans and Leo Walters

Also in attendance: Councillor D Wilson

Officers: Russell O'Keefe, Ashley Smith & Nabihah Hassan-Farooq

RE-ORDERING OF AGENDA ITEMS

Members agreed that the order of business would be varied to take the item 'Election of the Chairman and Vice Chairman' after the business items had been transacted. The Panel would elect a Chairman for the duration of the meeting and seek to elect a Chairman and Vice Chairman once all Members had arrived. It was agreed to do so, as the time of the meeting had been bought forward and some Members had advised that they were running late.

ELECTION OF CHAIRMAN FOR THE MEETING

It was agreed that the Panel would agree upon a Chair for the meeting as the order of business had been varied.

RESOLVED UNANIMOUSLY: That Councillor Kellaway be appointed the Chairman for the duration of the meeting until a Chairman for the Municipal year was elected later in the meeting.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Sharpe (Substitute Member not available).

DECLARATIONS OF INTEREST

None.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the last meeting held on the 16th May were approved as a true and correct record subject to;

- That 'principal' member be amended to 'principle'.
- That further clarification was to be sought and circulated in reference to the following wording—"It was also confirmed that brownfield sites could not be built upon and that sites were not to be allocated to on unbuilt brownfield land or settlement areas."

ACTION- That all amendments be circulated and agreed via email.

CONSERVATION AREA APPRAISALS REVIEW PROGRAMME

Ashley Smith, Deputy Head of Planning outlined the above report. It was outlined that there would be a three year target in place which was ambitious and that two conservation area

officers had been recruited. It was highlighted that some conservation areas that had not been at the forefront of delivery plans had now been through appraisals and referenced in the report. Members were happy to see that some areas that had not been subject to assessment for twenty years had now been included in the first tranche of appraisals and that it now provided protection for these areas, which included Mill Lane Church area in Clewer and Holyport. Councillor Walters highlighted that he had initially set up the conservation areas in RBWM and that this had been a positive move for the borough.

Members discussed implementation times and it was confirmed that the report outlined delivery and implementation times with Cookham already being underway with SANG development. Members were reminded that a press release had been issued and did not form part of the formal consultation. The formal consultation had included letters being written to all conservation area residents and communication of delivery would be programmed as individual areas were affected.

Members highlighted that the use of “local development framework” was outdated and should be replaced by the emerging Borough Local Plan. It was highlighted that these comments should be taken back to the Cabinet for consideration.

RESOLVED UNANIMOUSLY: That the report be noted and authorisation be given to the Head of Planning to commence a prioritised programme of review (as outlined in the report) and that the criteria for the designation of new areas/deletions to existing conservation areas and a checklist for identifying local buildings of interest be agreed and noted.

INFRASTRUCTURE: SUITABLE ALTERNATIVE NATURAL GREENSPACE CAPACITY AND SUITABLE ALTERNATIVE NATURAL GREENSPACE (SANG) DELIVERY TO SUPPORT THE BLP

Ashley Smith, Deputy Head of Planning outlined the report. It was highlighted that the Thames Basin Heath had been a problem area and that there had been a freeze on development for the surrounding Surrey Heath area. Natural England recommendations were that SANGS should be provided as a means to avoid damage to protected species and areas. It was also noted that the size of a SANG relied upon how many houses or whether development could be mitigated. Members were informed that there were two different types of SANG, bespoke and strategic SANG. Details of these were outlined in the report. It was highlighted that there would be an increase to Allen's Field alongside the SANG development which would support the southern development of RBWM.

Members were reminded that the SANG had to meet specific criteria and that there must be a large walking loop, within a natural setting. Members were told that it would cost approximately £500,000 to set up a SANG. Members queried why the farm area in Cox green had been purchased and why this could not be utilised for SANG purpose. Councillor D Wilson highlighted that the Cox Green farm area had been purchased for leisure and sports pitches. Ashley Smith outlined that SANGS must be within a 5km radius of development. It was also noted that there had been a lease arrangement with the land owner for the intended SANG. Members queried whether there could be a SANG development for the upcoming golf course redevelopment and it was confirmed that there were no dedicated plans for this. Councillor Beer noted that Chobham Common was an area where protected species thrived and that this should form part of the SANG. It was confirmed that this area already formed part of the Thames Basin Heath area.

It was noted that the planned delivery surrounding Allen's Field was ambitious and officers were confirmed that the planned delivery targets would be met for the upcoming period. It was estimated that there were 109 dwellings that the SANG would mitigate. It was confirmed that the finalised plans for Allen's Field were being looked at and worked upon. Members were concerned that land owners could demand higher rates for land and that RBWM would be subject to paying premium prices. The Panel were informed that land that owners put forward

for use would have been overlooked for development or may not have been fit for particular use and it would benefit them to incorporate their land as part of the SANG. The Council would be able to recoup costs and could carry out building development on their behalf, both raising monies for RBWM and increasing revenue whilst being cost effective. Councillor Hunt stated that the Council should aim to purchase freehold as opposed to leasehold where possible to ensure continuity for the future. Russell O'Keefe clarified that he had a duty to achieve best value for the borough and that options relating to freehold and leasehold had been considered. It was also highlighted that protected species of animals would not need to be imported as part of the SANG delivery.

RESOLVED UNANIMOUSLY; That the report be noted and;

- i) That authority be given to the Executive Director of Place to pursue negotiations on behalf of the council with landowners, to enter into lease agreements with landowners and to make a planning application for the purposes of providing SANG to meet BLP requirements to 2033.**
- ii) That authority be given to the Head of Planning not to provide capacity in the council's strategic Suitable Alternative Natural Greenspaces (SANGs) for large prior approval schemes or other unplanned large applications located beyond the defined settlements Ascot, Sunninghill and Sunningdale or on allocated sites where the proposals were in excess of the BLPSV allocation by more than 9 additional units which are considered to undermine the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy.**
- iii) That authority be given to the Executive Director of Place to pursue negotiations on behalf of the council with any other council which may have surplus SANG capacity and to authorise the Executive Director to enter into any necessary legal or lease agreement with that council for the purposes of securing SANG capacity to support the BLPSV.**

INFRASTRUCTURE INCLUDING COMMUNITY INFRASTRUCTURE LEVY (CIL) GOVERNANCE

Ashley Smith, Deputy Head of Planning outlined the report to the Panel. The report outlined the infrastructure required to underpin planned development regarding the published Infrastructure Delivery Plan (IDP) which would support the submitted Borough Local Plan (BLPSV). Members were reminded that the Community Infrastructure Levy (CIL), charging schedule and a Regulation 123 list had been introduced on the 1st September 2016. The Panel were informed that the CIL was a charge on new floor space which had arisen from developments in residential or retail use and any money collected to deliver infrastructure required to support new development in and around the Borough.

Panel Members were told that the Infrastructure Delivery Group (IDG) would seek to decide how the CIL money accumulated from development would be spent around the borough. The working group would consist of Members and Officers who would be looking at decisions of where the money could be spent. Members queried why some parishes received 25% of money raised from development as opposed to 15% and it was clarified that parishes that had a neighbourhood plan which had been adopted covering their area would receive the higher percentage. It was also highlighted that the Local Planning Authorities operating CIL would pass on the relevant percentages of money raised from development within a parish/town council area directly to them. It was confirmed that section 106 agreements would still be used to secure affordable housing provision or payment in lieu of provision and other non-financial requirements. Members were informed that any money from CIL would be spent on items categorised within the Community Infrastructure List. Section 106 monies would need to be spent on directly relevant projects within the community, for example, libraries.

Members were concerned that developers would have to pay both the CIL and Section 106 contributions which could be expensive. It was highlighted that there were some discounts available to developers dependant on the number of units they wished to build. Members were also told that comparatively, the amount would be similar to what developers had paid previously. The Panel were told that the viability study and changes from the initial proposal consultation would be published over the upcoming months. It was highlighted that the Infrastructure Delivery Group would be reviewing the 123 Regulation list and would look to programme manage the delivery of infrastructure projects. The Panel were informed that there would be information and knowledge sharing events and Members were encouraged to take part. Dates of these events would be shared with Members shortly.

Members discussed the need for parish councils to be communicated to in relation to CIL monies received. Ashley Smith confirmed that figures of CIL monies and where the money had been spent would be published. Councillor Dr L Evans raised concerns that money that had been accumulated under CIL in Windsor had been spent in Maidenhead to fund projects and that this may cause concern for residents. It was clarified that there was a good audit trail of decision making and that in some areas there was no business case for infrastructure development or a need to develop failing or existing infrastructure in comparison to other areas. Members commended the level of transparency towards the decision making process.

At the conclusion of the report Members noted the report.

RESOLVED UNANIMOUSLY: That the report be noted by the Planning and Housing Overview & Scrutiny Panel and;

- i) That the terms of reference for the Infrastructure Working Group were approved.**
- ii) That the appointment of five borough councillors to the Member/Officer Infrastructure Group was approved.**
- iii) That the Infrastructure Working Group would make recommendations to Cabinet in the future about how monies would be collected by the Levy and how it would be spent with due regard to the published Regulation 123 List.**
- iv) That the revised Regulation 123 List would be produced by 31st August 2018 for consultation as appropriate and then for review of the comments received to be reported to the Infrastructure Working Group to consider and make any amendments to the revised 123 List before publication.**
- v) That, prior to receiving payments in April and October each year, the Parish Councils (and relevant Ward Councillors) will each receive an itemised statement of those applications in their Parish for which CIL has been collected which identifies the application number, the site address, the amount collected in total and the neighbourhood portion due to be paid at the next payment date.**
- vi) That in communities that are non-parished, the ward councillors will receive a statement of the applications in that ward where CIL has been collected which identifies the application number, the site address, the amount collected in total and the neighbourhood portion. From October 2018 the ward councillors and any designated Neighbourhood Forum will be consulted in writing on the spending priorities for that area.**

ANNUAL PERFORMANCE REPORT 2017/18

Russell O'Keefe outlined the report to the Panel. The Panel were informed that the performance report set out an overview on the council's performance for the 2017/18 year. The report included progress against summary indicators along with contextual information about resources, key projects and ambitions. It was highlighted that the figures shown as negative were in fact, when measured nationally better than many local authorities. Members felt that targets should be set differently to highlight the good work of the borough.

It was highlighted that some of the target thresholds set were high and could be perceived as unrealistic. Members were happy to see good performance results overall and that RBWM had performed well nationally despite cuts to funding for the authority. Councillor Clark commented that It would be more useful to show comparative data figure for RBWM performances against national performance statistics. Members felt that the document was a challenging read and that if possible it should be condensed. It was also noted that the font was not accessible and was too small for readers. Members queried where the targets referenced within the report originated from and it was confirmed that they were taken from national guidance and also set from strategic performance indicators.

Councillor Dr L Evans stated that some residents may not be concerned with internally set RBWM targets but that their interest and focus would be on how the borough had performed against neighbouring authorities and against the national picture. Councillor Beer highlighted that the document should be resident centric and that some targets when read by residents could be influenced by their own interactions or experiences with the Council; especially when they have had negative experiences. At the conclusion of the discussion Members noted the report.

RESOLVED UNANIMOUSLY; That the report be noted and:

- i) That the progress was noted towards meeting the council's strategic objectives.**
- ii) That the Annual report 2017/18 be endorsed and reviewed at a meeting of the Full Council.**
- iii) That the Managing Director and Principal Members progress improvement actions for areas that are off target.**

ELECTION OF THE CHAIRMAN AND VICE CHAIRMAN

The Panel had earlier agreed to vary the order of business, therefore this item was taken after all other business of the meeting had been transacted.

Councillor Leo Walters proposed himself as the Chairman for the upcoming Municipal year and was seconded by Cllr L Evans.

Councillor Richard Kellaway was proposed as Chairman by Councillor Hunt and seconded by Councillor Clark.

RESOLVED: That Councillor Kellaway be elected as the Chairman of the Planning and Housing Overview & Scrutiny Panel for the Municipal Year 2018/19.

(Councillors Clark, Hunt, and Beer voted in favour of the motion. Councillors Walters voted against the motion. There were no abstentions).

Councillor Hunt was proposed as the Vice Chair by Councillor Kellaway and seconded by Councillor Clark.

RESOLVED UNANIMOUSLY: That Councillor Maureen Hunt be elected as the Vice-Chairman of the Planning and Housing Overview & Scrutiny Panel for the Municipal Year 2018/19.

FORWARD PLAN

As part of the Forward Plan the following items were to be scheduled for future meetings;

- Vicus Way Car Park
- Plan Making-Traveller Local Plan
- Borough Local Plan- Submission Version

DATES OF FUTURE MEETINGS

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

- 21st August 2018- Council Chamber
- 18th October 2018- Council Chamber
- 4th December 2018- Council Chamber
- 29th January 2018- Desborough 4
- 16th April 2018- Council Chamber

The meeting, which began at 5.37 pm, finished at 6.48 pm

CHAIRMAN.....

DATE.....

Report Title:	Q1 2018/19 Performance Report
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor M Airey, Deputy Lead Member for Performance Management
Meeting and Date:	Planning and Housing Overview and Scrutiny Panel, 20 September 2018
Responsible Officer(s):	Russell O'Keefe, Executive Director
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

1. The summary of the Quarter 1 2018/19 performance of the council's performance management framework (PMF) shows four of the six measures reported to the Planning and Housing Overview and Scrutiny Panel have met or exceeded their target, one measure will be reported bi-annually and one measures is off target; see table 1 and Appendix A
2. A summary of the 2017/18 year end performance is outlined in table 2 and Appendix B. Of the six measures reported to the Panel in 2017/18 four met or exceeded their target and data for two is unavailable.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That the Planning and Housing Overview and Scrutiny Panel notes the report and:

- i) **Endorses the 2018/19 Performance Management Framework, outlined in appendix A.**
- ii) **Requests relevant Lead Members and Heads of Service focus effort to improve performance in areas of current underperformance.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 In November 2017 Cabinet approved the council's Performance Management Framework (PMF) of 25 key measures aligned to its refreshed Council Plan with six strategic priorities over the plan period 2017-21:
 - Healthy, skilled and independent residents
 - Safe and vibrant communities.
 - Growing economy, affordable housing.
 - Attractive and well-connected borough.
 - Well-managed resources delivering value for money.
 - An excellent customer experience.
- 2.2 Cabinet also recommended quarterly performance reporting of additional measures to the appropriate Overview and Scrutiny Panel. This report summarises the quarterly and year end performance of those measures for 2017/18 and the Quarter 1 Performance for 2018/19.

Quarter 1 performance 2018/19

- 2.3 In 2018/19, six measures will be reported to the Planning and Housing Overview and Scrutiny Panel; four of these have met or exceeded the target in the first quarter, see table 1 and appendix A. One measures is off target and one measure will be reported bi-annually.

Table 1 Q1 Performance 2018/19

Measure	Red	Amber	Green	Not reported in Q1
3.4.1 Number of affordable homes delivered				1
3.5.1 Number of homelessness preventions through council advice and activity	1			
3.5.2 Number of homeless households placed in temporary accommodation			1	
4.1.3 Percentage of Major planning applications processed in time			1	
4.1.4 Percentage of Minor planning applications processed in time			1	
4.1.5 Percentage of "Other" planning applications processed in time			1	
Total	1	0	4	1

- 2.4 Detailed performance for all measures is in appendix A including commentary for the housing measure which is currently below target. All of the council's planning performance measures are now above target in Q1 18/19 and improvement since the same period in 17/18 is evident.
- 2.5 Some measures have had their targets and tolerances revised for 18/19 using business intelligence about the service and to reflect the council's aspirations. This ensures a robust approach to continued performance improvement, see appendix A.

2017/18 performance

- 2.6 In 2017/18 of the six performance measures; four met or exceeded their target, see table 2 and appendix B. Regarding measures 3.5.1 and 3.5.2, data for 2017/18 provided previously was incorrect. New processes are now in place in the service for 2018/19 as part of the housing improvement plan work to ensure accurate reporting in future.

Table 2 Year End Performance 2017/18

Measure	Red	Amber	Green	Data Not Available
3.4.1 Number of affordable homes delivered			1	
3.5.1 Number of homelessness preventions through council advice and activity				1

Measure	Red	Amber	Green	Data Not Available
3.5.2 Number of homeless households placed in temporary accommodation				1
4.1.3 Percentage of Major planning applications processed in time			1	
4.1.4 Percentage of Minor planning applications processed in time			1	
4.1.5 Percentage of "Other" planning applications processed in time			1	
Total	0	0	4	2

Options

Table 3: Options arising from this report

Option	Comments
Endorse the evolution of the performance management framework focused on embedding a performance culture within the council and measuring delivery of the council's six strategic priorities. Recommended option	Evolving the performance management framework as part of the council's focus on continuous performance improvement provides residents and the council with more timely, accurate and relevant information.
Failure to use performance information to understand the council and evolve services and reporting. Not the recommended option.	Without using the information available to the council to better understand its activity, it is not possible to make informed decisions and is more difficult to seek continuous improvement and understand delivery against the council's strategic priorities.

3. KEY IMPLICATIONS

3.1 The key implications of the report are set out in table 4.

Table 4: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
The council is on target to deliver all six strategic priorities.	<100% of priorities on target.	100% of priorities on target.			31 March 2019

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 No financial implications.

5. LEGAL IMPLICATIONS

5.1 No legal implications.

6. RISK MANAGEMENT

6.1 The risks and their control are set out in table 5.

Table 5: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Poor performance management processes in place causing a lack of progress towards achieving the council's strategic aims and objectives.	HIGH	Robust performance management within services to embed a performance management culture and effective and timely reporting.	LOW

7. POTENTIAL IMPACTS

7.1 There are no Equality Impact Assessments or Privacy Impact Assessments required for this report.

8. CONSULTATION

8.1 Comments from the Planning and Housing Overview and Scrutiny Panel will be reported to Lead Members and Heads of Service.

9. TIMETABLE FOR IMPLEMENTATION

The full implementations stages are set out in table 6.

Table 6: Implementation timetable

Date	Details
Ongoing	Comments from the Panel will be reviewed by Lead Members and Heads of Service.
22 November 2018	Q1 and Q2 Performance report to Cabinet and available for Overview and Scrutiny Panels at relevant meetings.

10. APPENDICES

10.1 This report is supported by two appendices:

- Appendix A: Planning and Housing Performance Report Q1 2018/19
- Appendix B: Planning and Housing Performance Report 2017/18

11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- Council Plan 2017-21:
[https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021 - council plan](https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021_-_council_plan)

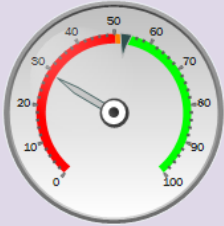
12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr M Airey	Deputy Lead Member for Performance Management	11/9/2018	12/9/18
Alison Alexander	Managing Director		
Rob Stubbs	Section 151 Officer		
Elaine Browne	Head of Law and Governance		
Nikki Craig	Head of HR and Corporate Projects		
Louisa Dean	Communications		
Russell O'Keefe	Executive Director	10/9//2018	11/9/2018
Andy Jeffs	Executive Director		
Kevin McDaniel	Director of Children's Services		
Hilary Hall	Deputy Director of Commissioning and Strategy	10/9/2018	
Jeni Jackson	Head of Planning	10/9/2018	11/9/2018

REPORT HISTORY

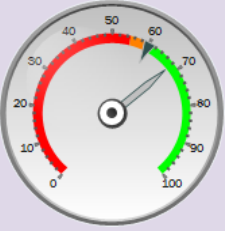
Decision type: Non-key decision	Urgency item? No	To Follow item? No
Report Author: Anna Robinson, Strategy & Performance Manager		

Planning and Housing Overview and Scrutiny Panel 2018/19: Q1

Council Priority	Ref.	Measure	Q1 YTD	Q1 Actual	Q1 Target	YTD Status	Lead Member
Growing economy, affordable housing	3.4.1	Number of affordable homes delivered	?	?	23	?	Cllr McWilliams
Target The target for this measure has been increased to reflect that an additional 96 affordable homes will be completed by registered providers in 2018/19 compared to 32 completions in 2017/18. This measure will be reported bi-annually to the panel following collection of the data from the registered providers.							
Growing economy, affordable housing	3.5.1	Number of homelessness preventions through council advice and activity		29	53	▲	Cllr McWilliams
Q1 Commentary As part of the housing improvement plan work is continuing to ensure all efforts are made to prevent homelessness wherever possible.							
Target The target for preventions is based on the service aiming to prevent 40% of those approaching the service from homelessness. Using information about the average number of approaches, the target has been adjusted for 18/19 to reflect government definitions of homelessness preventions.							
Growing economy, affordable housing	3.5.2	Number of homeless households placed in temporary accommodation		46	60	★	Cllr McWilliams
Target The target for 2018/19 is to see no more than 20 households placed into temporary accommodation per month (60 per quarter).							
Attractive and well-connected borough	4.1.3	Percentage of Major planning applications processed in time		83.3	60.0	★	Cllr Coppinger
Target There has been no change to this target between 2017/18 and 2018/19 as these are targets in line with government standards for planning performance.							
Attractive and well-connected borough	4.1.4	Percentage of Minor planning applications processed in time		80.9	65.0	★	Cllr Coppinger
Target There has been no change to this target between 2017/18 and 2018/19 as these are targets in line with government standards for planning performance.							
Attractive and well-connected borough	4.1.5	Percentage of "Other" planning applications processed in time		91.9	80.0	★	Cllr Coppinger

Planning and Housing Overview and Scrutiny Panel 2018/19: Q1							
Council Priority	Ref.	Measure	Q1 YTD	Q1 Actual	Q1 Target	YTD Status	Lead Member
Target There has been no change to this target between 2017/18 and 2018/19 as these are targets in line with government standards for planning performance.							

Planning and Housing Overview and Scrutiny Panel 2017/18: All Quarters YTD

Council Strategic Priority	Ref.	Measure	Q1 YTD	Q2 YTD	Q3 YTD	Q4 YTD	Actual YTD	Target YTD	YTD Status
Growing economy, affordable housing	3.4.1	Number of affordable homes delivered	!				32	20	★
Growing economy, affordable housing	3.5.1	Number of homelessness preventions through council advice and activity	?	?	?	?	?	?	?!
Q4 Commentary Data for 2017/18 provided previously was incorrect. New processes are now in place in the service for 2018/19 as part of the housing improvement plan work to ensure accurate reporting in future.									
Growing economy, affordable housing	3.5.2	Number of homeless households placed in temporary accommodation	?	?	?	?	?	?	?!
Q4 Commentary Data for 2017/18 provided previously was incorrect. New processes are now in place in the service for 2018/19 as part of the housing improvement plan work to ensure accurate reporting in future.									
Attractive and well-connected borough	4.1.3	Percentage of Major planning applications processed in time					81.5	60.0	★
Attractive and well-connected borough	4.1.4	Percentage of Minor planning applications processed in time					71.7	65.0	★

Planning and Housing Overview and Scrutiny Panel 2017/18: All Quarters YTD

Council Strategic Priority	Ref.	Measure	Q1 YTD	Q2 YTD	Q3 YTD	Q4 YTD	Actual YTD	Target YTD	YTD Status
Attractive and well-connected borough	4.1.5	Percentage of "Other" planning applications processed in time					81.4	80.0	★
Growing economy, affordable housing	5.4.1f	Number of council complaints received relating to planning and housing services	?	?	?		141	?	n/a
Q4 Commentary This is the first year of reporting and recording complaints in this way. A year end figure only is available for complaints. In 2018/19 further focus on improving the software to record complaints as well as working with services will improve reporting further. Complaints in 2018/19 will be reported bi-annually.									
Growing economy, affordable housing	5.4.2f	Number of compliments received relating to planning and housing services					10	?	n/a

This page is intentionally left blank

Report Title	RBWM Vacant Building Credit Advisory Note
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Coppinger, Lead Member for Planning
Meeting and Date:	Cabinet – 27 September 2018
Responsible Officer(s):	Russell O'Keefe, Executive Director and Jenifer Jackson, Head of Planning
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

1. This report sets out a proposed methodology for the application of Vacant Building Credit by the local planning authority in relation to the provision of affordable housing as part of the planning application process.
2. An agreed approach is needed to maximise the provision of affordable housing and to provide certainty on the level of information required to applicants who are looking to redevelop such sites in the Borough.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and authorises the Head of Planning to use the RBWM Vacant Building Credit Advisory Note as the Council's agreed approach to the application of Vacant Building Credit when assessing and determining planning applications.

2 REASONS FOR THE RECOMMENDATION AND OPTIONS CONSIDERED

- 2.1 To incentivise development of brownfield sites containing vacant buildings, the Vacant Building Credit (VBC) was introduced by the Government in 2014 and was later included in the National Planning Policy Guidance. In essence, where a vacant building is brought back into residential use through a new development, or is demolished to be replaced by new residential units, the applicant should be offered either a floor space or a financial credit when any affordable housing or contribution for affordable housing required for the site is calculated.
- 2.2 The VBC is specifically intended to incentivise brownfield development and the reuse / redevelopment of empty and redundant buildings, by bringing back a building into lawful use. It is not intended to incentivise the eviction of existing businesses or incentivise the neglect of premises which are currently in use.
- 2.3 The VBC does not apply where buildings have been abandoned for the purposes of redevelopment. It should also be noted that the national VBC guidance does not expressly define what constitutes 'vacant' or how local planning authorities should determine whether the building has been made vacant for the sole purpose of redevelopment.
- 2.4 It is therefore important that the council sets out what information is required to

demonstrate that a building is genuinely vacant and has not simply been abandoned for the purposes of redevelopment. The approach recommended would require the applicant to demonstrate a high standard of evidence to show the circumstances of the building becoming vacant. The applicant would need to provide detailed evidence of how the site has been actively marketed on realistic terms based on the current or any permitted use, typically for a minimum of 12 months prior to the submission of a planning application. This time period aligns with the council's policy in terms of the level of information required for the redevelopment of other redundant commercial buildings.

- 2.5 The note states that, in considering the adequacy of the marketing exercise (either at application or pre-application stage), the council would take account of the methods used, the price at which it has been marketed, and the nature of any interest submitted to the applicant. Where necessary the council might instruct an independent valuer/surveyor to verify this information, the cost of cost of which would be met by the applicant. Evidence such as Council Tax, Business Rates or Electoral Register records may be required to determine whether or not a building is vacant.
- 2.6 Adopting such an approach will help minimise the risk that the Borough misses out on affordable housing provision and ensures that Vacant Building Credit is applied in a consistent manner on the basis of proper evidence across the Borough.

Table 1: Options

Option	Comments
<p>Do nothing, do not set out a position on Vacant Building Credit.</p> <p>This is not the recommended option.</p>	<p>This approach would result in inconsistent decision making with regards VBC and consequent lack of clarity for applicants, landowners, officers and members.</p> <p>This approach risks loss of affordable homes through allowing Vacant Building Credit claims on the basis of too weak an evidence base that the building is genuinely vacant.</p>
<p>Use the Vacant Building Credit Advisory Note as the Council's agreed approach to the application of VBC in the borough.</p> <p>This is the recommended option.</p>	<p>This approach would ensure the council has sufficient information to make decisions on Vacant Building Credit as part of the planning process. This option reduces the risk of the borough missing out on affordable housing required by its' own policies.</p> <p>The note would provide certainty to developers and landowners of the borough's requirements.</p>

3 KEY IMPLICATIONS

- 3.1 An agreed approach is needed due to the importance of securing affordable

housing as a key priority for the Council identified in the Council Plan and also to provide certainty to applicant looking to redevelop such sites.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Note agreed as borough's position on VBC and used for decision making	After 28 Sept. 2018	28 Sept. 2018	n/a	n/a	28 Sept. 2018

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The use of the advisory note has no additional cost to the Council. The use of the note will reduce administration by providing certainty to applicants about what is required when applying for the credit. It will also save the cost of seeking legal advice in order to inform decision making and how the vacant building credit might be applied to each application.

5 LEGAL IMPLICATIONS

- 5.1 There are no known legal implications of adopting an advisory note on vacant building credit. Decisions on planning applications could however be tested at appeal or by judicial review.

6 RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
That VBC is inconsistently applied with an inconsistent evidence base reducing the amount of affordable housing coming forward.	Medium	Adoption of an agreed approach note on the application of VBC. Gaining appropriate levels of information from applicants.	Low

7 POTENTIAL IMPACTS

- 7.1 The note leads to a higher probability of achieving the delivery of greater numbers of affordable housing units on application sites in accordance with planning policy in the adopted and emerging local plan. This would be in line with the Council's priorities in the Council Plan and assist in meeting the need for affordable housing in the borough. The note should achieve a higher provision of information in relation to applications involving Vacant Building Credit.

8 CONSULTATION

- 8.1 The report will be considered by Planning and Housing Overview and Scrutiny Panel and comments will be reported to Cabinet.

9 TIMETABLE FOR IMPLEMENTATION

- 9.1 The note would be published immediately and used by officers in decision making with immediate effect.

10 APPENDICES

- 10.1 The appendices to the report are as follows:
- Appendix 1: RBWM Vacant Building Credit Advisory Note

11 BACKGROUND DOCUMENTS


- National Planning Policy Framework 2018
- National Planning Policy Guidance

12 CONSULTATION

Name of consultee	Post held	Date issued for comment	Date returned with comments
Cllr Coppinger	Lead Member		
Alison Alexander	Managing Director	28/08/18	28/08/18
Russell O'Keefe	Executive Director		
Andy Jeffs	Executive Director		
Rob Stubbs	Section 151 Officer		
Nikki Craig	Head of HR and Corporate Projects		
Elaine Browne	Legal and Governance		
Louisa Dean	Communications		

REPORT HISTORY

Decision type: Key decision entered onto forward Plan on the 27 th April 2018	Urgency item? No	To Follow item? Yes
Report Author: Jenifer Jackson, Head of Planning 01628 796042		

RBWM PLANNING ADVISORY NOTE	www.rbwm.gov.uk  Royal Borough of Windsor & Maidenhead
VACANT BUILDING CREDIT (JUNE 2018)	

SUMMARY

Provision for the Vacant Building Credit (VBC) is now a material consideration in making planning decisions and the Council will take this into account in determining future planning applications where relevant.

This advisory note, which explains the Council's approach to applying the VBC, will be kept under review.

To incentivise development of brownfield sites containing vacant buildings, the Vacant Building Credit (VBC) was introduced by the Government in 2014 and later included in the National Planning Policy Guidance. In essence, where a vacant building is brought back into residential use through a new development, or is demolished to be replaced by new residential units, the applicant should be offered a financial credit when any affordable housing contribution that is required for the site is calculated.

The VBC does not apply where buildings have been abandoned and according to the national guidance, when considering how to apply the VBC local planning authorities should have regard to the intention of national policy and in doing so, it may be appropriate for them to consider the following:

- Whether the building has been made vacant for the sole purposes of re-development; and
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

It should be noted that the VBC guidance does not expressly define what constitutes 'vacant' or how Local Planning Authorities should determine whether the building has been made vacant for the sole purpose of re-development.

However, the VBC is specifically intended to incentivise brownfield development and the reuse / redevelopment of empty and redundant buildings, by bringing back a building into lawful use. It is not intended to incentivise the eviction of existing businesses or the neglect of premises which are currently in use.

The onus is on the applicant to demonstrate that the building is genuinely vacant.

Therefore, in determining whether a building has been made vacant for the sole purposes of re-development, the Council will require the applicant to demonstrate a high standard of evidence to show the circumstances of the building becoming vacant. The Council is very likely to require detailed evidence of how the site has been actively marketed on realistic terms based on the current or any permitted use, typically for a minimum of 12 months prior to the submission of a planning application. The Council encourages applicants to seek pre-application advice to identify whether or not the credit will apply and if so, the likely extent of the Affordable Housing contribution.

In considering the adequacy of the marketing exercise (either at application or pre-application stage), the Council will take account of the methods used, the price at which it has been marketed, and the nature of any interest submitted to the applicant. Where necessary the Council may instruct an independent Valuer / Surveyor to verify this information, the cost of which shall be met by the applicant. Evidence such as Council Tax, Business Rates or Electoral Register records may be required to determine whether or not a building is vacant.

VACANT BUILDING CREDIT CASE STUDY

When applicable, the following examples demonstrate how the Vacant Building Credit would be calculated in the Royal Borough*:

Proposed residential only scheme:

1. An application is submitted for 15 flats in the Royal Borough. A new building of 950 sq m Gross Internal Floorspace (GIA) is proposed, this includes 850sqm of residential (including communal areas, along with a 100sqm basement car park). Total 950sqm. 30% affordable housing is required at this site. There is a vacant building on the site with a GIA of 350sqm which is to be demolished.
2. Existing building (350sqm) divided by total floor space proposed (950sqm) = Vacant building credit of 36.8%
3. Amount of residential units proposed (15) multiplied by the adopted affordable housing policy (30%) = Gross Affordable Housing (AH) Requirement of 4.5 units
4. Gross AH requirement (4.5 units) multiplied by Vacant building credit (36.8%) = Vacant building credit of 1.656 units
5. Gross AH requirement (4.5 units) less Vacant building credit (1.66 units) = **2.84 units**

Proposed mixed use scheme:

1. 1,000sqm residential (11 units) and 450sqm retail in the Royal Borough with vacant building of 750sqm.
2. Existing building (750sqm) divided by total floor space proposed (1450sqm) = Vacant building credit of 51.7%
3. Amount of residential units proposed (11) multiplied by the adopted affordable housing policy (30%) = Gross AH Requirement of 3.3 units
4. Gross AH requirement (3.3 units) multiplied by Vacant building credit (51.7%) = Vacant building credit of 1.71 units
5. Gross AH requirement (3.3 units) less Vacant building credit (1.71 units) = **1.59 units**

*Please note that any calculation and VBC deduction will be applied uniformly across an application site, regardless of where the vacant floorspace was located, where the new units are proposed or the overall number of different buildings to be converted or replaced.

When calculating the VBC, communal floorspace, basements and ancillary structures will be included within the total area of proposed floorspace; the Council will not deduct any proposed communal areas before the existing floorspace is calculated as a proportion of the new development.

This page is intentionally left blank

Report Title:	Consideration of the findings of the PHOSP Task and Finish group.
Contains Confidential or Exempt Information?	No
Member reporting:	Cllr Richard Kellaway – Chairman of Task and Finish Group
Meeting and Date:	20 th September 2018.
Responsible Group	Planning & Housing Overview & Scrutiny Task and Finish Group
Wards affected:	All

REPORT SUMMARY

The Task and Finish group has conducted an in-depth look at the Planning Service and the practical working of the Constitution in relation to planning matters and has come to a number of recommendations. These recommendations are set out below for consideration.

1 DETAILS OF RECOMMENDATION(S)

MAIN RECOMMENDATION:

- i) **That the Planning and Housing Overview and Scrutiny Panel notes the findings of the group and endorses its recommendations.**
- ii) **That Officers are requested to prepare a report incorporating the recommended constitutional changes for consideration by Full Council at the earliest opportunity.**

2 BACKGROUND

- 2.1 The Task and Finish group was created to look at the Planning Review and matters relating to the Constitution Review process. The Task and Finish Group met on a number of occasions throughout March and April and met on the 24th of May to discuss conclusions to date. The group has come to a number of recommendations and these are detailed below.
- 2.2 The Council's Constitution sets out which planning applications may be determined under delegated authority by the Head of Planning and those which must be determined by the relevant Development Management Panel (as well as the number of panels and what items go to which panel). There are a number of options which are therefore possible.

3 MAIN RECOMMENDATIONS

- A. Combine the Windsor Area Development Management Panels (with effect from May 2019).
- B. Increase number of members on area panels to 11 with effect from May 2019. (No substitute members to be permitted less than 24 hours before a planning meeting).
- C. Move panels on to a monthly cycle from May 2019 (as opposed to 4 weekly).

- D. Suggested mechanism for applications for be called to Borough-Wide Panel to be developed by the Head of Planning (Draft wording has been provided to the group).
- E. From May 2019 it is recommended that the Borough-Wide Panel should have 13 members. 6 members should ideally be from each of the two proposed planning areas of the Borough along with a dedicated Chairperson.
- F. That planning enforcement items should be reported to the chair of the relevant panel (in consultation with Ward Members) who can opt to call them before the relevant area panel.
- G. That the Rights of Way and Highways Licensing Panel is not combined with any planning panel. (This has already been agreed by Full Council in May 2019)
- H. Area Panels should continue to meet in the respective areas that they represent. It is recommended that the Council should consider improved technology options for meetings.
- I. That the trial on Public Speaking is brought to an end. (note this has already been actioned following approval by this Panel and a separate report on Public Speaking will be brought to Full Council).

Number of Area panels:

- 3.1 The T&F group discussed the number of panels, decision making in general and how panels might be made up. It was noted by the group that there had been a number of Windsor Rural Area Panel meetings and Windsor Urban Area Panel meetings that had very short agendas or had been cancelled all together. Officers reported to the Group that the number of applications in the two Windsor areas combined equated to the number of applications received in the Maidenhead Panel Area and this was likely to have been a contributing factor in the smaller agendas at the two Windsor panels.
- 3.2 The group noted that the total number of members will reduce from 57 to 41 after the next election putting further pressure on the 41 remaining members' time. There was consensus amongst the group (and guest members attending) that the two Windsor Area Panels should be combined. This would mean an even workload for the two area panels and is considered to be the right number of panels when member numbers reduce to ensure effective use of member time. However, the T&F group recommends that this change is not considered for implementation until after the reduction in member numbers has occurred following the elections in **May 2019**. The recommended merger would reduce the total number of area panel meetings held by 13 evening meetings, whilst also ensuring that local member led decision making is retained. This would also reduce pressure on Democratic Services, Planning and other related services.

Recommendation 1: Combine the Windsor Area Panels (with effect from May 2019)

Size and make up of panels:

- 3.3 If the recommendation to combine the Windsor area panels is accepted it is considered that the number of members on the area panel could be increased to ensure greater representation of parish and town council areas together with the non-parished wards within the area panel regions. It is recommended that Area panel sizes are increased to 11 members (up from 9 members).
- 3.4 The T&F group considers that substitutes should continue to be permitted, however considers that there should be a cut off time for substitutes to be confirmed for individual meetings. It is recommended that substitutes should be confirmed a minimum of 24

hours prior to any panel meeting. This means that substitute members have time to prepare for meetings and fully read and research items on the agenda. It was initially considered that 48 hours would be appropriate however Democratic Services have indicated that 24 Hours would be more appropriate, help meet the quorum and still give substitutes time to read papers.

- 3.5 The group considers that increased panel member numbers would mean that the quorum would always be significantly exceeded at all meetings, even if some members can't attend at late notice and reduces the pressure to find substitutes at late notice.

Recommendation 2: Increase number of members on area panels to 11 with effect from May 2019.

Recommendation 3: No substitution of members to be permitted less than 24 hours before a Development Management Panel meeting.

Regularity of Panel meetings:

- 3.6 Discussion took place regards reducing the 4 weekly cycle to a monthly cycle and it was noted that a number of other Local Authorities had taken this approach. This would see meetings ordinarily being fixed for a certain Wednesday of the month.

For example:

Windsor Area Development Management Panel: 1st Wednesday of the Month,
Maidenhead Area Development Management Panel: 3rd Wednesday of the month,
Borough-Wide Development Management Panel: 2nd Wednesday of the Month.

Fixed monthly panel dates would also assist parish council's meet comment deadlines. This would also avoid annual conflicts fixed holidays e.g. Christmas and Easter. This could be picked up in the approval by Council of meeting schedules for the next municipal year. Democratic services have confirmed that this would be a workable set of arrangements.

Recommendation 4: Move all Development Management panels onto a monthly cycle from May 2019.

Borough-Wide Panel (and consideration of major items)

- 3.7 The T&F group agreed that the Borough-wide panel should only consider strategic applications with an impact that either affected the wider Borough or went beyond the Borough boundary. Applications that do not affect both the Maidenhead and the Windsor areas should be left to Area Panel decision making. Members of the Group considered that **all new major applications should be determined by Members** at an appropriate Panel **regardless of recommendation**.
- 3.8 It was discussed with Task and Finish group members that S73 applications and S73A applications should be excluded from the description of major development to be reported to panels. Members agreed that such variation applications are rarely contentious and take up a disproportionate amount of member time and agenda space. If they are contentious they can still be called before the panel using the Councillor call

in provision under part A) of the Constitution. Members of the group consider this to be an acceptable approach.

- 3.9 It is recommended by the T&F group that default position is that major applications are determined at Area Panels unless they are elevated to the Borough Panel, as set out in the Constitution, due to their wider or strategic impact on the Borough.

Recommendation 5: Members are keen to ensure member oversight through the lead member and panel chairs on which items are elevated to the Borough-wide Panel. The following wording is recommended:

Borough-wide Development Management Panel

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Management Panel will be considered and determined at a meeting of the Borough-Wide Development Management Panel.

The initial decision as to whether an application falls into this category will be taken by the Head of Planning in consultation with the Lead Member for Planning and the Borough Wide Panel Chairman.

In the event of a lack of unanimity, the Lead Member for Planning, the Borough Wide Panel Chairman and the relevant Area Panel Chairman will meet and reach a majority decision to recommend to the Head of Planning.

This arrangement recommended is similar to the previous Joint panel arrangements in previous versions of the constitution.

This Borough-Wide recommendation would be read in conjunction with a requirement for all major applications to be determined by Area Development Management panels unless elevated to the Borough Wide Panel.

The T&F group requested that an indicative draft of how this would look in constitutional form be prepared by officers. This is attached as Appendix 1.

Make-up of the Borough-wide Panel from (May 2019)

- 3.10 After the reduction in member numbers, and if Area Panel numbers are reduced to two as recommended, the group has discussed the size and makeup of the Borough-Wide Panel from May 2019.
- 3.11 The group considers that **13** members would be the ideal size for the Borough-Wide Development Management Panel.
- 3.12 The T& F group recommends that this should have a dedicated chair and would preferably be balanced with half (6) from the Windsor Area Development Management Panel members half (6) from Maidenhead Area Development Management Panel members.

Recommendation 6: From May 2019 the Borough-Wide Panel should have 13 members. 6 members should ideally be from each of the two proposed planning areas of the Borough.

Authority for Enforcement items

- 3.13 It is the view of the group that enforcement items should be sent to Panel Chairman, copied to Ward Members (Ward members may be able to provide background to the Chairman and will have good knowledge of local area). The Panel Chairman would then decide whether an enforcement report should be called in to the Panel (In absence of Panel Chairman/or the non-response of the panel Chairman, the Vice Chairman to determine whether it should be called in) if the Chair does not wish to call the item in they would allow officers to proceed with the proposed action.
- 3.14 This would increase the speed enforcement decisions are made, reduce delays in process due to panel cycles but still maintain member oversight of decision making in enforcement.

Recommendation 7: That planning enforcement items should be reported to the chair of the relevant panel who can opt to call them before the relevant panel.

Combining Rights of Way and Highways Licensing Panel (ROWHLP) with planning panels.

- 3.15 The T&F group strongly disagreed with the Rights of Way and Highways Licensing Panel (ROWHLP) being merged into Planning Panels as it considered that there would have been a gap in knowledge and expertise for specialised matters in both fields.
- 3.16 The ROWHLP meetings are significantly less frequent than Planning Panel Meetings and ROWHLP meetings can be long and focused on single items, it would be difficult to predict agenda lengths particularly given uncertainty on what items will make any given planning agenda. ROWHLP matters are considered significant issues that deserve significant consideration in their own right rather than being appended to planning meetings. The Group is pleased that Full Council chose not to merge these meetings in May 2018.

Recommendation 8: That the Rights of Way and Highways Licensing Panel is not combined with any development management panel. (Full Council has since decided not to merge the panel into Planning Panels)

Rights to speak

- 3.17 The T&F group made an early recommendation that Head of Planning take a report to the O & S Panel on this matter. This has been actioned and members of PHOS resolved that; a report shall be taken to Full Council for approval recommending the conclusion of the trial.

Recommendation 9: This matter has already been actioned. Take through to full Council.

Physical location of Planning Meetings and technology available at Panels

- 3.18 The T&F group discussed the actual physical locations of panel venues and the equipment available at them. The Managing Director has given assurance that this is being looked at as part of wider review.
- 3.19 It is considered beneficial to residents that Area Planning Panels continue meeting in the areas they represent. It is considered that the Council should consider investing in better technology (video/audio/webcasting) for meetings.

Recommendation 10: Area Panels should continue to meet in respective areas unless this cannot be accommodated for a specific reason i.e. availability of venue of the right capacity. The Council should consider improved technology options for meetings.

4 TIMETABLE FOR IMPLEMENTATION

If recommendations are accepted by Planning and Housing Overview and Scrutiny it is recommended that Officers are instructed to prepare a paper for Full Council containing the recommendations.

This should include proposed constitutional changes in two parts, a permanent set of arrangements with effect from May 2019 which should incorporate all the changes above. A second set of arrangements should be made to cover the interim period, which would not affect the number of panels or number of members on those panels.

The T&F group has instructed Officers to draw up these two sets of arrangements. Indicative permanent recommendations have been prepared and are included as appendices 1 & 2.

5 KEY IMPLICATIONS/ FINANCIAL DETAILS / VALUE FOR MONEY

The changes proposed are considered to significantly improve the efficiency of Planning Panel arrangements making best use of member and officer time. This is considered to be particularly valuable when member numbers reduce to 41.

The recommendations keep an appropriate level of member oversight on planning decisions.

Officers have advised the T&F group that the changes would save administration, officer time and expense. The measures would also help maintain performance in the planning service.

It is noted that the arrangements would reduce room hire costs and mileage claims as well as other associated expenses of holding meetings.

Officers advised the group that they consider the groups recommendation would lead to some degree of financial saving to the Council.

6 LEGAL IMPLICATIONS

Officers have advised the T&F Group that the Council has the power to amend the constitution in the ways recommended by the group. This would require approval of Full Council. Legal Officers would be asked to review the report to Council.

7 CONSULTATION

Cllrs D Wilson, M Alexander, L Evans, P Love & D Hilton attended various meetings of the Task and Finish Group and contributed their views on areas for potential change. These members have also seen and contributed their views towards the final recommendations.

Cllr Dudley, Leader of the Council, has seen the recommendations and asked that it was noted that the group's recommendations had his full support for adoption in full. The T&F group's recommendation will also go to cabinet for briefing and noting.

The Executive Director Place, Head of Planning and Deputy Head of Planning have attended meetings of the group and provided support to it. Officers have confirmed that the changes proposed by the group would be implementable and provide a good set of working arrangements for Members and Officers that would not create additional barriers to decision making or increase costs.

At the request of the group, Officers have drafted indicative versions of the constitution to illustrate the recommendations of the Task and Finish Group.

These two sets of arrangements are attached as Appendix 1 and 2.

8 SUMMARY OF RECOMMENDED CONSTITUTIONAL CHANGES:

- A. Combine the Windsor Area Development Management Panels (with effect from May 2019)
- B. Increase number of members on area panels to 11 with effect from May 2019. (No substitute members to be permitted less than 24 hours before a planning meeting)
- C. Move panel meetings on to a monthly cycle from May 2019 (as opposed to 4 weekly).
- D. Suggested mechanism for applications for be called to Borough-Wide Panel
- E. From May 2019 it is recommended that the Borough-Wide Panel should have 13 members. 6 members should ideally be from each of the two proposed planning areas of the Borough along with a dedicated Chairperson.
- F. That planning enforcement items should be reported to the chair of the relevant panel (in consultation with Ward Members) who can opt to call them before the relevant area panel.
- G. That the Rights of Way and Highways Licensing Panel is not combined with any planning panel. (This has already been agreed by Full Council that the change will not be implemented)
- H. Area Panels should continue to meet in the respective areas that they represent. It is recommended that the Council should consider improved technology options for meetings.
- I. That the trial on Public Speaking is brought to an end. (note this has already been actioned)

9 APPENDICES

- i) Recommended Constitutional Planning Changes (with effect **from** May 3rd 2019) ("Permanent Changes")
- ii) Recommended Constitutional Changes (until 2nd May 2019) ("Interim Changes")

10 BACKGROUND DOCUMENTS

https://www3.rbwm.gov.uk/info/200110/about_the_council/910/council_constitution

[https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021 - council plan](https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021_-_council_plan)

APPENDIX 1

Constitutional recommendation from May 3rd 2019

(Referred to in report as the “Permanent Recommendation”)

Change to Part 6 – Terms of Reference of all other Committees, Panels and other Bodies of the Council (Recommendation to replace sections D3-D4 of the Constitution)

D3 Development Management Panels**D3.1 Purpose**Borough-wide Development Management Panel

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Management Panel will be considered and determined at a meeting of the Borough-Wide Development Management Panel.

The initial decision as to whether an application falls into this category will be taken by the Head of Planning in consultation with the Lead Member for Planning and the Borough Wide Panel Chairman.

In the event of a lack of unanimity, the Lead Member for Planning, the Borough Wide Panel Chairman and the relevant Area Panel Chairman will meet and reach a majority decision to recommend to the Head of Planning.

Area Development Management Panels

(i) Within the operating guidelines and budget approved by the Council the Area Development Management Panels will determine application other than those delegated to the Borough-wide Development Management Panel relating to the following:

a. Where a Councillor has requested within 28 days of the publication of the weekly List featuring an application, using the adopted pro-forma for Calling in applications, that an application should be the subject of a decision by the Area Development Management Panel (other than applications for Certificates of Lawfulness, **prior notification applications, Non-Material Amendments, conditions applications and Screening and Scoping Opinions**)

b. Where the application is for Major/large scale development (with the exception of S73 and S73a applications), **regardless of recommendation**, that has not been directed to the Borough-Wide Development Management Panel. Such development is defined as any one or more of the following:—

- the excavation, processing or working of minerals or the use of land for such uses;
- any development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials;

- the provision of dwellings where—
 - (i) the number of dwellings to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- development carried out on a site having an area of 1 hectare or more;

Note: “dwellings” includes a building constructed as a single occupation dwelling or a single flat within a contained within a building.

Note: Major S73 and S73A applications may still be called in to panel within the call in period, under provision (A) above.

c. Where a planning application proposes an increase of more than two dwellings (net) and the Head of Planning’s recommendation is to approve then the decision is made by the Area Development Management Panel unless the decision is delegated to the Head of Planning by the Chairman of the relevant Panel.

d. Where the Officer’s decision would reverse a previous decision of a Development Management Panel for the same development or would have the effect of preventing the proper implementation of any previous planning decision made by a Development Management Panel.

e. Where an emerging or approved Local Plan or other Policy or Guidance is in existence for a particular area or development type and the Officers recommendation on the application would be contrary to the Development Plan

f. Where an application is made by a Councillor or a member of their family and there are one or more objections or it is contrary to adopted planning policies.

g. Where a planning application resulting in an increase in floor space is made by the Council or the Council has land ownership interest in the site and objections have been received.

h. Where an application is made by or on behalf of officers employed in a role which is part of or interacts with the planning application process and there are one or more objections or it is contrary to adopted planning policies

i. Where in the opinion of the Head of Planning in consultation with the Lead Member for Planning, that it would not be appropriate to use delegated authority.

j. Where any tree of amenity value or significance that is to be felled whether covered by a TPO or in a Conservation Areas or on Highways land may come to an Area Panel if the where the Head of Planning, in consultation with the Lead Member for Planning agree it is appropriate in the public interest. i.e. a contribution to the amenity or street scene.

k. Any notices for planning enforcement and listed building enforcement notices that the Head of Planning considers should be considered by the relevant Area Development

Management Panel. Any planning enforcement notices called in by the Panel Chair (see iv for all other Enforcement Notices)

(ii). All other functions regarding town and country planning and development management listed in Part A and related to trees and hedgerows listed in Part I of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the CIL regulations are to be delegated to the Head of Planning. All functions listed in the Localism Act 2011 related to plan making and neighbourhood planning are delegated to the Head of Planning save for those which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require to be determined by Full Council. For the avoidance of doubt the Head of Planning also has delegated authority for those types of application subsequently introduced under the Town and Country Planning Acts (including secondary legislation and regulations) subject to the exceptions listed above

(iii) To advise the Council, the Cabinet, the Planning and Housing Overview and Scrutiny Panel on the preparation, updating and monitoring of the Local Plan and policies relating to development management guidance.

(iv) **Delegated Authority for Enforcement notices:** Recommendations for notices for planning enforcement and listed building enforcement and relevant reports shall be prepared by officers. These reports shall be sent to the chair of the relevant Area Planning Committee (copied to the relevant ward members). The Chair shall decide whether or not to 'call in' the matter before the relevant Area Development Management Panel. If the item is not called in by the chair, Officers can proceed under delegated authority. If the chair of the relevant area panel is unavailable, or a response or holding response is not received within 48 hours the decision may be made by the vice chair of the panel.

D3.2 Membership of Development Management Panels

The Membership of Area Development Management Panels and substitutes will be selected at Annual Council as well as the Chairperson of the Borough-wide Development Management Panel

Borough-wide Panel

13 members

The Borough-Wide Panel shall have 13 members. One shall be the Chairperson. Where possible, the 12 other members should ideally be drawn equally from the two Area Development Management Panels (and relevant substitutes) in line with political balance.

Area Development Management Panels

There shall be **two** Area Development Management Panels who shall consider applications in the following wards:

- a) Maidenhead Area Development Management Panel – 11 Members
Wards: Belmont, Bisham & Cookham, Boyn Hill, Bray, Cox Green, Furze Platt, Hurley & the Walthams, Oldfield, Pinkneys Green and Riverside, St Mary's

- b) Windsor Area Development Management Panel – 11 Members
Wards: Ascot & Sunninghill, Clewer and Dedworth East, Clewer and Dedworth West, Clewer East, Datchet, Eton & Castle, Horton and Wraysbury, South Ascot and Sunningdale,

A Cabinet Member may be a Member of a Development Management Panel but the Lead Members holding the portfolio or responsibility for Planning matters shall not be permitted to be member.

D3.3 Quorum

Maidenhead Area Development Management Panel – 3 Members
Windsor Area Development Management Panel – 3 Members
Borough-wide Development Management Panel – 4 Members

D3.4 Frequency

Meetings will of Panels be arranged on a monthly cycle. Where possible meetings should be arranged as follows:

Windsor Area Development Management Panel – 1st Wednesday of each month
Borough-wide Development Management Panel – 2nd Wednesday of each month
Maidenhead Area Development Management Panel – 3rd Wednesday of each month

Note: While the dates are ideally fixed they may be subject to change for reasons such as venue availability issues.

D3.5 Substitute Members

No substitutes shall be permitted, unless the substitute has been identified to democratic service at least 24 hours in advance of the start of the panel meeting.

APPENDIX 2

Constitutional recommendation until May 2nd 2019

(Referred to in report as the “Interim Recommendation”)

Change to Part 6 – Terms of Reference of all other Committees, Panels and other Bodies of the Council (Recommendation to replace sections D3-D4 of the Constitution)

D3 Development Management Panels**B3.1 Purpose**Borough-wide Development Management Panel

Planning applications which are likely to have a significant impact, going beyond the area of the relevant Area Development Management Panel will be considered and determined at a meeting of the Borough-Wide Development Management Panel.

The initial decision as to whether an application falls into this category will be taken by the Head of Planning in consultation with the Lead Member for Planning and the Borough Wide Panel Chairman.

In the event of a lack of unanimity, the Lead Member for Planning, the Borough Wide Panel Chairman and the relevant Area Panel Chairman will meet and reach a majority decision to recommend to the Head of Planning.

Area Development Management Panels

(i) Within the operating guidelines and budget approved by the Council the Area Development Management Panels will determine application other than those delegated to the Borough-wide Development Management Panel relating to the following:

a. Where a Councillor has requested within 28 days of the publication of the weekly List featuring an application, using the adopted pro-forma for Calling in applications, that an application should be the subject of a decision by the Area Development Management Panel (other than applications for Certificates of Lawfulness, **prior notification applications, Non-Material Amendments, conditions applications and Screening and Scoping Opinions**)

b. Where the application is for Major/large scale development (with the exception of S73 and S73a applications), **regardless of recommendation**, that has not been directed to the Borough-Wide Development Management Panel. Such development is defined as any one or more of the following:—

- the excavation, processing or working of minerals or the use of land for such uses;
- any development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials;
- the provision of dwellings where—

- (i) the number of dwellings to be provided is 10 or more; or
- (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within subparagraph (c)(i);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- development carried out on a site having an area of 1 hectare or more;

Note: "dwellings" includes a building constructed as a single occupation dwelling or a single flat within a contained within a building.

Note: Major S73 and S73A applications may still be called in to panel within the call in period, under provision (A) above.

c. Where a planning application proposes an increase of more than two dwellings (net) and the Head of Planning's recommendation is to approve then the decision is made by the Area Development Management Panel unless the decision is delegated to the Head of Planning by the Chairman of the relevant Panel.

d. Where the Officer's decision would reverse a previous decision of a Development Management Panel for the same development or would have the effect of preventing the proper implementation of any previous planning decision made by a Development Management Panel.

e. Where an emerging or approved Local Plan or other Policy or Guidance is in existence for a particular area or development type and the Officers recommendation on the application would be contrary to the Development Plan

f. Where an application is made by a Councillor or a member of their family and there are one or more objections or it is contrary to adopted planning policies.

g. Where a planning application resulting in an increase in floor space is made by the Council or the Council has land ownership interest in the site and objections have been received.

h. Where an application is made by an officer employed in a role which is part of or interacts with the planning application process and there are one or more objections or it is contrary to adopted planning policies

i. Where in the opinion of the Head of Planning in consultation with the Lead Member for Planning, that it would not be appropriate to use delegated authority.

j. Where any tree of amenity value or significance that is to be felled whether covered by a TPO or in a Conservation Areas or on Highways land may come to an Area Panel if the where the Head of Planning, in consultation with the Lead Member for Planning agree it is appropriate in the public interest. i.e. a contribution to the amenity or street scene.

k. Any notices for planning enforcement, trees and listed building enforcement notices that the Head of Planning considers should be considered by the relevant Area Development Management Panel. Any planning enforcement notices called in by the Panel Chair (see iii for all other Enforcement Notices)

m. (ii). All other functions regarding town and country planning and development management listed in Part A and related to trees and hedgerows listed in Part I of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the CIL regulations are to be delegated to the Head of Planning. All functions listed in the Localism Act 2011 related to plan making and neighbourhood planning are delegated to the Head of Planning save for those which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require to be determined by Full Council. For the avoidance of doubt the Head of Planning also has delegated authority for those types of application subsequently introduced under the Town and Country Planning Acts (including secondary legislation and regulations) subject to the exceptions listed above

(ii) To advise the Council, the Cabinet, the Planning and Housing Overview and Scrutiny Panel on the preparation, updating and monitoring of the Local Plan and policies relating to development management guidance.

(iii) Delegated Authority for Enforcement notices: Recommendations for Enforcement notices and listed building enforcement notices and relevant reports shall be prepared by officers. These reports shall be sent to the chair of the relevant Area Planning Committee (copied to the relevant ward members). The Chair shall decide whether or not to 'call in' the matter before the relevant Area Development Management Panel. If the item is not called in by the chair, Officers can proceed under delegated authority. If the chair of the relevant area panel is unavailable, or a response or holding response is not received within 48 hours the decision may be made by the vice chair of the panel.

D3.2 Membership of Development Management Panels

The Membership of all Development Management Panels and substitutes will be selected at Annual Council.

Borough-wide Panel

15 members

Area Development Management Panels

There shall be three Area Development Management Panels who shall consider applications in the following wards:

- a) Maidenhead Development Management Panel – 9 Members
Wards: Belmont, Bisham & Cookham, Boyn Hill, Bray, Cox Green, Furze Platt, Hurley & the Walthams, Oldfield, Pinkneys Green and Maidenhead Riverside.
- b) Windsor Rural Development Management Panel – 9 Members
Wards: Ascot & Cheapside, Horton & Wraybury, Old Windsor, Sunningdale and Sunninghill & South Ascot.
- c) Windsor Urban Development Management Panel – 9 Members

Wards: Castle Without, Clewer North, Clewer South, Clewer East, Eton and Castle, Eton Wick, Datchet, Park

A Cabinet Member may be a Member of a Development Management Panel but the Lead Members holding the portfolio or responsibility for Planning matters shall not be permitted to be member.

D3.3 Quorum

Maidenhead Development Management Panel – 3 Members

Windsor Rural Development Management Panel – 3 Members

Windsor Urban Development Management Panel – 3 Members

Borough-wide Development Management Panel – 4 Members

D1.4 Frequency

Area Panels - Every four weeks

Borough-wide – Every four weeks

This page is intentionally left blank

WORK PROGRAMME FOR PLANNING & HOUSING OVERVIEW AND SCRUTINY PANEL

September 2018 REPORT	AUTHOR
Support Before Enforcement – A Strategic Approach to Supporting Vulnerable People	David Scott
Vacant Building Credit Guidance	Russell O’Keefe
Findings from the PHOSP T&F Group	Cllr Kellaway

October 2018

REPORT	AUTHOR

December 2018

REPORT	AUTHOR

ITEMS ON THE CABINET FORWARD PLAN BUT NOT YET PROGRAMMED FOR A SPECIFIC SCRUTINY PANEL MEETING

REPORT	AUTHOR
Bray Parish Neighbourhood Plan Agreement to refer the Neighbourhood Plan to Referendum	Russell O’Keefe
Gypsy and Traveller Local Plan – Issues and Options consultation.	Russell O’Keefe

ITEMS SUGGESTED BUT NOT YET PROGRAMMED

REPORT	AUTHOR

This page is intentionally left blank