

**Minutes of the Meeting of the Scrutiny Committee for
Community, Housing and Planning held on 17 April 2018
from 7:00 p.m. to 8:49 p.m.**

Present: Councillors: Neville Walker (Chairman)
Margaret Hersey (Vice-Chairman)

Andrew Barrett-Miles*
Edward Belsey
Richard Cherry
Phillip Coote
Ruth de Mierre

Bruce Forbes
Sue Hatton
Chris Hersey
Anne Jones
Edward Matthews

Anthony Watts Williams
John Wilkinson
Peter Wyan

*Absent

Also Present (Cabinet Members): Cllr Andrew MacNaughton and Cllr Norman Webster.

1. SUBSTITUTES AT MEETINGS OF COMMITTEE - COUNCIL PROCEDURE RULE 4

None.

2. APOLOGIES

None.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

The Minutes of the Committee held on 21 March 2018 were agreed as a correct record and signed by the Chairman.

5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

6. NATIONAL PLANNING POLICY FRAMEWORK: CONSULTATION DOCUMENT.

Sally Blomfield the Divisional Leader for Planning and Economy, introduced the report which set out the key changes proposed by Government to the consultation draft National Planning Policy Framework (the NPPF) and associated documents (set out in Appendix 1) and the Council's proposed response for consideration and comment by the Committee. She reminded the Members that once the draft NPPF is agreed by government it will be an important document because it will be a material consideration when determining a planning application. The draft NPPF would come into effect on publication and the Government expect to publish it by the summer of 2018. Officers have reviewed the District Plan against the draft NPPF and an initial appraisal identified that the District Plan was in general conformity. The Council will not need to review the housing needs figure as it had only recently been adopted. The Government will undertake an assessment of housing delivery performance for each local authority using the Housing Delivery Test

(which assesses the amount of housing delivered over the last three years against the housing requirement figure over the same period) and will publish the results in November 2018. She reminded Members of the consequences if delivery fell below certain thresholds.

Officers raised their concerns regarding the proposed standardised methodology to measure housing need and that the draft NPPF had limited policies for Local Authorities to impose sanctions on developers who were not building out their planning permissions in a timely manner. The Community Infrastructure Levy (CIL) and S106 policies within the draft NPPF as proposed will be an improvement in Officers' opinion as the proposals would reduce complexity, increase certainty and improve transparency. The flexibility over pooling restrictions had been increased and this was also welcomed.

The Divisional Leader for Planning and Economy confirmed that Officers were also concerned with the new requirement that planning policies and decisions should support opportunities to use the air space above existing residential and commercial premises for new homes unless there was sufficient protection of amenities.

Judy Holmes the Assistant Chief Executive, asked the Committee for any comments on the draft NPPF so that Officers could include them in the response.

Members asked what powers the Council would have to sanction developers when they do not deliver the housing that had been approved. Could the Council fine developers or impose Council Tax on any units that have been approved but not built within two years.

The Assistant Chief Executive confirmed that Officers and the Cabinet Member regularly lobby the Government to provide Local Authorities with powers like those referred to be the Member. However she confirmed that such suggestions will be included in the Council's response to the draft NPPF.

A Member believed that there was justification for an exemption to affordable housing provision for developments which provide specialist accommodation for people with specific needs.

The Assistant Chief Executive clarified that if it is not practicable for such developments to make an on-site contribution to affordable housing, because of the provision of onsite facilities and associated care/support charges, then an off-site commuted sum could be negotiated if appropriate.

A Member asked whether Neighbourhood Plans need to be reviewed, as in the report it stated that this was not required. He also wanted to know whether the definition of a strategic site had always been over 500 homes.

The Divisional Leader for Planning and Economy confirmed that only strategic plans must be regularly reviewed under the provisions of the draft NPPF so this would not apply to Neighbourhood Plans. She informed the Members that there is no general definition of 'strategic sites' and that the threshold of 500 homes for a Strategic Site was one which had been established by as part of the work on the preparation of the District Plan. Going forward the Site Allocations DPD would look to allocate sites which accommodate 5plus units.

The Assistant Chief Executive also reminded Members that there is separate legislation relating to Neighbourhood Plans which outlines the requirements for reviews of Neighbourhood Plans.

A Member asked whether the draft NPPF would include Parish and Town Councils under neighbourhood groups when benefitting from CIL.

Officers confirmed that Parish and Town Councils would still receive CIL monies.

A Member believed that regarding the proposal to use the air space above existing residential and commercial premises for new homes protection of listed buildings and conservation areas should be highlighted in the Council's response. Officers agreed with this.

Members noted their disappointment in the draft NPPF document as it forced Councils to continually review policies instead of giving them the opportunity to actually implement them. They were also concerned that they were being asked to give less weight to local policies that dealt with the matter of design and parking in developments.

A Member queried whether Parishes with a made Neighbourhood Plan would get 25% of any CIL in the area. She believed that it would follow that if a development was within a Parish boundary then that Parish would receive the CIL contributions.

The Divisional Leader for Planning and Economy confirmed that this would be the case when the Council adopts CIL.

Members were pleased to see that the arrangements regarding distribution of a percentage of CIL to neighbourhood groups would stay at 25%.

A Member asked whether MSDC had a plan on how to cope with the extra developments that would arise, under the duty to cooperate. Neighbouring districts will have to approve more developments to meet the increase in their housing need, which would affect MSDC.

The Assistant Chief Executive confirmed that MSDC has an ongoing duty to cooperate with neighbouring authorities.

Members commented on their concern regarding the air space above buildings and extending into them. This would increase the density and exacerbate the traffic issues which already in parts of the District. The sub-division of sites also worried Members as this was a technique used by developers to avoid paying contributions. A Member also highlighted that design is subjective and that the draft NPPF in its current form would limit the Council's control over design in applications.

The Assistant Chief Executive informed Members that the provisions of the draft NPPF would apply across Council's and that there may be instances where intensification could help some authorities better meet their housing need. As such this policy requirement should be supported providing there were sufficient caveats built in to ensure protection of the amenities of existing and proposed development. Officers believe that it is more beneficial to have a mix of large and small sites. She went on to reassure Members that there are provisions within the draft Developer Contributions SPD which seek to ensure that developers could not 'salami-slice' sites in order to avoid paying contributions on developments.

A Member commented on the proposed Action Plan when the housing delivery rate falls below 95% of the number of homes required in the Plan. He believed that there were not sufficient sanctions to force developers to deliver the required units. He asked what

consequences developers would face if this were to happen. He also noted that if sites were subdivided and multiple contractors were contracted to complete them it would result in a lower quality of development. The Member suggested that the viability of sites should be tested at multiple times during the development.

The Divisional Leader for Planning and Economy explained that the reasoning behind the suggestion in the draft NPPF to encourage subdivision of large sites is to increase the delivery of units through multiple outlets. The Chairman noted that the Council did not have a mandate to force developers to subdivide their sites to increase delivery of units. The Assistant Chief Executive informed the Committee that the viability of sites would be reviewed through the Developers Contribution SPD and there would be reviews at multiple stages in the development.

Members requested to see the Council's final response to the draft NPPF. The Cabinet Member for Housing and Planning and Officers agreed this. The Assistant Chief Executive also reminded Members that the formal response would be published on MIS.

A Member highlighted that the Council does still need to be aware of and take into account local policies even though there is no longer a requirement to set out local policies. She went on to ask whether Councils will have some control over the quality of design and to stop developers replacing office space with residential space.

The Divisional Leader for Planning and Economy confirmed that in the Council's response they will ask for caveats to be put in place for more control regarding the protection of residential amenities.

Members asked Officers whether they would ask for the ability to sanction developers if they were not completing developments within the appropriate time. A Member suggested that if developers haven't started building a development within a year of the application being approved then Council Tax would be collected on the approved units. A Member noted that if developers hadn't started on a site they should not be able to introduce another planning application on a different site.

The Cabinet Member for Housing and Planning did raise concern over driving away developers from Mid Sussex as that could prevent Mid Sussex delivering its housing need figures. He also reminded Members of the consequences of the Housing Delivery Test and of the presumption in favour of sustainable development if delivery falls below 75%

The Chairman then noted that no more Members wished to speak so moved to the recommendation, which was agreed unanimously.

RESOLVED

That the Committee;

- i) Consider and comments on the key proposed changes to planning policy set out in the draft NPPF and associated documents, the implications of these for the District Council and proposed responses; and
- ii) Delegates authority to the Cabinet Member for Housing and Planning to agree the Council's formal response on the draft NPPF and associated documents for submission to the Government.

7. EQUALITY AND DIVERSITY PROGRESS REPORT 2017.

Neal Barton, Policy and Performance Manager, introduced the report which updated Members on progress in 2017 against the Council's Equality and Diversity Scheme 2016 – 2020. He went on to outline the progress against the Council's Equality Objectives and the particular areas of progress. Also he noted that it was a new requirement that they publish the Council's gender pay gap.

A Member commented that members of the public felt that the forms associated with the Silver Sunday events were too complicated. However, Members were pleased that the events had been very popular. He also noted that the Licensing Committee would be receiving a report in the near future to introduce disability awareness training under the Equality Act for taxi drivers within the District.

A Member asked that the Council's Bronze Award as part of the Defence Employer Recognition Scheme be highlighted in the report.

The Assistant Chief Executive informed Members that the purpose of this report was to outline how the Council is supporting those with protected characteristics outlined in the Equality Act 2010. In response to a question she told the Members that residents who live in poor conditions which are deemed hazardous or uninhabitable by Environmental Health in some cases could be considered to be homeless and then could qualify for temporary accommodation. She noted that the new Homelessness Reduction Act should make this process easier.

Members expressed their concern over the high levels of domestic violence and dementia in the District.

It was the Cabinet Member for Community's opinion that the country was unprepared for the influx of age related diseases.

A Member queried why the paper didn't include the ability of Officers or meritocratic schemes that the Council employ. He would have liked to see this included to show that we are a progressive Council.

Officers informed Members that the purpose of the report was to show that the Council is meeting its statutory requirements under the Equality Act 2010 and that the Council does use merit and ability to assign roles. The Cabinet Member for Community also commented that the report proved that Officers were employed and promoted according to their ability.

The Cabinet Member for Community informed the Committee that Mid Sussex had a low level of hate crime compared to the rest of Sussex and that the reporting of crime had increased which was a good sign. The police now had more accurate crime figures as a result of this increase in reporting.

A Member noted that they were happy to see a variety of programmes and schemes contained in the report. She asked for the current figure of rough sleepers in Mid Sussex.

The Assistant Chief Executive believed that at the last count there were 6 rough sleepers in Mid Sussex.

A Member informed the Committee that the dementia workshops had been very successful in Burgess Hill and that English language courses had also been successful and had been attracting many women.

The Cabinet Member for Community told the Committee that the Silver Sunday events had been a national initiative to reduce isolation. In the future it would be encouraged for local

communities to organise Silver Sunday events themselves. He noted the level of grants that local communities had been receiving from the Council, some of which were funded through S106 agreements, were an example of new developments benefiting the wider community. He commended the work done, by the Juno group, with young female NEETs (Not in Education, Employment or Training) regarding enterprise and employability, self-esteem and confidence.

The Chairman noted that no more Members wished to speak so moved to the recommendation which was agreed unanimously.

RESOLVED

That the Committee:

- (i) Endorses the Council's approach to meeting its duties under the Equality Act, as evidenced by the Equality and Diversity Progress Report 2017 included in Appendix 1.

Chairman