

**Minutes of a meeting of Scrutiny Committee for Housing, Planning
and Economic Growth
held on Wednesday, 29th July, 2020
from 4.00 - 5.26 pm**

Present: C Laband (Chairman)
A Peacock (Vice-Chair)

R Bates
M Belsey
P Brown
E Coe-
Gunnell White

R Cromie
R Eggleston
J Henwood
R Webb

A Bennett
R Whittaker

Absent: Councillors N Walker, S Hatton, G Marsh and J Mockford

Also Present: Councillors P Chapman, A Eves and I Gibson

Also Present as Cabinet Members: Councillors S Hillier, J Llewellyn-Burke and A MacNaughton.

The Chairman proposed Cllr Peacock is elected as Vice-chairman for the meeting, this was agreed unanimously.

1 ROLL CALL AND VIRTUAL MEETING EXPLANATION.

The Chairman carried out a roll call to establish attendance at the meeting. The Solicitor to the Council provided information on the format of the virtual meeting.

**2 TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

Councillor Bennett substituted for Councillor Hatton and Councillor Whittaker substituted for Councillor Mockford.

3 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Hatton, Marsh, Mockford and Walker.

**4 TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS IN RESPECT
OF ANY MATTER ON THE AGENDA.**

None.

**5 TO CONFIRM THE MINUTES OF THE MEETING OF THE SCRUTINY
COMMITTEE FOR HOUSING, PLANNING AND ECONOMIC GROWTH HELD ON
11 MARCH 2020.**

A Member queried the minutes regarding the discussions on SA12 & 13. The Solicitor advised these are summary of the meeting and confirmed that the sites were fully discussed at the Council meeting on 22nd July. The minutes of the meeting of the Committee held on 3 March 2020 were agreed as a correct record with 5 votes in favour, 1 against and 4 abstentions. These were electronically signed by the Chairman.

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

None.

7 MID SUSSEX DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT - OUTCOME OF CONSULTATION

Sally Blomfield, Divisional Leader for Planning and the Economy introduced the report. She confirmed that the purpose of the report was to agree the revisions to the Design Guide SPD. She highlighted that District Plan Policy DP26 sets out high level Design principles and the new National Design Guide encourages local authorities to approve local guides. A summary of the representations was considered by this scrutiny committee on 22 January 2020 and agreed wide-ranging actions to address those representations. She drew attention to the agenda update sheet which corrected typographical errors in Appendix 1. She confirmed that once adopted the Design Guide will be a material consideration in the consideration and determination of planning applications. Training will be provided for Members and officers for effective use of the Design Guide.

The Chairman noted that the Committee would review each chapter of the Design Guide:

Chapter 1 - Purpose of the Design Guide:
There were no questions or comments.

Chapter 2 - Understanding the Context:
There were no questions and a Member supported the amendments on references to the redevelopment of Burgess Hill.

Chapter 3 - Establishing the Structure
A Member expressed concern over limited references to the threat to biodiversity, the Divisional Leader noted it was referenced at the start of Policy DG6.

Chapter 4 - Site layout, Streets and Spaces:
In response to a Member's comment the Divisional Leader advised the images in the Design Guide will be updated before the document comes to the Council meeting.

Several Members expressed concern that the document may quickly become outdated due to recent changes in planning legislation and may need revising. The Divisional Leader highlighted the changes to use class order and permitted development rights. The recent changes to permitted developments will have to be approved by a prior-approval process. The Council will be enabled to consider certain aspects such as the external appearance of the building as part of the prior approval process and the Design Guide will assist with these decisions. The Committee were reminded that the Council is not allowed to duplicate regulations that already exist, i.e. building regulations. She made reference to the Future Homes Standard and advised that the Design Guide makes a cross reference to this

government publication. The Design Guide provides supplementary details to the District Plan and is unlikely to change as the overarching principles, which match the national design guide, will not change.

Members discussed parking arrangements in relation to Electric Charging Points (ECPs), references to soft landscaping and the types of tree suggested and the terminology used. The Divisional Leader commented that the Design guidance on all parking allows the incorporation of ECP, there were no constraints through Design guidance in the policy. The District Plan policy DP21 mentions ECPs but they are not mandatory should be incorporated where practicable and viable. She confirmed that the list of trees in DG 28 had been approved by both the Council's Tree Officer and West Sussex County Council Highway Tree Officer, and additional wording may be added to this chapter.

Chapter 5 – Site Optimisation and Mixed Use:

Members discussed car parking, green travel options, passive house designs and ducting for connectivity. The Divisional Leader advised that well design and located higher density developments would lead to reduced car parking if green travel options are promoted. She highlighted DG 9 which will minimise reliance on private cars and promote sustainable modes of transport. The Committee were reminded that at the meeting on 22nd January they were advised that the Council cannot introduce additional requirements of passive house standards, but the Design Guide makes reference to the Future Homes Standard. Will Dorman, Urban Designer noted that connectivity is referenced in the utility section of Chapter 5, DG 29.

Chapter 6 – High Quality Building Design:

Members asked whether DG 6 provided enough guidance on providing renewable energy and asked for calculations to show the benefit of the renewable energy design.

The Divisional Leader stated that the Design Guide is supplementary to the principles of the plan and cannot require any additionality. The relevance of sustainability has been referenced throughout the guide and the Guide is not the appropriate place for performance indicators on house design for renewable energy sources.

Chapter 7 – Business Parks / Employment Areas:

In response to a Member's concern on cycle storage at commercial premises, the Urban Designer noted that it was referenced under DG 24 but in a residential setting. The guide could be updated to make an additional reference to cover cycle parking at employment sites.

Chapter 8 – Residential Amenity:

The Urban Designer addressed concerns over noise, air and light pollution as this is covered under District Plan Policy DP 29 where it states that residential uses are not permitted close to development generating high levels of noise and DG 48 details designing to minimise the impact of noise, air and light pollution. The Divisional Leader advised the Committee that there is no prescribed size standard for balconies or external spaces, a general overall assessment of the balcony is made in relation to the building design and other considerations.

Chapter 9 – Household Extensions:

A Member was concerned with the wording on negative impact to existing properties. The Divisional Leader advised this was addressed under DG 9 extensions.

Chapter 10 - Building Conversions:

There were no questions or comments.

A Member thanked the officers for the comprehensive document and asked for an amendment to the recommendations by adding a glossary to the Design Guide to assist the lay person with the language used when reading the Design Guide. The Divisional Leader agreed that urban design terminology can be confusing, and that a glossary would be included.

The Chairman confirmed that the guide is intended for use online and the colour pages help to carry the message more clearly and aid comprehension and that hyperlinks will be added to aid navigation.

The Chairman thanked the Committee for their work and the Officers for a comprehensive document which was easy to read.

The Solicitor suggested a revised wording adding to resolution (i) to include that a glossary is added to the document.

As there were no further questions the Chairman took the Committee to the recommendations which was agreed unanimously.

RESOLVED

The Committee:

- (i) Considered and commented on the proposed changes to the draft Design Guide SPD set out in Appendix 1 with a glossary added;
- (ii) Considered and agreed the revised draft Design Guide SPD in Appendix 2; and
- (iii) Recommended to Council the adoption of the Design Guide as an SPD for use in the consideration and determination of planning applications.

8 SCRUTINY COMMITTEE FOR HOUSING, PLANNING AND ECONOMIC GROWTH - WORK PROGRAMME 2020/21.

Tom Clark, Head of Regulatory Services, introduced the Committee's Work Programme. He noted the report on the Parking Strategy for the next meeting and confirmed that there will be more business for remaining four meetings.

A Member proposed that a report be included in the Committee's Work Program on the installation of ECP. The Solicitor advised the Member to put his request in writing to the Chairman for consideration who will report back to the Member. He confirmed that this is the practice on Scrutiny Committees.

A Member asked if consultation responses to the Regulation 19 consultation over the Site Allocations DPD would come back to the Scrutiny Committee for further consideration. Judy Holmes, Assistant Chief Executive confirmed to the Committee that the next consultation on the Site Allocations DPD is undertaken on behalf of the Planning Inspector and they will consider the outcome, it will be a matter of public record and available on the Council's website.

The Chairman noted that no more Members wished to comment on the Work Programme and so moved to the recommendation to note the Committee's Work Programme which was agreed with 10 votes in favour and 1 against.

RESOLVED

The Committee noted the Committee's Work Programme as set out at paragraph 5 of the tabled report.

9 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

Councillor Paul Brown and Councillor Alison Bennett posed questions to the Officers in relation to Tree Preservation Orders and the Housing List.

Question from Councillor Paul Brown:

Noting the environmental importance of trees in relation to the acknowledged climate change and climate emergency and referring to the latest on-line register of Tree Preservation Orders published by the Council and dated 13th February 2017;

'How many TPO applications and/or enquires were received in calendar years 2017, 2018 and 2019 respectively; how many TPO Creation Orders were made in each of those years; and, in the event that the Council are not minded to create a TPO, how is the applicant informed of this decision?'

Response of Councillor Andrew MacNaughton Cabinet Member for Housing and Planning

In 2017, 30 written requests for TPOs were received by the Council, of which 6 TPOs were confirmed. In 2018, 28 requests were received and 8 confirmed. And in 2019, 33 requests for TPOs were received and 4 confirmed. Notification of the outcome of the Council's assessment of a TPO request is either by email or letter, depending on how their request was made.

The Member was content with the Cabinet Member's response and asked that the register and TPO map be updated and asked for the figures for 2020.

The Cabinet Member advised the figures for 2020 would be provided to the Member.

Question from Councillor Alison Bennett:

In August 2019 tenants on the Clarion transfer register joined the Common Housing Register. I have a resident in my ward who is living in a one bedroom flat with her five year old child. She first applied for a larger property when her daughter was a baby in March 2015. The resident was one of the tenants who was transferred to the Common Housing Register last year. Following an unsuccessful bid for a suitable property at the start of 2020, the resident asked me to check what her date of joining the register was. Senior officers advised that she had lost her original date of joining of March 2015, and her new date was August 2019 - the date that the two registers were merged. Please can Cllr MacNaughton tell me how many people were transferred to the Common Housing Register from the Clarion transfer list in August 2019, and do they all now have a joining date of August 2019?

**Response of Councillor Andrew MacNaughton
Cabinet Member for Housing and Planning**

Before 1st August 2019, Clarion tenants could not join the Common Housing Register because Clarion operated their own register. So your tenant was only able to bid for Clarion properties. When they were able to join the Common Housing Register they joined at the first available date 1st August 2019. Currently there are 1741 households on the Common Housing Register and 232 of them are Clarion tenants who want a transfer. Not all of these would have been on Clarion's register before 1st August 2019 as registers are organic and constantly change. Hurst is a very popular area, where there is a large demand for affordable housing. Now the tenants on the Common Housing Register have a much bigger pool of properties to choose from. There are currently 26 registered providers providing social housing in Mid Sussex.

The Member noted the Cabinet Member's response and asked that in changing the date the tenant joined the register was unjust. Could the officers review the policy and revert back to the date to when the tenant joined Clarion's register?

The Cabinet Member advised that was not possible as Clarion had their own register. At the time, and under Clarion rules there were no properties for the tenant to transfer to when she applied. It was not the fault of Mid Sussex District Council that Clarion tenants could not join our register with their existing date of joining. He highlighted that the date of joining is only one part of how a tenant is assessed, there are 5 bands, A to E. The date of joining is only a substantial risk if 2 people in same band with same position are eligible for the same property, the person on list longest would have priority for the property. To make adjustments to our register for Clarion tenants would disadvantage people who have been on our register for a long time, there are 26 Registered Social Landlords.

The meeting finished at 5.26 pm

Chairman