
LOCAL PLAN SUB-COMMITTEE**Draft MINUTES**

Of a virtual/remote meeting held on Thursday 27 August 2020 from 7pm to 8.30pm

Councillors present:

Sarah Nelmes (Chair)
Steve Drury (Vice Chair)
Stephen Cox (logged in 7.53pm)
Chris Lloyd
Matthew Bedford
Reena Ranger
Paula Hiscocks (substitute for Cllr Alison Wall)
Stephanie Singer (substitute for Cllr Stephen
Giles-Medhurst
Phil Williams

Councillors in attendance:

Councillor Marilyn Butler

Officers Present: Geof Muggerridge, Director of Community and Environmental Services
Claire May, Head of Planning Policy and Projects
Marko Kalik, Senior Planning Officer
Adam Ralton, Development Management Team Leader
Sarah Haythorpe, Principal Committee Manager
Sherrie Ralton, Committee Manager
Jo Welton Committee Manager

LPSC40/20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alison Wall and Stephen Giles-Medhurst with the substitute Members being Councillors Paula Hiscocks and Stephanie Singer.

LPSC41/20 MINUTES

The Minutes of the Local Plan Sub-Committee meeting held on 20 August 2020 were confirmed as a correct record and would be signed by the Chair of the meeting when it was possible to do so.

The Chair advised that Councillors would be advised of the web link to a presentation from the Part II Meeting on 20 August as soon as it was available.

LPSC42/20 NOTICE OF OTHER BUSINESS

None received.

LPSC43/20 DECLARATION OF INTERESTS

Councillor Steve Drury declared a non-pecuniary interest as a member of the Planning Committee.

LPSC 44/20 LOCAL PLAN UPDATE: LOCAL DEVELOPMENT SCHEME

The report provided Members with an update on the progress on the evidence based studies yet to be completed for the Local Plan, proposed an additional consultation stage –‘Preferred Options’ and presented a revised timetable for the production of the Local Plan in a revised Local Development Scheme.

The Head of Planning Policy and Projects ran through the details of the report highlighting the reasons the Council would not be in a position to proceed to the publication stage of the Local Plan in December 2020. The delay would provide an opportunity to do a Preferred Options Consultation. The report set out the revised timetable with the anticipated adoption being June 2022, so there would be a three month delay to the process.

Members raised the following points:

Flood Risk Assessment are considering climate change, would some of the sites need to be taken out?

Paragraph 6.1 stated that this consultation would be covered by existing budgets, could the money could be used in better ways?

The additional delays to the Local Plan which started in May 2015 were disappointing.

The Head of Planning Policy and Projects responded:

The Flood Risk Assessment already had the Climate Change modelling within it, but they were looking ahead for a further few years and it was highly unlikely that any sites would be affected.

There would be no additional cost for the Council to carry out the Preferred Options Consultation.

The Officer clarified that the Local Plan did not technically start in 2015, but in 2016 when the Strategic Housing Market Assessment) had been published This was undertaken as part of a joint South West Herts scheme and the work would have had to start again with the introduction of the new PPF in 2018. The Local Plan process is long and the Council were aware this may happen due to the Transport Assessments required.

A Member asked who would look at the infrastructure of the drains with regards Flood Risks. What type of issues could come to light in the Preferred Options Consultation?

The Head of Planning Policy and Projects said that Hertfordshire County Council were the Flood Risk Authority. The Strategic Flood Risk Assessment looked at surface water and flooding from all sources so this would be included in the study. Drainage on new developments would be between the developers and the water companies.

During the consultation there could be general comments about sites and people’s opinions as to whether they should be allocated or not. The Council were working closely with all the South West Herts Authorities, County Council and Stakeholders such as the Environment Agency to try to identify any issues before publication stage. As seen with other local plan examinations there may be other organisations who were not usually contacted in relation to the Local Plan that may have concerns. It was not expected that any particular issues

would be raised but the point of the consultation was to find out what other organisation would want to put forward.

Who would be looking at the arterial drainage and who would be responsible to futureproof it in terms of the Local Plan?

The Head of Planning Policy and Projects said there was a requirement for new developments to provide sustainable drainage systems. Any flood risks were the responsibility of the County Council but it was looked at as part of the Local Planning process.

Councillor Sarah Nelmes moved, duly seconded, the recommendation in the Report.

On being put to the Committee the recommendations were declared CARRIED by the Chair, the voting being unanimous.

RECOMMENDED:

Recommendation

That the Local Plan Sub Committee:

- Noted the contents of the report
- Noted the 3 month amendment to the timetable for the production of the Local Plan, and
- Recommended to the Policy & Resources Committee the revised Local Development Scheme (which includes a Preferred Options consultation) as set out in Appendix 1.

LPSC 45/20 PLANNING FOR THE FUTURE WHITE PAPER

The report provided the Local Plan Sub Committee with a summary of the main changes proposed in the Government's Planning for the Future White Paper which was published for consultation on 6 August 2020 for 12 weeks.

The Head of Planning Policy and Projects said that Officers had listed the main proposals in paragraph 2.2 of the covering report for discussion.

A Member asked whether the changes would have an impact on the Three Rivers Local Plan. The Head of Planning Policy and Projects confirmed that this would not affect the current Local Plan. The changes would require all legislation in relation to planning being re-written which would take two to three years. Software packages may be introduced but these would not affect this Local Plan.

The following points were discussed:

Each LPA to have a chief officer for design and place-making:

The Head of Planning Policy and Projects said it was not clear in the White Paper whether additional budget would be required. Some chief officer's duties could be shared but current legislation did not allow certain chief officers jobs to be shared so that could potentially be an additional cost.

A Member said the principle that more homes had to be built was understood, but that design was the issue, so her initial thought was a chief officer for design would be a good idea. She asked who would complete the design guide and would it go out to consultation? Would residents be involved?

The Head of Planning Policy and Projects thought this role would be supervisory rather than doing the work themselves.

The Member asked where the design vision would come from.

The Head of Planning Policy and Projects said design would be covered in the Designs and Masterplans section. It was understood the chief officer role would be supervisory and strategic. The idea was to raise the profile of design and planning within the Council.

Standardisation of local plans (“model” template for Local Plans to be published in advance of legislation being brought into force)

The Head of Planning Policy and Projects’ thought there would be no harm in having a standardised template for local plans.

The Chair said you would know where to start and it may be easier to compare different areas and help the inspection process.

Evidence based studies required for Local Plan to be limited (guide to be published)

The Head of Planning Policy and Projects said no indication had been given as to by how much, or what evidence based studies were going to be required so more information would be needed particularly when the point of the Local Plan was to provide master planning, design codes and design guidance. All additional work and money. More information was required as to exactly what evidence base would be required.

A Member asked whether there was a lot of duplication with the evidence based studies. The Head of Planning Policy and Projects said there was not a lot of duplication. Issues had occurred in the past when inspectors asked for additional information requiring further evidence based studies. There was no guidance as to how far the evidence should go. The right guidance provided with the level of detail required would be helpful.

The Head of Policy Planning and Projects confirmed that all points raised would be used in a comprehensive response to the paper.

A Member observed that the list of changes being discussed were not the changes being consulted on and wondered if there was any value in going through them in detail as Member’s views were required on a more limited number of things.

The Chair said theoretically they were for consultation.

The Member understood the Appendix was the summary of the proposals within the White Paper.

The Head of Planning Projects and Policy advised that specific questions within the White Paper had not been included but would be included within the Council’s response.

A Member said it may be better being if there were a draft consultation response to discuss.

A Member said the White Paper had questions and insights on how it would affect an area. The Chair agreed there was some value in going through the points.

A Member said the points raised could be summarised by the Head of Planning Policy and Projects in the response. The main objective appeared to be to

speed things up, be more structured, and the public should be more involved and find it easier to follow.

The Head of Planning Policy and Projects confirmed that this was the intention, but that they would question whether the 30 month timescale was realistic for the Council to identify growth areas, renewable areas, protected areas, go out to consultation on completed design codes, master plans etc. There would be some serious resource and skill implications. They were looking at providing some money to help Councils with training and moving things forwards, but a lot would need to be done to make this work. She was not sure that people would be more involved in planning as most of the consultations would take place at the Local Plan making stage so people would comment at the growth, or renewal areas allocation stage, but they leave the comments on planning applications when they come in. People's ability to comment on planning applications would be gone except for those allocated at the Local Plan.

The Head of Planning Policy and Projects highlighted the main points:

Development Management Policies would no longer be within the Local Plan, but set on a national basis. So no chance for local policies that we have now. It would be down to design codes, master planning and national policies which would not be detailed.

A Member understood that outline permissions coming to local council would be gone as these presumptions would already be in the Local Plan. She would be very concerned if commenting on planning applications was stopped. Renewal areas and possible infilling and denser building, a concern was how to stop back land and back garden development. The document said gardens would still be protected but would the local authority have to proactively declare this or was that a presumption so there was no back land infilling. On the design guide, who would have the vision of Three Rivers and would take into account that each Ward was so different and how long would the design guide take to complete? Confusion over proposal 4, they want to build where affordability was lowest first to bring down affordability so people could get on the housing ladder, but if affordability was low because there was no land was the assumption that any house that came down would become flats? Proposal 17 Listed Building Consent, if formal requirements were taken away would the architects or experts have some technical qualifications to enable them to make such a judgement? Would there be more money brought in from the fees? What impact would the new system of charging as well as the new infrastructure levy formula have on Three Rivers?

A Member said it was important that the Local Authority Local Planning Body continued resisting inappropriate development of residential gardens in town areas. Proposal 24 stated they were looking to strengthen enforcement which was positive. There seemed to be an increase in retrospective planning applications within Three Rivers. The Member asked for training or time to talk as a whole Council rather than a Committee.

The Chair asked Members of the Committee to put their comments in writing to the Head of Planning Policy and Projects.

A Member raised the point of the abolition of section 106 and CIL, the Council could borrow against the money, but there was no mention in the White Paper of the interest, which would also have to be charged. He was not sure how this would work if set nationally.

A Member said he thought this was going to be worse for residents. A Local Plan in 30 months would have less detailed analysis, having more policies set nationally when different parts of the Country have different needs. If an application was refused but won on appeal, there were some interesting financial impacts, as the Council would have to refund the fee. The report provided a strong basis for saying a lot of changes were required in what the Government was proposing. They were clear they wanted to build more houses with less controls for Local Planning Authorities to protect their local communities and this would have a financial impact on the Council and make it less easy to protect the residents when an application comes along that the Committee did not like. The Member thanked the Officers for the work they had done.

A Member asked if planning applications would no longer come for comment, would that be true of the detail as well as the outline, as it was understood that once the site was allocated for development it would automatically have outline permission so no specific further outline permission would be needed. Would that also be the case when the detailed application came in?

The Development Management Team Leader said that seemed to be what was suggested. The growth areas you allocate gives the site outline permission. It says in the consultation document the detailed planning permission could be secured by either a reformed reserved matters process or a local development order or development consent order so what it does not say is how a reformed reserved matter process would be different to the current reserved matter process. For the current reserved matter process we do consult, but we don't have the detail yet as to what the reformed reserved matter process would be so it was not clear.

A Member said if an appeal was lost, would the planning inspectorate body have some kind of local knowledge or be County specific people so they could contextualise where there was aversion in the area. What would happen in Three Rivers where they are so high in their greenbelt study if the housing target was not met? There was some level of change in formula if there was greenbelt so it would be interesting to know what that means.

The Head of Planning Policy and Projects advised that the standard methodology would be changing but the Planning White Paper suggested that they would be amending the calculation again to take account of protected areas such as greenbelt, but nowhere in the document detailed how this would be done. Logically the government had an annual housing target of 300,000 dwellings, and it could not be assumed that any revised standard method would result in Three Rivers not having a housing target in the future.

The Member thought the Three Rivers housing target had already been lowered and that the Council would be at an advantage.

The Head of Planning Policy and Projects said that the paper hinted at that but also stated elsewhere that existing greenbelt policies would remain. There was still going to be a requirement to review greenbelt boundaries, so they would not consult on the new methodology that they say would take account of Greenbelt until the autumn.

On the basis that Three Rivers would be building fewer homes, and that Three Rivers is one of the most expensive places to live they would want more built to reduce that. The Chair pointed out that it said 'protecting the greenbelt' but it did not say that the greenbelt would not get changed in definition where the same happens now.

The white paper suggest that a maximum level on how many storeys a building is could be set. How robustly would that be protected? Would it be subject to a case by case basis?

The Head of Planning Policy and Projects understood that would be in any design codes or master plans that the Local Authority or Neighbourhood plans produced. It was not clear how strongly the guidelines would be adhered to and whether any differentiation from the design code would be accepted. This may be down to how detailed the design codes were. Clarification of this was still required.

A Member understood that the Government's view was that the Council would be given a housing target and would have to take areas out of the greenbelt sufficient to build that number of houses. These would then be built, but we could only restrict the number of storeys if there were enough sites in total to get to the required housing number. The more limited the height the more would have to be taken from greenbelt. The Government had been clear that Councils would have very little control and would have to set aside chunks of land for developers.

The Chair said it was being implied that insufficient building was down to the Council's tardiness and reluctance to build.

A Member said she would hope that residents' input as to what they would like to see in the district would be included in any design guide.

The Director of Community and Environmental Services said most of the organisations that had posted comments saw this as being intended to facilitate development, to remove local opposition and the ability of local communities to oppose the development by setting national development management policy e.g. by allocating sites so they already have outline planning permission. So it was very much seen by a number of organisations as the end of the Local Planning Committee. Members should bear that in mind. This was coming from a number of professional bodies as well.

The Chair said the suggestion was that it was local planning that stopped things being built, although around 90% off applications were permitted in the area. She asked for any other points to be sent in writing to the Head of Planning Policy and Projects so they could be included within the draft.

On being put to the Committee the recommendations were declared CARRIED by the Chair, the voting being unanimous.

RECOMMENDED:

That the Local Plan Sub Committee noted the contents of this report and raised any matters of concern for inclusion in the response to the consultation.

Post Meeting Note: The Committee were asked to forward any additional comments on the Planning for the Future White Paper Consultation to the Head of Planning Policy and Projects by Wednesday 9 September.

LPSC 46/20 CHANGES TO THE CURRENT PLANNING SYSTEM – MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT (MHCLG) CONSULTATION

The report provided the Local Plan Sub Committee with a summary of the main changes proposed in MHCLG's (Ministry of Housing, Communities & Local

Government) document 'Changes to the current planning system' relating to changes to planning policy and regulations. This is a separate consultation document to the Planning for the Future White Paper which was also published for consultation on 6 August 2000.

The Head of Planning Policy and Projects highlighted the main points in the report, the main issue being to raise the threshold for affordable housing contributions to 40 or 50 dwellings which would have a significant effect on the amount of contributions to affordable house in the district. A lot of the applications were below 10 and we do require new development proposals to make a contribution to affordable housing. The Officers suggested that they would strongly oppose this suggestion. The Development Management Team Leader explained that 'Permission in Principle (PiP) was a fast tracked route to obtaining an outline planning permission, in that someone could apply in principle asking to put X or Y number of units on a piece of land for residential use. At the moment major development cannot be applied for through that route, so the understanding was the proposed change was that major developments (more than 10 units) would now be captured by PiP. So an application can indicate a site is for residential use between 5 and 10 dwellings and all the Local Authority would have to consider was whether the site was, in principle, suitable for residential use. If the Authority approved it, the second stage, called 'Technical Details', which is more akin to what is usually seen as a Planning Application, but with a shorter time limit and possibly a lower fee and the grant of Technical Details Consent along with PiP would be the equivalent of the full planning permission. It would bring major applications under the umbrella of PiP. To date Three Rivers have had one application for PiP. The intention would be to encourage people to use this by opening the scope to a larger number of developments.

The Chair was concerned about the threshold of affordable housing contributions to 40 or 50 units, because in this district if we wanted to people to get into housing, not necessarily buying housing, it could be a step backwards.

A Member wanted clarification that there would be an outline planning permission but the Local Authority could stipulate the details of the buildings. At paragraph 2.10 and 2.11 First Homes, it said a discount could be set at 40 or 50% but only the original 25% would be subsidised through CIL and other Levies. If the Council wanted to subsidise them by 40 or 50% who would pay the difference?

The Development Management Team Leader said the PiP and Technical Details consent would still have to be determined in accordance with the development plan so there may be some scope at the technical details consent stage to ensure garden sizes or the building appearance was suitable. The Officer's understanding was that the PiP gave less scope for control, however only one of these applications had been made in Three Rivers since the PiP was launched. He was unaware how much take up had been nationally. His opinion was that the consultation paper implied there was not a big take up as these changes were to encourage greater take up. They would have to look into how it would work and whether the same level of control would be retained.

The Head of Policy Planning and Projects said on First Homes, the paper said there may be some leeway to do a higher discount which may be set out in policy. But it would be down to the developers to take the hit on whatever level was set. With regards the infrastructure levy, this was designed to replace Section 106 so include affordable housing and infrastructure. They were implying that more affordable homes would be delivered but the authority would not get any more money. So there would still be a struggle as to how the money would be spent and it was not known what the CIL Level rate would be set at and that would be set nationally.

A Member asked whether the District Council would have control of the infrastructure.

The Head of Planning Policy and Projects said County were responsible for the provision of infrastructure, Three Rivers were responsible for the money collected through CIL. The money was then handed over to the infrastructure providers.

A Member asked whether the threshold for affordable housing going up to 40 or 50% meant there would be no contribution to affordable housing to all those sites below that level. This would have a significant adverse impact on the district.

A Member asked whether the affordable housing target would be a percentage as you could not have a 40 or 50 number of affordable homes on a 70 home site? Another Member pointed out that any site where the total is 40 or 50 the percentage would be zero.

The Head of Planning Policy and Projects clarified that the First Homes affordable housing would be for first time buyers only, not for downsizing.

A Member had concerns on 2.24, that the wording 'initially for 18 months', once implemented would remain until there were a change of government.

The Chair pointed out even with those discounts younger residents would be unable to purchase affordable homes, Affordable rental homes would be required to ensure a decent first home.

On being put to the Committee the recommendations were declared CARRIED by the Chair, the voting being unanimous.

RECOMMENDED:

That the Local Plan Sub Committee note the contents of this report and raise any matters of concern for inclusion in the response to the consultation.

Post Meeting Note: The Committee were asked to forward any additional comments on the Current Planning System to the Head of Planning Policy and Projects by Friday 4 September.

CHAIR