

PLANNING POLICY SUB-COMMITTEE

18 June 2019 at 6.00 pm

Present: Councillors Mrs Yeates (Chairman), Jones (Vice-Chair), Bower, Charles, Dixon, Elkins, Hughes, Huntley, Lury, Oppler, Mrs Pendleton, Ms Thurston, Dr Walsh and Mrs Worne

Councillors Dendle and Gunner were also in attendance for all or part of the meeting.

1. DECLARATIONS OF INTEREST

Agenda Item 5, Adoption of a Policy in Relation to Surface Water in New Development - Councillor Mrs Yeates declared a personal interest as a member of the West Sussex Flood Action Group Forum (WSFAGF). Councillors Dr Walsh, Mrs Pendleton, Oppler and Elkins also declared a personal interest as Members of West Sussex County Council, the lead flood authority.

Agenda Item 6, CIL Draft Charging Schedule Consultation Responses – During the course of discussion on this item, Councillor Elkins declared a personal interest as a Parish Councillor and in his non-pecuniary role on a local Housing Association.

Agenda Item 9, Parking Standard Supplementary Planning Document – Councillor Elkins declared a personal interest as a Member of West Sussex County Council.

2. MINUTES

The Minutes of the meeting held on 27 February 2019 were approved by the Subcommittee and signed by the Chairman as a correct record.

3. START TIMES

The Subcommittee

RESOLVED

That the start times for meetings for the remainder of the year 2019/20 be 6.00 p.m.

4. ADOPTION OF A POLICY IN RELATION TO SURFACE WATER IN NEW DEVELOPMENT

The Engineering Services Manager presented this report which explained the rationale as to why agreement was being sought to adopt the County Council's Policy for the Management of Surface Water. It was felt that, although various guidance

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existed on the Arun District Council's website regarding standards, codes of practice, government documents, etc, a single policy document was required to enable the Council to apply a consistent set of standards for dealing with existing systems and new development.

At the present time there was little compulsion upon developers to adopt best practice in respect of surface water management, other than discharging conditions applied to planning approvals. Conditioning was seen as potentially being too late in the process as it was felt that drainage should be considered at the inception of a development proposal, rather than as an afterthought.

The Subcommittee participated in a full debate on the matter and questions were asked and responded to by the Engineering Services Manager, particularly as some Members were not convinced that SuDS (Sustainable Drainage Systems) was the answer to the flooding issues the District was and had been subject to. Advice was given that SuDS was a tool that could be used to address the water drainage issues and that a hierarchy was in place to ensure that the best approach was taken in particular circumstances.

The Planning Policy Team Leader emphasised that there were various policies in the adopted Local Plan, including design, and that a sustainable design guide was in the process of being produced that would cover more detail relating to surface water drainage. What was on the table would be part of a comprehensive package of measures that would also encompass elements in the Local Plan.

Following further discussion, the Subcommittee

#### RECOMMEND TO FULL COUNCIL

That the West Sussex LLFA (Local Lead Flood Authority) Policy for the Management of Surface Water (November 2018 and as updated from time to time) be adopted, particularly but not exclusively in relation to all new development within the Arun District.

#### 5. CIL DRAFT CHARGING SCHEDULE CONSULTATION RESPONSES

As the membership of the Subcommittee had significantly changed since the election of the new administration, the Planning Policy Team Leader gave a brief presentation to introduce Members to the process and advised that the preparation of a CIL (Community Infrastructure Levy) Charging Schedule was justified due to the infrastructure funding gap which had been identified to support the delivery of the Arun Local Plan.

It was explained that the Arun CIL Draft Charging Schedule had been subject to public consultation from 21 March 2019 to 2 May 2019 and the report before Members set out a summary of the representations received to that consultation, together with a schedule of modifications that were required and the reasons. Agreement was being sought to submit the Draft Charging Schedule to the independent Examiner in

accordance with Regulation 19 of the CIL Regulations 2010 (as amended). In addition, the Director of Place had suggested that, for the purpose of clarification, the following amendment be made to the Proposed Statement of Modifications – Modification No. 21 (page 65 of the Agenda, page 7 of the Statement of Modifications) as follows:-

[1] Residential does not include residential institutions, including purpose built student accommodation. **[ADD] Neither does it include development which is covered by a condition that limits it to holiday use only. Where this condition is not applied to static caravans or holiday rental units, these should be considered to be in residential use, or have the potential to be used for residential use.**

In the course of a full debate, within which it was acknowledged that this was an extremely complex subject, Members sought clarification on a number of issues, which included:-

- Payment of a proportion of CIL receipts levied within Towns and Parishes for use in that Town and Parish area – confirmation was given that the CIL Regulations explained that ‘local councils’ with a ‘made’ Neighbourhood Plan would receive 25% of the CIL receipts levied within the local council area. Local councils without a ‘made’ neighbourhood plan would receive 15% of the CIL receipts levied in the area (capped at £100 per house within the local council area). Regulations 59A to 60 of the CIL Regulations 2010 (as amended) provided full details setting out the criteria on what the money could be spent on and when the CIL receipts should be passed to the relevant local councils.
- The difference between the use of S106 and CIL to improve infrastructure in the District was explained and, simply put, would result in CIL having a much wider scope than S106. CIL would replace those infrastructure contributions for off site improvement (except in the case of the strategic housing allocations) whilst S106 itself would continue to be required to deliver on site mitigation measures. Members were advised that CIL would be charged on even the smallest development (including for a development of one dwelling) whereas S106 would not apply to such small developments.
- The impact of CIL on those home owners who wished to alter or extend their properties was discussed. Officers advised that CIL was only charged on extensions where it measured more than 100sqm (net additional floorspace); where an extension was more than 100sqm or a residential annexe was built, the homeowner could apply for a ‘self build’ exemption from paying CIL.
- Whether the viability threshold could be increased – officer advice was given that the figure had been taken from the consultants recommendations which had been based on very in depth calculations. This had been looked at over a number of years and it was felt that the right figure had been set as CIL guidance was clear that CIL should not be set at the limits of viability.

In turning to the additional recommendation put forward at the meeting, Members supported the principle of being able to charge CIL on static caravans or holiday rental units should these be considered to be in residential use or have the potential to be used for residential use. A request was made for further clarification around mobile home and residential use and what was not classed as a building for CIL purposes.

However, it was picked up by Members that purpose built student accommodation was not included in the residential definition and concerns were expressed that should that use change in the future to a residential use, CIL would not be able to then be charged. The Principal Planning Officer gave a response that she would look back at the details within the CIL Regulations 2010 regarding the calculation of chargeable amounts on a change of use to check. Members felt that clarification of the issue would be helpful.

It was acknowledged that a delay to the CIL Charging Schedule process at this stage would significantly delay the likely implementation date of CIL. This would mean that the Council's predicted CIL income might not be achieved and the passing of CIL to Town and Parish Councils would also be delayed. It was therefore requested and agreed that the Chairman would be briefed with further information on these matters for when the item was referred to at the meeting at Full Council on 17 July 2019 to enable Members to come to an informed decision.

#### The Subcommittee

RECOMMEND TO FULL COUNCIL – That, subject to further guidance relating to student accommodation and the status of residential accommodation in a holiday environment,

(1) the Draft Charging Schedule (Submission Version) (the DCS Submission Version) (provided as Background Paper 3 to this report) along with all required supporting documentation, as required, are submitted to the appointed independent Examiner in accordance with Regulation 19 of the CIL Regulations (as amended) ON 31 July, or as close as to that date as possible.

(2) residential does not include residential institutions, including purpose built student accommodation. Neither does it include development which is covered by a condition that limits it to holiday use only. Where this condition is not applied to static caravans or holiday rental units, these should be considered to be in residential use, or have the potential to be used for residential use.

#### 6. OPEN SPACE SUPPLEMENTARY PLANNING GUIDANCE

The Planning Policy Team Leader presented this report which provided the detail for a draft Supplementary Planning Document for Open Space, Playing Pitches, Indoor and Built Sports Facilities. Approval was being sought to the proposed approach and timetable to enable public consultation on the document to be undertaken for 4 weeks from 4 July to 1 August 2019. An additional recommendation was tabled at the meeting for Members consideration as follows:-

“Following consultation, any responses be reported back to the Subcommittee to agree any changes prior to recommending adoption of the OS SPD (Open

Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document) to Full Council.”

The OS SPD would be used to enable developers and Development Management officers to calculate the needs for on-site or off-site forms of provision, according to the demand generated by the scale and type of proposed development, and to negotiate the associated land provision, financial contributions and maintenance costs. It would also include best practice design for open space, playing pitches and indoor sports provision.

In considering the item, discussion centred around how provision was calculated, its siting and how it would be funded, i.e. developer contributions via S106/CIL. The Planning Policy Team Leader responded that the playing pitch calculator for Arun reflected national costs and values indicators consistent with the approach to Sport England’s New Development calculator which was used nationally. Further, the requirements for strategic allocations were already set out in the evidence base for the Local Plan (Infrastructure Capacity Delivery Study) and Open Space, Playing Pitch and Built Facilities strategies. Any additional requirement from the Fields in Trust Standard would be negotiable and would be more relevant to non-strategic sites and windfall, which could build in requirements within the viability of the scheme in relation to CIL. Member comment was also made that, in practice, those matters would be addressed at the planning application stage and the SPD methodology would provide a starting point for negotiation.

The Subcommittee

RESOLVED – That

- (1) the proposed approach and timetable for the public consultation on the draft Open Space, Playing Pitches and Built Sport Facilities Supplementary Planning Document be agreed;
- (2) subject to any further minor changes agreed by the Group Head of Planning, in consultation with the Chairman and Portfolio Holder for Planning, the draft Open space Playing Pitches and Built Sports Facilities Supplementary Planning Document be published for 4 weeks public consultation from 4 July to 1 August 2019.
- (3) following consultation, any responses be reported back to the Subcommittee to agree any changes prior to recommending adoption of the OS SPD (Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document) to Full Council.

## 7. AUTHORITY MONITORING REPORT

In presenting the Authority Monitoring Report (AMR) 2017/18, the Planning Policy Team Leader reiterated that publication of the document had been delayed due to the Government introducing changes to the definition of deliverable sites which was

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important for determining the authority's 5 year housing land supply (HSL). The AMR had now been updated to reflect those changes. The AMR was largely consistent with those changes, although additional evidence was now required and would be addressed in the next AMR.

A key element that was highlighted to the Subcommittee was that, with the adoption of the Arun Local Plan (July 2018) the District had a 5.3 year housing land supply (HSL) but that had now reduced to 4.7 as delivery rates and housing trajectories for sites had not progressed as anticipated. The consequence was that policy and decision making would be impacted as, under national policy, there had to be a presumption in favour of sustainable development whereby applications would have to be positively determined provided that they did not conflict with the policies of the NPPF or that adverse impacts significantly and demonstrably outweighed the benefits assessed against the NPPF as a whole in respect of planning applications until a 5 year HSL was achieved.

The Action Plan, to be produced by the end of August 2019, would detail the evidence as to why the HSL was not being met and put forward solutions to improve supply and housing completion projection rates. The solutions found as part of the Action plan should help improve the 5 year HLS as well as the Housing Delivery Test Score. Officers would engage with developers to see whether there were known barriers to development and possible options to overcome them and accelerate planning applications.

In discussing the matter, Members expressed their concern around the housing numbers for the District and the application of a lack of a 5 year HLS to trigger a "presumption" in favour of sustainable development. It was felt that it must be emphasised that the Housing Employment Land Availability Assessment (HELAA) sites detailed in the report as part of the HLS should not automatically be presumed to be able to be granted planning permission, and that non-acceptance of the strategic sites in the Local Plan would put that at risk. Members urged that progress be made on the next AMR and asked officers to consider whether it was possible, or sensible, to bring forward the next reporting date. The Planning Policy Team Leader stated that could be looked into and also confirmed that work was underway and that, whilst there were some signs of improvement in the HLS, that would only be determined on completion of the AMR

The Subcommittee

RESOLVED

That the Authority Monitoring Report 2017/18 be noted.

8. DRAFT ARUN PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT

The Subcommittee received this report from the Group Head of Planning that outlined the proposed policy approach to Parking Standards based on technical

evidence provided by West Sussex County Council and adapted for Arun's circumstances to be subject to public consultation and adoption as Council policy. This Planning Authority wished to achieve clear and more ambitious targets with regard to parking that would be presented in a more user friendly document.

Members engaged in some discussion on the item and comments were made with regard to provision for electric vehicles; parking for disabled users; secure cycle storage; visitor parking on development sites; size of garages; and elimination of garages altogether as it was felt that people did not use them to put their cars in. Clarification was sought on the application of Table 3 and whether number of bedrooms or number of habitable rooms should be simplified to one set of criteria. The Head of Planning Policy agreed to consider that.

Following consideration, the Subcommittee

**RESOLVED – That**

- (1) the proposed timetable and consultation for the preparation of an Arun District Parking Standards Supplementary Planning Document be agreed; and
- (2) subject to any further minor changes (including those signalled in the report) made in consultation with the Chairman, Portfolio Holder for Planning and the Group Head of Planning, the draft Arun District Parking Standards be published for 4 weeks public consultation in the Summer 2019.

(The meeting concluded at 8.30 pm)