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Subject to approval at the next Planning Policy Sub-Committee meeting

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## PLANNING POLICY SUB-COMMITTEE

17 December 2019 at 6.00 pm

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

Councillor Coster were also in attendance at the meeting.

### 17. APOLOGIES FOR ABSENCE

An apology for absence had been received from Councillor Northeast.

### 18. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 19. MINUTES

The Minutes of the meeting held on 15 October 2019 were approved by the Subcommittee and signed by the Chairman as a correct record.

### 20. LOCAL PLAN OPTIONS

As a result of the changes to the administration following the local elections in May 2019, a series of briefings had been held for Members relating to planning matters and the Group Head of Planning now presented this report, particularly in light of the fact that the trigger for a review of the Local Plan had been reached, as set out at paragraph 12.1.12 of the Local Plan. In addition, the NPPF (National Planning Policy Framework) confirmed that Local Plans should be reviewed every 5 years and, should that review result in an update, that process could be lengthy and an early review was therefore necessary. Further, the report followed on from the recently agreed new strategic targets of the Council, one of which was a high priority to develop a new planning framework to improve sustainability and infrastructure and respond to climate change as part of a Local Plan review.

The Subcommittee was advised that there was a need to recognise that a review was required now and, at a minimum, the housing policies contained within the Plan should be reviewed as they would require updating based on the current shortfall in the 5 year housing land supply (HLS)

The report set out options for the process, which in summary were:-

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Option 1 - a commitment to an updated Plan to produce a full new Local Plan which would take between 3 – 5 years and would need to accommodate an additional 5 years to take the end date to 2036. There would be a substantial cost to this of in the region of £1 million.

Option 2 - to revise the strategic allocations. The report set out the reasons why there would be no realistic prospect of extinguishing the existing allocations. The Council would need to demonstrate with evidence why such allocations were unsound and would have to be able to demonstrate that it could accommodate housing needs on alternative sites that had been consulted upon and was justified by evidence. However, all allocations would be considered as part of an updated Plan.

Option 3 - to concentrate on just the development management policies within the Local Plan and would be a more focussed update. This would concentrate on policies that, for example, related to climate change, environment and design. Whilst this could technically take place in isolation, it would not be possible to leave the housing policies as they were whilst these policies were being updated because there was a requirement now to review and update those policies as well.

Option 4 - to concentrate on developing Supplementary Planning Documents in support of existing Local Plan policies. However, it should be recognised that this option would not result in a set of new policies reflecting the new strategic targets.

Option 5 - to do nothing. Officers fully recognised the situation the Council found itself in where it had had exceptionally high housing numbers imposed upon it and that those numbers were very difficult to deliver based on past performance requiring a significant uplift by the housing sector. There was also the issue of incurring substantial costs, only to end up with a Plan that would be out of date 18 months after adoption. However, that was the current system for all local authorities and there were implications of not complying with the legal requirements. The potential implications of doing nothing would be that the Secretary of State could take over our plan making functions to produce a Plan which the Council would have to pay for.

The Subcommittee heard that agreement was being sought on a course of action to take the process forward, with no commitment being placed on the Council at this stage. At the outset of any of this work, evidence gathering would be scoped against a new 'vision' and 'objectives' for what the Council would be aiming to create. However, there would be no escaping the fact that any process would be complex and very difficult decisions would have to be taken around development required to accommodate increased housing need. Further reports to the Subcommittee would be presented on these matters over coming months.

Members were advised that officers considered that there was an opportunity to produce a new Plan that would reflect the Council's strategic targets around climate and infrastructure. It was felt that a combination of options 1 and 3 would provide the new administration with an opportunity to set new development management objectives in policy after evidence had been gathered and tested and consultation carried out.

Initially, work could focus on updated development management policies following agreement by Full Council.

It was anticipated that this process would have to be aligned with an update of the strategic elements of the Plan, which would include updated housing needs and, once these development management policies had been agreed, work would continue on the strategic policies. On completion, the two work streams would merge to create a new Plan for consultation, examination and, hopefully, adoption.

The Subcommittee then participated in a detailed debate, during which it was acknowledged that there was a very clear requirement for the Plan to be reviewed. A view was expressed that what was being proposed was a sensible compromise and that a very serious concern that must be addressed was the fact that the house building target set for the District was not currently being delivered by developers and for which the Council was being penalised. Several Members voiced their worry with regard to the housing figures and the potential for a substantial increase and discussion and comment was made around climate change; the coastal flood plain; and accessible housing.

During the course of discussion, Member comment was made that every action must be taken to avoid losing control of the Local Plan process as it would then be taken over by the Secretary of State. Any housing imposed must be located in those parts of the District that required improvements in terms of infrastructure. As there was currently a shortfall in the housing delivery figure of 1,250, it was understood that that shortfall would have to be accommodated within the Local Plan period and any accumulation would be added at the end – if the Plan period was then extended by five years the housing need would also be increased so that too would have to be accommodated in addition to any shortfall.

A concern was raised that the Council was not being represented at Sub regional level, particularly with regard to the issues around the Duty to Cooperate with Chichester and Worthing and that this process could help to resolve the required strategic infrastructure needs. However, the Director of Place was able to give an assurance that that was not the case. The Coastal West Sussex Strategic Planning Board was currently going through the process to assess evidence to help set out a sub regional position up to 2050. Conversations were ongoing but it was too early to provide further information at this stage. He advised that it was vitally important for Members to consider the wider strategic implications as strategic matters should be included in the Local Plan. A broader perspective had to be taken and there would be a need to ensure that any decisions taken by the Council would not have a negative impact on other authorities.

Members were generally happy to accept options 1 and 3 at this stage and acknowledged there was a lot of work to be done going forward in the future. It was important to not lose control of the planning system, which could happen if steps were not taken to review some of the Local Plan policies.

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In turning to the recommendations, and following discussion, it was agreed that the following recommendations be amended:-

- i. A combination of options 1 and 3 are pursued – to be deleted as Members felt that this was implicit in recommendation ii.
- ii. The update of the Local Plan commences **as updating the Development Management policies in the Local Plan** so that these can be used by the Council in the short term, before completing an update of the full Plan. This would involve gathering evidence to support update policies, formal and informal consultation and agreement of Full Council. (The wording in bold was the change agreed by Members for the purpose of clarity.)

It was formally proposed and seconded that only option 3 be pursued at this time but, on being put to the vote, was declared LOST.

The Subcommittee then

RECOMMEND TO FULL COUNCIL – That

- (1) The update of the Local Plan commences as updating the Development Management policies in the Local Plan so that these can be used by the Council in the short term, before completing an update of the full Plan. This would involve gathering evidence to support update policies, formal and informal consultation and agreement of Full Council;
- (2) The likely costs of approximately £1million and the timescales of this process be noted; and
- (3) Future reports to the Planning Policy Subcommittee will report on progress at relevant stages of this process and the scope of evidence.

21. ARUN DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Prior to presenting the report on the table, the Planning Policy Team Leader gave a presentation on the objectives of the Arun Design Guide Supplementary Planning Document (SPD) and what the Council would be expecting in terms of quality of design for development in the future. The Council's policies sought good quality design and this document would provide clarity for developers and the public as to how that could be achieved.

The Planning Policy Team Leader advised that the Council's consultants had been involved in the production of the Design Guide which covered a comprehensive amount of detail in a structured way. It was now being proposed to put the draft SPD out to public consultation to gather the views of all relevant parties and stakeholders; those responses would then be assessed and actioned as necessary and the revised document presented to a future meeting for consideration.

In consideration of this item, Members welcomed the production of the Design Guide and thanked officers for their work on it and hoped that it would make a positive contribution to improving future development in the District.

A question was asked in respect of the involvement of Members and the Parish Councils in the process of the development of this SPD and the Group Head of Planning was able to confirm that a briefing had been arranged on 3 October 2019 for all Members; a hard copy of the document had been provided in the Members' Room; and a link in the report directed Members and the public to the website where it could be viewed. Meetings had been held with a number of Parish Councils and a questionnaire had been sent out to all Parish Councils to ascertain their views.

A view was expressed that the consultation period was too short and should therefore be extended to particularly benefit the Parish Councils. Following discussion it was agreed that the consultation would take place between 9 January to 21 February 2020 (rather than 6 February 2020 as detailed in the report) and Members recognised that there would be a need for an additional meeting to meet the proposed timetable.

Member questions were asked with regard to infill development and its potential impact on the adjacent environment; and flatted development and HMOs (Houses in Multiple Occupation) and these were responded to at the meeting by the Planning Policy Team Leader.

The Subcommittee

RESOLVED – That

- (1) the proposed approach and timetable for the public consultation on the Consultation Draft version of the Design Guide Supplementary Planning Document, which will be published for public consultation from 9 January 2020 to 21 February 2020, be agreed;
- (2) the Group Head of Planning, in consultation with the Planning Portfolio Holder and the Chairman, be granted delegated authority to finalise the Design Guide SPD Consultation document for publication; and
- (3) following consultation, any responses be reported back to the Subcommittee to agree any further changes prior to the Design Guide being referred to Full Council for adoption.

22. OPEN SPACE, PLAYING PITCHES AND BUILT SPORTS FACILITIES SUPPLEMENTARY PLANNING DOCUMENT (SPD) AND ARUN PARKING STANDARDS SPD

The Subcommittee considered this report from the Planning Policy Team Leader which set out the detail of representations received and proposed responses following the 4 week public consultation undertaken on the two proposed Supplementary

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Planning Documents (SPDs) relating to (1) Open Space, Playing Pitches and Built Sports Facilities and (2) Arun Parking Standards.

The Planning Team Leader advised Members that the comments raised on the respective SPDs did not raise material objections or issues but had requested a limited number of clarifications which, it was considered, would helpfully improve the interpretation of the SPDs. The representations and proposed clarifications and wording amendments were detailed in the report for Members' consideration.

The Subcommittee

RECOMMEND TO FULL COUNCIL – That

- 1) subject to the minor drafting changes detailed in this report (and any further minor changes made by the Group Head of Planning, in consultation with the Chairman and Cabinet Member for Planning), that the Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document be adopted;
- 2) subject to the minor drafting changes detailed in this report (and any further minor changes made by the Group Head of Planning, in consultation with the Chairman and Cabinet Member for Planning), that the Arun Parking Standards Supplementary Planning Document be adopted;
- 3) as soon as reasonably practical after adoption, both SPDs, together with an Adoption Statement, be made available for inspection and published to the Council's website and sent to any persons who have requested to be notified.

23. GYPSY & TRAVELLER & TRAVELLING SHOWMEN SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD)

*(In the course of discussion on this matter, Councillors Elkins, Oppler and Mrs Pendleton declared a personal interest as members of West Sussex County Council.)*

The Planning Policy Team Leader presented the detail of this report which set out the outcome of the Gypsy & Traveller (G&T) & Travelling Showmen Site Allocations Issues and Options public consultation which had been undertaken in the summer of 2019. It also summarised representations made and the Council's proposed response and set out the next steps for preparing the G&T Site Allocations Development Plan Document (DPD). Members were also advised that the timescale envisaged was different from that included in the Local Plan because the evidence base had been recalibrated to 2018 with an end period moved from 2030 to 2036.

Member comment was made in respect of:-

- (i) ARU040 Land West of Brook Lane, south of A259 Angmering – it was felt that Store Property Investments view was correct as the families at that site had moved to the north side and so the matter should be investigated further.
- (ii) Aldingbourne Farm Shop – a request was made that this matter should be dealt with as a matter of urgency.

The Subcommittee

RESOLVED – That

- (1) the consultation response to the Gypsy & Traveller and Traveller Showmen Issues and Options consultation be noted; and
- (2) following further work to resolve objections, a Regulation 18 Draft Gypsy & Traveller and Traveller Showmen Site Allocations Development Plan Document be prepared for consultation in the late Spring 2020.

#### 24. COMMUNITY INFRASTRUCTURE LEVY (CIL) UPDATE

The Planning Policy Team Leader presented this report which provided an update on the Arun Community Infrastructure Levy (CIL) Examination which took place on 18 October 2019; a summary of the Examiner's Report which was received on 3 December 2019; and further details regarding the CIL charging process. He advised the Subcommittee that the Charging Schedule had the potential to generate £30million going forward in future years and was therefore an important document. The receipts from CIL would be used to deliver infrastructure projects to support planned development

Following examination, the draft Charging Schedule had been found "fit for purpose" subject to two modifications which had been duly incorporated in the document. It was therefore being recommended for approval by Full Council as the basis for collecting a CIL levy and as sufficient evidence had been provided, the rates would not undermine the deliverability of the Local Plan.

In turning to consideration of the item, the Principal Planner was commended for her due diligence in achieving finalisation of the Arun CIL Charging Schedule.

Member comment was made highlighting 4 specific issues that the Examiner had made further suggestions/informal recommendations on. These related to:-

- a. Applications in the pipeline when the Charging Schedule came into effect – officer response given was that CIL Regulations were quite clear and there was no leeway. If a planning application had not been approved before the Charging Schedule came into effect there would still be a liability to pay a CIL charge;
- b. A review of the CIL Charging Schedule on completion of the review of the Arun Local Plan – officer response given was that that would happen at an appropriate time with consideration of the Local Plan review;

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- c. Definition of Gross Internal Area (GIA) to be included in the published Charging Schedule – officer response given that the authority was proceeding on the basis of the Examiner’s report as suggested best practice discussed at the Examination – this technical reference could be revised subsequently if necessary; and
- d. Exceptional circumstances relief – officer response given that it was not possible or appropriate to anticipate all other potential reliefs/circumstances when this was adequately included in national guidance and it would therefore be for developers to apply for relief. It was important that all liable developments pay the charge to mitigate the impact of the development.

Following further points expressed, the Subcommittee

RECOMMEND TO FULL COUNCIL – That

- 1) the Arun CIL Charging Schedule, which includes the Examiner’s modifications and minor modifications as set out in Background Paper 2; and any further non-material changes which may be included and agreed with the Group Head of Planning, in consultation with the Chairman of the Planning Policy Subcommittee and Cabinet Member for Planning, be approved in accordance with section 213 of the Planning Act 2008; and
- 2) the Arun CIL Charging Schedule, and the Instalments Policy (set out within the Charging Schedule) will come into effect in Arun District (outside the South Downs National Park Authority Area) on 1 April 2020.

25. AUTHORITY MONITORING REPORT 2018/19

In presenting this report, the Planning Policy Team Leader advised that the second paragraph of the executive summary stated that the “presumption in favour of sustainable development will not apply to planning applications” – this was obviously an error and the word **not** should not have been included.

Following questions from Members relating to non-delivery of the housing targets and responses from officers, the Subcommittee

RESOLVED

That the Authority Monitoring Report 2018/19 be noted.

26. COMPLIMENTS OF THE SEASON

The Chairman wished Members and officers the compliments of the season.

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(The meeting concluded at 8.45 pm)

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