

MINUTES of a meeting of the LOCAL PLAN ADVISORY COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 12 NOVEMBER 2014

Present: Councillor J Bridges (Chairman)

Councillors R D Bayliss, D De Lacy, C Large, J Legrys, V Richichi and S Sheahan

In Attendance: Councillors D Howe, T J Pendleton and A C Saffell

Officers: Mr M Sharp (Consultant), Mr S Bambrick, Mrs C Hammond, Mr I Nelson, Mr J Newton and Mr S Stanion

**34. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**35. DECLARATION OF INTERESTS**

Councillor S Sheahan declared a Disclosable Non-Pecuniary Interest in item 5, Development Strategy, as a property owner who could be affected by the proposed route of HS2.

**36. MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 15 October 2014.

It was moved by Councillor J Legrys, seconded by Councillor C Large and

RESOLVED THAT:

The minutes of the meeting held on 15 October 2014 be approved and signed by the Chairman as a correct record.

**37. COMMITTEE TERMS OF REFERENCE**

By affirmation of the meeting it was

RESOLVED THAT:

The Terms of Reference be noted.

Councillor J Legrys advised Members that he had been asked to put forward some questions to officers from a member of the public. Councillor J Legrys felt that it would be more appropriate for a written response to be provided to the questions, however he would ask other questions through the meeting as a result.

Councillor J Bridges thanked the member of the public for submitting the questions and felt it would be fair to all to consider the questions after the meeting.

**38. DEVELOPMENT STRATEGY**

The Director of Services presented the report to Members.

He advised Members that the report before them provided a starting point for the scale and distribution of development that would be included in the plan. He stated that the information that was available would allow Members to debate and comment on what could be included and then officers could take that away, consider and bring back to the

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Advisory Committee for further consideration. He informed Members that the Memorandum of Understanding had now been agreed by all authorities within the housing area.

He highlighted that Members were being asked to consider a flexibility allowance as some developments may not be delivered and the authority would need to convince the inspector that the district had sufficient provision, adding that 30% was a figure to be considered and discussed. He added that Members were also being asked to consider the settlement hierarchy. He highlighted the 2 options which were before them with Coalville being the principal town in both, but allowing Members that opportunity to consider how the other areas were treated. He advised Members that option B was the preferred option. He highlighted that Members were also provided with factors to take into account when considering the allocation of sites.

Members agreed to comment on the report in sections.

#### Scale of Development

Councillor S Sheahan stated that he understood an allowance was required, but questioned why it related to the 5 year land supply rather than the figure in the SHMA buffer and questioned why the allowance had not be raised previously. He asked how it linked in.

The Planning Policy Team Manager stated that there was uncertainty in terms of economics relating to the deliverability of sites and that an allowance would be required. He added that 20% was stated in the NPPF however the figure could be higher or lower. In addition, as outlined in the report, it was necessary to ensure that the Local Plan took account of economic strategies when assessing housing need. There was uncertainty about this at the present time and so a flexibility allowance would enable this matter to be fully considered.

Councillor S Sheahan stated that increasing the SHMA was a step too far.

The Planning Policy Team Manager stated that it was not an increase, but due to constant economic challenges, developments may not happen and the plan would need to provide evidence that the Council would still meet the level of housing required.

The Director of Services stated that a 20% allowance would give a six year supply and that it would be up to Council to agree the allowance. He added that the when the plan was submitted to the inspector, reliance on whether a site was deliverable within the period would be taken into account. He advised Members that the NPPF recommended 20% and that it would be a sound approach to building a flexibility allowance.

The Consultant advised Members that flexibility allowances were being used for two different planning issues. He stated that the advice officers had given was spot on and the inspector would look at the deliverability of sites.

Councillor S Sheahan stated that it was hard to believe that one phrase could have two meanings and raised concerns again as to why the need for a flexibility allowance had not been raised before. He added that he could not agree this and felt that it should come back to a future meeting.

Councillor J Legrys stated that communities needed to be told what the housing figures were and he understood the need for an allowance, but felt that the markets should be taken into account when applications were put forward. He advised that Members had agreed figures and now, when all the numbers in the report were added up it produced a figure of 9 – 12,000 houses to be built, after telling residents that the district required only

1,500 new houses. He highlighted that the LLEP called for significant job growth in the north of the district, yet houses would be built in the south of the district. He stated that he was annoyed that the allowance had not been discussed before and that G L Hearn had been paid to come up with the figures that were fixed on which were 7,000 houses with 1,500 to be built in the next 17 years.

The Director of Services advised Members that officers heard what was being said and it was always the intention to bring a further report back to for Members to consider.

Councillor D De Lacy stated that Members had agreed the position and raised concerns that an additional third was to be built in and in doing so it appeared that officers felt that a third of developments would not happen. He added that everyone could see sense in some flexibility and understood the advice Members were being given, but felt that not enough information was provided for Members to assess the risk.

Councillor J Bridges concurred with Councillor D De Lacy and questioned how the authority monitored the deliverability of sites.

The Director of Services felt that it was a valuable comment and advised that there was an ongoing history of non-deliverability of sites after they had been given permission.

In response to a query from Councillor C Large, the Planning Policy Team Manager stated that 20% was based on the 5 year supply to make the housing requirement deliverable, but Members could recommend any figure that officers could work on.

Councillor C Large stated that she would not be happy to move forward until the impact was known.

Councillor R D Bayliss stated that deciding the scale of development was not an exact science, but felt it was reasonable to build in margins. He felt that it would not be easy to produce evidence, as it would be inspired guess work and that Members should provide comments for a future debate.

#### Settlement Hierarchy

Councillor S Sheahan felt that it was difficult to understand how the level of hierarchy had been reached and that improvement in infrastructure should be considered.

The Planning Policy Team Manager advised Members that infrastructure needed looking at, and that table 2 was not set in stone and therefore Members could look at the issues and what role the developments would have in addressing any infrastructure issues.

The Consultant advised that the NPPF stated that authorities needed to weigh up the need for housing against the harm and that it was not enough just to say infrastructure. He stated that the need for housing was more significant than harm.

Councillor J Legrys commented that every member had their own reasons when making decisions on where developments should be. He highlighted that employment was more in the north and housing in the south and there was no commuting between the two. He added that he could not consider the options without the rationale as different settlements were at capacity. He expressed concern over the option of a new statement highlighting several big developments that had been considered in the past but had no new infrastructure included.

The Director of Services advised Members that the new settlement was in the report as an option that had been considered and that it could have been part of the flexibility allowance.

The Planning Policy Team Manager highlighted that the key point was deliverability and that if the site was not already promoted it may not be considered until the end or after the period date.

Councillor D De Lacy felt that the rankings in the two options were very confusing and that it appeared that Members would be saying who got the most development. He highlighted that Castle Donington was being promoted even though it could not take any more development.

The Planning Policy Team Manager advised Members that the ranking went on the range of services and jobs which were available as these were seen as the more sustainable locations, and that Castle Donington could not take any more development than the 900 houses that had already been approved.

Councillor C Large stated that she was not comfortable with Castle Donington being classed as a main town as there was no further capacity for development and that the need for houses was so great that development would harm the likes of infrastructure.

The Director of Services stated that officers would take all the comments away including the concerns over Castle Donington and that there was no further capacity to develop there.

Councillor D De Lacy stated that before a proper debate could be had Members needed more evidence to consider whether a site was sustainable. He added that this information needed to include provision for schools and other services.

Following a comment from Councillor D De Lacy, the Director of Services stated that officers were obtaining feedback or alternative options from the Advisory Committee and Castle Donington had been mentioned.

Councillor J Legrys stated that if he had realised Members were expected to come up with a different option he would have come prepared. He felt that a cap should be put on the main towns and rural centres to allow them to maintain their identities agreeing with Councillor C Large that, if any town was put into a league style table, developers would want to seek permission to build in that town, and that Castle Donington had very little land left to develop. He added that more time and evidence was needed to develop the hierarchy.

Councillor S Sheahan stated that he would be happy to invest time with officers to work on the options.

Councillor J Legrys clarified that the amount of development needed to be capped to ensure settlements maintained their identities and avoided joining up, highlighting that Ashby was at capacity to maintain its settlement.

#### Allocation of Sites – Guiding Principles

Councillor J Legrys stated that Members, certainly of Planning Committee, assumed that if an application was approved then the development would be delivered. He expressed concerns that the capacity of the highways infrastructure had an impact on the deliverability of sites highlighting that contributions were required to redirect traffic into Coalville, but the highways authority was reluctant to say anything, however improvements to the highways around Castle Donington made deliverability of developments more likely.

Councillor J Bridges commented that it was incredible that some developments were not delivered when approved and questioned how the deliverability of applications was tested.

The Legal Advisor advised Members that 'deliverability' is the test laid down in the NPPF in relation to the five year supply of housing sites. Deliverability is defined as a site being available now, offering a suitable location for development now, and being achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Local Plans are, however also required to identify a supply of specific, 'developable' sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the Plan period. 'Developability' is defined as sites being in a suitable location for housing development with a reasonable prospect that the site is available and could be viably developed at the point envisaged. The distinction between 'deliverability' and 'developability' is deliberate, and understandable given the impossibility for authorities to 'crystal ball gaze' as to the deliverability of sites beyond the 5 year period.

Councillor J Legrys stated that Members trust a site was going to be deliverable and he accepted that officers could not crystal ball gaze. He stated that authorities should follow their nose and tell developers where they should build. He expressed concerns that the factors were too vague.

Councillor J Bridges added that it may be an idea for officers to put suggestions/questions to developers to reassure Members? that the development was deliverable.

By affirmation of the meeting it was

RESOLVED THAT:

The Advisory Committee:

1. Notes and comments on the suggestion to have a flexibility allowance;
2. Notes and comments on the suggested settlement hierarchy;
3. Notes and comments on the suggested guiding principles for allocating sites;  
and
4. A further report be brought back to the Advisory Committee for consideration.

### **39. AFFORDABLE HOUSING**

The Director of Services presented the report to Members.

He informed Members that there was a need for a policy to be set that would address the need for affordable housing within the district. He advised Members that paragraph 2.2 of the report could be used as a starting point and that the report gave Members an opportunity to discuss and debate what the policy would include.

Councillor D De Lacy stated that it was an interesting report and nobody would disagree that there needed to be a policy. He commented on the need for 1 bedroom properties and that if the Council agreed on 60% the developers would not like the nature of the houses. He felt that the amount would need to be fixed so that the monies from contributions could be used for other services.

Councillor J Bridges stated that he agreed with Councillor D De Lacy however he was nervous about fixing a delivery of 60% as not everywhere required that level. He highlighted that more two bed homes were required due to higher levels in assisted living. He informed Members that there were a lot of issues to consider and that they would try to agree to fix something.

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Councillor R D Bayliss agreed with the views of officers and felt that it should be a flexible figure. He also stated that as outlined in the report there were other ways of providing affordable homes.

Councillor J Legrys stated that he disagreed with Councillor R D Bayliss and felt that the figure should be fixed and stuck to. He concurred that more two bed homes were required to address the need for care, but also stated that there was a need for more bungalows within the Local Plan. He stated that the authority needed to be open and honest over the number of houses that were to be built, highlighting that with the 12,000 houses that had previously been discussed and a further 3,000 social houses the total figure was slowly rising. He expressed disappointment that social housing was dismissed as it appeared homes were being built for commuters rather than local people. He agreed that there needed to be a policy, but what the policy contained was a matter for debate.

Councillor S Sheahan stated that developers would only be interested in buyers that could afford their houses. He added that there needed to be a balance between private and public sector homes provided which should be included, but highlighted that it would be hard to enforce.

Councillor J Bridges agreed that the approach should be that of working together. He added that there was nothing wrong with trade-offs between public and private sectors.

Councillor S Sheahan added that Members could not rely on developers and that local authorities and Social Landlords needed to provide affordable housing.

Councillor C Large raised a concern that at the beginning of the report it stated that 60% housing was required and further into the report it stated that the target would be significantly less than 60% which could lead to repercussions and looking like the council was underperforming.

The Planning Policy Team Manager advised Members that the SHMA identified the need but 60% could not be justified so Members would be looking at a figure between 1 and 60% and this would then be tested as part of the viability test.

The Director of Services informed Members that 60% would not be achieved so the council would need to look at what could be achieved.

Councillor R D Bayliss stated that a generation ago all houses were affordable to all but due to economic challenges this had changed.

Councillor D De Lacy reiterated that it should be a fixed flat rate and that it should be stuck to.

The Planning Policy Team Manager advised Members that it was not flexible, but variable, however there would always be some negotiation on the numbers on sites.

Councillor V Richichi stated that the Council could not make decisions that could not be carried through. He added that if developers were forced into limits they would look to move to other districts that did not set numbers.

By affirmation of the meeting it was

RESOLVED THAT:

The Advisory Committee:

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1. Notes the need to include a policy in the Local Plan in respect of Affordable Housing;
2. Notes and comments on the possible contents of such a policy as outlined in the report and
3. Requests a further report be brought back to the Advisory Committee for consideration.

#### **40. STATEMENT OF COMMUNITY INVOLVEMENT**

The Director of Services presented the report to Members.

Councillor J Legrys thanked the officers for attending events to help promote the Local Plan and the Statement of Community Involvement (SCI). He stated that a number of organisations had not commented, however Members were able to comment on the statement through Council meetings. He suggested that Members attend community events in the future to explain what was being asked and why, and to take the flack that was aimed at officers.

Councillor S Sheahan stated that the Community Engagement Strategy was being reviewed and that Members should be aware they were very similar and they should be developed in accordance with each other.

Councillor D De Lacy commented that the new statement was not attached for Members to comment on.

The Director of Services informed Members that there would not be a meeting of the Advisory Committee before the SCI was considered at Cabinet, but he would be happy to circulate it to Members.

By affirmation of the meeting it was

RESOLVED THAT:

The Advisory Committee:

1. Notes the response to the recent consultation in respect of the Statement of Community Involvement;
2. Requests that the new Statement of Community Involvement be circulated to Members of the Advisory Committee; and
3. Notes that the new Statement of Community will be considered by Cabinet at its meeting on 13 January 2015

Councillor A C Saffell left the meeting at 8.14pm.

Councillor D Howe left the meeting at 8.26pm.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.34 pm