

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Online via the zoom app on 16 September 2020

Attendance list at end of document

The meeting started at 2.00 pm and ended at 4.05 pm

54 Public speaking

A Democratic Services Officer read out a brief statement from Councillor Copus, Chairman of the Planning Committee of Ottery St Mary Town Council which read as follows:

As Chairman of the Planning Committee of Ottery St Mary Town Council the Council's views on the Planning White Paper were made clear in the minutes of the last Planning Committee and the local press. Our council's chief concern is the lack of democratic accountability that the White Paper proposes. I would strongly ask the District Council to write to our MP asking him to fully address this matter.

55 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 23 July 2020 were confirmed as a true record.

Councillor Howe offered his heartfelt apologies to the Service Lead – Planning Strategy and Development Management and committee members for his comments made at the last meeting advising his behaviour was an effect of low blood sugar from diabetes.

56 Declarations of interest

Item 59. Changes to current planning system August 2020 consultation.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton Popleford and Harpford Parish Councils.

Item 60. Planning White Paper - implications and proposed response.
Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton Popleford and Harpford Parish Councils.

Item 61. Adoption and implementation of the revised Community Infrastructure Levy Charging Schedule.
Councillor Dan Ledger, Personal, Seaton Town Councillor.

Item 61. Adoption and implementation of the revised Community Infrastructure Levy Charging Schedule.
Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor.

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Councillor Kevin Blakey, Personal, Cranbrook Town Councillor.

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Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

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Councillor Olly Davey, Personal, Exmouth Town Councillor.

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Councillor Paul Hayward, Personal, Clerk to All Saints, Chardstock and Newton Popleford and Harpford Parish Councils.

Item 61. Adoption and implementation of the revised Community Infrastructure Levy Charging Schedule.

Councillor Sarah Chamberlain, Personal, Broadclyst Parish Councillor.

57 **Matters of urgency**

There were no matters of urgency discussed.

58 **Confidential/exempt item(s)**

There were no items that officers recommended should be dealt with requiring exclusion of the public or press.

59 **Changes to current planning system August 2020 consultation**

The Service Lead – Planning Strategy and Development Management referred to an 8 weeks consultation document issued by Government on 6 August 2020 on the proposed changes to the current planning system and outlined to Members the proposed responses to the consultation.

Members noted some of the potential implications from the proposed changes:

- New methodology for the standard method for assessing housing need with a greater emphasis on affordability which drives up the housing need in East Devon to potentially 1614 homes per year;
- 25% of all affordable homes should be first homes. The Service Lead – Planning Strategy and Development Management referred to 2 options for the remainder of the affordable housing requirement. Option 1, to distribute the remaining affordable housing provision in accordance with local authority policy, which in East Devon's case would be a 70% - 30% split or option 2 to negotiate the tenure mix separately;
- First homes would not be required on sites for build for rent homes, specialist accommodation, sell for custom build or exclusively affordable housing.
- Local Plans and Neighbourhood Plans that have been submitted for examination within 6 months would be exempt from including First Homes requirements;
- Pre applications currently going through the development management process would also be exempt;
- To include local level varied discounts - The Service Lead – Planning Strategy and Development Management emphasised the importance as the standard 30% discount was unlikely to make homes affordable to many people but highlighted a potential opportunity to increase the discount up to 50% which could have a significant impact on delivering affordable homes in East Devon.

- To raise the threshold for affordable housing from 10 or more unit sites to up to 50 unit sites in urban areas. In East Devon these sites would include Exmouth, Honiton, Seaton and Sidmouth. – Members noted the number of affected sites was likely to be small therefore the loss of affordable housing would not be significant. Members also noted a wider implication about whether this would generally help the smaller or medium sized developers;
- Permission in principle was proposed to extend to sites to over 10 dwellings in size and to introduce a new fee structure and publicity arrangements. Members noted that East Devon had not received a single application for permission in principle and that customers favoured the outline planning permission route.

The Chairman thanked the Service Lead – Planning Strategy Development Management and welcomed non-committee members to speak.

The Portfolio Holder Sustainable Homes and Communities raised the followings points:

- Clarification was sought on first homes in East Devon and the 30% discount of market value. Concerns were raised that there was a great need for social housing and affordable to rent housing which would reduce the number of affordable housing we have available to rent. In response the Service Lead – Planning Strategy Development Management reassured members that the proposed response was answered in consultation with the Housing Service who had raised some concerns about how this would impact on housing providers which had been addressed in the response to question 8.
- Comments were made about whether it would be appropriate to not agree with either options to question 8. It was advised it was for members to decide but officer's preference was to secure the same mix of affordable housing from the remainder of the affordable housing based on our existing policy.

The Chairman welcomed comments from committee members.

Committee Members discussions covered:

- Concerns were raised about the algorithm used to determine local housing need;
- A Suggestion was made to request more specific and detailed information about the working of the algorithm;
- It was commented that although the central forecast may sound good in Parliament it does not show any relevance to local democracy and reality;
- Cross party agreement that central government had got it wrong;
- Concerns were raised that we were building houses we did not need and that we need to maximise social housing or affordable housing numbers. It was disappointing that national government had failed to embrace the need to build only the houses we need on the sites rather than making a profit;
- A comment was made about the table on page 18 - it was pertinent in terms of setting out the former GESP areas for local authorities and that projected housing requirements under the new algorithm and that if we were still working together with Exeter the overall percentage required would be lower. In response the Leader referred to a key comment made by the Prime Minister in a recent webinar he had attended and said if we had continued with GESP with those large scale allocations all over the GESP area those would probably be irreversible, and said a bullet had been dodged;
- A suggestion was made to strengthen the Service Lead – Planning Strategy and Development Management wording in his consultation response in relation to the overall numbers;
- Members concurred it was a comprehensive and excellent report;

- The Leader thanked the Chairman of the Strategic Planning Committee for his valued input throughout the preparation of the report and acknowledged the close working relationship with the Service Lead – Planning Strategy and Development Management;
- Clarification was sought on the evidence from the algorithm numbers and the uplift in the number of houses that were expected to be built. In response the Service Lead – Planning Strategy and Development Management advised it was to do with supply and demand and said logically if there was an oversupply of houses compared to demand house prices would come down. He also referred to other factors that would impact on the affordability gap including economic changes, increased lending to first time buyers and increased salaries;
- We need to change our focus and build houses for people to live in, not for profit. To use our Housing Forums and Panels to come up with ways of providing better housing for people;
- Clarification was sought on how the district council that has two thirds of AONB build in an AONB area that is protected. The ratio of affordability will be greater than the area we can build in. The Service Lead – Planning Strategy and Development Management agreed with the comments and said we are a heavily constrained district and referred to the White Paper referring to taking constraints into account and suggested some of the comments would be better made in response to the White Paper. He emphasised the need to fully understand how the government hoped to take account of these issues and how that would impact on the figures which had been addressed in the comments to the questions in the White Paper;
- Concerns were raised about the table on page 18 that the numbers did not add up and a suggestion was made to make sure the figures were correct before going out;
- A suggestion was made to amend the resolution to reflect discussions;
- Concerns were raised on the impact of Covid-19 on the entire economy;
- Concerns were raised that the report did not tackle climate change or address strategic transport infrastructure. As a country we are trying to meet a 2050 carbon neutral deadline. A suggestion was made to add something to the response about tackling transport issues. In response the Service Lead – Planning Strategy and Development Management advised he could add something into the consultation and also confirmed the issues raised had been addressed in the White Paper in question 8 about standard methods;
- Reference was made to the lack of evidence presented for question 8 and a suggestion was made to include the last housing needs review East Devon undertook through independent consultants.

The following amendment to the recommendation was proposed by Councillor Ian Thomas and seconded by Councillor Paul Arnott.

The committee to note the report and agree the proposed responses to the consultation and we publish our response to the consultation and in both the covering letter and publicity express our profound concerns to the algorithm used.

The Planning Barrister sought clarification whether a response to one of the specific questions would be better amended to reflect the algorithm that is being used. In response Cllr Thomas advised it would not and said he was not comfortable with the scale changing in numbers based on the information received and would like to see and understand the detail of the algorithm.

The Chairman requested that a vote take place on the motion. The motion was put to committee and with an overall majority the motion was carried with no abstentions.

RESOLVED:

That the proposed responses to the consultation be noted and agreed and to publish our responses to the consultation and in both the covering letter and publicity express our profound concerns to the algorithm used be agreed

60 **Planning White Paper - implications and proposed response**

The Service Lead – Strategic Planning and Development Management gave a brief overview of the problems with the current planning system and the government’s vision for the system as detailed in the White Paper.

Members noted the consultation seeks to focus on net gain rather than harm, to move democracy forward in the planning process to give neighbourhoods and communities a more meaningful voice, help businesses to expand, support developers and promote improvements to the countryside and prosperity in our villages, towns and cities.

The Service Lead – Strategic Planning and Development Management referred Members to the three main pillars detailed in the consultation.

Pillar One - Planning for Development which sets out the key proposals relevant to land use plan making, including setting out a national set target of 300,000 homes per annum, removing the 5 year land supply and duty to co-operate, identifying growth renewal and protected land areas and updating the NPPF so that it becomes the primary source of development control guidance.

The Service Lead Strategic Planning and Development Management addressed a number of key issues which included:

- It was unclear how local constraints were to be taken into account and by whom;
- A lack of strategy for where growth is accommodated across England;
- The calculator only focused on growth where it previously occurred and where the affordability gap is at its greatest without consideration as to whether or not that is the appropriate response or a clear methodology for doing so.

Members noted that although simplified local plans were to be welcomed it was unclear exactly how the 13 months process could be achieved and it appeared to show less engagement with our communities on planning issues and also the welcome of the single sustainability test but lacked detail about how this would operate and how it would differ from the current system.

Pillar two – Planning for beautiful and sustainable places sets out to improve the quality of new development coming forward and proposes a national model design code and a revised manual for streets to complement the existing national design guide and for each authority to have a chief officer for design and place making

Two key issues had been raised:

- Although a greater emphasis on design was clearly welcomed the upfront design coding appeared to be in conflict with a 30 months’ timescale for local plan preparation. Members noted for local plans design coding was time consuming and to try and complete this within a 30 months’ timescale was problematic;
- A significant lack of resource issues.

Pillar Three – Planning for infrastructure and connected places. Sets out to improve the way in which contributions towards infrastructure associated with new development is made, to improve certainty and transparency by introducing a new fixed rate infrastructure level which would replace the S106 legal agreements and community infrastructure levy.

The key issues raised included:

- The lack of detail in terms of the new infrastructure levy and how that would work and whether it would achieve the benefits that the consultation had suggested;
- It had the potential to be as complicated as the Community Infrastructure Levy;
- It was unclear what the consequences might be in delivering affordable housing.

Members welcomed the increased flexibility on spend but noted it did raise the question about whether or not it would use substantially more funding for infrastructure especially as there was a massive shortfall in funding for infrastructure.

The Service Lead – Strategic Planning and Development Management referred to the final section of the consultation about how these changes would be delivered and addresses some key elements:

- Planning fees to continue to be set on a national basis;
- A review to identify and eliminate outdated regulations;
- A new performance framework is to be established.

The Chairman thanked the Service Lead – Planning Strategy Development Management for his report and welcomed comments from non-committee members.

Points raised by non-committee members included:

- The forensic, astute and well written draft response was welcomed;
- Clarification was sought on the local plan and timings and a suggestion was raised to be a bit more detailed in that response emphasising that 30 months is too much of a stretch; In response the Chairman advised it would depend on how much consultation the government have set for us to undertake within our local plan which will dictate how long it will take for a local plan to come through;
- It was an absolute disgrace that there was no mention of social housing. A suggestion was made to include an objection to the fact that there was no provision for social housing;
- A suggestion was made for members to support the improvement of digital planning as it is clear the public want access to documents.

The Chairman welcomed comments from committee members.

- Clarification was sought on page 64 para. 4.60. It mentions that energy efficiency standards potentially will be taken away from local authority areas and handed over to a national planning framework. In response the Service Lead – Planning Strategy and Development Management advised building control would have greater powers with less control through the planning process. This approach was detailed in the Future Homes consultation from earlier in the year to which a government response is awaited;
- Concerns were raised on overturns and reference was made to question 7b on page 42;
- Concerns were raised on the abolition of the current need for sustainability assessment and addressed the point of developing sustainable communities, not

just houses but other services too, educational services, employment services, economical services and leisure services. This seems to have been abolished in the new proposal;

- Concerns were raised about the removal of the duty to co-operate;
- It was pointed out the fundamental point of the paper was that it was a massive centralisation;
- Concerns were raised to the answer to question 9a on page 49 and suggested the answer should be 'no' because it is undemocratic and lacks scrutiny. The Service Lead – Planning Strategy and Development Management advised that he did not have these concerns as the process would ensure there would be appropriate scrutiny and engagement through the local plan preparation process but was happy to revise the text if Members were concerned;
- It was commented that it was important to answer yes to question 9a because the work for the local plan would either prove or disprove these allegations instead of going through it at a later date with an unfeasible application.

Councillor Ian Thomas proposed the following amendment to the motion which was seconded by Councillor Paul Arnott.

The Committee note the report and agree the proposed responses to the consultation and we express our concern of the proposed over centralisation of the planning process.

The seconder of the motion, Councillor Paul Arnott proposed the following amendment to the motion.

The Committee note the report and agree the proposed responses to the consultation and we express our concerns over the lack of consideration for social housing and the lack of scrutiny resulting from the proposed centralization of planning powers.

The proposer of the motion, Councillor Ian Thomas confirmed he was in agreement and said it was a balance between not moving away from making this salient fundamental point.

Councillor Nick Hookway emphasised the importance of raising our serious concerns about the lack of scrutiny. Councillor Mike Allen supported Councillor Hookway's concerns as a proposal.

The proposer, Councillor Thomas advised he was not prepared to accept the amendment to the motion, not because he did not agree with it but because he did not know the views of the other Members.

The Chairman requested Members to vote on a straw poll to show their support for Councillor Hookway's proposed amendment to question 9a in relation to the answer should be no as the results would be undemocratic and lack scrutiny. The straw poll was put to committee with a clear majority of yes and 1 abstention.

The proposer, Councillor Thomas and the seconder, Councillor Arnott acknowledged the support from Members.

The Chairman requested that a vote take place on the following amended motion.

Members to note the report and agree the proposed responses to the consultation with the response to question 9a to be No as undemocratic and due to lack of scrutiny and we

express our concern of the proposed over centralisation of the planning process and the committee also notes the lack of consideration for social housing and lack of scrutiny.

The amended motion was put to committee and was carried with a clear majority and 1 abstention.

RESOLVED:

The proposed responses to the consultation with the response to question 9a to be No as undemocratic and due to lack of scrutiny and we express our concern of the proposed over centralisation of the planning process and the committee also notes the lack of consideration for social housing and lack of scrutiny be noted and agreed.

61 **Adoption and implementation of the revised Community Infrastructure Levy Charging Schedule**

Members considered the Service Lead – Planning Strategy and Development Management’s report summarising the outcome of the examination into the revised Community Infrastructure Levy (CIL) Draft Charging Schedule. The report also detailed the final version of the Charging Schedule for approval setting out the process for bringing the revised Charging Schedule into effect.

Members noted the revised Charging Schedule had zero rated Cranbrook resulting in infrastructure being delivered through S106 agreements to ensure greater onsite delivery by developers to ensure more timely delivery of infrastructure.

Points raised during discussion included:

- Clarification on the motivation for encouraging out of town centre retail. In response the Service Lead – Strategy and Development Management advised that the charging schedule did not seek to encourage out of town retail but that the charges were to be levied based on their viability to ensure that developments were paying the appropriate rates towards delivering infrastructure;
- Concerns raised that Sidmouth and Budleigh Salterton will have no affordable housing;
- Clarification on why there is a flat rate of higher CIL being applied to Sidmouth and Budleigh Salterton. In response the Service Lead – Planning Strategy and Development Management advised the evidence taken from the viability assessment work showed that those areas can afford to pay a higher rate of CIL and still achieve policy compliant levels of affordable housing;
- Clarification sought on the shortfall of infrastructure funding referred to in paragraph 1.6. It was advised CIL was never designed to be funding for all the infrastructure requirements, we would need to look at other funding sources from central government, Homes England etc.;
- Concerns raised on the impact of Covid-19 and government expenditure;
- Clarification sought on the figures in figure 1 on page 76. It was advised retail within town centres have never been charged to encourage retail units to be built within the town centres where we want them to be built;
- People actually want affordable homes instead of care homes so surprised to read care homes will have zero CIL contributions considering we all know they make a good profit. The Service Lead – Planning Strategy and Development Management advised that the viability of all types of care homes meant that they could not afford to pay CIL.

The Chairman, Councillor Dan Ledger proposed the motion and was seconded by the Vice Chairman, Councillor Olly Davey.

The motion was put to the committee and carried with no abstentions.

RESOLVED:

- 1. That the outcome of the Examination into the Community Infrastructure Levy Draft Charging Schedule be noted.**
- 2. Recommend to Full Council that the revised Community Infrastructure Levy Charging Schedule attached to Appendix A be approved with effect from 1 February 2021.**

The Chairman closed the meeting.

Attendance List

Councillors present:

P Arnott
M Allen
K Blakey
S Chamberlain
O Davey (Vice-Chairman)
P Hayward
N Hookway
M Howe
B Ingham
D Ledger (Chairman)
A Moulding
E Rylance
P Skinner
I Thomas

Councillors also present (for some or all the meeting)

M Armstrong
D Bickley
S Bond
B De Saram
P Faithfull
S Jackson
V Johns
G Jung
P Millar
J Rowland
E Wragg

Officers in attendance:

Wendy Harris, Democratic Services Officer
Debbie Meakin, Democratic Services Officer
Ed Freeman, Service Lead Strategic Planning and Development Management
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Shirley Shaw, Planning Barrister

Mark Williams, Chief Executive

Councillor apologies:

K McLauchlan

Chairman

Date: