

DEVELOPMENT PLAN SCRUTINY SUB-COMMITTEE

25 March 2014
4.30 - 6.05 pm

Present: Councillors Saunders (Vice-Chair, in the Chair), Blackhurst, Blencowe, Brierley, Herbert and Price

Executive Councillor for Planning and Climate Change: Councillor Ward

Officers:

Head of Strategic Housing: Alan Carter

Housing Strategy Manager: Helen Reed

Planning Policy Manager: Sara Saunders

Housing Development Manager: Sabrina Walston

Principal Planning Officer: Tony Collins

Principal Planning Policy Officer: Joanna Gilbert-Wooldridge

Senior Planning Policy Officer: Brendan Troy

Planning Policy Officer: Frances Schulz

Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL

14/1/DPSSC Apologies

Apologies were received from Councillor Reid.

Councillor Blackhurst was present as the alternate.

14/2/DPSSC Declarations of Interest

No declarations of interest were made.

14/3/DPSSC Minutes

The minutes of the 17 December 2013 meetings were approved and signed as a correct record.

14/4/DPSSC Public Questions

No public questions were asked.

14/5/DPSSC Draft Affordable Housing Supplementary Planning Document 2014

Matter for Decision

The Officer's report concerned the draft Affordable Housing Supplementary Planning Document (SPD), which will sit alongside the Cambridge Local Plan 2014 once adopted.

The SPD supports Policy 45: Affordable housing and dwelling mix of the submission version Cambridge Local Plan 2014. The policy is included in Appendix 1 of the draft SPD.

The draft Affordable Housing SPD has been prepared to replace the council's current Affordable Housing SPD (January 2008). Wide consultation across relevant service areas within the council has been undertaken.

Decision of Executive Councillor for Planning and Climate Change

- i. Agreed the content of the draft Affordable Housing SPD (Appendix A of the Officer's report).
- ii. Agreed that amendments should be agreed by the Executive Councillor in consultation with Chair and Spokes of Development Plan Scrutiny Sub Committee (DPSSC).
- iii. Agreed the draft Affordable Housing SPD would be subject to public consultation for 6 weeks in June/July 2014.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Planning Policy Officer.

The Committee made the following comments in response to the report:

- i. Labour Councillors expressed concern that legislation from 2013 may enable developers to challenge council planning decisions on technicalities.

- ii. Asked Officers to give DPSSC reassurance that the Draft Affordable Housing Supplementary Planning Document would defend affordable housing provision as much as possible.

In response to Members' questions the Head of Strategic Housing, Planning Policy Manager, Principal Planning Officer and Principal Planning Policy Officer said the following:

- i. Developers are required to demonstrate when it would be possible (viable) to provide affordable housing on-site; and financial contributions would only be acceptable in the instances set out in the Draft Affordable Housing SPD. It was noted that viability levels may change between the city's wards.
- ii. It was not possible to predict in advance if developers would deliberately aim to provide financial contributions instead of affordable housing. A robust system should discourage this.
- iii. Developers had to demonstrate viability as part of the application process. The Council could not demand affordable housing where it was not viable. The Council can seek financial contributions in the form of overage provision, if it became apparent that affordable housing was viable, after the initial assessment said it was not.
- iv. Referred to Cambridge Local Plan 2014 – Draft Submission Policy 45. The viability of providing affordable housing on development sites, off-site, or making financial contributions would depend on the size and nature of developments. On-site provision was more likely for bigger schemes.
- v. The wording of Local Plan Policy 46: Development of Student Housing reflected that it was not considered viable for the Council to collect financial contributions towards delivery of affordable housing from student accommodation. The development of new student housing would not be required to contribute to the supply of affordable housing.

The Principal Planning Policy Officer undertook to circulate the evidence base for not collecting financial contributions from student accommodation to DPSSC post meeting.

- vi. In the instance of sites in the current Cambridge Local Plan 2006, it was noted that a limited number of allocations in the plan allowed for provision of student accommodation in lieu of affordable housing. This meant that the 40% of the site which would normally be given over to affordable housing could be developed as student housing. This approach was taken in the 2006 plan to deliver more student housing for

- Anglia Ruskin University to meet their need. The Cambridge Local Plan 2014: Proposed Submission document does not continue this approach.
- vii. References to “registered social landlords” in the Officer’s report (specifically paragraph 3.25 (P43)) should read “registered providers”.
 - viii. The Head of Strategic Housing and Planning Policy Manager undertook to review the wording of paragraphs 3.13 - 3.25 (P41 - 43) of the Officer’s report post meeting, then pass details to the Chair and Spokes for comment. Specifically to clarify financial contribution levels (ie minimums); and how contributions would be collected, administered and used.
 - ix. Where the Council agrees, on viability grounds, to a reduction in the level of affordable housing below that specified by policy; it will require the resulting Section 106 agreement to include an ‘overage’ provision. If the financial return to the developer when units are sold exceeds the level included in the submitted viability assessment, a proportionate additional contribution would be made to affordable housing in the city. The Council would require the Section 106 agreement in these cases to make provision for an assessment of overage at the time of sale of units.
 - x. The Cambridge Local Plan 2014: Proposed Submission document states that affordable housing will be provided on ‘aparthotel’ schemes. This policy will be tested when the Cambridge Local Plan 2014: Proposed Submission is examined by the Planning Inspector.
 - xi. The final Affordable Housing SPD will be brought back to DPSSC after the draft Affordable Housing SPD has undergone public consultation for 6 weeks in June/July 2014, and the Cambridge Local Plan 2014 has been examined by the Planning Inspector.
 - xii. The Planning Policy Manager undertook to include Romsey Ward in Appendix 2 Figure 1 (Officer’s report P61).
 - xiii. The Draft Affordable Housing Supplementary Planning Document provides guidance. The pre-application process would be used to manage application design features before an application progressed too far to change these, and prevent high maintenance costs blocking the implementation of affordable housing.
 - xiv. The Affordable Housing Supplementary Planning Document would be reviewed annually.
 - xv. (Reference paragraph 7.1, Officer’s report P53) If a private individual bought a property under ‘right to buy’, the monies would be used to support the delivery of further affordable housing.

The Planning Policy Manager undertook to clarify the impact of ‘right to acquire’ if registered providers bought properties.

- xvi. The housing need assessment suggested that one bedroom properties should form up to 20% of the total supply available. This could be regularly reviewed.
- xvii. Officers could review the mixed use of community features in future e.g. houses and businesses sharing car parks.

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

14/6/DPSSC Draft Planning Obligations Strategy SPD

Matter for Decision

The current Planning Obligations Strategy Supplementary Planning Document (SPD) was adopted in 2010. Due to changes in the legislative and planning policy framework this now needs to be updated. The revised Planning Obligations Strategy SPD and Community Infrastructure Levy (CIL) Charging Schedule are mutually dependant policy documents that need to be put in place and updated alongside the emerging Local Plan. Councillors are asked to consider the Draft Planning Obligations Strategy SPD prior to its submission to the planning inspectorate in support of the Council's Draft CIL Charging Schedule and also prior to formal public consultation on the Draft SPD.

In order to adopt a CIL the Council has to produce a draft list of infrastructure which could benefit from CIL funds. Any infrastructure on that list cannot receive any funds from a S.106 planning obligation. This list is known as the 'Reg.123 list' (this title being taken from the Regulation number which requires publication of such a list). The Council took the opportunity to consult on a Draft Regulation 123 List during the public consultation on the Draft Cambridge CIL Charging Schedule. Councillors are now asked to consider updates to the list to reflect responses received during the public consultation and also developments in the Draft Planning Obligations Strategy SPD.

Decision of Executive Councillor for Planning and Climate Change

- i. Approved the Revised Draft Planning Obligations Strategy SPD, as set out in Appendix 1 of the Officer's report, for a six week consultation public consultation period between June and July 2014.

- ii. Approved the Revised Draft Planning Obligations Strategy SPD for submission to the planning inspectorate in support of the Submission Draft CIL Charging Schedule on 28 March 2014.
- iii. Approved the updated Draft CIL Regulation 123 List, as set out in Appendix 3 of the Officer's report, for submission to the planning inspectorate in support of the Draft CIL Charging Schedule on 28 March 2014.
- iv. Agreed, as of the 1 April 2014, the approach towards monitoring fees outlined in paragraph 3.23 is implemented.
- v. Agreed that any amendments should be agreed by the Executive Councillor in consultation with Chair and Spokes of Development Plan Scrutiny Sub-Committee.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Senior Planning Policy Officer.

In response to Members' questions the Planning Policy Manager and Senior Planning Policy Officer said the following:

- i. The Senior Planning Policy Officer stated that Public Art could benefit from CIL funds and that the Regulation 123 List could be updated at any stage to include Public Art. CIL regulations require that a Regulation 123 List is submitted to the Planning Inspector alongside the Draft CIL Charging Schedule. The Regulation 123 List could be updated after adoption of the CIL Charging Schedule, subject to appropriate consultation.
- ii. The Officer's report contained indicative figures related to the maintenance of open space, these would be updated as required prior to the June 2014 public consultation.

The Planning Policy Manager undertook to provide Councillor Herbert with the evidence base for figures in the Officer's report.

- iii. Requirements for viability appraisals were set out in Appendix 3 (P159) of the Officer's report.
- iv. Provision of open space was allocated on a pro rata basis of 0.3 hectares per 1,000 people. Details were set out on P136 of the Officer's report and Appendix I of the Local Plan.

- v. CIL is operated like a tax. It is a £/m² charge on new floor space that is payable on commencement of development.

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

14/7/DPSSC Cambridge Local Development Scheme 2014

Matter for Decision

Cambridge City Council is required to maintain a Local Development Scheme (LDS). An LDS sets out a timetable for the production of new or revised Development Plan Documents (such as a Local Plan or Area Action Plan).

Following the recommendation of the Joint Strategic Transport and Spatial Planning Group on 6 February 2014 to commence the preparation of an Area Action Plan for the Cambridge Northern Fringe East area and amend the LDS, it is necessary for the Council update the LDS with the latest timetable and publish it on the Council website.

Decision of Executive Councillor for Planning and Climate Change

Approved the Cambridge Local Development Scheme 2014 and agree to it being brought into effect on 26 March 2014.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Planning Policy Manager.

There was no debate on this item.

The Committee unanimously resolved to endorse the recommendation.

The Executive Councillor approved the recommendation.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

The meeting ended at 6.05 pm

CHAIR