

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

12 MARCH 2020 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman
Mr C Ladkin and Mr P Williams – Vice-Chairmen

Mr DS Cope, Mrs MJ Crooks, Mr SM Gibbens, Mr K Morrell (for Mr JMT Collett),
Ms A Pendlebury, Mr MC Sheppard-Bools and Mr HG Williams

Also in attendance: Councillor KWP Lynch

Officers in attendance: Matthew Bowers, Bill Cullen, Lesley Keal, Rebecca Owen and Nicola Smith

353 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Collett and Webber-Jones, with the substitution of Councillor Morrell for Councillor Collett authorised in accordance with council procedure rule 10.

354 MINUTES

It was moved by Councillor Crooks, seconded by Councillor Cope and

RESOLVED – the minutes of the meeting held on 6 February be confirmed and signed by the chairman.

355 DECLARATIONS OF INTEREST

No interests were declared at this stage.

356 PLANNING APPEALS UPDATE

Members received an update on the progress of current planning appeals. During the presentation and discussion, the following points were raised:

- Five authorities nationally failed the quality measure for the assessment period April 2016 to March 2018. At this point it wasn't clear what action would be taken against these authorities
- The worst case penalty would be removal of powers to determine major applications as applicants were able to submit their application direct to the Planning Inspectorate. The planning fee would be received by the Inspectorate, yet HBBC would still have to carry out the consultation and other administrative work on the application
- It was estimated that the income from planning applications would reduce by 50% if the power to determine major applications was withdrawn
- If all major applications currently awaiting decision were refused and lost at appeal, the 10% overturn rate would be exceeded
- Only two of the appeals lost were due to the lack of a five year housing land supply
- The need for the Planning Committee to ensure it made robust decisions based on unchallengeable reasons was key
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A member asked whether neighbouring authorities were also following the same trend in appeals being overturned but no comparisons were available.

Members felt the overall outcome of appeals was positive.

357 S106 CONTRIBUTIONS UPDATE

The Scrutiny Commission was updated on S106 contributions received and spent in 2019, those secured, currently held and successfully requested and any contributions nearing clawback.

A member asked whether, in the current situation of speculative applications being received for greenfield sites due to the lack of a five year land supply, it was more challenging to negotiate good section 106 agreements. In response it was reported that the costs for developing greenfield sites was lower so there were fewer viability issues.

A member asked whether actual spend of S106 contributions were reported back. In response it was noted that this individual spend was not currently reported and the information was requested for future reports. It was advised that spend had to be provided to government by way of an Infrastructure Funding Statement as outlined in the report. It was requested that the Infrastructure Funding Statement be brought to the Scrutiny Commission.

In relation to contributions for healthcare, it was explained that it was up to surgeries to request money from the CCG and the council wasn't able to influence where the funding was directed. It was, however, noted that there was a GP representative on the Health & Wellbeing Board and if they were to highlight deficiencies in certain surgeries, this could be conveyed to the CCG. It was also noted that there was a new Chief Executive of the West Leicestershire CCG who had a place-based focus.

In relation to the use of contributions towards healthcare for a surgery further away from a development (not for the nearest facility) which was expected to take the additional patients, a member asked whether planning permission should be refused if the nearest surgery could not take them. In response, it was explained that it would depend on the government's definition of a reasonable distance to travel to a surgery. It was also noted that the CCG was a consultee on major planning applications and if they highlighted this matter as an objection, it could be a ground for refusal.

The move to patient care networks (PCNs) was discussed, whereby surgeries would be grouped together to provide a range of services, but not every service would be available at every surgery.

In relation to the signing of the S106 agreement for Barwell SUE, it was noted that Leicestershire County Council changing its position so late in the process was not an isolated incident and a similar thing had happened in other Leicestershire authorities. Disappointment was again expressed that the county council had been involved in the discussions on the S106 agreement throughout the entire process but it wasn't until all other parties had signed that requested a review.

Contributions to education were discussed and it was noted that significant S106 sums had been secured for education in the borough. The chairman informed members that, following a discussion at a previous meeting, he had written to the Cabinet member for education at the county council to express concern about the Cabinet report which stated that HBBC had not secured sufficient contributions to education. The Cabinet member had acknowledged in his response that there was funding for education that the county council had not allocated.

Discussion ensued on the potential for using the community infrastructure levy (CIL), but it was noted that it was not necessarily an easy solution and it was felt that S106 would result in higher contributions.

RESOLVED –

- (i) The report be noted;
- (ii) The significant amount of contributions secured be recognised;
- (iii) The improvements in the process be acknowledged and commended;
- (iv) Actual spend be included in future reports;
- (v) The Infrastructure Funding Statement be brought to the Scrutiny Commission.

358 THE GOOD DESIGN GUIDE SPD

Consideration was given to the Good Design Guide Supplementary Planning Document (SPD). It was confirmed that the document contained measures to address climate change.

It was noted that, as part of the updated validation criteria of a planning application, images showing how the proposed development would appear in the street scene had to be provided by developers. It was suggested that members and officers should receive a briefing which would also include examples of poor design and a tour of some successful and some poor sites in the borough.

RESOLVED –

- (i) The Good Design Guide SPD be RECOMMENDED to Council for adoption;
- (ii) An annual coach tour of good and poor sites within the borough be arranged for members.

359 FIVE YEAR HOUSING LAND SUPPLY

Members were briefed on the current housing land supply position. During discussion, the following points were raised:

- The time allowed for submitting a reserved matters application following outline approval had been shortened to 18 months
- Work was taking place on the application for the Earl Shilton SUE
- Work had started on the Hinckley West development
- Whilst the Site Allocations and Core Strategy was still valid, most sites within the Site Allocations DPD had been built, therefore a new local plan was now required
- Neighbourhood Development Plans still had weight if the council maintained a three year housing land supply and they were less than two years old
- There were tensions raised by neighbourhood planning groups about housing numbers
- The government's standard methodology was required to be used to calculate the council's annual housing numbers

- The suggestion to develop Barwell SUE in smaller applications would not deliver the larger infrastructure improvements
- Leicestershire County Council and the applicant were now undertaking a new traffic assessment in relation to Barwell SUE but it was hoped that the process would not be lengthened unnecessarily
- Lessons could be learned from the issues with the SUEs
- Garden villages should be considered in order to take on large numbers of housing outside of existing settlements.

RESOLVED –

- (i) A joint member/officer working group be convened to consider options for progressing the new local plan at pace;
- (ii) Neighbourhood planning groups be supported to understand housing need.

360 SCRUTINY COMMISSION WORK PROGRAMME

The work programme was noted.

361 MINUTES OF FINANCE & PERFORMANCE SCRUTINY

The minutes of Finance & Performance Scrutiny on 20 January were received for information.

(The Meeting closed at 8.47 pm)

CHAIRMAN