

**Minutes of the Meeting of the Scrutiny Committee for  
Community, Housing and Planning held on 17 January 2018  
from 7:00 p.m. to 8:37 p.m.**

**Present:** Councillors: Neville Walker (Chairman)  
Margaret Hersey (Vice-Chairman)

Andrew Barrett-Miles  
Edward Belsey  
Richard Cherry  
Phillip Coote  
Ruth de Mierre

Bruce Forbes  
Sue Hatton  
Chris Hersey  
Anne Jones  
Edward Matthews\*

Anthony Watts Williams  
John Wilkinson  
Peter Wyan

\*Absent

**Also Present (Cabinet Members):** Cllr Andrew MacNaughton and Cllr Norman Webster.

**Also Present (Members):** Cllr Garry Wall, Cllr Rod Clarke and Cllr Rex Whittaker.

**1. SUBSTITUTES AT MEETINGS OF COMMITTEE - COUNCIL PROCEDURE RULE 4**

None.

**2. APOLOGIES**

Apologies were received from Councillor Matthews.

**3. DECLARATIONS OF INTEREST**

None.

**4. MINUTES**

The Minutes of the Committee held on 14 November 2017 were agreed as a correct record and signed by the Chairman.

**5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

None.

**6. REVIEW OF THE HOUSING ALLOCATION SCHEME**

The Chairman informed Members that this report was reviewed by the Committee annually and that they were being asked to look at the current amendments to the scheme.

Emma Shuttleworth the Business Unit Leader for Housing Services, introduced the report which sought the Committee's endorsement of a number of revisions to the Housing Allocation Scheme, for agreement by the Council. She went through the main amendments to the Scheme which were described in the report.

Following a Members question the Business Unit Leader for Housing Services confirmed that exception sites would only be used for the scheme when nobody with a local connection had been identified.

A Member commented on their surprise at the amount of hard-to-let properties as there were so many desperate people in the District and surrounding areas. She queried whether the Council supply bidding support for those who are unable to bid themselves. The Member also asked whether the Council has any control over the quality level of the accommodation that is provided by the Housing Associations.

The Business Unit Leader for Housing Services informed Members that when a vulnerable individual is found they are referred to a multi-agency panel to supply them with accommodation instead of going through the bidding system. She also notified Members that unfortunately the Council could not greatly influence Housing Associations regarding the improvement of their properties standards. However Housing Associations do have to follow the same legislation as the private sector and this sets a minimum level of standard.

A Member asked for clarification on how the Council determines that an individual needs to move urgently because of serious harassment or threat of violence that is likely to be carried out. The Business Unit Leader for Housing Services advised Members that the Housing team make a subjective decision which is based on the information provided at the time. The Council usually received information and guidance from the Police in these matters.

The Cabinet Member for Housing and Planning informed Members that Housing Associations do have schemes in place to provide funding for tenants to redecorate their accommodation themselves. Additionally, they have a duty to provide emergency heating which he informed Members that they have provided evidence of this being done. He also revealed that inspections were carried out to ensure that properties were of a lettable standard.

In response to a query from Members the Business Unit Leader for Housing Services confirmed that Housing Associations must keep to the same base level of quality as the private sector. If they don't comply legally then the Council can involve the Environmental Services team at the Council.

Judy Holmes the Assistant Chief Executive, informed Members that if they do know of properties where they believe the quality of the accommodation is unlawful to contact the Housing Services team.

The Chairman then noted that no more Members wished to speak so moved to the recommendation, this was agreed unanimously.

## **RESOLVED**

That the Scrutiny Committee endorse to full Council the revised Housing Allocation Scheme at Appendix 1 to take effect from April 2018.

## **7. SITE ALLOCATIONS PLAN – STRATEGIC HOUSING AND EMPLOYMENT LAND AVAILABILITY ASSESSMENT**

Sally Blomfield, the Divisional Leader for Planning and Economy, introduced the report which asked Members to agree the Strategic Housing and Economic Land Availability Assessment (SHELAA) process, and the Site Selection Report assessment process. Appendix 1 sets out the proposed assessment processes.

The SHELAA assessment and the Site Selection Report will be used to inform the Committee's consideration of the sites nominated for development. This work will inform the preparation of the Site Allocations Development Plan Document.

National Planning Practice Guidance recommends Local Planning Authorities to consult a range of stakeholders on the SHELAA assessment process. The report set out information on the consultation process, responses and proposed changes to revise and update the SHELAA and the Site Selection Assessment processes.

The Chairman noted that Judy Holmes the Assistant Chief Executive would supply Members of the Committee with the details of the developers that attended the Developer Liaison Group on the 28 November 2018.

A Member thanked the Officers for the comprehensive report but questioned whether developers would be able to submit sites after the deadline as, in the past, they were not able to do so. If, there was no a cut-off point, shouldn't this be reflected in the wording of the report.

Lois Partridge the Business Unit Leader for Planning Policy and Economy informed Members that there was no official cut off point. However, there would be need for one in the future before the Paper is published. Judy Holmes the Assistant Chief Executive reassured the Member that the minutes would reflect his questions.

The Assistant Chief Executive, in response to a point of clarification from Members, informed the Committee that the recommendation (ii) was to reflect only minor amendments that might arise. The Solicitor to the Councillor confirmed that any changes to the substance of the document would constitute a major amendment and would be referred back to the Committee for decision.

A Member commented on the increasing problem of housing elderly individuals in the District and queried whether the Council could use their own land to provide for those currently in need and those in the future. The Member mentioned Thakeham developers to the Committee and that she had seen good quality developments from them. The Member believed that a greater emphasis should be attributed to the level of quality Housing Associations adhere to.

The Cabinet Member for Housing and Planning informed the Members that the Council work with many different organisations to find the right mix of social and privately rented properties, and that they are good quality. The Cabinet Member noted the good work Thakeham does and, in particular, the covenant they put on many bungalows, not to build in the roof space. He wanted to highlight that, thanks to MSDC's well informed Housing department, there had been a greater and more efficient mix in recent developments.

The Assistant Chief Executive reassured the Committee that Cabinet had been proactive in looking at what to do with Council owned land and, that they had not stopped themselves from putting forward the Councils sites for development. Cabinet's priority was to ensure the sites used would be the most appropriate.

The Divisional Leader for Planning and Economy clarified for a Member that BUA stood for Built up Area.

Officers explained to Members that the Density Topic Paper was a supporting Document to the District Plan and that it was an evidence based paper which set out analysis of existing densities across the district.

A Member thanked Officers for organising the Affordable Housing Workshop on the 12 December and said she came away encouraged that the Council were progressing in the right direction.

A Member queried that, if developers withdraw their support for a development, could the Council takeover the development themselves. He also highlighted the need for greater scrutiny of the Housing Associations and the quality of their properties.

The Assistant Chief Executive informed the Committee that Cabinet had been exploring ways for the Council to use their own land instead of relying on private land and Officers were currently researching the best courses of action for when Housing Associations and developers can't support developments.

A Member questioned whether the Council have sufficient power to stop builders if their work doesn't match the Council's standard.

The Solicitor to the Council commented that the Council does have the power to stop builders through its Building Control department. However, developers do use private building control organisations which makes it more difficult to oversee the development.

The Chairman then allowed Councillor Rex Whittaker who, was not a Member of the Committee, to speak. He wanted to thank the Officers for the report, their hard work and in particular Lois Partridge the Business Unit Leader for Planning Policy and Economy for her briefing at the Parish, Town and District Comms briefing in December 2017.

The Chairman noted that no more Members wished to speak so moved to the recommendation which was agreed unanimously.

## **RESOLVED**

That the Committee:

- (i) Considers the proposed process for assessing sites through the Strategic Housing and Land Availability Assessment, and the Site Selection Report;
- (ii) Authorises the Divisional Leader for Planning and the Economy, in consultation with the Cabinet Member for Planning, to make further necessary minor amendments to the proposed methodology, if required.

## **8. REVIEW OF MSDC'S DESIGN REVIEW PANEL'S TERMS OF REFERENCE**

Sally Blomfield the Divisional Leader for Planning and Economy, introduced the report which asked Members to consider the proposed amendments to the Design Review Panel's (the Panel) Terms of Reference (ToR) as set out in Appendix 1 following an assessment of the current practice in line with Royal Institute of British Architect's (RIBA) publication "Design Review Principles and Practice". The Committee was also asked to recommend that the Cabinet Member for Housing and Planning agree the revised Panel TOR.

The Panel had been going since 2003 and it was there to make sure the good quality design of new development. She informed Members that this report to Committee was a comprehensive review of the ToR undertaken in line with best practice and in light of the fact that previous reviews had only been partial.

A Member thanked the Officers and highlighted the need for a robust Design Review Panel, especially as he believed that there were many contentious applications ahead. However, he was of the opinion that the changes did not go far enough. He wanted clarification on what the Officers would do to prevent a conflict of interests for the members of the Panel, that all relevant groups and organisations were consulted, and that he believed conflicting reviews should be seen as a good thing. The Member also wanted to see that papers would be available at the pre application stage as well as the application stage and that the recommendations should include further reviews to the Design Panel. He informed the Committee that other authorities allow members of the public to attend their Design Review Panels and that they are minuted. He also added that some authorities had outsourced the Panel's work.

The Divisional Leader for Planning and Economy informed the Committee that, although some authorities do outsource the Panel, Officers had undertaken benchmarking activities and found it much more expensive and that our current system was more cost effective. To prevent the Panel members having conflict of interests the overall pool of architects had been expanded and the size of the specific panels had been reduced. This would reduce the risk of conflict, other measures to reduce conflict are set out in the detailed ToR appended in the Report. In terms of having different expertise on the Panel, it would be noted that many of the architects on the Panel also have expertise in duties such as sustainability etc. She informed the Committee that the Council's Conservation Officer would report her expert opinion on schemes to Panel meeting and ensure Conservation advice was available. Finally she reminded Members that the RIBA guidance is advisory not a requirement and in her opinion the ToR as proposed reflected the best practice.

The Assistant Chief Executive confirmed the possibility of a 12 month review of the Panel's Terms of Reference and would be grateful for Members to provide feedback on the changes at this review point.

A Member drew the Committees attention to a cap on the amount of times a scheme could visit the Panel to two. He disagreed with this as it would undermine the authority of the Panel and developers would use the cap to pressure the Panel into accepting any changes to a scheme. The Member would accept a recommendation to the Panel to try and limit the amount of times a scheme comes before I,t but not a solid cap. This view was shared by many on the Committee.

The Divisional Leader for Planning and Economy explained to the Committee that the Panel is an advisory body and although developers did not have to follow its recommendations, where a scheme was not changed in response, this would be reflected in the Committee Report.

The Assistant Chief Executive told Members that the introduction of a cap was to speed up the process and stop applications being held up at the Design Review Panel. The Solicitor to the Council reminded Members that Planning Committees have refused applications due to problems in their design.

A Member enquired as to why the threshold for what schemes should be considered by the Panel had been increased from 50 to 100. Many Members raised concerns over the large increase from 50 to 100. He also asked whether local ward Members could be asked to put forward their view at the Panel.

Will Dorman, Urban Designer indicated that on plans between 50 – 100 units he would consult Ward Members for their views. He also confirmed that Ward Members are already welcome at the Panel.

A Member raised concerns over the design quality of schemes in Burgess Hill town centre and highlighted the need for good quality design in all developments within the District.

A Member reminded the Committee that developers did not have to appear before the Design Review Panel and that the Planning Committees took design into account when making their decisions. He also advised Members that the Planning Committees were the ones to make the final decision. Some Members agreed with this and believed that the current process was the most effective use of tax payer's money.

The Cabinet Member for Housing and Planning explained to Members that the Urban Designer does look at all application and that Officers do attend the Panel to give there expert advice. He also mentioned that developers do return to the Panel after implementing changes that have been suggested to them by the Panel.

As already discussed, the Assistant Chief Executive asked Members whether they would agree to the recommendations with the following three additions;

- Review of the Design Review Panel's protocols at the Scrutiny Committee for Community, Housing and Planning in 12 months' time.
- Consult Ward Members in respect of the inclusion of the following schemes on the panel agenda: (a) residential scheme of between 50 to 100 dwellings schemes and (b) prominent or sensitively located schemes including schemes within Areas of Outstanding Natural Beauty.
- Tom Clark set out proposed changes to the ToR which made clear that there is flexibility for the Panel to consider schemes more than twice.

The Chairman proposed the new recommendations which were seconded by Councillor Wilkinson and then were agreed unanimously.

#### **RESOLVED**

That the Scrutiny Committee recommends to the Cabinet Member for Housing and Planning that he agrees the revised Design Review Panel's Terms of Reference with the additions and changes discussed at the Committee.

#### **11. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME 2017/18**

Tom Clark, the Solicitor to the Council, introduced the work programme to the Committee.

The Chairman moved to the recommendation which was agreed unanimously.

#### **RESOLVED**

The Committee agreed the current work programme.

Chairman