



Rutland County Council

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Record of a meeting of the **SPECIAL PLACES SCRUTINY PANEL** held in the Council Chamber, Catmose, Oakham at 7.00 pm on **Thursday 14 March 2013**

PRESENT: Mr M E Baines (Chairman, in the Chair)
Mrs C J Cartwright
Mr W J Cross
Mr J T Dale
Mr J M Lammie
Mr B A Montgomery
Mr M A Oxley
Mr C A Parsons (substitute for Mr D C Hollis)
Mr D L Richardson
Mrs C Vernon

OFFICERS	Mrs V Brambini	Operational Director for Places
PRESENT:	Mr D Brown	Operational Director for Places
	Mr B Culpin	Senior Planning Officer
	Miss M Gamston	Democratic Services Officer
	Mr D Troy	Planning Policy Manager

IN ATTENDANCE: Mr T C King Portfolio Holder for Finance and Places Asset Management

NON-PANEL MEMBERS PRESENT: Mr R J Gale

APOLOGIES: Mr D C Hollis and Mr M D A Pocock

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In the absence of the Chairman Mr Dale was appointed Chairman. At 7.04pm Mr Baines, joined the meeting and took the chair.

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816 DECLARATIONS OF INTEREST

In respect of agenda item 6, Affordable Housing Commuted Sums Review, Councillor Cartwright declared on grounds of probity as she had given planning advice, as undertakes work on behalf of an agent, on the erection of a single storey dwelling in own grounds; this was registered in the Register of Interests.

In respect of agenda item 4, Rutland Local Plan Site Allocations and Policies Development Plan Document Proposed Submission Document, Councillor Richardson

declared on grounds of probity as he lived opposite to the allotments referred to on page 17 Appendix A.

Also in respect of agenda item 4, Councillor Lammie declared on grounds of probity as his father farmed the land to adjacent to the Eyebrook Reservoir.

817 PETITIONS, DEPUTATIONS AND QUESTIONS

No petitions, deputations or questions had been received from members of the public.

818 QUESTIONS WITH NOTICE FROM MEMBERS

No questions with notice had been received from members.

SCRUTINY

819 RUTLAND LOCAL PLAN SITE ALLOCATIONS AND POLICIES DEVELOPMENT PLAN DOCUMENT PROPOSED SUBMISSION DOCUMENT

Report No. 64/2013 from the Operational Director for Places was received. The Planning Policy Manager, Mr Troy, introduced the report the purpose of which was to allow the Panel to consider the draft Site Allocations and Policies Proposed Submission consultation document prior to forwarding it to Cabinet.

Members were informed of the following points:

- i) That the Site Allocations & Policies Preferred Options document had been discussed at the Scrutiny Panel meeting held on 20 September 2012;
- ii) That the document set out more detailed planning policies to 2026;
- iii) That Appendix A of Report No. 64/2013 contained a summary of the consultation responses, Site Allocations and Policies DPD Preferred Options. The consultation had taken place over a six week period in October-November 2012. A total of 166 written responses had been received;
- iv) That Appendix B of Report No. 64/2013 was a summary of the main issues raised and how they had been dealt with;
- v) That Appendix C of Report No 64/2013 was the Proposed Submission Document;
- vi) That Site Allocations and Policies DPD together with any comments raised by Scrutiny will be considered by Cabinet on 19 March and Full Council on 8 April 2013. Subject to approval, the Proposed Submission Document will go out to public and stakeholder consultation from 18 April to 30 May for a six week period;
- vii) That the Council approved Submission Document will be submitted to the Secretary of State for examination by the Planning Inspectorate;
- viii) The main changes to the Proposed Submission Document were:
 - a) Policy SP1 - alteration to the number of sites in Ketton and Empingham to ensure sufficient flexibility in housing supply following the reduction in the number of dwellings to minimise potential impacts on conservation areas and listed buildings;
 - b) Policy SP1 – the removal of proposed housing and employment

- allocation in Uppingham to take account of the Uppingham Neighbourhood Plan;
- c) Policy SP2 – sites for non-food retail development in Oakham revised to give preference to sites well connected to the town centre when considering edge of site and out of centre proposals;
 - d) Policy SP19 (historic environment) and Policy SP21 (provision of new open space) had been revised to clarify requirements in relation to both.

The following points were noted during discussion:

- i) That the Uppingham Neighbourhood Plan, prepared by Uppingham Town Council, would be a separate entity and although no sites were allocated for Uppingham in the Site Allocations and Policies DPD all other policies of the plan would apply;
- ii) That the Uppingham Neighbourhood Plan had been consulted on widely with various sections of the community and further consultation was due to begin mid-May for a six week period after which it would be subject to a public examination and local referendum;
- iii) That if the Uppingham Neighbourhood Plan failed with the referendum under the Neighbourhood Plan process, this could cause some difficulties;
- iv) That the Uppingham Neighbourhood Plan was one of thirty pilot schemes in the country, having been successful in their bid;
- v) The initiative to have a Neighbourhood Plan had to come from the locality;
- vi) Paragraph 5.6.c of Report No. 64/2013 – referred to the updated retail capacity assessment (February 2013). Members were advised that there was a summary of the assessment contained in the Proposed Submission Document. A copy of the full report could be made available;
- vii) Appendix A (page 3), Sport England questioned the loss of the playing field element of site OAK45 and whether a replacement had been identified. This related to a site allocated for housing in 2001 and had been addressed through the Local Plan. It did not relate to the playing field which was a site to the north of the area in question;
- viii) That a further breakdown of the consultation responses to show whether received from developers, individuals or parish councils, etc. would have been helpful;
- ix) That overall the summary, and how the responses had been addressed was very instructive;
- x) Appendix A (page 1) summarised the extent of the consultation undertaken. In Ketton there had been leaflets, an exhibition and a meeting with the parish council. On balance it had been felt that the consultation had been sufficient to deal with the issue of the changes to site allocations. However, the Portfolio Holder for Finance and Places Asset Management, Mr King, had agreed with officers that there would be a leaflet drop focussing on the area most affected, Ketton, to advise on the latest consultation. A county wide leaflet drop had been decided against on the grounds that to undertake it would cost in the region of £6,500;
- xi) That all documents referred to in the summary were public documents and therefore available to be viewed;
- xii) That comments listed under the heading of Public and Interest Groups related to comments received during the consultation;
- xiii) Members were advised that Appendices A and B stated that Policy SP18

- related to wind turbines but Appendix C, the Proposed Submission Document stated that the Policy SP17 related to wind turbines due to the listing being different in the policy. The SP17 list in the policy reiterated the main issues in the Wind Turbine Supplementary Planning Document;
- xiv) Appendix A (page 16, Policy SP19) under Public and Interest Groups stated that the Leicestershire and Rutland Wildlife Trust believed that Policy SP19 was fairly comprehensive but further reference to the NPPF would enhance the policy. The Trust also highlighted that an up to date Phase 1 Habitat survey of the whole county was required. This was discussed at the Environment Forum and related to flora and fauna in a particular area. An up to date survey was not required for the whole county, but had been undertaken around the main towns where the pressures for development existed.. Policy already controlled development of the countryside across the rest of the County;
 - xv) Appendix A (page 16, Policy SP20) – the Planning Policy Manager, Mr Troy, undertook to find out if the Pickworth historical sites: The Limekiln, edge of Pickworth and Battle of Losecoat Field had been listed;
 - xvi) (covered in xvii) That the open space on Barleythorpe Road would be protected by the proposed granting of a 99 year lease between Tresham College and Oakham Town Council;
 - xvii) That during the consultation Hawksmead had commented that was a significant likelihood that land at north Oakham would not yield the 1,096 dwellings ascribed to it and therefore part of the existing employment allocation should be allocated for housing. A submission had been made, however the Council considered it was safeguarded by the Core Strategy policies. There was the possibility that an Inspector might take a different view and this would result in the Council having to undertake further work. A review of employment land is currently being undertaken, including the business park proposed for the former site of Ashwell Prison;
 - xviii) Appendix B (page 1, Policy SP1) - Site OAK45 referred to the residential allocation covered in the existing Local Plan therefore decision could be made based on that plan;
 - xix) That the report on alternative sites to OAK45 was available for Members to examine;
 - xx) Appendix B (page 3, Ketton Primary School) – the Education Department had been consulted with regard to allocation on this particular plan as the school capacity could be affected by the type of residences built. The plan could be taken forward;
 - xxi) Appendix B (page 15, Policy SP15) – SP14 in the Proposed Submission Document. Under C) Amenity still referred to loss outlook. This should have been removed;
 - xxii) Appendix B (page 17, Policy SP19) – referred to “size than size”. This was a typing error. This was to be corrected;
 - xxiii) Appendix B (page3, Empingham) – that where the Parish Council referred to mixed housing this was affordable and market houses, and the sizes there of:
 - xxiv) That increased employment opportunities were limited in villages. The Policy did not contain anything specific to employment use as applications would be judged against normal planning policy;
 - xxv) Appendix C (page 60, Eyebrook Reservoir) – this was carried forward from the Local Plan. The Planning Policy Manager, Mr Troy, advised that the

Council worked in partnership with local landowners but was unable to comment with regard to structures in place with regards to cross boundary work as not aware of any specifics beyond planning policies. The Chairman, Mr Baines, commented that the Welland Pilot Scheme covered the area from the source to the sea and the hinterland and would therefore probably give protection. Concern was expressed that there was no clear structure in place to protect the area and its wildlife. Members were advised that there was a strong framework in place through the Environment Forum and that the two policies needed to be read together;

- xxvi) That where a village development was referred to as small, 5 or less properties a off-site affordable housing contribution would be made by the developer. Contributions would be subject viability, policy and local need. The Core Strategy adopted a affordable housing requirement of 35% to all developments was not economic on smaller sites;
- xxvii) The Portfolio Holder for Finance and Places Asset Management, Mr King, advised Members that it was unlikely that the target of 35% would be reached. In relation to the Hawksmead development the economic test had shown effected by when land purchased and land type. Latest figures had shown a need for affordable housing at 60/70%, 107 homes per year. That grants available for central Government had ceased, when the land had been acquired there was a presumption that the grants would be available. Affordable housing in the future would be looking at areas where 100% affordable or on other development sites. Members were advised to read the Fordham Affordable housing viability Report which was available online;
- xxviii) Appendix C (page 41, Policy SP14) (page 48, Policy SP18) – Trees and Hedgerows - suggested that “acceptable” be removed. In response, Members were advised that SP14 and SP18 needed to be read in conjunction with regard to exceptional circumstances and that the Policy recognised need to allow flexibility for officers and the Development Control & Licensing Committee in decision making. Members expressed concern at that the wording of SP14 was too specific;
- xxix) Appendix C (page 5, Objective 4: Housing for Everyone’s Needs) – this should be read in conjunction with the Core Strategy Policy. Page 27 of the Proposed Submission Document dealt with sites for travellers. A review of need assessment had been undertaken in 2012 which had shown a requirement for two sites within the county. One site was at Langham with the proposed site at Braunston-in –Rutland having withdrawn due to the amount of objections received. It was not deemed necessary to search for a second site as actual need was being met by the existing site. Members were advised that an application had been received for the site at Langham to become a permanent site and would be subject to the planning process. The Council needed to be mindful of the requirement to comply with national legislation;
- xxx) Appendix C (page 5, Objective 1: Site Specific Locations for Development) – referred to towns trying to minimise climate change through development control and the reduction of car usage. Other issues were picked up throughout the policy;
- xxxi) Appendix C (page 14, Policy SP2 – Sites for retail development) – Oakham R1 and R2 were the main sites identified based on the call for sites process and the assessment of sites put forward in and on the edge of the town centre boundary. Other sites would be judged against the policy;

- xxxii) That this was an emerging document and would sit below the adopted policies in the Local Plan 2001 and the Core Strategy 2011, and that the national planning policy framework would override it.

The Chairman, Mr Baines, thanked officers for their hard work on the report and Proposed Submission Document.

AGREED:

- 1) That the Proposed Submission Site Allocations and Policies Development Plan Document, included as Appendix C to Report No. 64/2013 be reported to Cabinet and Full Council, with comments from the Places Scrutiny Panel, as appropriate.

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8.30 pm Mr Montgomery left the meeting and did not rejoin.

8.55 pm Mr Parsons left the meeting and did not rejoin.

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820 COMMUNITY INFRASTRUCTURE LEVY: PRELIMINARY DRAFT CHARGING SCHEDULE AND SUPPORTING EVIDENCE

Report No. 65/2013 from the Operational Director for Places was received. The Senior Planning Officer, Mr Culpin, introduced the report the purpose of which was to consider a Preliminary Draft Charging Schedule (PDCS) setting out a proposed schedule of Community Infrastructure Levy (CIL) rates to be applied by the Council plus supporting evidence prior to forwarding it to Cabinet.

Members were informed of the following points:

- i) That the report consisted of the main report (Report No. 65/2013) and Appendices A and B together with an addendum report and Appendix C attached;
- ii) That the first key stage of taking CIL to implementation was to take a report to Cabinet on 19 March 2013 followed by a six week consultation phase with stakeholders
- iii) That there were two key aspects. One was setting the rate of CIL for types of developments unable to pay. The second aspect being satisfactory robust evidence of the infrastructure that the proceeds would go towards paying for;
- iv) That Appendix A was the summary of the Preliminary Draft Charging Schedule and Appendix B was the Supplementary Paper;
- v) That the purpose of the of the addendum report was to inform on the arrangements to conclude ongoing refinements to the list of projects identified to support the proposed schedule of Community Infrastructure Levy (CIL) rates for public consultation purposes;
- vi) That Appendix C gave a full account of the types of infrastructure projects being considered and requested delegated authority from Cabinet. The CIL rates would not be looked at under delegation;

- vii) That Report No. 65/2013 paragraph 5.4 listed the draft Charging Schedule. No other categories had been identified as being viable to impose a rate of CIL. Other eligible types attracted a nil rate of CIL.

The following points were noted during discussion:

- i) That the Government had announced that a percentage of CIL receipts would go to parishes. This could be up to 15% of the amount raised going to the parish, rising to 25% where there was a Neighbourhood Plan, therefore cutting the amount of CIL contributions controlled by the Council.
- ii) Appendix C included in the Addendum Report to Report No. 65/2013 showed a cost of £9.6m for Lifelong Learning. Members were advised that the situation with regard to education was complicated due to the fact that some of the academies in Rutland were close to capacity due to out-of-county pupils. In terms of children born in the county and who stayed in the county the Council had been assured that there would be sufficient places, however this assurance was not in place for children of army families, etc. Therefore, the Council would need to consider whether this was a need under CIL funding;
- iii) That the CIL rate would be decided by the CIL examiner. Section 106 over the previous two years had been £85m²; the proposed CIL was £100m² for residential dwellings;
- iv) Section 106 payments would be more appropriate for very large developments;
- v) Concern was expressed that the proposed CIL rate for warehouses and hotels could be detrimental to business growth. Members were advised that viability work had been undertaken, and developers engaged with, prior to setting the proposed amounts;
- vi) That residential extensions of under 100m² would not be liable for CIL;
- vii) Town and Parish Councils had been consulted with on infrastructure priorities;
- viii) That paragraph 6.5 of Report No. 65/2013 illustrated the CIL regulation instalment policy.

AGREED:

- i) That the contents of the Preliminary Draft Charging Schedule (PDCS) and supporting evidence, included in Appendix A and B to Report No. 65/2013 be reported to Cabinet, with comments from the Places Scrutiny Panel, as appropriate.
- i) That the support of/for the proposal of delegation arrangements to conclude the on-going work on a revised Table 3.1 in the Preliminary Draft Charging Schedule and the publication of supporting evidence provided by a Preliminary Draft Infrastructure Project List, included in the Addendum Report to Report No. 65/2013 be reported to Cabinet, with comments from the Places Scrutiny Panel, as appropriate

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9.36 pm Mrs Cartwright left the meeting and did not rejoin.

821 AFFORDABLE HOUSING COMMUTED SUMS REVIEW

Report No. 72/2013 from the Operational Director for Places was received. The Policy Planning Manager, Mr Troy, introduced the report the purpose of which was to consider a revised commuted sum for developer contributions to off-site affordable housing following a new viability study of this matter, prior to consideration by Cabinet.

The following points were noted during discussion:

- i) A new viability report had been commissioned by the Council to ensure that the calculation for commuted sums was up-to-date and took into account the proposed implementation of CIL;
- ii) Further work was to be undertaken on phased and deferred payments for affordable housing commuted sums in circumstances where, for example, a new dwelling was within the curtilage of an existing family home was to be occupied by a family member;
- iii) Phased or deferred payments would be monitored on an annual basis;
- iv) The Chairman, Mr Baines, suggested that the Council considered a 7 years period in accordance with the death of an individual instead of the 10 years suggested in paragraph 3.6 of Report No. 72/2013;
- v) That this was an existing policy. It was the amount of commuted sum that was being reviewed. A viability test would still be available.

AGREED:

- 1) That the revised commuted sums for affordable housing are considered and be reported to Cabinet, with comments from the Places Scrutiny Panel, as appropriate.

822 ANY OTHER URGENT BUSINESS

Travel4Rutland Project

A verbal update was received from the Operational Director for Places, Mr Brown.

Members were advised of the following key points:

- i) That a progress report was to go to Cabinet on 19 March 2013;
- ii) That the service would be operational from the end of May 2013;
- iii) That following consultation the interchange would be based at John Street. This would involve an upgrading of the existing facilities;
- iv) That the route for the tourism bus had been approved;
- v) That the fare structure for the tourism bus had been approved;
- vi) That the fare structure for the employee shuttle bus had been approved

823 SECTION 106 FINANCIAL UPDATE

Report No. 76/2013 a joint report from the Strategic Director for Resources and the Operational Director for Places was distributed.

The purpose of the report was to inform the Places Scrutiny Panel of the latest position

on Section 106 (Planning Obligations) matters. The report summarised the current S106 balances and the purposes as stated in the agreements and included information on the contributions agreed, those received from developers and an overview of projects where S106 funding would be applied.

It was recommended that the Places Scrutiny Panel note the latest position on Section 106 Agreements and that future monitoring reports would be included in Capital monitoring reports presented to Cabinet on a quarterly basis.

Members took the report to study and were requested to direct any questions relating to the content of the paper to the Operational Director for Places, Mrs Brambini.

824 DATE AND PREVIEW OF NEXT MEETING

Thursday 21 March 2013 at 7.00pm (Special Joint Meeting with the People (Children) Scrutiny Panel)

Thursday 25 April 2013 at 7.00pm

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The Chairman closed the meeting at 9.56pm.

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