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Economy & Place Scrutiny Committee - 18/03/24

ECONOMY & PLACE SCRUTINY COMMITTEE

Monday, 18th March, 2024
Time of Commencement: 7.00 pm

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Present:	Councillor Gary White (Chair)		
Councillors:	Bettley-Smith Burnett-Faulkner Edginton-Plunkett	Gorton Grocott Moss	Panter J Waring
Apologies:	Councillor(s) Johnson and D Jones		
Substitutes:	Councillor John Tagg		
Officers:	Allan Clarke Craig Jordan Simon McEneny	Planning Policy Manager Service Director - Planning Interim Chief Executive	
Also in attendance:	Councillor Andrew Fear Councillor Stephen Sweeney	Portfolio Holder - Strategic Planning Deputy Leader of the Council and Portfolio Holder - Finance, Town Centres and Growth	

1. **APOLOGIES**

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the previous meeting held on 7th December 2023 be agreed as accurate record.

The Chair informed the Committee of the new sound system and welcomed members of the public present in the audience, reminding them of the protocol for speaking at meetings.

4. **UPDATE FROM CABINET ON ITEMS RAISED BY THE COMMITTEE**

There were no updates required from Cabinet.

5. **KNUTTON MASTERPLAN**

The Deputy Leader introduced the report on Knutton Masterplan.

Members asked questions and responses were provided as follows.

Cllr Edington Plunkett wondered about the tendering process and the maintenance of green space. – The original successful tenderer had withdrawn their offer due to a lack of management resources to undertake the works and the tendering rules did not allow to go directly to the second bidder. Discussions had now started with the latter and a new tender was to be issued. About grounds maintenance, this would be transferred to the group taking over the management of the site who would be working alongside the street scene.

Cllr Moss enquired about the High Street development proposals in relation to green space currently used by dog walkers. – This would be subject to consultation as part of the asset management plan.

Cllr Moss also wished for the committee to be kept up to date on the choice of the group who would be running the community centre. – This would be taken into account and brought back to members at a future meeting.

Resolved: That the report on progress with the delivery of the Knutton Masterplan be noted.

[Watch the debate here](#)

6. **TOWN DEAL AND FUTURE HIGH STREET FUNDS UPDATE**

The Deputy Leader went through the report on the delivery of the Town Deal and Future High Street Funds which was submitted to the Finance, Assets and Performance Scrutiny Committee the previous week.

Cllr Edington-Plunkett asked about the new hotel, the data available for hotels around the area and the sort of market the Council was looking at. – This would be a mid-range hotel and risks would be supported by Capital and Centric. A feasibility and business case had been undertaken to understand the demand and a national consultancy company had estimated a 63% occupancy in the first year.

Cllr Edington-Plunkett enquired about timescales and proposed that Capital and Centric be invited to the committee to answer any questions from members. This was seconded by Cllr Grocott and passed with 5 votes in favour and 5 abstentions.

Cllr Grocott wished for members to be kept up to date until the next meeting. – The process had reached a slow stage with feasibility study and planning application towards the end of the year. It was now unlikely that things would change as they had in the past and an update would be provided in July.

Cllr Gorton asked about a deserted building in the town centre – It was hoped that the regeneration projects would attract businesses that could potentially fill in the building.

Resolved: 1) That the report on the delivery of the Town Deal and Future High Street Funds projects be noted.

2) That Capital and Centric be invited to a future committee meeting to answer questions from members.

[Watch the debate here](#)

7. BOROUGH LOCAL PLAN UPDATE

The Portfolio Holder for Strategic Planning introduced the report on the Borough Local Plan. The draft document was expected at the beginning of July and a special meeting would be taking place then in addition to Committee and Full Council meetings.

Questions received from members of the public were shared and responses were provided as follows.

Public question 1:

“Given that no representations under Regulation 18, no petitions and no correspondence from parish councils have suggested that there is no need for a Local Plan (rather, they were arguing that the proposed Local Plan is unsound and needs amending), why has the Leader of the Borough Council stated at a Cabinet meeting that "we do get from some certain sectors of the community that we shouldn't be having a Local Plan because we've got a falling population"? Where is the evidence for this statement?”

– Not having a local plan leaves the borough much more vulnerable to opportunistic development and the Leader was addressing comments against having a local plan.

Public question 2:

“Given that the population of the Borough has only increased by 8,080 in the past four decades (from 117,217 in 1981 to 125,297 in 2022), that's a 6.9% increase over forty years, why is the Local Planning Authority planning for over 7,300 new houses in the Borough despite the amended NPPF clearly stating that the standard method of calculating housing need is only "an advisory starting point" and local constraints such as Green Belt may reduce the figure, that Green Belt land does not have to be released for new houses and that the best and most versatile agricultural land should be retained?”

– The standard method was used to calculate housing needs in line with the National Planning Policy Framework. Population projections were included along with market signals, assessments of affordability and economic growth. The Local Plan would be reviewed by an independent inspector.

About exceptional circumstances required to alter the green belt boundaries and the loss of farming land, the benefits of moving into one direction would need to outweigh those of the status quo. These would be published along the consultation material and then presented to the inspector so that the reasons given could be challenged. About the population statistics, these were released by the Office of National Statistics and an update could be provided at the next Committee meeting.

It was clarified that brownfields sites should be developed first, some funding being available to mitigate the development of new infrastructures and contaminated lands. The Environmental Health team and County Council would be consulted and a sustainable transport assessment would be undertaken notably looking into whether air quality mitigation measures would be required.

Public question 3:

“In light of comments made during the Regulation 18 consultation on the Local Plan by a Borough Councillor that they can't, as a member of the Planning Committee, discuss planning matters, will the Borough Council encourage all members to engage with residents on all planning matters by explaining to them the difference between predisposition (acceptable)

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and predetermination (not acceptable) as noted in Lewis, Regina (on the application of) v Redcar and Cleveland Borough Council and Another: [2009] 1 WLR 83: Elected members would be “entitled, and indeed expected, to have and to have expressed views on planning issues” [62] (Pill LJ); There can be “no pretence that such democratically accountable decision makers are intended to be independent and impartial just as if they were judges or quasi-judges” [94] (Rix LJ); and that in regards to predetermination “Something more is required” that “goes to the appearance of a predetermined, closed mind in the decision-making itself” [96] (Rix LJ)?”

– Elected members were encouraged to engage with residents in relation to the Regulation 18 process and the Local Plan when they feel they have sufficient information to form a view on the matter and wish to do so. The rules relating to potential conflict of interest were made clear as part of their training and the both the Code of Conduct and Planning Guidance should be consulted in case of any doubt.

Public question 4:

“Given that the Regulation 18 consultation was 8 weeks and bearing in mind, that there will be a large amount of additional paperwork to read for Regulation 19, why is there only going to be the minimum statutory 6 week consultation period? Would the Economy & Place Scrutiny Committee request that the next consultation be extended to 8 weeks please?”

– The Committee was expected to consider the Local Plan on the 11th July. The Regulation required at least 6 weeks of public consultation, which was reflected in the Council’s Statement of Community Involvement. An extension to 8 weeks may be considered.

It was suggested that the large amount of material for residents to go through would justify such an extension. This related more to Regulation 19 and comments on the actual proposal which would follow the initial consultation. The Local Plan and documentation would be publicly shared in the week before the special meeting scheduled on 11th July.

Public question 5:

“In the revised draft plan that will go forward for consultation, there seems to be some conflicting information regarding what representations will be accepted by the planning inspector at the public inquiry. The responses by the borough council seem to indicate that representations to the draft plan written under the old planning legislation (regulation 28) will be accepted but it also states in the rhetoric that only submissions written under regulation 19 the new NPPF framework will be considered. Could we have clarification please?”

– The Regulation 19 was about the final draft of the Local Plan and it was recommended that a particular form be used for people to make representations. All comments received under Regulation 19 would be submitted to the Inspectorate along with a summary of the main issues raised under Regulation 18. Comments submitted at the first stage could be submitted again to be subject to a full examination.

Public question 6:

“Also with regards directly to nc77 can you please explain the discrepancies with the proposed total of houses and use of land. From the original proposal it states 103 houses (which 57% will be social housing) with a possibility of a residential home. The new proposal is for 130 houses, 3 bungalows, a residential home, a shop and a cafe. How has this happened and why is this being allowed?”

– The First Draft Local plan included the site as a draft allocation for housing alone. This position was now being reviewed in the light of evidence and consultation responses received. A comment had been made to the First Draft Local Plan by the site promotor suggesting a wider mix of uses and this was currently being considered, alongside a host of consultation comments across the Plan content. There was no final Plan as yet, it was being drafted and would be presented to the Committee and the wider Council in July along with a recommendation for the Plan to be consulted upon further before being subjected to formal examination.

Public question 7:

“With regards to NC77 can you please explain the ridiculous comparison that you have given which residents that use the site for walks, dog walking, health benefits and also mental health benefits now have to make there way to other sites such as Hanley forest park. Which is 4.7 miles away. Which is 12-17 mins in a car or 1hr and 30 mins on foot. How are these ideas of other sites even considered feasible? Yes there is a bus service but surely isn't a solution. It would but extra cost, time and stress on people who just want fresh air. Please explain the logic?”

– A published approach to site selection had been implemented to make judgements about the availability, suitability and deliverability of site allocations. The site selection process allowed for judgements about sites based on multiple factors. There was always a balance to have in terms of meeting development needs for the borough and finding appropriate sites to support the sustainable growth of the borough. There had been no final decisions on sites as yet. The Council was taking account of new evidence, changes in national planning policy and consultation responses in preparing the final draft of the Plan.

* * *

Members expressed the wish for the visual presentation featuring the above questions and officers' responses to be circulated. – This would be included with the minutes and shared with people who submitted them.

Cllr Edgington-Plunkett raised the issue of the availability of local schools and other educational institutions to address the rising demand that would result from further housing development along with that of adequate transportation infrastructure. – These were both covered in the draft Local Plan under the Infrastructure Delivery Plan for which consultants had been appointed and the County Council was being consulted. A Strategic Transport Assessment was also being undertaken with both the County Council and National Highways involved in the discussions.

The Deputy Chief Executive commented that the Local Plan would be a framework covering a period of about 20 years which meant that consultations would be taking place prior to the development of each specific site for which planning permission would be required and arising infrastructures needs taken into account.

Cllr Gorton asked about other sorts of infrastructure such as doctors, dentists and social care. – Healthcare provisions were included in the Infrastructure Delivery Plan and would be assessed with each particular development. Officers were engaging with the County Council and the NHS.

The Service Director for Planning added that the Council role as a planning authority was about identifying the needs through the planning process and subsequently

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liaising with organisations and services providers so that they could in turn deliver the services.

Cllr Gorton asked what was considered as a matter of material impact under Regulation 19. – This was subject to interpretation and could include a change in national regulation or other unexpected circumstances such as a site scheduled to be delivered and not being deliverable anymore. The decision would be made in tandem with elected members.

The Planning Policy Manager added that the plan would be submitted again to Full Council after inspection.

Resolved: That the update on the progress of developing a Borough Local Plan be noted.

[Watch the debate here](#)

8. WORK PROGRAMME

The Chair requested that the work programme for June feature an update from HS2 and notably the impact of the cancellation of phase 2A.

Resolved: That the work programme be noted.

[Watch the debate here](#)

9. PUBLIC QUESTION TIME

Questions received from members of the public were addressed under item 7.

10. URGENT BUSINESS

There was no urgent business.

**Councillor Gary White
Chair**

Meeting concluded at 8.28 pm

Economy and Place Scrutiny Comments

Question 1

Given that no representations under Regulation 18, no petitions and no correspondence from parish councils have suggested that there is no need for a Local Plan (rather, they were arguing that the proposed Local Plan is unsound and needs amending), why has the Leader of the Borough Council stated at a Cabinet meeting that "we do get from some certain sectors of the community that we shouldn't be having a Local Plan because we've got a falling population", Where is the evidence for this statement?

This statement has been drawn from feedback to the Reg18 consultation.

Question 2

Given that the population of the Borough has only increased by 8,080 in the past four decades (from 117,217 in 1981 to 125,297 in 2022), that's a 6.9% increase over forty years, why is the Local Planning Authority planning for over 7,300 new houses in the Borough despite the amended NPPF clearly stating that the standard method of calculating housing need is only "an advisory starting point" and local constraints such as Green Belt may reduce the figure, that Green Belt land does not have to be released for new houses and that the best and most versatile agricultural land should be retained?

We consulted on a position in the First Draft Local Plan (7,160 dwellings over Plan period). This position was supported by evidence in the housing and economic needs assessment which is now being reviewed in the light of consultation responses to the First Draft Local Plan and relevant updated information from official sources.

Important to recognise that the process of calculating housing needs is set out in government guidance. Yes, the standard method is an advisory starting point but this has always been the case. Paragraph 61 of the NPPF is clear that we cannot depart from the standard method unless there are exceptional circumstances relating to the demographic characteristics of the area.

Population projections are one factor that may influence housing numbers but there are a whole host of other factors including market signals, assessment of affordability in the borough and the relationship of economic growth to overall housing numbers in the borough, amongst others.

In terms of Green Belt and as was the situation prior to changes to the NPPF in December 2023, local planning authorities may review and alter Green Belt boundaries where exceptional circumstances exist and that these are fully evidenced and justified.

Best and most versatile land is an important consideration in our site selection work alongside a number of other factors.

As noted above, the Final Draft of the Local Plan is currently being prepared. We are intending to prepare the Local Plan for consideration by members in July (11 & 24 July). We will be seeking authority from Council to consult on the Plan for a minimum of 6 weeks before submitting the Plan, consultation responses and its evidence to the secretary of state / PINS for formal examination. Those who submit representations to the Plan at the Regulation 19 stage will have an opportunity to participate in the examination process.

Question 3

In light of comments made during the Regulation 18 consultation on the Local Plan by a Borough Councillor that they can't, as a member of the Planning Committee, discuss planning matters, will the Borough Council encourage all members to engage with residents on all planning matters by explaining to them the difference between predisposition (acceptable) and predetermination (not acceptable) as noted in Lewis, Regina (on the application of) v Redcar and Cleveland Borough Council and Another: [2009] 1 WLR 83: Elected members would be "entitled, and indeed expected, to have and to have expressed views on planning issues" [62] (Pill LJ); There can be "no pretence that such democratically accountable decision makers are intended to be independent and impartial just as if they were judges or quasi-judges" [94] (Rix LJ); and that in regards to predetermination "Something more is required" that "goes to the appearance of a predetermined, closed mind in the decision-making itself" [96] Lewis v R(Rix LJ) ?

This question references two separate issues; the ability of elected members to give their views in relation to the Regulation 18 consultation on the Local Plan and elected members commenting as members of a planning committee on specific planning applications that they determine at Planning Committee (Redcar & Cleveland case quoted above).

For clarity, the rules relating to potential conflicts of interest and pre-determination are made clear to all elected members as part of member training and this is also included within the council's constitution (Members Code of Conduct/ Planning Guidance).

Elected members are always encouraged to engage with residents with regard to the Regulation 18 process, which it is understood has been happening generally on the Local Plan. However, if it is the case that some elected members have been reticent to give their personal views on specific "planning matters", for the avoidance of doubt, they are fully entitled to do this, assuming they feel that they have sufficient information in order to form a view on the matter and of course they wish to do so.

Question 4

Given that the Regulation 18 consultation was 8 weeks and bearing in mind, that there will be a large amount of additional paperwork to read for Regulation 19, why is there only going to be the minimum statutory 6 week consultation period?

Would the Economy & Place Scrutiny Committee request that the next consultation be extended to 8 weeks please?

The Economy & Place Scrutiny Committee is expected to consider the Local Plan on the 11 July 2024. The Regulation 19 is a more formal statutory stage. The Plan at this stage is the Plan that the Council considers to be sound and capable of adoption and so whereas previous stages could influence Plan content, the Regulation 19 stage considers matters of soundness and legal compliance for residents and stakeholders to respond too before the Plan can be considered at examination. The regulations require at least 6 weeks public consultation and this is also reflected in the Council's Statement of Community Involvement.

Question 5

In the revised draft plan that will go forward for consultation, there seems to be some conflicting information regarding what representations will be accepted by the planning inspector at the public inquiry. The responses by the borough council seem to indicate that representations to the draft plan written under the old planning legislation (regulation 28) will be accepted but it also states in the rhetoric that only submissions written under regulation 19 the new NPPF framework will be considered. Could we have clarification please?

Last summer, we held a consultation on the First Draft Local Plan at regulation 18 stage. The regulation 18 stage of Local Plan making is the preparation of a local plan stage, focused on what the plan ought to contain.

The regulation 19 stage is a publication stage - this is a more formal stage of plan making and is essentially the final draft of the Plan. This is the Plan that the Council considers to be sound and legally compliant. There is more structure around this stage. For example, the planning inspectorate recommend that Council's use a particular form for people to complete when they make representations.

At the point of submission, the Council will provide to the Inspectorate all comments received at the Regulation 19 stage. We will also provide a summary of the main issues raised at Regulation 18 stage. However, it's important to stress that if you would want your comments in their entirety to be provided to the inspector and an opportunity to participate at a future examination, then it is important that comments are submitted at the Regulation 19 stage of the Local Plan.

Question 6

Also with regards directly to nc77 can you please explain the discrepancies with the proposed total of houses and use of land. From the original proposal it states 103 houses (which 57% will be social housing) with a possibility of a residential home.

The new proposal is for 130 houses, 3 bungalows, a residential home, a shop and a cafe. How has this happened and why is this being allowed?

The First Draft Local plan included the site as a draft allocation for housing alone. This position is now being reviewed in the light of evidence and consultation responses received. A comment has been made to the First Draft Local Plan by the site promotor suggesting a wider mix of uses and this is currently being considered, alongside a host

of consultation comments across the Plan content. There is no final Plan as yet, it is being drafted and will be presented to this committee and the wider Council in July for a recommendation for the Plan to be consulted upon further and then subjected to formal examination.

Question 7

With regards to NC77 can you please explain the ridiculous comparison that you have given which residents that use the site for walks, dog walking, health benefits and also mental health benefits now have to make there way to other sites such as Hanley forest park. Which is 4.7 miles away. Which is 12-17 mins in a car or 1hr and 30 mins on foot. How are these ideas of other sites even considered feasible? Yes there is a bus service but surely isn't a solution. It would but extra cost, time and stress on people who just want fresh air. Please explain the logic?

There is a published approach to site selection that has been implemented to make judgements about the availability, suitability and deliverability of site allocations. The site selection process made judgements about sites based on a whole host of factors. There is always a balance to be had in terms of meeting development needs for the borough and finding appropriate sites to support the sustainable growth of the borough.

There have been no final decisions on sites as yet. The Council is taking account of new evidence, changes in national planning policy and consultation responses in preparing the final draft of the Plan.