

## MINUTES

### STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY

4 OCTOBER 2023

**Councillors:** Anderson  
Banks  
Birnie  
Bromham  
England  
Gale  
Hobson (Chairman)  
Hobson  
Patterson  
Pringle  
Santamaria  
Timmis  
Wilkie  
Williams  
C Wyatt-Lowe

**Officers:** Sara Whelan – Assistant Director Development Management  
James Doe – Strategic Director - Place  
Keeley Mitchell – Trainee Strategic Planning & Regeneration Officer  
Ronan Leydon - Strategic Planning & Regeneration Assistant  
Manager

The meeting began at 7.30 pm

#### **1 MINUTES AND ACTIONS**

Cllr Birnie wondered if he had missed a response to his question regarding the monitoring of air quality at Bennet's End Road. It was noted that a specific question hadn't been received in the matter, but confirmed that the air quality report had been circulated. Cllr Birnie reiterated his request to know why an air monitoring station had been put in, as there had not been one there previously.

It was confirmed that the latest issues at Luton Airport were currently with the inspectors, but these would be sent around as soon as available.

The Chair noted that the minutes would be accepted as a true and accurate record.

It was highlighted that the infrastructure funding statement would now be going to a cabinet member decision, but that officers had been asked to circulate the document for information,

and this was why it had been removed from the agenda. It was also confirmed that it would be circulated imminently.

## **2 APOLOGIES FOR ABSENCE**

Apologies were received from Cllr Riddick and Cllr Walker with Cllr Williams and Cllr Banks substituting, and from Cllr Mitchell due to illness.

## **3 DECLARATIONS OF INTEREST**

Cllr Gale noted that he was a Trustee for the Leverstock Green Village Association.

## **4 PUBLIC PARTICIPATION**

The Chair confirmed that there were some members of the public in attendance virtually, and welcomed them to the meeting. It was noted that no members of the press were known to have registered.

## **5 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL-IN**

None

## **6 Q1 PLANNING PERFORMANCE REPORT**

The report was taken as read, and highlighted as being the one which had not been on the previous month's agenda, covering April, May, and June. It was confirmed in paragraph 1.3 that there had been a noticeable improvement from Q1, being 76% on-target against a 70% target, compared to 69%. Paragraph 1.5 was noted as giving a breakdown on minors and others, with majors being at 100% for Q2. Enforcement site visits in paragraph 1.7 was identified as having fallen to 56% against a target of 100%, with a temporary enforcement officer having just started in post, and interviews for a second about to start, along with overtime agreed with existing enforcement officers to bring the number of cases down and carry out priority site visits as they come up.

Cllr Birnie referred to 1.7, noting that timely site visits had previously been agreed as important for resident confidence, and vital to avoid complications during the build, stating that 56% was a poor percentage of site visits. It was reiterated that the report was slightly aged, with the next report likely to reflect additional resources that had and were being brought in to address the issue.

Cllr Timmis hoped that the additional planning officers would help to address outstanding cases, but expressed concern that they were 'temporary'. It was explained that due to the budgeting position, permanent established posts could not be added, with the temporary posts running for twelve months to address the backlog, and consideration then to be given regarding more permanent requirements in future. The Chair identified that the steer from the committee should be to have the area properly resourced if at all possible, and the matter should remain on the agenda.

Cllr Birnie referred to 1.8, questioning difficulties identified in accessing data from third parties. It was explained that the data available was based on the financial year, so the indicator in the report potentially needed adjustment to take the annual nature of that data into account, as it currently included up to April 2023, but anything more recent would not be available until the end of March 2024. It was noted that the collection of data on housing

completions had been externalised, increasing capacity, cost effectiveness, and improving the consistency of checks.

## **7**                    **LOCAL PLAN**

The Chair noted that there had been previous briefings, and the documentation was taken as read.

The importance of having a policy and strategy for future places was emphasised, with the Local Plan including the vision and objectives, and serving as a tool to set out which areas are protected, which areas are or are not for homes, where infrastructure is needed etc, in order to support other priorities such as access to education. It was added that the plan would also help to secure affordable housing, protect open spaces and conservation areas, and to plan for housing with suitable alternative natural green space, such as the Chilterns Beechwoods Special Area of Conservation, as well as addressing climate change, and that, following from knowing where homes and jobs would go, the utilities could then be improved and expanded. It was noted that without such a plan there was more uncertainty, with developers able to 'plan by appeal', but acknowledged that setting a local plan up was a lot of hard work due to competing priorities.

The process of making a local plan was summarised, starting with Regulation 18 and community consultation, with a Task and Finish Group to balance evidence, issues, and feedback. It was noted that there were other opportunities for community engagement and consultation prior to the examination in public and inspectorate. It was confirmed that the local plan had been in progress for a while, with two rounds of consultation with the community so far, but acknowledged that the start had been in 2017, with a revised consultation recommended for October 2023, and finalisation of evidence for submission to the inspectorate in 2024. It was noted that the requirement for a local plan was part of the Levelling Up and Regeneration Bill, which was currently going through transition, and that when it came into force as an Act there would be a transition period, meaning that there was a 30th June 2025 deadline to submit the agreed local plan to the Secretary of State, with sign-off by the Planning Inspector required by 2026. St Albans were identified as being on a similar track for their local plan.

In regard to the strategy, it was noted that feedback had led to a focus on development on brownfield land, building on urban areas as much as possible, preserving Green Belt as much as possible, building in sustainable locations close to current facilities and amenities, and supporting areas in need of intervention and investment such as Hemel Hempstead town centre. It was confirmed that where Green Belt was being released, comprehensive planning was taking place to keep homes and infrastructure together, affecting areas such as Tring and Berkhamsted, with existing schools being expanded where feasible. Paragraph 2.26 was identified as analysing the change in homes per settlement since the previous consultation, based on community feedback, with 16,899 homes proposed over the planned period, which was now 14,345. It was confirmed that the plan was recommending lower numbers than those set out by the government, justified by community feedback and the approach for the vision for the borough, and that 4.5% of the Green Belt was being allocated, compared to 6.2% previously.

Hemel Garden communities was showcased in regard to the approach being taken to the release of Green Belt locations, with a focus on transforming the whole area and bringing investment into town centres and existing neighbourhoods as well as new neighbourhoods. The overarching themes and four pillars were identified, including an ambitious programme for the existing community, with Hemel Garden Communities delivering high quality homes and 40% affordable housing, and both local centres and green spaces made integral. Transformation of the area was noted to be looking at upgrades to the Nickey Line, extending it through to the Hemel Hempstead Railway Station, a green 'figure-eight' cycling and walking loop, a network of mobility hubs across neighbourhood centres, and new growth areas

looking at Herts IQ extension to consider 10,000 jobs and where and what they could be. Suggestions for possible locations of primary schools and secondary schools were shown in the framework plan, alongside the new residential communities to be built, although it was noted that some parts of the development area will need to be kept open and undeveloped to both provide necessary open space and minimise impact on the landscape of the area. Analysis of sites is ongoing as part of the programme. It was emphasised that Hemel Garden Communities was a partnership awarded status in 2019, and that the comprehensive approach would not have been possible otherwise, with the Board being set up post-Covid and having a vision centred on the town centre, which the local plan would be able to support.

In regards to consultation, it was noted that there had been feedback on the usability and accessibility of consultation, with a new digital platform now in place and being used on the parking consultation, as well as other changes and additions based on specific feedback. It was confirmed that there would now be more in-person consultation, which had previously been prevented by Covid, as well as more engagement of young people and harder to reach groups. The formal approval process was highlighted, with recommendations from the current scrutiny meeting going forward to cabinet on 17th October, followed by a full council meeting on 25th October, and the six-week public consultation taking place in the run-up to Christmas. It was also reiterated that a Task and Finish Group was being recommended to analyse feedback and evidence, as well as assist with engagement going forward. Key milestones in 2024 were identified as the response report from Regulation 18 in Spring 2024, a final draft for committee approvals in Summer 2024, another consultation under Regulation 19 in Autumn 2024, and submission to the Planning Inspectorate by 30th June 2025.

Cllr Birnie asked when the Task and Finish Group would be operational, and it was confirmed that if the committee gave the go-ahead, it would be set up immediately.

There were several questions raised regarding per annum housing allowance and windfall numbers, which were seen to be unclear within the report. It was clarified that the windfall allowance was 305 per year, included as part of the 900 per year figure, with table 1 showing the amount of windfalls received in previous years as an estimate for future years. It was also noted that windfall would be across the Borough. Table 1 was identified as showing the council's delivery of almost 5,000 homes through windfall completions over the past 16 years, with the revised strategy making an allowance for the next 16 years, but taking a conservative approach to estimating the amount of windfall likely to come forward, leading to the 3,000 figure used, being an increase of 600 from the figure of 2,400 homes used in the previous consultation. It was explained that there was an expectation for a step trajectory of windfalls increasing as current commitments were built out, starting to kick in around year 3 or 4, and being around 250 to 280 homes per annum in years 5 and 6. It was added that each settlement had its own summary identifying the expected windfall homes between 2024 and 2040 based on historic trends and likely sources of future supply.

Cllr Williams highlighted his concern that the conversion of office blocks over the last few years had skewed the windfall figures, leading to what he considered to be an overestimate of windfall and underestimation of the number of sites needing to be allocated, but he agreed that he was content for the plan to go forward, as it was an issue only time would resolve. RLeydon also identified that office conversions were a relatively low proportion of the windfall figures over the period analysed. Cllr Banks asked where it was felt the windfall sites would come from if not office conversions. It was noted that there was an Urban Capacity Study examining the point in detail, and that a link to it could be circulated, with windfall sites occurring outside of permitted development, such as multiple houses replacing a single demolished house. A consultation from central government was highlighted as having recently closed, regarding taking permitted development into agricultural areas, buildings, barns, and a lot of other use classes that currently lacked permitted development rights, although it wasn't known if it was something that would go into legislation. It was confirmed that more analysis could be done to try and take account of both evidence and national changes, with RLeydon adding that paragraph 2.43 of the scrutiny report referred to evidence

already published on the website, including the Urban Capacity Study, advising those interested to look at section 4 of the report, which discussed and broke down windfall trends, as well as at section 4.84 of the Urban Capacity Study looking at prior approvals.

Cllr Banks further wondered if there were any developers known to be interested in windfall sites. It was confirmed that there were not, as windfall sites were not allocated. There were some additional questions regarding whether allocations could be adjusted or over-delivery taken into account in subsequent years. It was confirmed that over- and under-delivery was analysed by central government, and could be taken into account over a wider period, but noted that central government policy on this could change in the future. Additionally, it was explained that a figure would be fixed in the local plan at the Regulation 19 stage, after which the council would need to be happy with the content of the plan before submission, and that a review would be carried out in regard to windfall over the next twelve months, with adjustments made accordingly, but that the fixed figure could not be reduced. It was added that after the Regulation 19 stage the planning inspector would scrutinise the windfall figure and potentially also make some recommendations around the assumptions and allocations. It was suggested that over-provision of windfall could be adjusted for in the review of the plan, which would take place every five years.

Cllr Pringle wondered how the calculation regarding 'affordable' housing was being revised to bring it in line with residents' reasonable expectations. It was explained that part of Regulation 19 was a viability report, with sites, infrastructure requirements etc, along with land values dictating the amount of affordable housing that would come through, which would then be followed by the consideration of whether that housing should be at a rent of 80% or 60%, which in turn would impact how much could be secured. The topic was identified as one for the Task and Finish Group once the report was complete. Cllr Pringle also wondered whether the lessons learned from the previous consultation would mean that future consultations would reach everyone. The Chair noted that this had been confirmed to be the case per the presentation slides.

Cllr Anderson noted that there didn't seem to be any material change in the Council's policy towards the provision of affordable housing, with viability and deliverability providing the limiting factors. He highlighted that no local policies had been seen, or sustainability measures, and hoped that they would be available as soon as possible. It was explained that policies would normally be created during the Regulation 19 stage of the consultation, and had only been included previously due to their state of readiness, with a lot of central government level policy changes along with other uncertainties meaning that they were now being twin-tracked for Regulation 19, when briefings would take place. Cllr Anderson referred to Marshcroft and the rationale of creating local policies whilst it was still possible, expressing his concern over the timescales. It was confirmed that the previous, draft versions were still available online, as well as linked in the background papers of the report, and that some key issues raised with those could be addressed, with consultation questions remaining quite open, and updated policies would then be produced. The Chair noted that there was a steer regarding the importance of sustainability.

Cllr Timmis referred to key issues around numbers, urban capacity, and green belt, and wondered why infrastructure had not been touched on as a key issue raised in the previous consultations. Housing numbers in Berkhamsted were noted to have been reduced in order to reduce the pressure on infrastructure. It was agreed that infrastructure was a key issue, but explained that the focus was on the consultation for Regulation 18, which would not include an infrastructure delivery plan at the current stage, although it was being worked on ready for Regulation 19.

Cllr Gale expressed concerns about preserving and enhancing public green space in Hemel Hempstead, noting that his own Ward of Leverstock Green was affected by the St Albans local plan, and referencing a previously approved development at St Margaret's Way that was causing problems for some of his residents. He identified housing site HH26 in the local plan,

and wondered how the problems of St Margaret's Way could be avoided in future, as well as how a net gain in public access to green space would be ensured as a result of the potential development. In regard to St Margaret's Way it was noted that the site had been allocated for a long time, as was the site on the other side of the road, with challenges relating to the construction management point and a lot of work being done with the residents in terms of mediation. It was also confirmed that public access could be included as part of the notes regarding housing allocation, and more focus could be placed on the construction management plan based on the context of different sites, with the Chair suggesting that Cllr Allen's (Boxmoor) experience with Melsted Road might make him a good person to speak to in this regard.

Cllr Patterson wondered if there would be some sort of task force to consider what would be done with sites that had been marked as deleted. It was explained that they were considered in the local plans for uses such as employment, housing, infrastructure, schools etc, and that typically they wouldn't be considered for other uses, but that there might be some come forward outside of that for suitable alternative natural green space, however it was noted that the land in question was in various land ownerships, and it would be up to the owners to decide what was done with it. Cllr Patterson explained that there was a particular area in Tring that had been set aside for offices as an extension to the industrial estate under the old, now expired, plan, highlighting that the current plan had originally marked it for 50 new homes, and that an application had recently submitted for a supermarket. He suggested a more proactive approach to ensure landowners did something appropriate and relevant to the needs of the community. JDoe clarified that it didn't necessarily need to be in the local plan currently, as it was already subject to a planning consent for commercial use. The Chair noted that specific concerns and topics could be addressed with officers outside of the committee.

Cllr Deacon wondered if there was any way to add additional protection to fields and parks in order to allay the concerns of residents. It was confirmed that this could be done, and James Doe referred back to the first part of Councillor Gale's question and reiterated that the approach of Hemel Garden Communities was to protect the open spaces, with publicly and privately owned land able to be protected through open land designations as part of the detailed plan next year. It was added that more open spaces could also be planned for within the Hemel Garden Communities area, with large self-sustaining communities including big structural areas of open space, and that the planning committee would have a strong steer from the plan in regard to planning applications. James Doe said that a network of open spaces lies behind the ethos of Hemel Garden Communities and we will be rolling out that tradition in the development area.

Cllr Banks asked, if the local plan went up to 2024, why there was a reference to Hemel Garden Communities. It was clarified that the local plan went up to 2040, and explained that in terms of the trajectory for delivering on homes, Hemel Garden Communities would start delivering during the planned period and continue doing so up to 2050. It was agreed there would be some overlap, with references to Hemel Garden Communities likely to appear in subsequent versions of the local plan.

The Chair proposed that the committee agree to, (1) support the timetable for the local plan, (2) delegate details of consultation to Director and Portfolio Holder for Place, and (3) support the setting up of a Task and Finish Group, so that the plan could progress to the next stage. There were no significant concerns or issues raised, and the proposal was accepted.

**Action: Link to Urban Capacity Study to be circulated to committee members.**

## **8 WORK PROGRAMME**

The Chair noted that there was a meeting in the agenda to discuss the work programme, and requested that she be informed of any topics for discussion.

Cllr Banks wondered if it would be appropriate to have something in the work plan regarding climate change. The Chair agreed that this could be added.

There being no other business, the Chair thanked attendees and closed the meeting.

**Action: Committee members to submit any topics for discussion as part of the work programme to the Chair.**

The Meeting ended at 9.10 pm