



Growth, Infrastructure & Housing Select Committee minutes

Minutes of the meeting of the Growth, Infrastructure & Housing Select Committee held on Tuesday 5 July 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 11.00 am and concluding at 12.45 pm.

Members present

D Carroll, A Baughan, N Brown, Q Chaudhry, I Darby, T Hogg, T Hunter-Watts, M Hussain, S Rouse, S Wilson and P Brazier

Others in attendance

N Graham, K Sutherland, J Chilver, A Christensen, S Morgan, D Pearce and I Thompson

Apologies

S Chapple, C Etholen, N Marshall, C Poll and D Town

Agenda Item

1 Apologies for Absence/Changes in Membership

Apologies for absence were received from Cllrs Chapple, Etholen, Marshall, Poll and Town. Members noted that Cllr Peter Brazier would be substituting for Cllr Chris Poll for this meeting.

2 Appointment of Vice-Chairman

The Chairman confirmed the appointment of Cllr Thomas Hogg as vice-chairman of the Growth, Infrastructure and Housing Select Committee for the ensuing year.

3 Declarations of Interest

Cllrs Andrea Baughan, Tom Hunter-Watts and Stuart Wilson declared that they were one of the councillors who had supported the call-in request being considered at the meeting under agenda item 5.

4 Minutes of the Previous Meeting

The minutes of the meetings held on 13th April and 18th May 2022 were confirmed as a correct record.

5 Call in of the decision on Proposed residential development at the site of the

former Buckinghamshire County Council Sports and Social Club land taken at Cabinet on 7th June 2022

The Chairman invited Nick Graham, Service Director, Legal and Democratic Services, to outline the process for hearing the call-in and to advise the Select Committee on the validity of the call-in request that had been received in relation to the decision on proposed residential development at the site of the former Buckinghamshire County Council Sports and Social Club land which was taken at Cabinet on 7th June 2022.

Nick Graham noted that this was the first call-in request of the new Buckinghamshire Council. Making reference to the call-in guidance laid out in the Council's constitution and included on p17 of the agenda pack, he summarised it as a three stage process as follows:

- 1) The Monitoring Officer determines if the call-in request is valid and then arranges a Select Committee meeting
- 2) The Select Committee, on advice of the Monitoring Officer, will initially decide whether to proceed with hearing evidence of the call-in
- 3) After hearing evidence from both sides, the Select Committee decide whether to reject or uphold the call-in request. If the call-in is upheld the decision would be referred back to Cabinet for reconsideration.

Nick Graham went on to summarise the grounds for the call-in request which had been submitted by Cllr Anders Christensen, supported by a further 23 councillors. Two grounds had been put forward – the first one was that Cabinet had not addressed the option of selling the site to a resident's group or the Parish Council. The second ground was that not all relevant information had been considered by Cabinet, as the results of the pre-planning consultation were not published in the Cabinet papers.

The Monitoring Officer concluded that the first ground for the call-in was not valid because the Cabinet decision did not concern the disposal of the site at this stage. It was noted that the pre-planning consultation would be a matter for the Planning Committee to consider. However, the Cabinet report of 7th June indicated that Cabinet would consider the results of this consultation as part of this decision and the report was missing, therefore the second ground for the call-in was accepted as valid. Nick Graham confirmed that the request was received before the deadline and was supported by the pre-requisite number of Members.

The Chairman invited any questions from Members on the conclusions of the Monitoring Officer. A Member noted that paragraph 9.1 of the 7th June Cabinet report stated that 'The results of the pre-planning consultation process will be considered ahead of a final decision being made' and queried if the Cabinet decision was the 'final decision'. In response, Nick Graham clarified that paragraph 8.1 referred to the pre-planning application consultation and stated 'The results of this consultation will be available prior to this report being submitted to Cabinet.' Therefore although 9.1 refers to a 'final decision' it was not entirely clear if that was referring to this Cabinet decision or the decision of the Area Planning Committee

when the outline planning application is considered in the future.

Two Members referred to paragraph 4.2 of the 7th June Cabinet report which stated that 'This site is registered as an asset of Community value (ACV).' The point was made that the value of the site would increase if outline planning permission was granted and this could mean that if a local community group wanted to buy the site under the ACV rules, the price might be prohibitive. A query was also raised as to whether the Cabinet decision on 7th June triggered the opportunity for local people to make a bid for the site as an ACV. In response, Nick Graham confirmed that the ACV status of the site would be considered at the Area Planning Committee and the Cabinet decision did not trigger the ACV moratorium period – this would only begin if the Council chose to dispose of the site.

RESOLVED – That the Select Committee agreed that the second ground of the call-in request was valid and that the Select Committee would continue to hear evidence from both sides at this meeting.

The Call-in Submission – Cllrs Anders Christensen and Susan Morgan

The Chairman invited Cllr Anders Christensen and Cllr Susan Morgan to explain their reasons for requesting a call-in of the Cabinet decision of 7th June. The following main points were noted:

- Cllr Christensen advised that he felt the Cabinet decision was an error and premature. Reference was made to the Options considered in the 7th June Cabinet report. Paragraph 3.3 refers to the option of gifting the site to the local community. As previously mentioned, if the site was to be disposed of and made available to the local community via the ACV moratorium, outline planning permission would increase the value of the site significantly, potentially putting it beyond the reach of a community group bid.
- Secondly there were significant concerns around the pre-planning consultation report not being included in the Cabinet agenda. The consultation had shown that 88% of local residents were against the proposed development of the site and it was important that this was understood by Cabinet. Cllr Christensen asked when Cllr John Chilver, Cabinet Member for Accessible Housing and Resources had received the consultation report and asked when Savills had committed to delivering the report to him and the relevant officers.
- Paragraph 3.1 dismissed the option of doing nothing with the site as this would impact possible capital receipts and would leave the site open to being designated as open space in the emerging Stoke Mandeville neighbourhood plan. Whilst it was recognised that affordable housing is needed, it was likely that the 100 units in the proposed development would only include 30 affordable housing units and pressing on with an outline planning application would risk not respecting the emerging neighbourhood plan.
- Paragraph 3.2 explained that the option for the Council to submit a detailed planning application itself would be expensive and unlikely to appeal to

external developer and paragraph 3.3 regarding the option of gifting the site to the local community concluded that this was not recommended.

- Paragraph 3.4 mentions selling the site as an unconditional offer but there were several risks that led to this option being dismissed.
- Paragraph 3.5 outlines the recommended option of Cabinet agreeing to submit an outline planning application for 100 residential units with 30% affordable housing, improved access roads and provision of a sports area for school and community use. However, Cllr Christensen questioned the commercial viability of delivering 30% affordable housing.
- Alongside questions about how well the different options had been considered, Cllr Christensen had questions about how the pre-planning consultation process had been undertaken and reported back to Cabinet. He felt that the report should have included which Local Members had responded to the consultation and what their feedback had been. He also noted that several meetings were still to be held.
- There was also mention of a possible substation being included on the site which would require 1 hectare of space and this would reduce the available space for the proposed football pitch. Cllr Susan Morgan commented that she was aware that discussions had taken place with Sports England and it would be helpful to know the outcome.
- It was also highlighted that the Wendover Community Board which encompasses Stoke Mandeville had not been consulted on the proposals for the site.
- Cllr Susan Morgan highlighted that many residents had raised concerns about the proposed development and it was important that Cabinet as a whole understood this and had full information from the consultation ahead of taking this decision. She asked Cabinet to reconsider the decision to apply for outline planning permission for the site and to allow residents time to present a business case in conjunction with Stoke Mandeville Parish Council to preserve the green open space for the local community.

The Chairman thanked Cllrs Christensen and Morgan for their submission and invited questions from Committee Members. The following main points were noted:

- Cllrs Christensen and Morgan felt that Cabinet should have considered the possibility of allowing Stoke Mandeville Parish Council and local residents to take on the site as an ACV. This option should be fully explored and if outline planning permission was pursued this would increase the value of the site and put it beyond the reach of local residents.
- There was a discussion about the meaning of paragraph 9.1 - some members believed 'final decision' referred to the decision at Area Planning Committee, whilst the members bringing the call-in believed that this meant that the pre-planning consultation report should be considered ahead of the Cabinet decision to pursue outline planning permission.
- Paragraph 9.3 stated that 'a further report on the options for development appraisals for the site' would follow. Cllr Christensen expressed the view that he didn't take comfort from this as he believed that nobody could evidence another development of this size (100 units) that actually delivered a

minimum of 30% affordable housing.

- With regards to consultation with Stoke Mandeville Parish Council (SMPC), Cllr Christensen commented that whilst discussions about the proposed development might have taken place, there was no record of a legal decision being made to indicate that SMPC supported the proposed development or would be changing the status of the site in their emerging neighbourhood plan from green space to housing.
- In response to a question about interpreting the language of the report, particularly referencing paragraph 8.1 and 9.1, Cllr Christensen confirmed that he interpreted this as a full and complete pre-planning consultation would be undertaken and that the consultation report would be included in the Cabinet agenda on 7th June. In his opinion, the ideal outcome from the call-in would be for Cabinet to reconsider the decision and he felt that the site should be offered for sale as an ACV to the local community ahead of any further considerations.

Response to the Call-in – Cllr John Chilver, Cabinet Member for Accessible Housing & Resources and Mr David Pearce, Capital Projects Performance Manager

The Chairman invited Cllr John Chilver, Cabinet Member for Accessible Housing & Resources and David Pearce, Capital Projects Performance Manager to answer any points that had been brought forward during the meeting and to provide any further information that would provide insight into the Cabinet decision of 7th June. The following main points were noted:

- The status of the site as an ACV had been dismissed as a valid reason for the call-in. It had not been triggered by the Cabinet decision as there was currently no proposal to dispose of the site. This would be a consideration at the planning stage.
- The discussion about the electricity sub-station was not directly relevant as no decision had been reached with regards to where additional sub-stations would be sited. The Council had funding to improve the electricity supply, this site could be an option for a sub-station but this again would be subject to a specific planning application.
- In response to discussions about the commercial viability of 30% affordable housing in the proposed development, Cllr Chilver advised that Cabinet hoped to achieve more than 30% as they were seeking to offer affordable housing and additional units for use by social services clients.
- Cllr Chilver confirmed that he had not met with Sports England but David Pearce had been in discussions with them.
- In response to the question of when Cllr Chilver had received the pre-planning consultation summary report, he reported that he was unsure of the exact date but believed it was two weeks before the Cabinet meeting. He read the report in full and summarised the key issues raised at the 7th June Cabinet meeting and Cabinet had discussed them informally previously. Cllr Chilver confirmed that he had reported that there was local opposition to development of the site but currently the site was fenced off and was not benefitting anyone.

- Cllr Chilver reported that Cllrs Martin Tett and Mark Winn had both referred to local concerns at a loss of green space during the Cabinet meeting but no other Cabinet Members asked for any further information.
- Cllr Chilver noted that paragraph 8.1 indicated that the report should be available and he expected it to be included with the Cabinet report but had been advised by officers that the sign off process had not been completed in time for the Cabinet deadline. Whilst this was unfortunate, Cllr Chilver believed that if the report had been included it would not have changed the decision.
- David Pearce advised that he had written the 7th June Cabinet report and had organised the public consultation and hosted the drop-in sessions. He had undertaken to ensure that the Cabinet Member understood that there was strong resistance from local residents to development of the site.
- In response to questions about the value of the site, David Pearce reported that he had been give advice that as the Council own the site the percentage of affordable housing could be increased above the statutory requirements. The specific plans for the development would need to come back to Cabinet for a decision but there was no intention to sell the site to gain a quick capital receipt.
- With regards to consultation with Stoke Mandeville Parish Council, David Pearce had held numerous meetings with the Parish Council and their Neighbourhood Planning Steering Group. Whilst initially there was disagreement, the Parish Council introduced the Council to the architects who were supporting them in developing their neighbourhood plan and the Council had worked with them to produce the masterplan included in the 7th June Cabinet report.
- David Pearce had met with Sports England, who would like to retain as much of the historical facilities as possible, although this is not in line with the Council's Playing Fields Strategy team. There could be alternative options of using S106 funding to develop other nearby sites such as Walton Court or Edinburgh Fields.
- David Pearce acknowledged that it would have been easier if the pre-planning consultation report had been included in the 7th June Cabinet agenda but it had not been finalised and the Cabinet Member and the Leader had been briefed on the consultation outcome.

The Chairman thanked Cllr Chilver and David Pearce for this information and invited questions from Committee Members. In response to questions and during the subsequent discussions the following main points were noted:

- It was confirmed that the confidential appendix which had been included in the 7th June Cabinet agenda but was not included in the papers for today's meeting was concerned with financial information which was not directly relevant to today's call-in considerations.
- Cllr Chilver reconfirmed that he had referred to the results of the pre-planning consultation during the 7th June Cabinet meeting and the Leader and Cllr Mark Winn had also mentioned that they were aware of significant local opposition to the loss of green space.

- In response to a question regarding his intent when writing the report and referring to 'a final decision being made' in paragraph 9.1, David Pearce confirmed that he was referring to the decision that Cabinet would take in future to agree the final status and distribution of the 100 units on the site. However, he recognised that his language could have been clearer.
- With regards to paragraph 8.1, David Pearce advised that he intended to ensure that the Cabinet Member had been briefed on the strength of local feeling and hoped to include the report in the Cabinet agenda, but it wasn't ready in time.
- A Member asserted that the 7th June Cabinet decision appeared unnecessarily rushed and it might have been better to have waited until the pre-planning consultation report had been ready so that Cabinet had the full information, in the interests of transparency and localism. In response, Cllr Chilver commented that the Council was committed to providing affordable housing and the capital budget was under pressure due to rising inflation so there was some urgency to begin the process.
- A Member noted that there were public attending the meeting which demonstrated that there was a lot of local interest in plans for this site. They commented that when people had contributed to a consultation then they deserved to have their responses properly considered. The thoroughness of the consultation was also questioned, as he was unclear on local members feedback and whether Stoke Mandeville Parish Council supported the proposals for the site or not.
- In response, David Pearce advised that the Council had worked closely with Stoke Mandeville Parish Council in developing the masterplan and they were very engaged in the process. It was noted that the Parish Council had a video on their website setting out their support for the proposals, although there was no record of a formal decision being taken at a Parish Council meeting.
- It was again emphasised that there were no plans to sell the land at present, so discussions about the community purchasing the land as an ACV were not relevant. A Member commented that it would have been helpful to have explicitly stated in the report that the site was not going to be sold.

The Chairman thanked everyone for their questions and contributions and explained that the Select Committee would now move on to its deliberations.

Deliberations

The Chairman invited comments from Select Committee Members based on the written evidence in the agenda pack and the discussions at the meeting today.

A Member commented that the issue was whether the consultation had been appropriately considered by Cabinet on 7th June and what 'final decision' meant in paragraph 9.1. In their opinion, Cabinet was aware of the consultation results as this had been brought to their attention by Cllr Chilver, who had seen the pre-planning consultation report. With reference to 9.1, they understood this to mean that the consultation report would be considered at a future planning meeting and therefore the call-in request should be rejected. Another member supported this position.

Conversely, another Member made the point that both paragraphs 8.1 and 9.1 suggested that the results of the pre-planning consultation would be available to Cabinet and the public, therefore the call-in request should be upheld to ensure transparency and due process. Several members agreed with this view and believed that the decision should be reconsidered by Cabinet in light of the consultation report.

Concerns were also raised that the 7th June Cabinet decision had effectively shut down the option of the local community purchasing the site as an ACV. However again it was noted that as there was no proposal to dispose of the site, the ACV moratorium had not been triggered.

As there were differing views, the Chairman put the issue to a vote.

3 members voted in favour of rejecting the call-in and 7 members voted in favour of upholding the call-in and referring the decision back to Cabinet for further consideration.

RESOLVED – That the Select Committee uphold the Call-in request and recommend that the decision should be referred back to Cabinet for further consideration in light of the pre-planning consultation report.

6 Date of Next Meeting

A joint meeting with the Communities and Localism Select Committee will be held on 13th July 2022 at 10am.