

Growth, Infrastructure & Housing Select Committee Agenda

Date: Thursday 18 April 2024

Time: 10.00 am

Venue: The Paralympic Room, Buckinghamshire Council, Gatehouse Road, Aylesbury

HP19 8FF

Membership:

D Carroll (Chairman), T Hogg (Vice-Chairman), A Baughan, N Brown, S Chapple, Q Chaudhry, I Darby, C Etholen, T Hunter-Watts, Maz Hussain, N Marshall, S Morgan, C Poll, D Town and S Wilson

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Agenda Item Time Page No

- 1 Apologies for Absence/Changes in Membership
- 2 Declarations of Interest
- 3 Minutes of the Previous Meeting

That the minutes of the meeting held on 15th February 2024 be confirmed as a correct record.

4 Public Questions

Public Questions is an opportunity for people who live, work or study in Buckinghamshire to put a question to a Select Committee. The Committee will hear from members of the public who have submitted questions in advance relating to items on the agenda. The Cabinet Member, relevant key partners and responsible officers will be invited to respond.

Further information on how to register can be found here: https://www.buckinghamshire.gov.uk/your-council/get-involved-with-council-decisions/select-committees/

5 Planning Committee Performance

The Committee will receive a report on Planning Committee performance.

Contributors:

Cllr Peter Strachan, Cabinet Member for Planning and Regeneration Eric Owens, Service Director, Planning & Environment Alastair Nicholson, Planning Business and Improvement Manager

6 Work Programme

A work programming meeting will be held in April/May with Select Committee Members to explore topics for the Select Committee to discuss for 2024-25.

7 Date of Next Meeting

The next meeting will take place after the Council's Annual Meeting where the calendar of meetings will be agreed. The proposed date for the next meeting will be Tuesday 16th July 2024 at 10am.

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Tom Fowler democracy@buckinghamshire.gov.uk 01494 732009

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COUNCY COUNCY

Buckinghamshire Council Growth, Infrastructure & Housing Select Committee

Agenda Item 3

Minutes

MINUTES OF THE MEETING OF THE GROWTH, INFRASTRUCTURE & HOUSING SELECT COMMITTEE HELD ON THURSDAY 15 FEBRUARY 2024 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 10.00 AM AND CONCLUDING AT 11.58 AM

MEMBERS PRESENT

D Carroll (Chairman), T Hogg, A Baughan, Q Chaudhry, I Darby, Maz Hussain, N Marshall, S Morgan, C Poll, D Town, S Wilson and P Brazier

OTHERS IN ATTENDANCE

T Fowler, S Ali, J Callaghan, E Owens and P Strachan

Agenda Item

1 APOLOGIES FOR ABSENCE/CHANGES IN MEMBERSHIP

Apologies had been received from Councillors Nic Brown, Sue Chapple, Carl Etholen and Tom Hunter-Watts.

Councillor Peter Brazier attended as a substitute for Councillor Nic Brown

Cllr Simon Rouse was no longer a Member of the committee.

Cllr Susan Morgan was now a Member of the committee.

2 DECLARATIONS OF INTEREST

Cllr Chris Poll declared an interest in item 8, due to their spouse's work as a director for the Health on the High Street initiative.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 23rd November 2023 were confirmed as a correct record subject to an amendment to item 5, to note the request for Planning Performance information broken down by planning committee area to be provided to the committee.

4 PUBLIC QUESTIONS

5 CABINET MEMBER UPDATE

The Cabinet Member invited Members to contact them with any queries regarding recent Planning Enforcement action in Winslow.

6 CIL/S106 UPDATE

The Chairman welcomed Councillor Peter Strachan, Cabinet Member for Planning and Regeneration, and John Callaghan, Transport Strategy Funding Manager to the meeting. The Cabinet Member highlighted the following from the report:

- The Community Infrastructure Levy (CIL) and Section 106 agreements (S106) were key mechanisms supporting the funding of infrastructure.
- Before April 2020, the legacy councils had different approaches and the Council had had to use costly contracted staff.
- In December 2022 responsibilities to manage, monitor and report on CIL and S106 were integrated into one team. Information on databases has been checked and consolidated to make data more usable and make best use of funds. Specialist software, Exacom, has been extended across the county, supported with staff training, and resilience had been improved. The backlog had been reduced and there were no longer any contract staff employed.
- New KPIs had been introduced to ensure best use for S106 funds before they expired and to monitor CIL performance.
- Next steps include:
 - A continued focus on performance
 - o Reviewing the scope for CIL on a county-wide basis
 - o Reviewing S106 wording to ensure a streamlined and clear process across the county

During the discussion, comments and questions were raised by the Committee and brought out a number of points:

- As of April 2023, approximately £1.5 million S106 funds had been at risk of being returned to developers. The amount was now less than £900k.
- There were various reasons for this:
 - Differing legacy authorities, with different monitoring and different terms within S106 agreements and sometimes insufficient time allowed to deliver projects.
 - S106 funds for schemes that faced delivery challenges, e.g. cost inflation, could often not be redirected to other projects, while additional funding was generally scarce.
- The aim was to comply with the terms of the legal agreement while avoiding returning funds
 to developers if possible, hence in the first instance checking if developers remained in
 operation and asking to extend the period within which funds could be used. If the
 developer had gone out of business, the Council was unable to return the funds. Some
 developers, when contacted, had agreed that the period to use contributions could be
 extended.
- A new process was established in 2023 to allocate S106 funds to projects with improved sharing of information with delivery services and member oversight.
- It was noted that CIL funds offered some benefits compared to S106 agreements. A developer knew how much their contribution would be for CIL in advance. There was more flexibility in spending CIL funds.
- If challenged the Council needed to be able to demonstrate that CIL did not reduce the need for S106 funding. Progress had been made here in the 2022-23 Infrastructure Funding Statement which indicated how future CIL income would be spent.
- Cabinet had supported the process of considering the introduction of CIL in the north of the

county (former Aylesbury Vale District area). Options were being looked at for this and a recommendation would be brought to Cabinet for a decision. Officers estimated it would be at least 9 to 12 months from agreeing to implement a new charging schedule before CIL could be implemented across the entire county.

- It was noted in paragraph 1.3 of the report that the introduction of CIL could be linked to the timing of the local plan. A member commented that that the two should not be linked, CIL implementation in the North of the county should not be dependent on development of the Local Plan.
- Paragraph 1.7 of the report detailed S106 & CIL funds passed by Buckinghamshire Council to parish councils in 2022-23. A Member commented that the actual amount was 11% rather than the minimum 15% of CIL collected that would be expected. Officers agreed to review the figures and would go back to the Member outside of the meeting.

Action: Transport Strategy Funding Manager [Post Meeting Note: in addition to the £727k passed to parish councils, 335k was allocated for use in the unparished area. Together these sums amount to over 16% of the CIL collected, in line with expectations.]

- The amount passed to the City of London local authority shown in table 2 of the appendix was queried. Officers confirmed that the contribution was correct. Regarding the footnote to the table, it was clarified that it should read: "The Burnham Beeches Special Area of Conservation contribution is **predominantly** collected in East and South Area".
- Paragraph 3.13 on page 37 of the report showed the Infrastructure Funding Statement.
 Demand notices for £6.7 million had been issued with receipts of £5.3 million. It was queried whether the council was collecting all CIL payments owed. The gap was due to timing developers may have over a year to pay CIL funds for large developments.
- The report did not mention healthcare provision. It was highlighted residents wanted better
 access to healthcare. Developer funding was a practicable way to build new facilities. This
 topic would be discussed later in the meeting during the Planning for future Primary
 Healthcare item.
- A Member reported a Parish Council had been charged £1,600 in costs for a S106 Deed of Variation. A Deed of Variation was necessary where it was required to change the use for S106 funding. It was suggested this could have been avoided if the Parish Council had been involved in drafting the S106 agreement. The Transport Strategy Funding Manager thanked the member for the specific example, Members were encouraged to contact officers with further examples which they could investigate.
- A Member wished to highlight that S106 agreements were often imposed on Parish Councils without their input, which could lead to a Deed of Variation being needed.
- Officers explained that a balance between defining a specific purpose for the use of funds
 while retaining some flexibility was necessary when negotiating S106 agreements. They
 were legally defined agreements and as such were costly to alter. Unnecessary costs should
 be avoided but it was recognised that the original agreement would sometimes need
 alteration. Only parties to the original agreement could formally initiate the process for a
 Deed of Variation.
- The Planning service had a meeting scheduled with town and parish councils in the next few weeks. They would look into providing training and support on CIL and S106 agreements for Town and Parish Councils.
- A Member observed that CIL may be a good alternative to a S106 agreements, as it offered
 more flexibility for spending funds. It was pointed out that s106 funds is a more important
 source of funding than CIL and the two are complementary.
- The Cabinet Member would look into offering training for Members on S106/CIL as parish and town councils would often contact Buckinghamshire Council Members for advice.
- It was clarified that Members could contact the Cabinet member about issues arising from previous S106 agreements. For new S106 agreements, views should be presented via the planning application consultation process.

The Chairman thanked the contributors for their input.

7 BUCKINGHAMSHIRE REGENERATION FRAMEWORK AND STRATEGIES

The Cabinet Member for Planning and Regeneration introduced the strategies, noting that they had been adopted by Cabinet in October 2023. They were published on the Buckinghamshire Council website. They were ambitious in their aims to improve Aylesbury, Chesham and High Wycombe and were also a pragmatic way to take these towns centres forward. Other areas in the county were also able to plan improvements

During the discussion, Members raised the following points and questions:

- Concern was expressed as to whether small businesses, Members and Town Councils had been properly consulted. Members noted Town Councils should be involved in the process as early as possible. The Cabinet Member for Planning and Regeneration made assurances that stakeholders had been appropriately consulted in the plans.
- The regeneration plans for Aylesbury had changed slightly but the funds stipulated by Aylesbury Vale District Council (AVDC) for this project remained ringfenced. Local businesses had been able to give their views in various forums over the past year.
- The importance of creating attractive cultural centres to bring the community together was highlighted. The Service Director for Planning & Environment explained that more detail on aesthetics would follow. The strategy outlined wider goals and ambitions. These plans had several layers with a place-based approach taken for town centre regeneration.
- The ongoing consultation would lead to enabling works which would further the goals of the strategy. It was highlighted that meeting to discuss the regeneration plans in Chesham was due to take place where representatives from Chesham Town Council would be attending.
- There was a discussion on pedestrianisation, green spaces and making town centres attractive. Members felt that a focus on seating, lighting, nature and the use of public art would encourage more people to visit the town centres. It was noted that building design was also important.
- The Council was looking to ensure Cambridge Street in Aylesbury remained closed to traffic.
 It was noted that within Aylesbury, some former council buildings could be converted for residential use in future.
- Progress on the regeneration project may be measured by analysing various metrics (e.g. town centre footfall, occupancy and use of facilities). The aim was to provide vibrant town centres. This would partly be achieved offering the right kind of premises for businesses.
- It was noted that the regeneration project was closely aligned with Opportunity Bucks, a programme focusing on 10 wards within Buckinghamshire where people were experiencing the significant hardship. These wards were in Aylesbury, Chesham and High Wycombe. The Government had recently proposed changes to permitted use of buildings which may change the nature of town centres and streets.
- The national trend for converting office space into residential units was noted. It was observed that the balance between residential, office and retail space needed to work for a vibrant town centre.
- Buckinghamshire Council's Regeneration plans make use of private sector investment. An
 example of where this worked well was the Exchange area in Aylesbury, it had combined
 restaurants with flats (above). The existence of the strategy helps to engage investors and
 reassure them that there is a vision for these areas. Developers had experience of similar
 projects, and other market towns had attracted investment.

 A Member asked for more details around the spending for these strategies, as well as availability of Opportunity Bucks funds for town centre redevelopment. The Cabinet Member for Planning and Regeneration offered to write to the Member with more detail.

Action: Cabinet Member for Planning and Regeneration

• The Cabinet Member would report back to update the committee on the Regeneration Framework & Strategies at future committee meetings.

The Chairman thanked the contributors for their input.

3 JOINT RAPID REVIEW WITH THE HEALTH & ADULT SOCIAL CARE SELECT COMMITTEE REPORT - PLANNING FOR FUTURE PRIMARY HEALTHCARE IN BUCKINGHAMSHIRE

The Chairman noted the enormous amount of work put into the Joint Rapid Review and invited the joint chairmen for the review, Clirs Darby and Poll to present the item.

The joint chairman thanked Members and officers for their hard work on the review. The following points were made:

- The review had arisen from a belief that there was a lack of cohesion between healthcare and planning, which wasn't working for residents.
- The complex nature of healthcare across the county was highlighted in the report, the responsibilities of the Integrated Care Board (ICB), Primary Care Networks, and GP surgeries were examined in detail. GP Surgeries were mainly self employed practitioners with the surgery being a private business using an NHS contract.
- The Planning service could only look at future demand caused by population growth. It does not consider the problems that already exist (for example, difficulties in getting a GP appointment).
- The need to be realistic was recognised by the review group—local authorities are short of funds. The recommendations are realistic and positive, noting the scarce resources available to the ICB and the Council.
- The review highlights the changing face of primary care. For example, more space would be needed in GP surgeries due to more patients being seen by medical practitioners (rather than GPs).
- Use of CIL for funding new healthcare premises was explored by the review group, and it was noted that only the Wycombe Local Plan had allocated CIL specifically for healthcare.

During the subsequent discussion, the following points were made:

- A member of the review group also expressed thanks to Members and Officers who had worked on the review.
- It was hoped that the review would lead to more collaborative working, between the ICB, Council, and other partners.
- The Service Director for Planning & Environment welcomed the review which he felt was very timely. He supported the recommendations made by the group.
- NHS dental service issues were recognised, and mention was made of the NHS dental recovery plan launched on 7th February 2023. It was noted that more affordable housing was needed for dental staff.
- Members queried if the Pharmaceutical Needs Assessment was still fit for purpose. It had taken 4 years to open a pharmacy on the Berryfields estate in Aylesbury.
- Where S106 funds had been granted, it was noted costs could have risen if building didn't commence promptly. In the case where the developer is completing the project themselves, this risk may be avoided.

- The ICB's draft Primary Care Strategy had been released for stakeholder engagement, it was highlighted that there was little discussion of estates within the strategy. The Service Director for Planning & Environment would look into the elements relating to planning. The regeneration strategy may investigate the provision of healthcare on the high street which could support those residents who don't visit a GP.
- It was felt by Members of the review group that Buckinghamshire Healthcare Trust (BHT)
 had been engaging well with the Councils planning team. This was compared to the ICB,
 where engagement and cooperation needed improvement.
- · Cabinet, as well as the Corporate Management team for Buckinghamshire Council would look at the recommendations made in the report, and formally respond to them. The Committee hoped that the review would be fully utilised by stakeholders and the recommendations accepted by Cabinet and the ICB.

The Committee reiterated their thanks for the review and approved it for Cabinet (expected 9th April), subject to approval at the Health and Adult Social Care Committee.

9 WORK PROGRAMME

The Committee noted the Work Programme. Members could contact the Scrutiny Officer for the committee with any additional topics they wished to be included in the Growth, Infrastructure and Housing work programme.

10 DATE OF NEXT MEETING

The next meeting was scheduled for 18th April 2024 at 10am.



Report to Growth, Infrastructure & Housing Select Committee

Date 18th April 2024

Title Planning Committee Performance

Author Eric Owens (Service Director - Planning & Environment)

1. Background

- 1.1. In November 2024 as part of ongoing monitoring of the Service the *Growth, Infrastructure and Housing Select Committee* received a review of the performance of the Councils Development Management functions for the financial year April 2022 to March 2023.
- 1.2. It was requested that the Planning Performance data/dashboards (Appendix 1 and 3) be reproduced for each of the Area Planning Committees.
- 1.3. At present we can only produce this data by legacy planning area, so amalgamates the North and Central Committees, and the East and South Committees. We have however manually also collated data regarding applications referred each individual Planning Committee for Jan-Dec 2023.
- 1.4. A project is underway known as "One Uniform" which is intended to move all planning application processing onto a single back-office planning system. Once this has been achieved, we will be able to interrogate a single database and produce a range of performance and monitoring information.

2. Planning Committee

- 2.2 The role of Planning Committee is to focus on those planning applications which would benefit from scrutiny, such as reviewing recommendations where the weighing and balancing of the issues is finely balanced.
- 2.3 In such cases the Committee is entitled to consider the issues and in giving them different "weight" come to a different decision to that being recommended by the Officers. All Committee decisions must be robust and capable of defence if challenged.
- 2.4 Five Area Planning Committees and a Strategic Planning Committee are operated as required by the Council Constitution. They can determine any "outline", "full" or "reserved matters" planning applications brought before them.

2.5 There is no limit to the number of planning applications that can be identified as potentially benefiting from Committee scrutiny. This can be either through "Member Call-in", "Late member Call-in", "3 Member Call-in", "Parish or Town Council Call-in" or the Head of the Planning & Environment Service may feel that it's appropriate to send an application to committee by declining to use his delegated authority. In addition, the constitution requires that certain planning applications are automatically always considered by Committee e.g. where the Council is the applicant, etc.

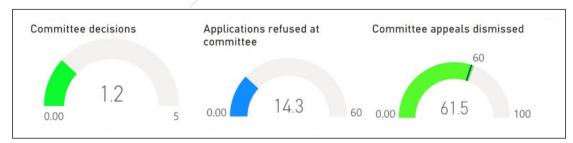
3. Referral Process

- 3.2 Bringing any planning application before a Planning Committee will however result in additional cost and a delay in a decision being made.
- 3.3 To ensure consistency all requests are considered in consultation with the relevant Planning Committee Chairman. This process ensures only those applications which would benefit from additional scrutiny are referred to Committee, allowing the others to be more appropriately determined under delegated powers.
- 3.4 Planning applications should be determined as quickly as possible. Most applications are straightforward (either approvals or refusals) and are therefore determined by Planning Officers.

4. Performance

Planning appeal statistics 2022/23

4.2 The overall headline figures for 2022/23 show an efficient process being operated. In accordance with good practice only a small percentage (1.2%) of applications are being referred to Planning Committee for scrutiny.

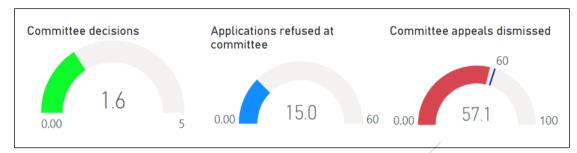


- 4.3 Of those considered at a Planning Committee only 14.3% are being refused. Then of those subsequently challenged at appeal the Council is then successfully defending its position in 61.5% of cases.
- 4.4 The fact that this is slightly lower than the Council wide figure for dismissed appeals (68.4%), is a reflection of the fact that it is the more challenging and complex applications that are considered by Planning Committee(s).

Planning appeal statistics 2023/24 (April 23 to 8th March 24)

- 4.5 The comparison of stats for most of 23/24 shows a performance that is close to the last year. The call up process is still working well. Like 22/23, and following good practice, 1.6% of applications went to Planning Committee for review.
- 4.6 Taking applications to Committee delays the decision and adds an average of well over £1,000 per application in processing costs.

The colours in the graphics below are not meant to convey any meaning or importance.



4.7 About 15% of the applications that go to a Planning Committee are being refused. Then, out of those that are then appealed, the Council is then successful in 57.1% of cases.

Planning appeal costs.

- 4.8 The Local Planning Authority has no control over the number or timing of planning appeals or other legal challenges. The Council receives no additional fee but must defend these or face having to pay the appellants costs on the grounds of unreasonable behaviour.
- 4.9 Once a valid planning appeal has been lodged the Planning Inspectorate decide the method by which the appeal will be determined and from that moment the Council must abide by a very strict timetable.
- 4.10 In particular "Public Inquiries" are becoming more expensive year on year. A two- or three-week Planning Inquiry can easily cost the Council around £80-£100K in additional external fees. There are many reasons for this:
 - Appellants seem prepared to invest in a greater number of specialist witnesses (ecology, landscaping, highways, etc) and more senior legal representation,
 - Legislation is ever more complex, and government guidance is ambiguous and frequently changing, all of which leads to more disputes on points of law,
 - c) Inquiries into the larger housing proposals, and enforcement Inquiries, are taking longer which increases their cost to the Council: where in the past these might take 2 days, they are now taking 9 days or longer, and,
 - d) A significant Council cost comes from legal representation and both internal and external specialist professional witnesses. The cost of providing the specialist witnesses required to robustly defend the Council's position, and particularly the cost of a good legal advocate (sometimes a QC) for "significant" Inquiries is every increasing. For 22/23 this cost £357,401 and

for 23/24 the costs have been £160,875, but as the Council is in the middle of an enquiry which started mid-March and will not conclude until May this figure may increase.

Planning Committee Meetings

4.11 Data manually collated regarding Planning Committees meetings from January to December 2023 indicates:

Planning Committee (January to December 2023)	Called Up	Withdrawn	Deferred	Number of Meetings Cancelled	Number of Meetings Held
Strategic Sites	16	1	0	6	10
North	5	0	0	9	4
Central	10	0	1	3/	6
South	17	0	1	2	12
East	14	0	2	6	7
West	32	4	1 /	2	11
Total	94	5	5	28	50

- 4.12 Planning applications need to be decided quickly. However, the number and timing of applications that need committee attention will both vary over time and by committee area. To make sure applications are handled effectively, Planning Committee meetings are planned for the whole year. They are then called off if they are not needed, as this is clearer than trying to schedule meetings only when they are needed.
- 4.13 The updated "legacy area" data requested by the Growth, Infrastructure and Housing Select Committee is reproduced in the attached appendices.

5. Benchmarking

5.2 By way of general context, the table below provides a national comparison of "Planning Applications" for the year 2022/23 against some of our immediate neighbours.

Local Planning Authority	Applications received	Applications decided	Applications withdrawn	Application decisions (Delegated)	Application decisions (Committee)	% Committee Decisions
Buckinghamshire	6462	5815	664	5745	70	1.2%
Hillingdon	2697	2384	216	2298	86	3.6%
Central Bedfordshire	2097	2104	0	2047	57	2.7%

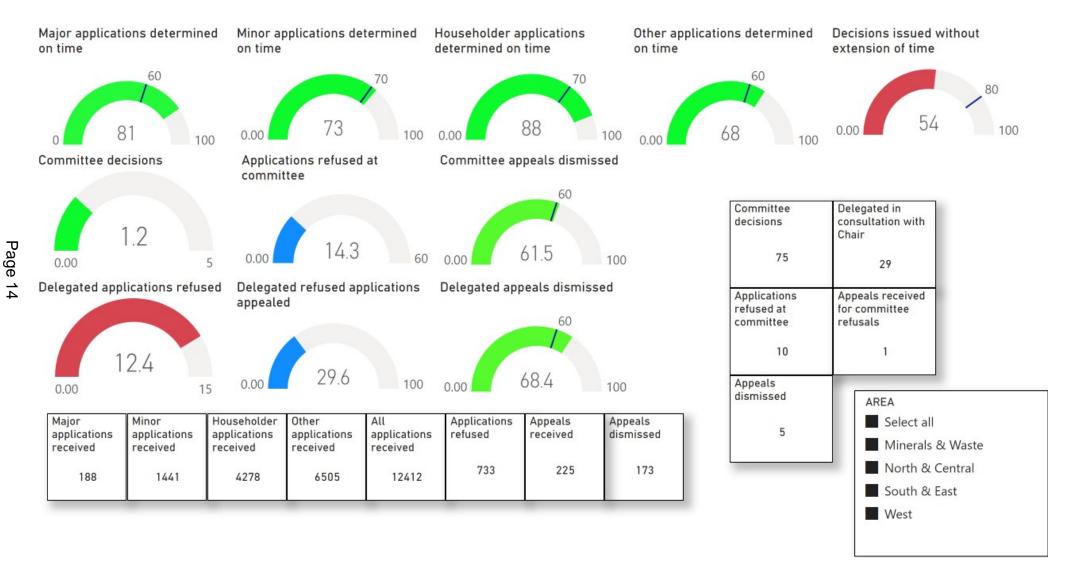
Local Planning Authority	Applications received	Applications decided	Applications withdrawn	Application decisions (Delegated)	Application decisions (Committee)	% Committee Decisions
South Oxfordshire	1995	1959	134	1899	60	3.1%
Windsor and Maidenhead	1877	1752	167	1716	36	2.1%
Milton Keynes	1444	1499	151	1469	30	2.0%
Dacorum	1433	1309	150	1265	44	3.4%
Bedford	1250	1347	91	1306	41	3.0%
Three Rivers	1032	939	123	885	54	5.8%
Slough	721	738	57	730	8	1.1%

Source: Government national planning statistics collected on a quarterly basis

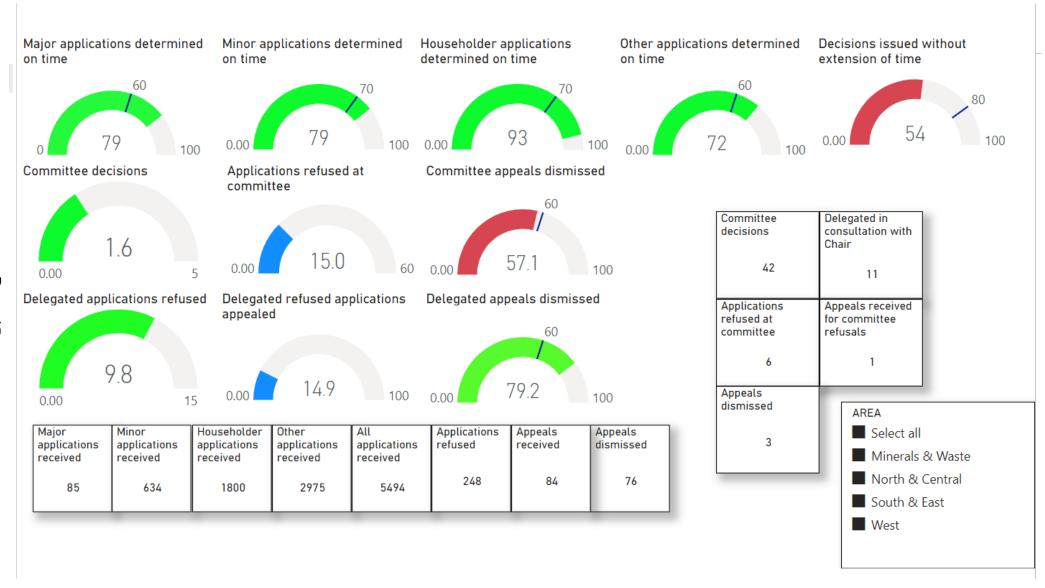
5.3 Buckinghamshire Council is one of the largest Local Planning Authorities in the country as is demonstrated by the volume of applications being processed annually. For context the 6462 applications received as a percentage of population (553,300 as of mid-2021) is 1.16%.

Appendices

- Appendix One Buckinghamshire: Planning application statistics 2022/23 & 2023/24 (April 23 – 8th March 24)
- Appendix Two North & Central: Planning application statistics 2022/23 & 2023/24 (April 23 8th March 24)
- Appendix Three South & East: Planning application statistics 2022/23 & 2023/24 (April 23 8th March 24)
- Appendix Four West: Planning application statistics 2022/23 & 2023/24 (April 23 8th March 24)

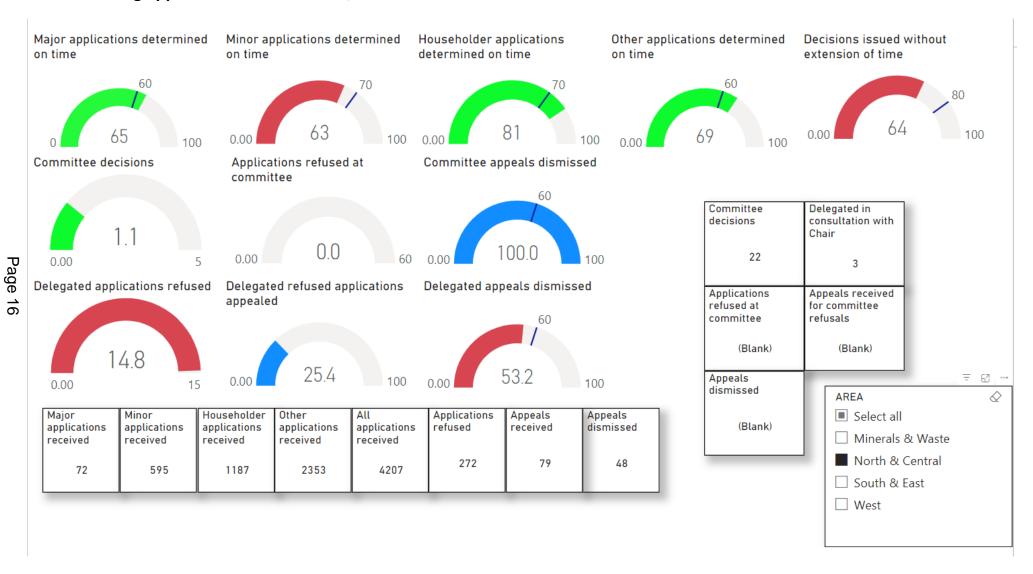


Planning application statistics 2023/24 (April 23-8th March 24)



Appendix Two – North and Central

Planning application statistics 2022/23

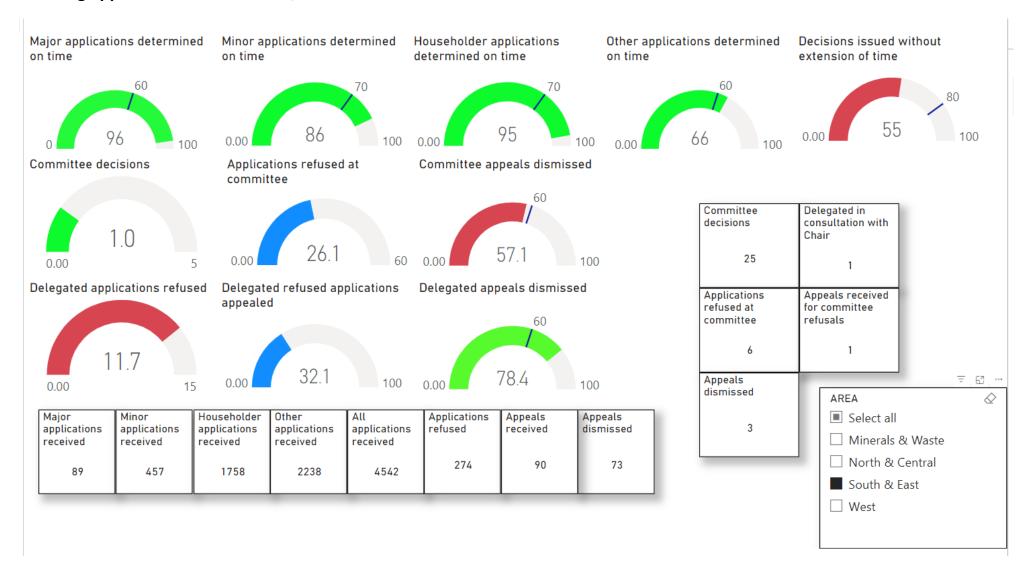


Planning application statistics 2023/24 (April 23 – 8th March 24)



Appendix Three - East and South

Planning application statistics 2022/23.



Planning application statistics 2023/24 (April 23 – 8th March 24)



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Appendix Four – West

Planning application statistics 2022/23.



Planning application statistics 2023/24 (April 23 – 8th March 24)



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