



## **EXECUTIVE**

**06 JUNE 2017**

### **SUPPLEMENTARY PAPERS**

**TO: ALL MEMBERS OF THE EXECUTIVE**

The following papers were circulated at the above meeting.

Alison Sanders  
Director of Corporate Services

	<b>Page No</b>
<b>5. SUITABLE ALTERNATIVE NATURAL GREENSPACES (SANG) - CAPACITY ALLOCATION</b>	<b>3 - 8</b>
An objection to the recommendations contained in this report has been received and is attached, together with an officer response to the objection raised.	

This page is intentionally left blank

Simon Cridland  
Environmental, Culture and Communities  
Bracknell Forest Council  
Time Square  
Market Street  
Bracknell  
Berkshire RG12 1JD

Our ref: RSL\32284\0001\16662026v2\MSH

Your ref:

Date: 5 June 2017

cc by email only:  
Dr Gareth Barnard:  
gareth.barnard@bracknell-forest.gov.uk  
Mr Max Baker:  
Max.Baker@bracknell-forest.gov.uk

Dear Mr Cridland

### **Suitable Alternative Natural Greenspaces (SANGS) – Capacity Allocation**

We act for Permitted Developments Investments No 3 Limited and have reviewed a copy of the report published in relation to “Suitable Alternative Natural Greenspaces (SANGS) – Capacity Allocation” (“Report”) for the Executive Meeting being held on 6 June 2017 at Bracknell Forest Council. A copy of this letter has also been sent to Councillor Dr Gareth Barnard Vice-Chairman of the Committee who is attending and Max Baker, Head of Planning.

We would like to object to the recommendations put forward in this report on the following grounds:

- The report does not consider suitable “alternative recommendations” and priority is being given to allocated sites over prior approval applications;
- The report does not provide sufficient evidence to substantiate its recommendations;
- Any decision made at the meeting cannot vary the SPD

### **Background**

Paragraph 47 of the National Policy Planning Framework published in 2012 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against requirements. As the Council will be aware, the shortage of housing supply is currently given highest priority by central Government and the Council’s Core Strategy policies CS15 and CS16 also refer to housing needs. Recent figures put forward at an appeal decided in January 2017 stated that Bracknell Forest’s supply is between 2.49 and 3.59 years – even on the more optimistic figure this shows a **significant shortfall from the five year supply that local authorities are required to demonstrate under paragraph 47 of the National Planning Policy Framework (NPPF)**. In light of national and local policy and the significant current shortfall, the Council should be looking at how it can facilitate housing in the decisions it makes.

### **The Report does not consider all suitable “alternative recommendations”**

The Report considers two alternative recommendations to not providing SANG capacity for large Prior Approval schemes. The Report has failed to consider an obvious further alternative option

that investment by the Council should be provided in further SANG capacity which would allow both sites allocated in the Site Allocations Local Plan and windfall planning application sites together with prior approval sites to come forward at a later date when ready for implementation.

The Executive is being asked to give priority to allocated sites and windfall planning applications over prior approvals. National housing policy does not distinguish between the two means for achieving further housing. The Government made the permitted development of office to residential use a permanent right in 2016 in order that much needed housing is provided. Given that a number of the bespoke SANG solutions appear not ready yet to be used, it would make far more sense if the current Council SANG solutions are used for schemes (whether authorised by planning permission or prior approval) which have been granted and are ready to implement now. Capacity in the bespoke schemes and future Council SANG solutions can be used by schemes ready at a later date. This would maximise the most amount of further housing possible for the Council in line with the requirements of policy.

This option would also ensure that large prior approval schemes are not at a financial disadvantage to a scheme granted by planning permission which effectively amounts to a subsidy for schemes that come forward other than by prior approval.

#### **The report does not provide sufficient evidence to substantiate the recommendations**

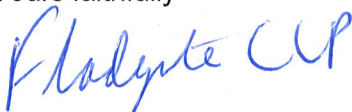
The report states that SANG capacity is "particularly under pressure in the north of the Borough" and that "the capacity available for residential development has dwindled". No figures or sufficient evidence have been submitted with the report to back this up. An analysis of the exact shortfall and figures to demonstrate how much capacity is being held back for allocated sites and when it is expected that these sites will come forward, should have been carried out and set out in the Report. The implications of the impending implementation of the Article 4 direction removing the permitted development right should also be set out. Members of the Executive would then be able to make a fully informed decision as to how best to allocate existing SANG capacity and what priority and resources should be provided to further future capacity.

#### **Any decision made at the meeting cannot vary the SPD**

Finally, we assume that if a decision is made to adopt these recommendations that these would be supplemental to or vary the existing Thames Basin Heaths Special Protection Area Delivery Framework. However this original SPD was the subject of a strategic environmental assessment (SEA) as required by the EU Directive (2001/42/EC). Any modification to the SPD would also require a further SEA to be carried out by the Council. The Report does not suggest that this has been carried out.

In conclusion, we would ask the Executive to refuse the recommendations on 6 June 2017 put forward by the Report and ensure that **all** schemes are able to satisfy the need for housing have the equal opportunity to take advantage of Council SANG capacity.

Yours faithfully



Fladgate LLP

Direct Dial +44 (0)20 3036 7133

Direct Fax +44 (0)20 3036 7633  
rlindop@fladgate.com

This page is intentionally left blank

## Response to Fladgate objection to the recommendations to Executive regarding the provision of Sangs

Summary of objection	Response
The report does not consider suitable alternative recommendations and priority is being given to allocated sites over prior approval applications.	The report quite clearly gives suitable alternative options : <ul style="list-style-type: none"> <li>Section 4 says that the we could support the Prior Approvals but not plan-led development and we could withdraw the Supplementary Planning Document (SPD):</li> <li>Paragraph 5.17 clearly states that developers of Prior Approval Applications could provide their own Bespoke SANGs or buy into capacity from a third party SANG.</li> </ul>
The Council should invest in providing further Suitable Alternative Natural Green Space (SANG) capacity.	The Council does not have the funds to buy new capacity to address this immediate issue. The Council has worked hard to facilitate new SANG opportunities and will continue to do so. For example, the Council worked with a private developer to bring forward a new Bespoke SANG at Wellers Lane, within which any Prior Approval developer is welcome to purchase capacity as stated in paragraph 5.17
The report does not provide sufficient evidence to substantiate its recommendations	There is overwhelming evidence to support the report recommendation. The three northern SANGs affected by this report have a combined capacity of minus 288 dwellings (06.06.17) which includes sites allocated in the Site Allocations Local Plan (SALP). The Council already has to find additional SANG capacity to facilitate the SALP sites to ensure the 288 dwelling deficit is provided for. The process to allocate sites for the SALP was set out in the Habitats Regulation Assessment (HRA) during the SALP examination process.
National Policy does not distinguish between the two means to achieving further housing and made the change of permitted development a permanent right in 2016	The NPPF states that a plan-led process should be followed (as stated in paragraph 6.3) which is exactly what the Council did through allocating sites in the SALP supported by a HRA. The Council also recognises the prior approval process which is why it has facilitated, and will continue to facilitate, private 3 <sup>rd</sup> party bespoke SANGs (as stated in paragraph 5.18).
Capacity in bespoke schemes and future Council SANGs can be used by schemes ready at a later date which would ensure large prior approval schemes are not at a financial disadvantage	<ul style="list-style-type: none"> <li>The Council would not be able to plan forward for SANG capacity knowing that prior approvals could take the SANG capacity at any time. This means that any future plan-led allocation process could never be found sound as the Council could never demonstrate the certainty required for an Inspector to be able to approve the plan.</li> <li>Prior Approval schemes already have a financial advantage in that they do not pay for s106 obligations (other than SANG and SAMM), affordable housing or Community Infrastructure Levy (CIL) which most of the allocated sites have to provide.</li> </ul>
The implications of the Article 4 direction to remove permitted development rights should be set out.	The Article 4 direction matter is unrelated to the need to provide SPA mitigation. It is about the loss of employment space in the borough and in any event has not yet been confirmed.
Any decision made at the meeting cannot vary the Supplementary Planning Document (SPD)	<ul style="list-style-type: none"> <li>It is not the intention of the Executive decision to vary the SPD. The SPD was adopted prior to the Prior Approval process so it was not intended to accommodate such schemes.</li> <li>It should be noted that the SPD is a material consideration in the determination of planning applications. It can be used for determining Prior Approval applications but it does not have to be because Prior Approvals are decisions outside of the planning application process.</li> <li>An implication of not proceeding with the recommendation is that the SPD would probably need to be withdrawn (section 4)</li> <li>Any further SPD will be subject of due planning process, consultation and strategic environmental assessment (SEA)</li> </ul>

This page is intentionally left blank