

LOCAL PLANNING AND ENVIRONMENT ADVISORY COMMITTEE

Minutes of the meeting held on 25 March 2014 commencing at 7.00 pm

Present: Cllr. Mrs. Hunter (Chairman)

Cllr. Searles (Vice Chairman)

Cllrs. Clark, Mrs. Morris, Mrs. Purves, Mrs. Sargeant, Searles and Williamson

Apologies for absence were received from Cllrs. Bosley, Mrs. Dawson and Gaywood

Cllrs. Ayres, Mrs. Ayres, Davison, Mrs. Davison, Edwards-Winser, Fittock, Mrs. George, Ms. Lowe, Orridge, Mrs. Parkin and Scholey were also present.

31. Minutes

Resolved: That the Minutes of the meeting of the Committee held on 19 November 2013 be approved and signed by the Chairman as a correct record.

32. Declarations of interest

No additional declarations of interest were made.

33. Actions from Previous Meeting

There were none.

34. Update from Portfolio Holder

This item was withdrawn due to Councillor Bosley's absence.

35. Referrals from the Audit Committee

The Audit Committee, at its meeting on 10 September 2013, had requested that the Advisory Committee consider issues surrounding the future of the Dunbrik site.

The Chief Planning Officer confirmed that, following agreement between Kent County Council and Durtnalls regarding the terms of a new lease, the waste transfer station and household waste recycling centre would be remaining at Dunbrik for the foreseeable future.

36. Gypsies and Traveller Plan - Site Options consultation

The Planning Officer presented a consultation draft of the Gypsy & Traveller Plan for the District. This had been produced in light of the Gypsy & Traveller and Travelling Showpeople Accommodation Assessment (GTAA) undertaken by the Council in March 2012. The GTAA had identified the need to provide 72 pitches between 2012 and

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2026 in order to fulfil the housing needs of those anticipated to meet the planning definition of Gypsies & Travellers. The Planning Officer advised that, since the publication of the report, a pitch (at Crockenhill) had been granted permanent planning permission, thereby reducing the needs requirement to 71.

The consultation draft identified 14 site options, with a total number of 93 additional permanent pitches for potential allocation. These sites had been subjected to an initial assessment against pre-defined selection criteria, including constraints; impact; and sustainability. The purpose of the proposed consultation was to seek the views of stakeholders on these sites and to invite suggestions for any others which may be suitable.

The Planning Policy Team Leader referred to the supplementary information which had been circulated regarding the site on land west of Enterprise Way, Edenbridge (the 'Reserve Land'). This explained that the Planning Inspector examining the Council's Allocations and Development Management Plan had indicated his intention to recommend a 'main modification' to allocate the site for housing under Policy H1. The Inspector considered that this would be incompatible with any proposals for Gypsy & Traveller pitches and, in light of this, Officers recommended that the site be removed from the consultation document.

The report acknowledged that it would not be possible to meet the identified need without planning for sites in the Green Belt. It also emphasised the importance of developing a plan to meet the accommodation needs of Gypsies & Travellers as, without the identification of suitable sites, the Council would have difficulties in resisting proposals for sites coming forward through the development management (including appeal) process regardless of their locations.

Reference was also made to the fact that Gypsies & Travellers were covered as a 'protected group' from discrimination under the Equalities Act 2010. The consultation draft had therefore been subjected to an Equalities Impact Assessment.

The Chairman invited comments from Councillors and members of the public. Arising from this, the following views were expressed as follows:

Site at Seven Acres Farm, Hever Road, Edenbridge

The field in question appeared capable of accommodating additional pitches (i.e. besides the 7 temporary pitches which were there at the moment);

Site at Malt House Farm and land adjacent to Valley Park South (both Lower Road, Hextable)

The proposed potential allocations were inappropriate for the village;

Land east of Knockholt Station, London Road, Halstead

There were a number of sites in the area representing an unacceptable density of provision;

Holly Mobile Home Park, Hockenden Lane, Swanley

Reference in the report to the site not being in an Air Quality Management Area should be checked. [A Councillor asserted that this aspect of the report was incorrect]. The site

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was adjacent to the A20, not the M25. Some of the current residents do not meet the local housing needs criteria. Swanley would be surrounded by traveller sites;

Site at Barnfield Park, Ash-cum-Ridley

Further provision of pitches would be incompatible with the Government's Planning Policy for Traveller Sites which advocated measures to: respect the interests of the settled community; reduce tensions in plan-making, ensure economic, social and environmental sustainability with accessible education, health, welfare and employment infrastructure; and relate pitch numbers to the circumstances of the specific site and the surrounding population's size and density. This was on the basis that:

- responses to the Ash-cum-Ridley 2013 Neighbourhood Plan questionnaire demonstrated a lack of support for and opposition to additional pitches;
- Ash has no public transport and was poorly connected with no vehicular access to The Street in Ash;
- there are no services in Ash to benefit the education, health, welfare or employment needs of the traveller community;
- there were some 65 residential properties in the core of Ash Village: Billet Hill and The Street, and the 35 pitch site at Barnfield Park already dominated the village. The site was already overdeveloped as a result of the present development exceeding that allowed by the planning permission for the site;
- the Government's guideline of 15 pitches as the optimal size for managing a site should relate to the total number of pitches on the whole site, not to the 8 newly proposed additional pitches

Land west of Enterprise Way, Edenbridge

The supplementary recommendation to remove this site from the consultation document (in light of the Planning Inspector's comments, as referred to above) was strongly supported;

Land south of Mesne Way, part of Timberden Farm, Shoreham

The site was wholly unsuitable for 15 pitches. It could be viewed from a well used footpath on the North Downs; the potential for screening was dubious. It had also suffered from flooding in the past. Shoreham was a small village with narrow roads (vehicular access to the sites via Filston Lane, not the High Street). The village school would become oversubscribed. The proximity within the Kent Downs AONB was especially significant. The pitches would be unsustainable and would have a negative impact on the village.

Land at Fort Halstead, Halstead

Concern was raised about the concentration of sites in a limited area around Knockholt Station, Polehill, Shoreham and Fort Halstead with the impact this would have on infrastructure. It was also noted that if the density rate at Knockholt Station were used then the identified site would accommodate many more than 15 pitches. The Officer explained that it was only an "area of search" and only a portion of the area would be used.

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General comments

The clusters of potential allocations were too dense and should be distributed more evenly among other settlements to facilitate integration and to create more balanced communities. The management of sites was generally poor. There was inadequate infrastructure in rural locations. Some sites were close to the District's boundaries and the area of search for additional provision needed to be widened beyond this with neighbouring authorities being required to fulfil their 'Duty to Co-operate'.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) subject to:
 - i) the deletion of the following sites
 - Malt House Farm, Lower Road, Hextable
 - Land adjacent to Valley Park South, Lower Road, Hextable
 - Land east of Knockholt Station, London Road, Halstead
 - Barnfield Park, Ash-cum-Ridley
 - Land west of Enterprise Way, Edenbridge
 - Land south of Mesne Way, part of Timberden Farm, Shoreham; and
 - ii) the inclusion of the Holly Mobile Home Park, Hockenden Lane, Swanley being conditional upon Officers confirming that the site is not located within an Air Quality Monitoring Area

the 'Gypsy and Traveller Plan – Site Options Consultation' and the 'Gypsy and Traveller Plan – Site Options – Assessments' (Appendices 1 and 2 to the report) be published for consultation (along with the Sustainability Appraisal) during a period to be agreed by the Portfolio Holder;

- b) the Portfolio Holder be authorised to agree minor presentational changes and detailed amendments to the consultation documents to improve their clarity; and
- c) the consultation document be published on the Council's website and made available for purchase in hard copy at a price to be agreed by the Portfolio Holder.

37. Community Infrastructure Levy (CIL) Governance

The Community Infrastructure Levy (CIL) would be payable in respect of qualifying developments permitted by the Council on or after 4 August 2014. This would be in accordance with the CIL Charging Schedule adopted by the Council on 18 February 2014. The Cabinet had tasked the Committee with developing governance arrangements for distributing CIL income to appropriate infrastructure projects. Arising

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from this, the Principal Planning Officer presented a report advocating a Member led process to enable such arrangements to be worked up.

The report explained that the CIL regime would largely replace Section 106 Agreements as the mechanism whereby Local Authorities secured funding for local infrastructure. Unlike the S.106 regime, CIL receipts did not necessarily need to be spent on projects directly related to the developments that paid them. The Committee was also reminded that Town and Parish Councils would receive 15% or 25% of CIL collected from their areas, depending on whether or not the Councils concerned had adopted Neighbourhood Plans.

The report addressed issues which the Council would need to consider when prioritising the distribution of CIL funding, including the scope for ranking the relative importance of the different types of infrastructure projects and/or identifying criteria against which competing schemes would be assessed. The following related issues would also have to be addressed:

- whether residents should be consulted about the infrastructure project assessment process;
- the possible merits of separating CIL payments into 'local' and 'strategic' funding pots according to a priority based split (i.e. whereby local funds could be spent on infrastructure in the vicinity of associated developments and strategic funds pooled for more substantial infrastructure schemes);
- the need to enable the Council to react to 'windfall housing developments' not already identified within the Allocations and Development Management Plan;
- the Council's willingness to transfer a fixed amount or proportion of CIL per annum to partner organisations to deliver specific projects;
- arrangements for delegating the power to spend CIL;
- the need to allow CIL to be paid by instalments to help maintain the financial viability of larger residential developments.

Members expressed the view that, as far as delegation arrangements were concerned, it would not be appropriate for individual Officers or Members to be given powers to spend CIL money. A Member level Committee was identified as the most suitable option.

It was agreed that Local Planning and Environment Advisory Committee members should be given the opportunity to debate these issues in greater detail at a future workshop. A date for this would be scheduled once the timetable of meetings and Committee membership for 2014/15 had been determined. July was identified as the preferred month for the workshop.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

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Resolved: That a separate CIL workshop, consisting of all Local Planning and Environment Advisory Committee Members who wish to attend, be arranged in Summer 2014 to consider CIL governance issues in more detail and begin to develop recommendations for how the spending of CIL should be prioritised and a report brought back to a future meeting of the Committee for consideration.

38. Enforcement Charter

The Acting Planning Service Manager introduced a draft Enforcement Plan for the District which sought to raise awareness of the Council's Planning Enforcement Service and what stakeholders were entitled to expect from it. The Plan would:

- fulfil one of the objectives of the Council's Improvement Plan for the Planning Service; and
- accord with the National Planning Policy Framework and the Government's recently published Planning Practice Guidance.

The draft Plan set out the principles of the Planning Enforcement Service and explained how complaints against alleged breaches of planning control would be dealt with. The various enforcement options / powers at the Council's disposal were identified within the Plan, together with the basis for deciding which ones to exercise in response to proven breaches.

It was intended to consult the local community and other stakeholders on the draft Plan and to publish the final version as an eye catching, user friendly document.

The draft Plan acknowledged that, in certain circumstances, it would not be expedient or in the public interest to pursue retrospective planning applications. In this respect, the Committee considered that the Plan should emphasise the potentially negative consequences for homeowners etc of not having planning permission for applicable developments.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That, subject to the insertion of additional text to explain the importance of applying for planning permission and the potential ramifications for homeowners etc. of not doing so, the Local Enforcement Plan, as set out as Appendix A to the report, be agreed for consultation.

39. Work Plan

A Work Plan for the Committee's July, September and November 2014 meeting was agreed as follows:

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July

Allocations and Development Management Plan
Local Development Scheme
Green Belt Supplementary Planning Document
Pest Control - review of tender results
Westerham Conservation Area Management Plan

September

Local Enforcement Plan
CIL Governance
Statement of Community Involvement

November

Gypsy & Traveller Plan
Climate Change update
Sustainable Drainage

The footnote on the tabled plan regarding affordable housing contributions had been superseded.

THE MEETING WAS CONCLUDED AT 9.30 PM

CHAIRMAN