

15 October 2019 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 07.10.19



Development & Conservation Advisory Committee

Membership:

Chairman, Cllr. Hunter; Vice-Chairman, Cllr. Thornton
Cllrs. Barnett, Cheeseman, Clayton, Penny Cole, P. Darrington, Fothergill,
McGregor, Pett, Reay and Roy

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the minutes of the meeting of the Advisory Committee held on 9 July 2019, as a correct record.	(Pages 1 - 6)	
2. Declarations of interest Any interests not already registered.		
3. Actions from previous meeting	(Pages 7 - 8)	
4. Update from Portfolio Holder		
5. Referral from Cabinet or the Audit Committee (if any)		
6. Budget 2020/21: Service Dashboards and Service Change Impact Assessments (SCIAs)	(Pages 9 - 32)	Adrian Rowbotham Tel: 01732 227153
7. Planning Enforcement Update	(Pages 33 - 42)	Claire Pamberi Tel: 01732227178
8. Local Plan Update	(Pages 43 - 46)	James Gleave Tel: 01732227326
9. Work plan	(Pages 47 - 48)	

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

DEVELOPMENT & CONSERVATION ADVISORY COMMITTEE

Minutes of the meeting held on 9 July 2019 commencing at 7.00 pm

Present: Cllr Hunter (Chairman)

Cllr Thornton (Vice Chairman)

Cllrs Cheeseman, Penny Cole, P. Darrington, Fothergill, McGregor, Pett, Reay and Roy

An apology for absence was received from Cllr Clayton

Cllrs Dr. Canet, Perry Cole and Esler were also present.

1. Appointment of Chairman

Resolved: That Cllr Hunter be appointed Chairman of the Advisory Committee for 2019/20.

(Cllr Hunter in the Chair)

2. Appointment of Vice Chairman

Resolved: That Cllr Thornton be appointed Vice Chairman of the Advisory Committee for 2019/20.

3. Minutes

Resolved: That the Minutes of the meeting of the Planning Advisory Committee held on 12 March 2019, be approved and signed by the Chairman as a correct record.

4. Declarations of Interest

No additional declarations of interest were made.

5. Actions from Previous Meetings

There were none.

6. Update from Portfolio Holder

The Portfolio Holder welcomed everyone and advised that the Council had the busiest planning department in Kent. Training was being arranged for Members, and was most likely take place prior to Development Control Committee meetings

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to help build up Members' knowledge base. Once the training programme was finalised it would be circulated to all Members.

She reported that a site not included in the Local Plan had submitted a planning application and she was aware that councillors had been invited to a promotional event by the organisers.

She advised that if anyone ever had any questions, not to hesitate to contact her or Officers.

7. Referrals from Cabinet or the Audit Committee

There were none.

8. Role of the Advisory Committee and Key Challenges

Members received a [presentation](#) and report advising them as to the role of the Committee and the areas of responsibility including the key issues and challenges facing those areas, and took the opportunity to ask questions of clarification especially with regard to the benefits and difference between Neighbourhood Plans and Village Design Statements.

A Member had recently used the Building Control department and was very complimentary of the service he had received.

Resolved: That the report be noted.

9. Local Plan Update

The Strategic Planning Manager presented the report which provided a summary of the examination process and content of the submitted Local Plan. He responded to questions and advised Members of the hearing process, that a suitable venue was being looked at and that should there be any modifications made by the Planning Inspector then the Local Plan would go back out to a 6-8 week public consultation.

Action 1: That all Members be alerted / signposted to any key milestone information concerning the examination process.

Resolved: That the report be noted.

10. Adoption of updated Conservation Area Appraisals and extensions to Conservation Areas

The Conservation Officer presented the report which provided a summary of the outcome of the public consultation on draft conservation area appraisals, and demonstrated the interactive map feature.

The report set out changes that had been made as a result of the public consultation and recommended the adoption of the updated conservation area

appraisals, including changes to the conservation areas' boundaries and the making of a focussed Article 4 Direction to remove limited permitted development rights in the Shoreham Conservation Area and Swanley Village Conservation Area.

It was requested that with regard to branding that Sevenoaks District Council also appeared on the back of the documents once published.

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) the updated conservation area appraisals for the Brasted High Street, Leigh, Seal, Shoreham, and Swanley Village Conservation Areas, be adopted;
- b) the proposed extensions be designated to each of the above conservation areas as set out below -
 - i. the inclusion of the following five properties into the Brasted High Street Conservation Area: Old Orchard, High Street; Tanners Mead; The Old Forge; and 1 & 2 Tannery Cottages, all on Rectory Lane as shown in the map at Appendix C to the report;
 - ii. the inclusion of the following properties into the Leigh Conservation Area: 1-22 (consecutive) Garden Cottages; 21 and 22 Barnetts Road; 1 Powder Mill Lane; The Hawthorns; Oak Tree Cottage; The Beeches; The Cottage and Rosslyn, all on Powder Mill Lane; and the northern section of Crandalls (the street); Land to the south of Site of Former Public Conveniences; Land belonging to Chestnuts; The Green, Leigh as shown in the map at Appendix B to the report;
 - iii. the inclusion of the following 11 properties into the Seal Conservation Area: The Seal Village Allotments on Childsbridge Lane; 1 - 5 (consecutive) Jubilee Rise; Northview; Hill House; Bella Vista on Jubilee Rise; and the Scout Hut of the Ninth Sevenoaks Scout Group; and Lulworth, both on School Lane as shown in the map at Appendix B to the report.
 - iv. the extension of the Shoreham conservation area to include the following 14 properties: Nos. 40, 42, 44, 46-56 (even), 72-76 (even), 76a and 83 High Street and Field at the North End of High Street, known as Crown Field, into the conservation area as shown in the map at Appendix B to the report
 - v. the inclusion of the following seven properties into the Swanley Village conservation area: Lucas Farmhouse, Land North of Lucas

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Farmhouse, Lucas Cottage and Pine Cottage, Cygnet and Land East of Cygnet, all on Beechenlea Lane, and the building attached to the listed Coach House at Old Place, Old Place Stables, Swanley Village Road as set out in the map at Appendix B to the report;

- c) Shoreham Mill Lane Conservation Area be cancelled and extensions designated to the Shoreham High Street and Church Street Conservation Area to include all the properties of the former Shoreham Mill Lane Conservation Area to form the Shoreham Conservation Area;
- d) the making of a focused use of Article 4 directions to remove limited permitted development rights for protecting historic boundary treatments and front gardens in the Shoreham Conservation Area and Swanley Village Conservation Area, as set out in paragraphs 51 to 55, be agreed; and
- e) delegated authority be granted to the Portfolio Holder to approve the final version of the documents.

The Committee showed their appreciation for the hard work of the conservation officers.

11. Community Infrastructure Levy (CIL) Spending Board - Review of Governance

The Planning Standards Manager, with input from the Senior Solicitor, presented the report on proposed amendments to current CIL governance arrangements which had been agreed by Members in July 2017 and were reviewed annually to ensure that they were still fit for purpose. The report set out some suggested changes following feedback received from Members and Officers and the new Chairman and Vice Chairman of the CIL Spending Board.

Members were advised that should they have any CIL queries they could contact officers on the dedicated email address: cil@sevenoaks.gov.uk.

Further to the report and discussions with the Chairman of the CIL Spending Board, the Planning Standards Manager suggested a further amendment at paragraph 5.14, sixth bullet point of Appendix A being amended to read 'Whether sufficient evidence has been provided to show that funding from other sources has been maximised and that this will normally include a majority of funding from other sources.'

The Chairman of the CIL Spending Board addressed the Committee in support of the changes, advising of the reasoning behind the proposals. She hoped to hold a CIL Spending Board under the new Governance arrangements as soon as possible. The previous Vice Chairman of the CIL Spending Board supported the amendments.

Officers were thanked for all their hard work in turning around the proposals in such a short period of time.

Public Sector Equality Duty

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

The Chairman moved the recommendations as set out in the report subject to the suggested amendment and it was

Resolved: That the proposed changes to the CIL Spending Board governance arrangements as set out in the report, be agreed subject to Appendix A to the report, at paragraph 5.14, sixth bullet point being amended to read 'Whether sufficient evidence has been provided to show that funding from other sources has been maximised and that this will normally include a majority of funding from other sources.'

12. Work Plan

The work plan was noted with the addition of Local Plan Update and Building Partnership Review reports in October; and, a Statement of Community Involvement report in December 2019.

THE MEETING WAS CONCLUDED AT 9.15 PM

CHAIRMAN

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ACTIONS FROM THE MEETING HELD ON 09.07.19

Action	Description	Status	Contact Officer
Action 1	That all Members be alerted / signposted to any key milestone information concerning the examination process. (Minute 9)	Ongoing	James Gleave Ext. 7326

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BUDGET 2020/21: SERVICE DASHBOARDS AND SERVICE CHANGE IMPACT ASSESSMENTS (SCIAS)

Development and Conservation Advisory Committee - 15 October 2019

Report of	Chief Officer Finance and Trading
Status	For comment
Also considered by	<p>People and Places Advisory Committee - 1 October 2019</p> <p>Improvement and Innovation Advisory Committee - 3 October 2019</p> <p>Housing and Health Advisory Committee - 8 October 2019</p> <p>Cleaner and Greener Advisory Committee - 29 October 2019</p> <p>Finance and Investment Advisory Committee - 21 November 2019</p>
Key Decision	No

Executive Summary:

This report sets out updates to the 2020/21 budget within the existing framework of the 10-year budget and savings plan. The report presents growth and savings proposals that have been identified which need to be considered (if applicable to this Committee), and requests further suggestions from the Advisory Committees, before finalising the budget for 2020/21.

Informed by the latest information from Government and discussions with Cabinet, it is proposed that the Council continues to set a revenue budget that assumes no direct funding from Government through the Revenue Support Grant or New Homes Bonus. This will result in the Council continuing to be financially self-sufficient.

To achieve this aim and to ensure a balanced budget position over the next 10-year period, whilst also increasing the Council's ability to be sustainable beyond that time, a net savings requirement of £93,000 in 2020/21 and £100,000 per annum in later years is included.

Other pressures may result in a requirement for further savings. Officers will continue to monitor these pressures and report the latest position to Cabinet in December.

Portfolio Holder Cllr. Matthew Dickins

Contact Officers Adrian Rowbotham, Ext. 7153

Alan Mitchell, Ext. 7483

Recommendation to each Advisory Committee:

- (a) Advise Cabinet with views on the growth and savings proposals identified in Appendix D applicable to this Advisory Committee.
 - (b) Advise Cabinet with further suggestions for growth and savings applicable to this Advisory Committee.
-

Reason for recommendation: It is important that the views of the Advisory Committees are taken into account in the budget process to ensure that the Council's resources are used in the most suitable manner.

Introduction and Background

- 1 The Council's financial strategy over the past fifteen years has worked towards increasing financial sustainability and it has been successful through the use of a number of strategies including:
 - implementing efficiency initiatives;
 - significantly reducing the back-office function;
 - improved value for money;
 - maximising external income;
 - the movement of resources away from low priority services; and
 - an emphasis on statutory rather than non-statutory services.
- 2 Over this period, the Council has focused on delivering high quality services based on Members' priorities and consultation with residents and stakeholders. In financial terms, the adoption of this strategy has to date allowed the Council to move away from its reliance on general fund reserves.
- 3 Using the data sources available to the Council, this report sets out a budget over the 10-year period but recognises that it is likely that more accurate data will become available in future months and current assumptions may need to be updated.
- 4 In setting its budget for 2011/12 onwards, the Council recognised the need to address both the short-term reduction in Government funding as well as the longer-term need to reduce its reliance on reserves. The outcome was a 10-year budget, together with a four-year savings plan, that ensured the

Council's finances were placed on a stable footing but that also allowed for flexibility between budget years.

- 5 With the Revenue Support Grant provided by Government ceasing from 2017/18 it is important that the council remains financially self-sufficient by having a balanced economy and a financial strategy that is focused on local solutions. These solutions include:
 - continuing to deliver financial savings and service efficiencies;
 - growing the council tax and business rate base; and
 - generating more income.
- 6 The intention of this report is to provide Members of each Advisory Committee an opportunity to give their views on potential growth and savings items that could be included in the updated 10-year budget that will be presented to Council on 25 February 2020.
- 7 The 'Financial Prospects and Budget Strategy 2020/21 and Beyond' report has been presented to Cabinet to start the budget setting process for 2020/21.

Financial Self-Sufficiency

- 8 The Council's Corporate Plan 2013-2018 set out an ambition for the Council to become financially self-sufficient which was achieved in 2016/17. The current Council Plan aims to continue with this approach. This means that the Council no longer requires direct funding from Government, through Revenue Support Grant or New Homes Bonus, to deliver its services.
- 9 This approach was adopted in response to the financial challenges the Country was faced with in bringing its public spending down to ensure it is able to live within its means. In practice this has seen Government funding to local authorities dramatically reduced since 2010/11 with Sevenoaks District Council receiving no Revenue Support Grant from 2017/18.
- 10 The decision to become financially self-sufficient is intended to give the Council greater control over its services, reducing the potential for decision making to be influenced by the level of funding provided by government to local authorities.
- 11 The Council's decision to seek to become financially self-sufficient was subject to scrutiny by the Local Government Associations Peer Challenge of the District Council during December 2013. In their closing letter to the Council they concluded that they 'fully support that aspiration and given the existing and anticipated squeeze upon public finances this makes much sense'.
- 12 With the Council receiving no Revenue Support Grant from 2017/18 and New Homes Bonus reducing from 2018/19, this approach remains appropriate. The attached 10-year budget assumes no Revenue Support Grant or New

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Homes Bonus. Any funding received from these sources will be put into the Financial Plan Reserve which can be used to support the 10-year budget by funding invest to save initiatives and supporting the Property Investment Strategy. One of the aims of the Property Investment Strategy is to achieve an income yield of 3%+ above the Council's average treasury management return (currently 0.9%) when not borrowing or internally borrowing, and 3%+ above the borrowing rate (currently 1.9% for 30 years). Therefore, using funding for this purpose will result in additional year on year income that is not impacted by Government decisions.

- 13 Cabinet are keen to remain financially self-sufficient and be ahead of the game. This will include a new target to replace reliance on Business Rates income over the coming years. This will allow this Council to move ahead in the knowledge that this council has the financial resources to provide the services that the district's residents need into the future.

Service Dashboards

- 14 The intention of service dashboards is to provide Members with improved information during the budget setting process to provide context and inform any growth and savings ideas that Members may put forward.
- 15 The Service Dashboards cover a summary of the services provided, objectives, achievements and opportunities, challenges and risks and performance.
- 16 **Appendix A** contains the Service Dashboard for this Advisory Committee and **Appendix B** contains the budget for those services.

Savings Plan

- 17 **Appendix C** to this report sets out a summary of the savings and growth items approved by Council since the 10-year budget strategy was first used in 2011/12, which have allowed the Council to deliver a 10-year balanced budget.
- 18 The savings plan requires a total of over £7 million to be saved between 2011/12 and 2019/20 which is an average saving of over £800,000 per annum.
- 19 The 10-year budget attached shows a net saving or additional income requirement of £93,000 in 2020/21 and £100,000 per annum in later years to deliver a long-term sustainable budget.
- 20 Other pressures may result in a requirement for further savings. Officers will continue to monitor these pressures and report the latest position to Cabinet in December.

Proposed Growth and Savings Items

- 21 Growth items are items that are in addition to non-service issues and risks, such as grant settlements, impacts of economic change and other pressures highlighted in the 'Financial Prospects and Budget Strategy 2020/21 and Beyond' report considered by Cabinet on 12 September 2019.
- 22 A number of growth and savings items will be proposed at the Advisory Committees with the aim of achieving the £93,000 net savings mentioned above. The £93,000 does not necessarily have to all be achieved in 2020/21 but the impact is required to be £930,000 (i.e. £93,000 x 10 years) over the 10-year budget period.
- 23 The proposed growth and savings items relating to this Advisory Committee are listed in **Appendix D** (if applicable).
- 24 Service Change Impact Assessments (SCIAs) contain further details for all proposed growth and savings items. SCIAs applicable to this Advisory Committee can be found in **Appendix E** (if applicable).
- 25 During the budget process last year, each Advisory Committee was asked to provide further growth and savings suggestions to Cabinet. Some suggestions were approved as part of the 2019/20 budget, but Cabinet indicated that some other suggestions would be worth keeping on a list for future investigation. The suggestions for future investigation relating to this Advisory Committee are included in **Appendix F** and Members may wish to consider these ideas when proposing growth and savings suggestions.

Financial Summary

- 26 The assumptions currently included take into account the latest information available, but a number of assumptions may change before the final budget meeting in February 2019.
- 27 The 10-year budget attached at **Appendix G** includes the changes that were included in the 'Financial Prospects and Budget Strategy 2020/21 and Beyond' report.

Role of the Advisory Committees

- 28 A training session on the budget process have been provided to Members on 24 September 2019. If Members require any further training or require any additional details on the content of this report and appendices, please contact Adrian Rowbotham or Alan Mitchell prior to the meeting.
- 29 Views of the Advisory Committees on the growth and savings items proposed together with any additional suggestions will be considered by Cabinet at its meeting on 5 December 2019.

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Process and Timetable

- 30 This report is the second stage of the budget process as shown in the Budget Setting Timetable (**Appendix H**).
- 31 It is possible that Advisory Committees may have to re-address service budgets in January if significant changes have taken place leading to a large and unmanageable deficit.

Key Implications

Financial

All financial implications are covered elsewhere in this report.

Legal Implications and Risk Assessment Statement.

There are no legal implications.

For the effective management of our resources and in order to achieve a sustainable budget it is essential that all service cost changes and risks are identified and considered.

Challenges and risks are included in the Service Dashboards and each Service Change Impact Assessment (SCIA) includes the likely impacts including a risk analysis.

Financial risks will be reviewed again when the Cabinet publishes its proposals for the annual budget.

Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.

Individual equality impact assessments have been completed for all Service Change Impact Assessments (SCIAs) to ensure the decision making process is fair and transparent.

Conclusions

The Strategic Financial and Business Planning process has ensured that the Council follows a logical and well considered process and approach in dealing with the many difficult financial challenges that it has faced. The 10-year budget has further improved this process and helped to ensure that the Council is well placed in dealing with more immediate and longer-term financial challenges.

By becoming financially self-sufficient at an early stage, this Council has become much more in control of its own destiny.

The attached 10-year budget shows that this Council can continue to be financially stable going into the future with a level of assurance that any council would aspire to.

This budget process will once again be a major financial challenge for a Council that already provides value for money services to a high standard. In making any budget proposals, Members will need to consider the impact on service quality and staff well-being, to ensure that these proposals lead to an achievable 10-year budget that supports the Council's aspirations for customer-focused services.

Members' consideration and scrutiny of the relevant services is an essential and key element in the business and financial planning process. If the net total of growth and savings proposals identified by the Advisory Committees and approved by Cabinet does not reach the £93,000 savings target, additional savings will be required that may result in service changes, to ensure a balanced budget position.

Appendices

Appendix A - Service Dashboards relating to this Advisory Committee.

Appendix B - 2019/20 Budget by Service relating to this Advisory Committee.

Appendix C - Summary of the Council's agreed savings plan and growth items.

Appendix D - New growth and savings items proposed relating to this Advisory Committee (if applicable).

Appendix E - Service Change Impact Assessment forms (SCIAs) for the new growth and savings items relating to this Advisory Committee (if applicable).

Appendix F - Growth and savings suggestions made last year that were agreed by Cabinet to be kept on the list for possible future investigation - relating to this Advisory

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Committee (if applicable)

Appendix G - 10-year budget

Appendix H - Budget Setting Timetable

Background Papers

[Financial Prospects and Budget Strategy 2020/21 and Beyond - Cabinet 12 September 2019](#)

Adrian Rowbotham

Chief Officer Finance and Trading

Service Dashboard Portfolio for Development & Conservation

The services we provide

Development control, Local Plan, planning policy, conservation, development services, building control, transport policy, planning enforcement, wellbeing

Service contribution

Statutory service



Income generating



Working in partnership



Council Plan

Wellbeing ✓

Environment ✓

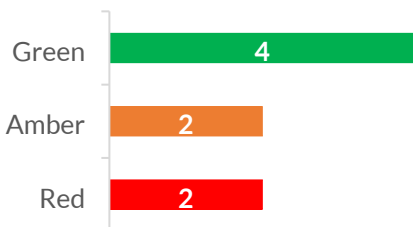
Economy ✓

Housing ✓

Community Safety ✓

Health ✓

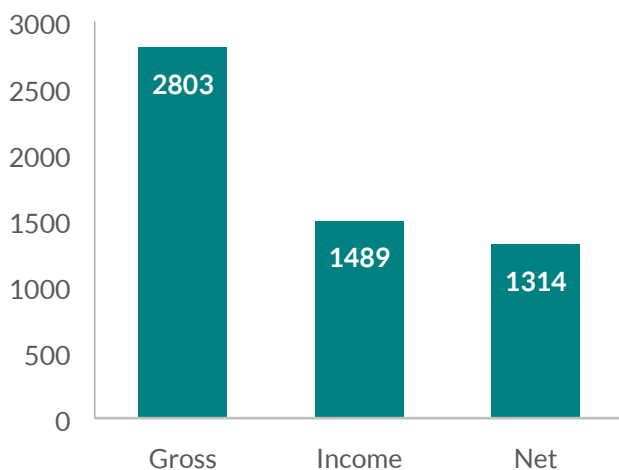
Performance



Achievements & Opportunities

- Progressing the Local Plan to examination in accordance with the challenging timescales set in the Local Development Scheme
- Consistently high performing development management function for speed and quality of decision making
- Continuing to protect the Green Belt through the Local Plan and planning decisions
- Building Control achieves over 70% of the market share in Sevenoaks

Portfolio Budget (£000)



Challenges & Risks

- Progressing the Local Plan through examination
- Recruitment and retention of high quality staff across the planning service
- Continuing to deliver improvements to the planning enforcement service
- The cost of decisions being challenged, either at appeal or through the Courts
- Maintaining market share in Building Control

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Development and Conservation Advisory Committee				Appendix B
		2019/20 Expenditure Budget	2019/20 Income Budget	2019/20 Approved Net Budget
Chief Officer				
Revenue				
Planning & Regulatory Services	Administrative Expenses - Building Control	12		12
Planning & Regulatory Services	Administrative Expenses - Planning Services	52		52
Planning & Regulatory Services	Building Control	338	(467)	(129)
Planning & Regulatory Services	Building Control Discretionary Work	0		0
Planning & Regulatory Services	Building Control Partnership Hub (SDC Costs)	0		0
Planning & Regulatory Services	Conservation	92		92
Planning & Regulatory Services	Dangerous Structures	3		3
Planning & Regulatory Services	Planning - Appeals	209		209
Planning & Regulatory Services	Planning - CIL Administration	32	(100)	(68)
Planning & Regulatory Services	Planning - Development Management	1,165	(922)	243
Planning & Regulatory Services	Planning - Enforcement	290		290
Planning & Regulatory Services	Planning Policy	610		610
		2,803	(1,489)	1,314
Capital				
	None			
				0

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SCIA Year	No.	Description	2011/12 - 2019/20 £000	2020/21 £000	Later Years £000	Total £000
		Cleaner and Greener Advisory Committee				
2016/17	8	Playgrounds: reduction in asset maintenance (reversal of temporary saving item)			7	
2016/17	9	Public Conveniences: reduction in asset maintenance (reversal of temporary saving item)			8	
2019/20	3	Bradbourne Lakes - Consultancy (reversal of temporary growth item)		(60)		
2019/20	7	Car Parking - Enforcement for Tandridge DC (reversal of temporary saving item)			30	
		Development and Conservation Advisory Committee				
		No savings or growth agreed from 2020/21 onwards				
		Finance and Investment Advisory Committee				
2011/12	62,63	Staff terms and conditions - savings agreed by Council 18/10/11		(187)		
		Housing and Health Advisory Committee				
		No savings or growth agreed from 2020/21 onwards				
		Improvement and Innovation Advisory Committee				
2017/18	10	Apprenticeship Levy (reversal of temporary growth item)		(45)		
2018/19	3	Swanley Local Office contract		(15)		
2018/19	13	IT Developers: funding for two years (reversal of temporary growth item)		(51)		
		People and Places Advisory Committee				
		No savings or growth agreed from 2020/21 onwards				
		Minor movements between years			(1)	
		Total Savings	(7,366)	(202)	44	(7,524)
		Total Growth	2,201	(156)	0	2,045
		Net Savings	(5,165)	(358)	44	(5,479)

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New Growth and Savings Proposals: Development and Conservation Advisory Committee

SCIA Year	No.	Description	Year	Ongoing	2020/21 Impact £000	Budget Impact £000
Growth						
		none				
		Sub Total			0	0
Savings						
2020/21	3	Additional Development Management income and cost recovery in Strategic Planning	2020/21	(36) from 21/22 onwards	(11)	(335)
		Sub Total			(11)	(335)
		Net (Savings)/Growth Total			(11)	(335)

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SERVICE CHANGE IMPACT ASSESSMENT

SCIA 03 (20/21)

Chief Officer:	Richard Morris	Service:	Planning
Activity	Development Management & Strategic Planning	No. of Staff:	35.61 fte

Activity Budget Change	Year: 2020/21 Growth / (Saving) £000	Later Years Comments (ongoing, one-off, etc.)
Additional development management income and cost recovery in Strategic Planning	(11)	(36) from year two onwards

Reasons for and explanation of proposed change in service

DM income is likely to rise once the Local Plan has been adopted and the strategic sites begin to come forward.

Additionally, we currently carry out a number of manual data searches for customers - such as planning histories - for which it is proposed to introduce a small charge to recover costs.

Key Stakeholders Affected

Planning customers

Likely impacts and implications of the change in service (include Risk Analysis)

It is likely that we will receive fewer request for manual data searches as some customers may choose to self-serve.

This would have a positive benefit insofar as it would create additional capacity in a small team.

Risk to Service Objectives (High / Medium / Low)

Low

SERVICE CHANGE IMPACT ASSESSMENT

2019/20 Budget	£'000	Performance Indicators		
Operational Cost	1,775	Code & Description	Actual	Target
Income	(922)	Processing of major planning applications in 13 weeks	87.5%	80%
Net Cost	853	Processing of minor planning applications in 8 weeks	73.7%	80%

Equality Impacts

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The implementation of a small charge for some searches which is recommended could directly impact on end users.

Growth and Savings Suggestions made last year that were agreed by Cabinet to be kept on the list for possible future investigation

Cabinet 06/12/18:

Cabinet discussed the further growth and savings items suggested by Advisory Committees and indicated that the following items be kept on the list for possible future investigation.

Development and Conservation Advisory Committee

Growth
none
Savings
none

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	Budget 2019/20	Plan 2020/21	Plan 2021/22	Plan 2022/23	Plan 2023/24	Plan 2024/25	Plan 2025/26	Plan 2026/27	Plan 2027/28	Plan 2028/29	Plan 2029/30
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Expenditure											
Net Service Expenditure c/f	14,687	15,251	15,556	15,972	16,353	16,740	17,133	17,531	17,936	18,450	18,971
Inflation	608	656	472	481	487	493	499	505	513	521	530
Superannuation Fund deficit and staff recruitment & retention	0	100	0	0	0	0	0	0	0	0	0
Net savings (approved in previous years)	(181)	(298)	44	0	0	0	(1)	0	1	0	(1)
New growth	256	(60)	0	0	0	0	0	0	0	0	0
New savings/Income	(119)	(93)	(100)	(100)	(100)	(100)	(100)	(100)	0	0	0
Net Service Expenditure b/f	15,251	15,556	15,972	16,353	16,740	17,133	17,531	17,936	18,450	18,971	19,500
Financing Sources											
Govt Support: Revenue Support Grant	0	0	0	0	0	0	0	0	0	0	0
New Homes Bonus	0	0	0	0	0	0	0	0	0	0	0
Council Tax	(10,917)	(11,261)	(11,616)	(11,979)	(12,353)	(12,737)	(13,131)	(13,536)	(13,927)	(14,328)	(14,740)
Business Rates Retention	(2,132)	(2,139)	(2,182)	(2,226)	(2,271)	(2,316)	(2,362)	(2,409)	(2,457)	(2,506)	(2,556)
Collection Fund Surplus	0	0	0	0	0	0	0	0	0	0	0
Interest Receipts	(200)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)
Property Investment Strategy Income	(1,258)	(1,311)	(1,311)	(1,311)	(1,411)	(1,455)	(1,455)	(1,655)	(1,655)	(1,655)	(1,696)
Contributions to/(from) Reserves	(353)	(353)	(353)	(179)	(179)	(635)	148	148	148	148	148
Total Financing	(14,860)	(15,314)	(15,712)	(15,945)	(16,464)	(17,393)	(17,050)	(17,702)	(18,141)	(18,591)	(19,094)
Budget Gap (surplus)/deficit	391	242	260	408	276	(260)	481	234	309	380	406
Contribution to/(from) Stabilisation Reserve	(391)	(242)	(260)	(408)	(276)	260	(481)	(234)	(309)	(380)	(406)
Unfunded Budget Gap (surplus)/deficit	0	0	0	0	0	0	0	0	0	0	0

Assumptions

Revenue Support Grant:	nil all years
Business Rates Retention:	Business Rates Retention safety-net in 19/20 plus 2% in later years
Council Tax:	2% in all years
Council Tax Base:	Increase of 580 Band D equivalent properties from 20/21, 480 from 27/28
Interest Receipts:	£250,000 in all years
Property Investment Strategy:	£1.311m from 20/21, £1.411m from 23/24, £1.455m from 24/25, £1.655m from 26/27, £1.696m from 29/30
Pay award:	2% in all years
Other costs:	2.25% in all years
Income:	2.5% in all years except for off-street car parks which are an average of 3.5% per annum from 19/20 - 23/24

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2020/21 Budget Setting Timetable

	Date	Committee
Stage 1		
Financial Prospects and Budget Strategy 2020/21 and Beyond	3 September	Finance & Investment AC
	12 September	Cabinet
↓		
Stage 2		
Review of Service Dashboards and Service Change Impact Assessments (SCIAs)	1 October	People & Places AC
	3 October	Improvement & Innovation AC
	8 October	Housing & Health AC
	15 October	Development & Conservation AC
	29 October	Cleaner & Greener AC
	21 November	Finance & Investment AC
↓		
Stage 3		
Budget Update (incl. Service Change Impact Assessments (SCIAs), feedback from Advisory Committees)	5 December	Cabinet
↓		
Stage 4		
Budget Update (incl. Government Settlement information)	9 January	Cabinet
↓		
Stage 5		
<i>Budget Update and further review of Service Change Impact Assessments (if required)</i>	<i>January - February</i>	<i>Advisory Committees</i>
↓		
Stage 6		
Budget Setting Meeting (Recommendations to Council)	6 February	Cabinet
↓		
Stage 7		
Budget Setting Meeting (incl. Council Tax setting)	25 February	Council

Note: The Scrutiny Committee may 'call in' items concerning the budget setting process.

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PLANNING ENFORCEMENT UPDATE

Development and Conservation Advisory Committee - 15 October 2019

Report of Chief Officer - Planning & Regulatory Services

Status: For Consideration

This report supports the Key Aim of Protecting the Green Belt

Portfolio Holder Cllr Julia Thornton

Contact Officer Claire Pamberi, Planning Services Manager, Ext. 7221

Recommendation to the Development and Conservation Advisory Committee

That the contents of the report be noted.

Summary

This is a report to provide an update regarding the work and function of the Planning Enforcement team to the Development and Conservation Advisory committee. This report looks at the role and function of Planning Enforcement. It also considers and explains the structure of the team. The report also identifies success and achievements of the team and considers the current issues faced by the team. Most importantly, it also informs the Advisory Committee of what improvements the team intend to make.

Introduction and Background

- 1 This report has come to the Advisory Committee to provide an update of the work and function of the Planning Enforcement Team, which works within the Development Management Service.
- 2 An update on the Planning Enforcement team was brought before the Planning Advisory Committee in April 2016 and therefore it was considered important to highlight the work that has been carried out since this date and make you aware of some of the challenges that the team face.
- 3 The report will look at the following issues and will address each one in turn:
 - The work, role and function of the Planning Enforcement Team
 - Staffing
 - Successes and Achievements
 - Current issues faced by the team
 - Proposed areas for improvement

The work, role and function of the Planning Enforcement Team

- 4 The Government provides guidance to local authorities regarding planning enforcement. In particular paragraph 58 of the National Planning Policy Framework, states the following:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate”.

- 5 In light of this, the Council adopted the Local Enforcement Plan on 5 March 2016 (See Appendix A). This states that the Council’s approach to enforcement is based on the following key principles:

- We will investigate all complaints received about breaches of planning control and aim to visit the site concerned within the timescales set out in the Plan;
- We will give priority to the most serious complaints based on the degree of harm caused by the development;
- We will use our statutory powers, where expedient and in the public interest, to remove harmful development;
- We will explore solutions to remove harm caused by unauthorised development;
- We will keep complainants and those who are the subject of complaints informed throughout our investigations; and
- We will keep the identity of complainants confidential.

- 6 The team follow the priorities laid out above, with the main aim of effectively investigating and resolving breaches of Planning Control. The type of development that they investigate includes the following:

- an unauthorised erection of a building or extension to a building, a material change of use or land, or the display of unauthorised advertisements.
- Unauthorised works to listed buildings
- Unauthorised works to trees subject to a tree preservation order (TPO) or in a conservation area
- Unauthorised works to a locally listed building where an Article 4 Direction is in place
- Breaches of conditions attached to planning permissions
- Not building in accordance with the approved plans of planning permissions
- Untidy land where it affects the amenity of the area (This is referred to as a Section 215 Notice)

- Unauthorised engineering operations such as raising ground levels or the construction of bunds
- Failure to comply with a planning legal agreement or pay the required Community Infrastructure Levy (CIL)
- Deliberate concealment of unauthorised building works or changes of use.

7 These breaches of planning control can be reported to the team in a number of different ways including using an online form, via e-mail, by letter, telephone or personal visit.

8 With each case the team will log the complaint, make an initial site visit, they will then decide which course of action that should be taken in regard to the works that have taken place. It should be noted that some of this investigation work could require numerous site visits to gain sufficient evidence. It also consists of a thorough research of the planning history of the site and potentially negotiating with the owner or developer to cease or remove the breach and discussions with legal colleagues. Whilst the team always like to deal with breaches of planning control as quickly as they can, not all breaches can be rectified within a short time scale. The decision made on each case could involve concluding that no breach has taken place or could lead to formal enforcement action being taken. Each case is different and the team aim to keep complainants and other interested parties updated on the progress of each one. This element will be improved upon - more on which a little later.

9 To give you an idea of the work carried out by the enforcement team over the last 3 years, you can see in the table below that the following has taken place;

Date	Cases Closed	Complaints Received
2019 - to date	975	470
2018	310	485
2017	836	598

10 This shows that the number of complaints that the team receive remains high. You can also see that officers are working hard to investigate breaches of planning control and are also seeking to close more historic cases. We have managed to close 975 cases this year so far which exceeds the two previous years and we still have 3 more months of the year to go, this highlights the good work that the team are currently doing.

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11 For your information, there are a number of reasons why we close cases, this can occur for the following reasons. To assist I have listed the reasons in order, with the highest reasons for closure at the top of the list.

- No breach of planning has occurred
- An appeal has been allowed
- Planning breach has been rectified
- Planning permission was granted
- The works are permitted development
- Not expedient to take enforcement action.
- Works have been in place for so long they are immune from enforcement action.
- The Enforcement Notice has been complied with.

12 You will see from the list above that the main reason for closing complaints this year was because a breach of development management had not occurred. You will also see that for a high number a planning application was submitted to resolve the situation and that for a high number the breach was rectified, this means either that the owner/developer has ceased a use or removed the development due to contact from the members of the planning enforcement team.

13 For your information again. Please also see below the type of formal enforcement action the team have also taken recently:

Year	Enforcement Notices Served	Breach of Condition Notices	Injunctions Served	Planning Contravention Notices	Section 215 Notices	Temporary Stop Notices	Stop Notices
2019	3	0	2	15	1	0	0
2018	24	3	5	16	4	2	1
2017	9	3	1	14	2	0	0

14 In taking enforcement action it is important to note as stated in our Enforcement Plan that:

“Government guidance advises that enforcement action should be a last resort. We are expected to give those responsible for a breach of planning control, the opportunity to put matters right or to seek to regularise the breach before we resort to serving a formal notice. We must ensure that the service of a formal notice is proportionate with the scale and impact of the breach of planning control.”

This means that we might not take formal enforcement action in all cases where there has been a breach of planning control identified”.

- 15 Therefore a breach of planning control in itself is not sufficient reason to take enforcement action. We therefore use the test of expediency as a test of whether the unauthorised activities or development are causing **harm to the environment or amenity** of the area having regard to our local plan policies, the guidance in the National Planning Policy Framework (NPPF) and all other material planning considerations.
- 16 Where there is a breach of control and officers propose to close a case because of lack of harmful impact, we will advise local councillors via e-mail as to our view. There may be occasions where councillors will refer the matter to our Development Control Committee.

Staffing

- 17 The Planning Enforcement team is made up of a:
 - Planning Standards Manager
 - Senior Planning Enforcement Officer
 - Planning Enforcement Officer,
 - Compliance Officer;
 - Temporary Compliance assistant.

We have also employed a Senior Planning Enforcement Officer for a year to assist in dealing with day to cases, working on historic cases and also helping us to improve our way of working.

- 18 Since the time of the last report, the enforcement team have needed to deal with staff turnover issues, with the Senior Enforcement Officer who managed the team retiring, and other staff leaving either to retire or to further their career. This resulted in a period of time, when the enforcement team had only one officer to manage a large number of cases. This period with a number of vacancies has had an impact in terms of the planning enforcement team's performance. It has not allowed the team to meet all the priorities laid out in the enforcement plan or to review and improve their practices. This has also caused a delay in investigating cases and from taking formal enforcement action. Which we are now in the process of rectifying.
- 19 Since the beginning of the year we have received 490 complaints and so far 970 cases have been resolved. At this time 402 investigations remain open. The team has an informal target of reducing the number of outstanding complaints to 60 per officer - although we are still not at this target good progress is being made.

Successes and Achievements

- 20 Despite the issues raised above, the Council dealt with a number of high profile cases and issues in the last year and some of the successes and achievements are listed below:
- a) The Planning Enforcement team have recently secured a grant from the Government of £50,000 towards a project to help the Council deal with unlawful development in the Green Belt. We were one of a few Councils in the country to be given this. The money will be spent on a Triage officer with planning qualifications to 'validate' complaints to ensure we have the right information to free up the team to investigate the actual breaches of planning control. The Triage officer will also be expected to improve relations between other teams and provide planning advice to the enforcement team on their cases amongst other things.
 - b) The team have had a number of successful recruitments to the team, as there are now no vacancies.
 - c) The team have reduced the number of cases within the team from over 1000 to 402 since the beginning of the year.
 - d) The team have introduced a document management system to the team, which electronically manages each officer's workflow. It reminds staff of new cases and reminds them to notify complainants and other interested parties at key stages for example. This means our work is now documented electronically, in the same place, so it is easy for any officer to see what has occurred on each case.
 - e) The team have started to finalise templates so there is consistency to the information we provide to customers when contacting them in regard to enforcement issues.
 - f) The team have also set up a file closing note so that each officer has to provide a clear reason as to why we close/resolve each case. This needs to be signed off by a senior manager, to ensure consistency and oversight.
 - g) The team have successfully defended an Injunction at the High Court regarding a site in Horton Kirby.
 - h) The team have successfully served a Section 215 Notice (which require people to tidy their land) at a controversial site near Farningham.
 - i) An injunction has been served and upheld against works to protect a TPO woodland at a site near Knockholt.
 - j) There are two sites, one in Edenbridge and one in Horton Kirby where the Enforcement notices were upheld and the structures that were erected are now being removed.

- k) Officers have recently been to court with other departments in regard to a site in Swanley. The first defendant found guilty and fined £5000 with £10 000 towards the Council's costs. Other defendants in regard to this case are in court in December.

21 This all shows that despite some of the issues raised the team is still working hard to deal with the complaints, provide a good customer service and also protect this District from breaches of planning control.

Current issues faced by the team

22 Whilst we are working hard and always looking to improve, the team is facing the current challenges:

- We are the busiest enforcement team in Kent and therefore receive a high number of new complaints each week.
- Many customers do not understand the role of the planning enforcement team. Many people think that the enforcement team have faster and stronger powers than what we actually have. In line with Government guidance, formal enforcement action is seen as a last resort and we are required to negotiate first. This means that it can take time to deal with complaints.
- We are still 'catching up' following the period where there were a number of vacancies in the team.
- On occasion, we have not informed complainants or interested parties (such as members or Parish or Town Councils) of our progress on enforcement cases as well or as fast as we would have liked to. This is unacceptable.
- Some of the team are new and need training in certain areas.
- A number of the complaints we receive are not actually breaches of planning control. For example some interested parties just want to know what is going on, on a particular site. So our officers are sometimes distracted from actually dealing with breaches of planning control.
- A number of complaints are received, not because the development is considered to be harmful, but as people consider that the developers should be punished. In line with paragraph 24 above, we would only consider taking enforcement action if there was harm to the environment or amenity and not just because someone has done something without consent. So we have to spend time investigating and then explaining our course of action.
- On a number of occasions, we are not given the correct information or description of development. Some descriptions are too vague and officers have difficulty identifying the issue. This takes time away from

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investigating and taking formal enforcement action against more complex and harmful cases.

- There is a shortage of planning knowledge and qualifications within the Planning Enforcement Team.

Areas for improvement

23 Through looking through this report and reviewing the work of the Planning Enforcement team, it is clear that there are areas where the team can improve and we are constantly looking at ways of doing this.

24 Below are the areas where the team will improve over the next year:

- a) Review the current Enforcement Plan, to ensure that it follows up to date practise and case law. This will also help the team to consider how we work and what priorities are given to each case once a site visit has taken place.
- b) It is recognised that the team need to continue to improve customer service and in particular the communication with the complainants and other interested parties such as Parish and Town Councils and Local Members. The team have now set up a document management system that will automatically remind officers to contact complainants at key points during our investigation and we will continue to review our processes and templates to ensure that the correct information is given at the appropriate time.
- c) It is anticipated that over the next year the team will see considerable improvements in the use of technology to undertake the planning enforcement function. We have already started the first phase by using a document management system, to help us manage our work and processes, but this can be utilised further and there are other systems that can be used to help us manage and store data.
- d) The team are looking at ways of improving the communication within Development Management so that enforcement cases that go on to be planning applications are followed through.
- e) The team will be carrying out training sessions both for members and Town and Parish Councils, so that there is better understanding of our role and also informing them as to how they can assist further.
- f) The amount of case law focussing on planning enforcement continues to grow. It is important to ensure that officers remain up to date and a focus on training.

g) Employing a triage officer in the Planning Enforcement Team, which is hoped to bring the following improvements

- A reduction in the amount of complaints that go through to full investigation and site visits, as non breaches and complaints without sufficient information would not be set up as formal cases.
- A validation checklist for enforcement complaints as this would enable the enforcement team to have the correct information when investigating a complaint.
- Assisting officers within the team to identify the breaches of planning control and to assist in the more complex cases as this will reduce the time between receiving the enforcement complaint and taking action.

h) We are looking to work better with other colleagues within and outside of the Council as some may be taking enforcement action already, where breaches of planning control could be dealt with quicker by other legislation.

25 As you can see from the above, there are a number of ways that we will improve. Our aim is to have a fast acting Planning Enforcement Team, that continually keeps complainants and other parties informed at every stage of their investigation. Most importantly we are looking to set up a team to ensure that enforcement cases are dealt with appropriately and quickly to ensure that the character and amenity of the District is protected and maintained.

Key Implications

Financial

As this report is just informative, there are no financial implications regarding this report.

Legal Implications and Risk Assessment Statement

As this report is just informative, there are no legal implications regarding this report.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

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Appendices

Appendix A - Sevenoaks District Council's
Enforcement Plan

Background Papers

None

Richard Morris

Chief Officer - Planning & Regulatory Services

LOCAL PLAN UPDATE

Development and Conservation Advisory Committee - 15 October 2019

Report of Chief Planning & Regulatory Services Officer

Status For information

Key Decision No

Executive Summary: This report provides an update on the Local Plan examination process.

This report supports the Key Aim of: Protecting the Green Belt and Supporting and developing the local economy

Portfolio Holder Cllr Julia Thornton

Contact Officers Hannah Gooden Ext. 7178 / James Gleave Ext. 7326

Recommendation: That Development and Conservation Advisory Committee notes the report.

Reason for recommendation: To provide an update on progress on the Local Plan.

Background and introduction

- 1 As a reminder, once adopted the new Local Plan will replace the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP 2015). It will be used to determine planning applications, as well as setting out the strategic land allocations which will help to meet the development needs of the District over the plan period, up to 2035. The Local Plan is based on well documented and recent local evidence and will be examined in public by an independent Inspector. The primary purpose of the examination is to determine that the plan meets the tests of soundness.
- 2 In July Members received a report which provided an overview of the examination process and a recap on the contents of the submitted Local Plan.

Submission

- 3 Following the decision of Full Council on 26 March, the Local Plan was submitted to the Secretary of State on 30 April.

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Examination

- 4 The examination is currently being conducted by an independent Inspector, appointed by the Planning Inspectorate (PINS), Karen Baker DipTP MA DipMP MRTPI, and commenced on Tuesday 24 September 2019 and are being held at the Stag Theatre.
- 5 We have a Programme Officer (Louise St John Howe), acting as the impartial intermediary, between the Council, representors and the Inspector.
- 6 All the submitted documents are available to view online on our dedicated examination pages: www.sevenoaks.gov.uk/localplanexamination

Supporting Information

- 7 A number of additional documents have been prepared to support the Plan. These are all available to view online www.sevenoaks.gov.uk/localplanexamination and include:
 - Statement of Main Issues
 - Duty to Co-operate Statement
 - Statements of Common Ground
 - Topic Papers
 - Schedule of Amendments

Key Implications

Financial

Production of the Local Plan will be funded from the Local Plan reserve.

Legal Implications and Risk Assessment Statement

Preparation of a Local Plan is a statutory requirement. There are defined legal requirements that must be met in plan making which are considered when the plan is examined by a Government Planning Inspector. Risks associated with Local Plan making are set out in the Local Development Scheme

Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different

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Development & Conservation Advisory Committee 2019/20 (as at 19/09/19)

15 October 2019	17 December 2019	10 March 2020	Summer 2020
Budget 2020/21: Service Dashboards and Service Change Impact Assessments (SCIAs) Planning Enforcement Update Local Plan update	Statement of Community Involvement Building Partnership Review		

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