

Planning Portfolio – Report to Scrutiny Committee (4th July 2017)

It is only 6 months since I last reported to you so the themes of the report are similar.

1 Planning Applications and Appeals

The District Council's Planning Department is the busiest in Kent, with 2191 planning applications received in the year to December 2016. The next highest was Canterbury with 1,800 applications, Maidstone with 1,795 applications and Tunbridge Wells with 1,761 applications. Dartford received 764 and Gravesham 769. The District Council also grants the lowest number of planning applications (81%) whereas Ashford grants 95% and Tonbridge and Malling 90%. Normally 88% of applications are approved.

100% of major applications are determined within the required 13 weeks. 88% of minor applications are determined within 8 weeks, which are some of the best results in the country.

Appeals dismissed are below the 75% target at 65% in 2016. Detailed analysis of those that are allowed has not revealed any particular trends or weaknesses in our existing Planning Policy, but there were only 82 appeals which is only 4% of applications. Successful appeals were under 30.

Case officer turnover remains high in the last 12-18 months. Reasons for leaving are varied, from moving closer to home, leaving for the private sector, or wanting to take on a new challenge after serving here for a number of years. Replacing experienced planning officers is still difficult, particularly in Enforcement.

2 Enforcement

The effective operation of the planning system depends on our ability to ensure that development is carried out in accordance with planning permission and to enforce, where appropriate, justifiable, proportionate and where it is in the public interest, against development carried out without planning permission. Officers acknowledge that effective planning enforcement is essential to make sure that electors continue to retain confidence in the planning system.

An important tenet of planning enforcement is that it is discretionary. So the approach, over the years, has, rightly, been to negotiate first to see if we can find a mutually acceptable solution rather than undertake formal enforcement action through the service of notices. This approach is valuable and appropriate as many of the complaints that we receive either don't require planning permission, are di

minimis, or can be resolved through the submission of a planning application or by compliance with planning law or the relevant planning permission.

However over the last few years officers accept that this approach has not been as business like or timely as our customers or members might have liked. A number of enforcement complaints have been left too long before formal action is taken with open ended approaches in an attempt to seek a solution. This has been frustrating to all involved.

I am therefore pleased to advise that planning enforcement is now in transition.

Members will know that the team leader has retired so the service is now directly managed by our Development Manager whilst we recruit. Sadly there have been two attempts to recruit a suitable officer but to no avail. Officers are currently considering the best way forward for this important and integral planning service.

Whilst the management of this small team by the Development Manager is not a long term sustainable solution, as it is clearly taking her away from the wider role that she was appointed to do, it has provided the opportunity to positively review procedures and practices. So for example, whilst we will continue to seek a negotiated solution where appropriate we will ensure that we set reasonable deadlines so that enforcement is more responsive.

We have a new enforcement plan in draft. This now sets out categories of complaint and timescales for site visits. This enables the team to quickly see the most urgent and prioritise accordingly. The plan has been written in plain English, is hopefully more readable and will be available on our website, once it has been adopted through the relevant committee processes.

In addition, by the end of August the new searchable electronic enforcement register will be on our website. This is a register of all relevant enforcement, stop and breach of condition notices, allowing transparency and the ability for customers to self-serve to find out about these notices.

By the end of the year all enforcement work will be documented electronically with the full use of our software system to record actions and interactions with customers and complainants, decisions and reasons for those decisions. This will mean that all planning officers will be able to see where we are in any enforcement case.

3 Building Control

The Building Control service is a Partnership with Tonbridge and Malling Borough Council.

Following the resignation of the Head of Parking and Surveying Services (Kevin Tomsett), the Building Control Partnership Manager (Joe Brooks) and one of the two Building Control Team Leaders (Jenny Nash), the function has been understaffed for the past few months. The Team Leader post has now been filled following an internal promotion, however that in turn has created a vacant Building Control surveyor post.

The other team leader (Richard Alfieri) is currently acting up to the Partnership Manager role, which has brought some stability to the service, and reassurance to the remaining officers.

Building Control posts have been difficult to fill due to competition from the private sector (Approved Inspectors) and a general shortage of qualified people choosing it as a career. That having been said we are about to go out to advert for the Building Control surveyor post, and out for a second time for a Partnership Manager. If that proves successful we won't need to rely on Jenny and Joe, who are both covering for us on a part time temporary basis. Without their contribution it would have been extremely difficult to deliver the quality of services that our customers have come to expect.

The function is however achieving its fee income targets and the market share remains strong at a little under 70%.

4 The New Local Plan

As we all know, the current planning policy priority is the preparation of the new Local Plan for the period 2015-35, including planning for housing, retail, employment, infrastructure, recreation and the environment.

The Local Development Scheme (LDS) provides the timetable for the production of the new Local Plan and was agreed by Cabinet in July 2016. In summary it outlines:

- Mid 2017 – evidence base substantially completed
- August 2017 – first public consultation on emerging Issues and Options, being finalised now
- Early 2018 – second public consultation on the draft Local Plan prepared, following Issues and Options
- Late 2018 – submission for examination by Inspector
- 2019 – adoption (likely to be after modifications)

The Planning Advisory Committee and Cabinet will have to agree every stage and Full Council will agree the Local Plan prior to submission.

Housing numbers remains the key issue. The **Strategic Housing Market Assessment (SHMA)** has been completed and recommends an unconstrained figure of 620 dwellings per year, compared with 165 dwellings under the current plan. This assumes 1% growth in population per year for the next 20 years, but does not take into account the high level of constraints in the District, namely the 93% Green Belt and 61% AONB, which clearly suggests that the final housing target for new homes will be significantly lower, perhaps 6,500 – 8,000. But we can only go where the evidence leads. It is not expected that historical trends in this area will be impacted by Brexit.

The **Strategic Housing Land Availability Assessment (SHLAA)** assesses the amount of land in the District that could be available and suitable for housing development. This work has helped to establish how much of the identified need can be realistically delivered over the plan period. Since advertising a 'call for sites' in Autumn 2015 over 300 sites across the District have been submitted to the Planning Policy team. The "call" remains open.

As would be expected, the bulk of these sites are in the Green Belt.

Since we last met, Arup have completed their assessment of the Green Belt. In their opinion, which SDC has accepted, all areas are performing satisfactorily. There was some debate about areas that were weakly performing but the legal view remains that it is sufficient to meet any 1 of the 5 purposes of the Green Belt.

ACCORDINGLY, THE NEW LOCAL PLAN WILL BE CLEAR THAT THE GREEN BELT WILL CONTINUE TO BE PROTECTED.

In order to do so, new housing will need to be accommodated, at higher densities, within existing settlement boundaries (or under the existing rural exceptions sites policy) other than in the following cases:

- Where the development will result in the sustainable re-use of brownfield land in the Green Belt
- Where a convincing 'exceptional circumstances' case can be made in accordance with national policy

This approach is included on SDC's website.

The current exception circumstances cases being monitored and reviewed are Sevenoaks Town Northern Ward/Tarmac, a Westerham Relief Road, an Edenbridge health and education hub and whilst not in the Green Belt, Swanley Town Centre/Hextable.

Sevenoaks (town) Northern Masterplan – led by Sevenoaks Town Council, this masterplan has been subject to recent public consultation in May/June 2017. It focuses on community infrastructure and facilities at Bat and Ball in addition to housing and employment and could provide approximately 800 new homes on and around the quarry site to the north of Sevenoaks within the Local Plan period. The masterplan will feed into STC's Neighbourhood Development Plan and could be appropriately reflected in the emerging SDC Local Plan.

Westerham – 'Which Way Westerham' proposals are being progressed by the Squerryes estate, which include a relief road to the north-west of the settlement, approximately 600 new homes and environmental improvements. The Squerryes team have recently undertaken local community engagement in May 2017 and submitted supporting information to the District Council which will be made available during the consultation.

Edenbridge – there is a Neighbourhood Plan process ongoing although it is not currently considering an exceptional circumstance case. Provision of new health and post-11 education hub is likely to be important if any case were to be made.

Swanley and Hextable – Following the February 2017 Cabinet decision to no longer investigate potential for a garden village to the east of Swanley, the focus is now on maximising the supply within the existing settlement boundary, including a consideration of increased density on accessible town-centre sites and potential for regeneration of residential estates. Work on the Hextable Neighbourhood Plan is now continuing and the Local Plan will consider any exceptional circumstance cases arising through this work.

5 CIL

Since we began charging CIL in August 2014, the District Council has collected around £1.2 million (up to 31st March 2017). Approximately £360,000 of this has been paid to town/parish councils, as Cabinet agreed in November 2014 to pay Parish and Town Councils 25% of the CIL income, whether they had a Neighbourhood Plan in place or not. There is approximately £800,000 available for the CIL Spending Board. The remaining share (5%) is for the Council's recovery of admin costs, as laid out in the CIL Regulations.

The first CIL Board will meet in September/October 2017 and is chaired by Cllr Edwards-Winsor. In addition, all up-to-date financial figures will be confirmed at the first meeting of the Board.

The District Council is keen to use CIL funds to kick-start infrastructure development in West Kent, by providing top up funding for current projects. We have been provided a list of possible investments, but priorities have yet to be established by key infrastructure providers including KCC, NHS, Defra etc.

6 Local List

The council and Sevenoaks society have worked closely together to prepare a local list of buildings, structures and spaces that positively contribute towards the special townscape of Sevenoaks. The SPD is being finalised, but it will include Article 4 protection so that planning permission will be required to demolish a locally listed building outside a Conservation Area and for demolition and partial demolition of buildings, walls and railings.

7 Consultations

Since my last update to this Committee, the Government released the Housing White Paper, which explored a number of elements including changes to the NPPF, changing the definition of “affordable housing” and Starter Homes. The Housing White Paper was released in February 2017 and the Council has responded to the consultation. Given the recent General Election, it is unclear when the proposals set out in the White Paper will be advanced.

The outcome of the CIL Review was also released at the same time as the White Paper, with a series of recommendations that will need to be considered by Government. It is widely expected that a Government response could be given as early as the Autumn Statement this year.

We have also responded to other consultations including the future of the South Eastern rail franchise and a DfT consultation on Night Flight Restrictions to Gatwick and Heathrow. We will also be responding to a number of other consultations including Phase Two of the Thameslink 2018 timetable in the immediate future.

8 The Future

As for the future, I can only repeat what I said last year. The preparation of the Local Plan and agreement by the Inspector will be challenging. In the words of Sir Michael Fallon “the constraints presented by our large areas of Green Belt and AONB make it impossible for so many houses to be built”.