

Development & Conservation Advisory Committee

Minutes of the meeting held on 12 December 2023 commencing at 7.00 pm

Present: Cllr. Williams (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Camp, P. Darrington, Malone, Purves, Reay, Roy, White and Williams

Apologies for absence were received from Cllrs. Barker, Varley and Waterton

21. Minutes

Resolved: That the minutes of the meeting held 31st October 2023 be approved and signed by the Chairman as a correct record.

22. Declarations of interest

Councillor P. Darrington declared for Minute 27 – Swanley Neighbourhood Plan that he was a member of the Swanley Neighbourhood Plan Steering Group, but that he remained open minded.

23. Actions from previous meeting

There were none.

24. Update from Portfolio Holder

The Portfolio Holder gave an update on the services within their portfolio. The second Regulation 18 Consultation on the Local Plan was ongoing, and had received a large number of responses so far. The consultation would close on 11 January 2024.

The Development Management Team had determined 100% of major applications, and 97% of other applications, within their target times, which situated them as one of the best performing teams nationally.

Planning Enforcement was now fully staffed and was performing well. An update on the service going forward would be brought to the committee.

All six projects that had been presented to the Community Infrastructure Levy (CIL) Spending Board were recommended to Cabinet for approval, with £1.3million of the £1.6million available being spent. In response to questions, Members were advised that the remaining £300,000 would remain available in the pot, and could be spent at the next CIL Spending Board.

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25. Referral from Cabinet or the Audit Committee

There were none.

26. Local Plan Update

The Planning Policy Team Leader presented the report, which updated councillors on the progress of the ongoing Regulation 18 Consultation for the Local Plan. The consultation began on 23 November and would run until 11 January. Members watched the [consultation information video](#), and were advised that all the consultation materials were available on the Council's website. Hard copies were also available at all libraries and parish councils in the district. Specific, targeted materials were also prepared for hard-to-reach demographics; a student consultation event was held, consultation materials were freely available at certain railway and bus stations, and a specific gypsy and traveller leaflet had been prepared.

The officer broke down the responses to the consultation received thus far. There had been 533 responses at the time of the meeting. The most commented on sites were at Brittain's Lane, Pedham Place, Seal Hollow Road, and Lullingstone Avenue. Only 16 comments had been received on the policies within the consultation. Of the broad development options within the consultation, the most popular was Option 2, which involved the baseline sites and a standalone settlement at Pedham Place. Option 1 (the baseline and multiple sites on the edge of higher tier settlements, in both the AONB and Green Belt) was the second most popular; Option 3 (the baseline, sites on the edge of higher tier settlements, and a standalone settlement) was the least. 56 responses had been received from respondents under the age of 35; 100 responses each from the 35 - 45, 45 - 55, and 55 - 65 demographics; and 118 responses from those 65 years old or greater.

Consultation events had been held across the district, and were well attended. They focused on local sites, and their infrastructure impacts, as well as wider discussions around Green Belt release and affordable housing. Officers were engaging with the Town & Parish Forum to further inform clerks about the consultation. The Portfolio Holder for Development & Conservation was also meeting with their equivalents in neighbouring authorities to discuss the duty to cooperate.

In response to questions, the officer emphasised that the feedback from the consultation would not be considered solely in terms of volume of responses. The number of responses to a particular site indicated strength of feeling, but the primary data examined would be the quality of the issues raised; uncovering valid planning reasons for or against a site. Sites that were on the edge of a higher tier settlement, and in the Green Belt (but not in the AONB), were included in the site baseline. Petham Court Farm was included in the consultation as part of the Wasps Rugby Club proposal as an 'adjoining opportunity area', and the council wanted to investigate residents' views regarding this site.

Resolved: That the report be noted.

27. Swanley Neighbourhood Plan

The Senior Planning Officer presented the report, which updated the committee on the progress of the Swanley Neighbourhood Plan, and set out Council's proposed response to the ongoing Regulation 16 Consultation. The consultation began on 30 November and would run until 11 January. The Council's comments reflected the need for the Neighbourhood Plan to be aligned with the council's existing policies, and the emerging Local Plan.

The officer set out the process by which the Council's response would be finalised. The approach had been changed since the Sevenoaks Town Neighbourhood Plan to allow for greater member input. The draft response did not yet include comments from officers across the council; these would be agreed with the Portfolio Holder, along with any feedback from the committee process.

Members discussed the report. It was noted that the leader of the Swanley Town Neighbourhood Plan Steering Group was happy with the feedback and comments in the draft response.

Public Sector Equality Duty

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

Resolved: That the Swanley Neighbourhood Plan Regulation 16 Consultation be noted, and SDC's proposed representation be supported.

28. Infrastructure Funding Statement - Priorities

The Infrastructure Delivery Officer presented the report, which set out the priorities within the annual Infrastructure Funding Statement (IFS), and updated the committee on how recent developer contributions had been spent. The IFS was an annual requirement within CIL legislation, requiring the Council to set out the income and expenditure from CIL and s106 over the last financial year, and the types of infrastructure the Council intended to fund in the coming year.

The officer outlined the evidence base considered in the formation of the proposed priorities. The emerging Local Plan was an important consideration, to ensure that growth was supported and the impact of new developments was considered. The Infrastructure Delivery Plan (IDP) was also an important consideration. Statements based on ongoing engagement with infrastructure providers, as part of the Local Plan process, were produced in 2022 and 2023.

The proposed priorities for the coming year were largely unchanged, with some refinements based on ongoing engagement with infrastructure providers. These included more specific education and health & social care provisions, needed to support growth within the Local Plan. Members were reminded that the priorities within the IFS were not binding, but provided transparency to developers and communities regarding infrastructure-funding intentions.

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In response to questions, officers explained that Vacant Building Credit was part of national CIL legislation and could not be modified. The Credit was intended to improve the viability of certain brownfield sites, which would be unviable with an additional CIL payment, which could have knock-on effects on other policy priorities.

Members discussed the increased capacity of Otford Health Services as a priority. It was noted that the number of doctors available was a constraining factor on the delivery of this. Officers explained that Council worked in partnership with healthcare providers to ensure they were ready to fill these spaces once available. The Council had a requirement to ensure the land-use element of the infrastructure was prepared, even if the personnel element was not.

Members were advised that the junction improvements at Bat & Ball were tied to the development at Sevenoaks Quarry. Details regarding the provision of these improvements would be contained in the S106 agreement for the site, when it was finalised. Data from the transport modelling work undertaken for the Local Plan would feed into further improvements. The review of the CIL Charging Schedule was ongoing, and would be brought to the committee next year.

Members discussed the future of the Community Infrastructure Levy, and potential replacements for larger sites. One suggestion was that CIL be reserved for minor sites, of fewer than 10 units. Larger sites would instead use tailored s106 agreements, which would provide more certainty on when and where the money could be spent.

Public Sector Equality Duty

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

Resolved: That the recommendations to Cabinet, as below, be supported:

- (a) That the criteria for prioritising infrastructure projects as set out in paragraph 6 should remain.
- (b) That the specific projects and types of infrastructure recommended in paragraphs 21-33 of this report are identified in the IFS as having a priority for full or partial funding.

29. Building Control Update

The Building Control Manager gave a [presentation](#) on Building Control, outlining the impacts of recent legislation on the service and customers. The Building Safety Act and associated secondary legislation redefined the responsibilities of Building Control, and limited the advice that could be provided to owners and builders. This had an impact on staffing; as many surveyors across the country were retiring or reskilling as the role had changed so significantly. The officer further detailed the impacts of the legislation and the council's plans for the future.

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In response to questions, the officer clarified some of the changes in the responsibilities under the new legislation. Owners were now responsible for ensuring their contractors were undertaking legal work, and had to make their best efforts to determine this. The council would make raising awareness of this a priority, as surveyors were no longer able to advise on designs; instead, they could only determine whether they were legal or not, and enforce this. It was a priority of the service to raise awareness of this.

The Chief Officer – Planning & Regulatory Services elaborated on the impact these changes had on staffing. Building Control had a team of five full-time equivalents, with 2.6 FTE vacancies currently. There were no credible applicants for the two Building Control Officer roles that were recently out for advert. A contractor had been hired temporarily to address this issue. An apprentice model was being investigated as a solution, but it was noted that this required existing team members to have capacity to train them. The team were also upskilling existing officers through further accreditations.

In response to further questions, the Building Control Manager outlined the role Building Control would take in electrical, gas, oil, and water installations. When required, electricity, oil, and gas installations would be checked fully by Building Control. However, they were only responsible for confirming that all water was potable; all other checks were done by the water board.

The officer outlined the competition within the Building Control market. Private inspectors were popular with large commercial developments, as they were able to work over a larger geographical area than local authorities. Members were advised however that the team provided high-quality service and maintained roughly 70% market share; many other local authorities in Kent were at roughly 50%.

Resolved: That the changes to the Building Control service be noted.

30. Work plan

The Work Plan was noted, with the following additions:

26 March 2024

- Planning Enforcement Update

THE MEETING WAS CONCLUDED AT 8:20PM

CHAIRMAN