

Cabinet - 14 April 2011

CABINET

Minutes of a meeting of the Cabinet held on 14 April 2011 commencing at 7:00 p.m.

Present: Cllr. Fleming (Chairman)

Cllrs. Mrs. Bosley, Mrs. Clark, Mrs. Davison, Mrs. Hunter, and Ramsay.

Apologies: Cllr Mrs Bracken and Cllr Williamson..

Councillors Bosley and Walshe were also present.

113. MINUTES OF PREVIOUS MEETING

Councillor Fleming provided clarification on the last paragraph of minute 110 on the work undertaken by the Members' Affairs Group (MAG) on the Review of Democratic Decision Making Processes. He confirmed that the MAG had completed its work on this review for the moment but Cabinet may ask for further work after the elections in line with any proposals coming from Cabinet, he understood that the Cabinet would need to provide clear instructions on how this should be progressed.. The Cabinet noted that the MAG had completed its review of the Members Induction and Survival Guide and suggested a number of improvements. The Guide should however make clear that the Cabinet was appointed by the Leader of the Council rather than by the Council itself as suggested in the minutes of the MAG meeting on 7 April.

Resolved: That the minutes of the meeting of the Cabinet held on 17 March 2011 be approved and signed by the Chairman as a correct record.

114. DECLARATIONS OF INTEREST

There were no declarations of interests.

115. QUESTIONS FROM MEMBERS

There were no questions from Members.

116. MATTERS REFERRED FROM COUNCIL

There were no matters referred from the Council.

117. MATTERS REFERRED FROM THE PERFORMANCE AND GOVERNANCE COMMITTEE AND/OR SELECT COMMITTEES

The Leader of the Council welcomed Councillor Walshe, Chairman of the Environment Select Committee, to the meeting and noted that the following items which were also on the Cabinet agenda had been subject to lengthy debate by the Committee on 12 April.

- (a) *Update to the Local Development Scheme - (Environment Select Committee - 12 April 2011)*

This was considered under minute item 118 below.

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- (b) *LDF Allocations and Development Management Development Planning Document – Draft Policies for Consultation - (Environment Select Committee – 12 April 2011)*

This was considered under minute 119 below.

- (c) *LDF Affordable Housing and Developer Contributions Supplementary Planning Document – Draft Policies for Consultation – (Environment Select Committee – 12 April 2011)*

This was considered under minute 120 below.

118. UPDATE TO THE LOCAL DEVELOPMENT SCHEME

The Portfolio Holder for Continuous Improvement and Strategic Planning, introduced proposed revisions to the Local Development Scheme (LDS) for submission to the Secretary of State. The LDS set out the Council's proposals and timetable for the production of Local Development Documents. The current LDS had been approved in 2008 and was in need of revision. Updating the LDS was dependent upon the adoption of the Core Strategy and now that this had been adopted it was proposed to issue a revised LDS. An informal updated draft had been produced for the Core Strategy examination and had been considered by the LDF Advisory Group in August 2010.

The main changes were that the base date had been updated to April 2011 and the future timetable now took account of the actual date of the adoption of the Core Strategy. The timetable for other documents that were dependent upon the Core Strategy had also been amended. The Allocations Development Planning Document, which had already been subject to consultation, would be combined with the Development Management Development Planning Document to form a single document. The Development Management DPD would contain detailed development control policies which would replace the remaining Saved Local Plan policies. Combining these two documents would enable the DPD programme to be completed more quickly and enable a substantial saving to be made. The programme for Supplementary Planning Documents had also been revised to take account of proposals in the Core Strategy. It was noted that the main change to the LDS since the informal draft prepared for the Core Strategy examination was the addition of a Community Infrastructure Levy (CIL) Charging Schedule which would be subject to independent examination and would need to be produced in 2012/13 to enable approval in advance of 2014 when existing provisions would come to an end.

Cabinet noted that the Environment Select Committee had supported the proposed revisions to the LDS.

Resolved: That the revisions to the Local Development Scheme outlined in the report be agreed for submission to the Secretary of State.

119. LDF ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLANNING DOCUMENT – DRAFT POLICIES FOR CONSULTATION

The Portfolio Holder for Continuous Improvement and Strategic Planning informed the Cabinet that the second development plan document prepared as part of the LDF

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following adoption of the Core Strategy was the Allocations and Development Management Development Planning Document. This document identified sites to achieve the aims of the Core Strategy and contained a series of generic policies against which planning applications would be determined. These policies would replace the remaining "saved" Local Plan policies. Combining site allocations and development management policies into one DPD would reduce the number of separate DPD's and enable the DPD programme to be completed at an earlier date. Consultation had already taken place on site allocations and the document contained proposals for consultation on the development management aspect of the DPD. The document had been considered by both the Local Development Framework Advisory Group and the Environment Select Committee and a schedule containing their suggested amendments was tabled for the Cabinet to consider.

The Planning Policy Manager informed Cabinet that the document contained a set of initial draft development management policies for consultation with key stakeholders and residents and asked key questions to extract areas of interest that would help develop the policies. He reminded Members that the existing policies would remain in place until the new policies were formally adopted and that the new policies should be read alongside national planning policies, as it was not possible to duplicate the content of the national policies, and that they also had to be consistent with the Core Strategy. The consultation document also provided a further opportunity for land owners to promote land for housing, Gypsy and Travellers provision and protected open space for future consideration where consistent with Core Strategy objectives. It was proposed that the consultation would begin in late May 2011 and last for ten weeks. At the end of that period the two elements of the DPD would be brought together into a single document and there would be a further opportunity for representations to be made on the combined document prior to submission of the document to the Secretary of State in Summer 2012. It was then envisaged that an examination in public would take place in Autumn 2012 with the Inspector's report being issued late in 2012/early 2013 with final adoption of the document in Spring 2013.

Councillor Walshe explained that the Environment Select Committee had considered the document in great detail and had made only minor suggestions, which reflected the quality of the document and the work behind it. The only aspect which had caused concern were the aspects relating to Gypsy and Traveller provision. Cabinet noted that the DCLG had just issued a new consultation document on this subject and that careful consideration should be given to the implications of the proposals and how the Council should respond before the July deadline. It was felt that those Councils that had tried to address the need for provision would not receive a fair outcome and that it might be necessary to undertake a further gypsy site needs assessment using a more relevant set of consultation questions.

The Leader of the Council asked what the position would be with those existing "saved" policies which were not proposed to be replaced and which fell outside of the national planning policies and the Core Strategy. The Planning Policy Manager explained that careful consideration had been given to the "saved" policies and whether they needed to be replaced by new policies and in certain cases where it was felt that they were no longer needed they would simply fall by the wayside. He pointed out that this would be consistent with the Government's wish to simplify planning policy but that the consultation process would allow for further changes to be made if there was demand. The Leader commented that a number of the existing saved policies had never been applied in considering planning applications and felt

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that Members had become wedded to applying narrow policy considerations with which they had become familiar. He hoped that Members and Officers might look to use the wider policies more fully once these had been adopted.

Councillor Bosley questioned whether the proposed new policy LT4, which would replace policies WK2 and WK6, would provide the same level of noise protection around Brands Hatch. The Planning Policy Manager advised that the supporting text for the policy did cover this and that policy SC3 (Amenity Protection) would also apply and that the consultation might indicate whether any additional protection was necessary.

The Cabinet considered the proposed amendments suggested by the LDF Advisory Group and the Environment Select Committee and was happy for these to be incorporated.

Resolved: That

(a) the Allocations and Development Management DPD Draft Policies for Consultation be agreed and published for consultation;

(b) the Portfolio Holder for Continuous Improvement and Strategic Planning be authorised to agree minor presentational changes and detailed arrangements prior to publication to assist the clarity of the document; and

(c) copies be made available for sale at a price to be agreed by the Portfolio Holder for Continuous Improvement and Strategic Planning .

120. LDF AFFORDABLE HOUSING AND DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENTS – DRAFT POLICIES FOR CONSULTATION

The Cabinet was asked to consider the Affordable Housing and Developer Contributions Supplementary Planning Documents (SPD's) which provided further details on how the Council would apply Core Strategy policies SP3 (Affordable Housing) and SP9 (Infrastructure Provision). This included guidance on what types of housing would be required to make a contribution, on the calculation of the number of units for different sized schemes and how provision should be made within developments, information on procedures to be applied in considering applications relating to the provision of affordable housing and the approach that the Council would take in applying planning obligations for infrastructure and services. Once adopted the SPD's would be material considerations in the determination of planning applications and would help to support the Council's case for requiring developers to provide contributions towards the infrastructure required to support development and affordable housing. It was proposed that both documents should be subject to an eight week consultation spanning May, June and July which would be carried out in parallel with the consultation on the Allocations and Development Management Policies Development Planning Document. The documents would be revised to take account of the results of the consultation and brought back to Members for formal adoption as Supplementary Planning Documents.

The Portfolio Holder for Continuous Improvement and Strategic Planning drew attention to the fact that the methodology for calculating the developer financial contribution for providing 10% Affordable Housing on site had now been included in the main document and would strengthen the Council's hand in dealing with

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developers.

The Leader of the Council asked why the new requirement for affordable housing had been introduced on a specific date whereas in the previous item it was proposed that the existing "saved" local policies would continue to be applied until the new policies were implemented. The Planning Policy Manger explained that the new affordable housing policy had been included in the Core Strategy which had already been subject to extensive public consultation whereas the new policies in the previous item were being consulted upon for the first time.

Councillor Walshe explained that the Environment Select Committee's main concern had been to ensure that developer's were not able to sub-divide sites in an effort to circumvent the requirements but had been assured that measures were in place to prevent that.

In terms of the Developer Contributions SPD it was noted that much of the contributions were used to fund KCC or NHS services but that the document sought to provide clarity on contributions to open space and play areas and the Swanley Community Fund. The Cabinet particularly welcomed the ring fencing of funds for Swanley and hoped that it would be possible to make a case for this to happen in other areas so that it was possible to demonstrate the link between developer contributions and the infrastructure that their contributions were designed to support. It was felt that the Council should take a robust approach to challenging KCC in the allocation of developer contributions to link the money directly with community infrastructure. The opportunities for District's to target Homes Bonus funding and funding through the Community Infrastructure Levy, when introduced, to support local development was welcomed. The Cabinet also felt that it was possible that the Council had not obtained the maximum benefit that it could have from s106 funding and that it would be important to ensure that the use to which the developer contribution would be put is specified at the time of granting planning consent to secure this.

The Cabinet was happy to accept the suggested amendments to the documents made by the Environment Select committee.

Resolved: That

- (a) the drafts for the Affordable Housing and Developer Contributions Supplementary Planning Documents be agreed and published for consultation;
- (b) the Portfolio Holder for Continuous Improvement and Strategic Planning be authorised to agree minor presentational changes and detailed amendments prior to publication to assist the clarity of the documents; and
- (c) copies be made available for sale at a price to be agreed by the Portfolio Holder for Continuous Improvement and Strategic Planning.

THE MEETING WAS CONCLUDED AT 7.44 P.M.

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Chairman

Implementation of Decisions

This notice was published on 18 April 2011. The decision in Minute Item 119 will take effect on 28 April 2011 unless called-in by the appropriate Select Committee. All other decisions take effect immediately.