

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 29 March 2017

Attendance list at end of document

The meeting started at 2.00 pm and ended at 4.03 pm.

In the absence of a Vice Chairman, the Committee agreed to Cllr Godbeer acting as Vice Chairman for the meeting.

***40 Public speaking**

The Chairman welcomed everyone present to the meeting. The one registered speaker opted to speak when the item was considered (minute *45 Housing monitoring and Five Year Land Supply calculations).

***41 Minutes**

The minutes of the Strategic Planning Committee meeting held on 20 March 2017 were confirmed and signed as a true record.

***42 Declarations of interest**

Cllr Jill Elson; Minute *44 – Community Infrastructure Levy - Guidance Interest - Personal
Reason: Chair of Governors, Exmouth Community College

***43 Planning and conversion of rural buildings to dwelling – briefing note**

The Committee considered the briefing note which sought to provide Members with a more detailed understanding of current national and local planning policy in relation to the conversion of rural buildings to residential use and also outlined how planning and related applications were considered in East Devon. Members noted that there were two types of applications that could be received for conversion of rural buildings to dwellings:

- Planning applications – which were considered against the NPPF and Local Plan policies; and
- Applications for ‘prior approval’ – which were considered against criteria set out within the legislation for dealing with permitted development rights. These applications had to be determined within 56 days and therefore had to be considered under delegated powers.

Point raised during a lengthy discussion on the briefing note included:

- Frustration that under current legislation sustainability was a material consideration for planning applications but could not be considered for ‘prior approval’ applications;
- The need to be specific when refusing applications on sustainability grounds;
- The need to be more positive about the re-use of redundant buildings in villages;
- It was considered that policy on succession housing for rural workers was not currently being applied as intended;
- The need to ensure that a building was truly redundant and not fit for purpose before permitting conversion;
- Farm sustainability needed to be taken into consideration when considering applications. The farming position was evolving all the time;
- Support for a workshop to talk through issues highlighted. Useful to have input from groups/agencies such as NFU, CPRE, Federation of Small Businesses;

- Appreciation for the difficult position planning officers were placed in trying to balance national and local policy;
- The need to be proactive and supportive of the rural areas in order to help them thrive;
- Legislation allowed permitted development on barns converted under prior approval;
- The economy was of vital importance in the rural areas;
- A policy was required that supported the effective use of redundant buildings.

In response to a question regarding changing policy, the Service Lead – Strategic Planning and Development Management advised that a Supplementary Planning Document could be produced to explain how a policy should be interpreted and provide more clarification but changes to policy could only occur through a plan review.

RESOLVED:

1. that the briefing note outlining the current policy position relating to the conversion of rural buildings to permanent be noted.
2. that the Service Lead – Strategic Planning and Development Manager arrange a workshop for members of the Strategic Planning Committee and Development Management Committee and appropriate outside groups/agencies to discuss issues relating to the conversion of rural buildings and wider rural development issues.

44 Community Infrastructure Levy – Governance

The Service Lead – Strategic Planning and Development Management presented the report which sought agreement to formalise arrangements for the governance of Community Infrastructure Levy (CIL) income and expenditure. The report built on the broad approach recommended by the CIL Task and Finish Forum (TaFF), comprising of Members and officers, which had been subsequently agreed by Cabinet in September 2013. Members noted that a more detailed timetable, in line with the budget setting process, would be brought to a future meeting.

During discussion on the detail of the report and recommendations, the Chairman brought to the Committees' attention the significant shortfall in infrastructure spending requirements compared with funds that would be available through CIL.

RECOMMENDED: that Council agrees:

1. the governance structure set out in the diagram at paragraph 4.21 of the committee report;
2. that 5% of the Total CIL income per annum be retained for reimbursing administration costs subject to annual monitoring and review;
3. that 8.6% of the Total CIL income per annum will be ring-fenced in a separate account for Habitats infrastructure mitigation;
4. that net new dwellings will be required to pay HRA (Habitat Regulations Assessment) non-infrastructure mitigation through S106 Agreements/Unilateral Undertakings in addition to CIL. The amounts to be collected per dwelling will be as follows: £96.46 in the Exe only area, £146.85 in the Pebblebeds only area and £201.61 in the combined area. ;
5. that the validation checklist be amended to take account of the changes proposed in recommendation 4 and that following consultation the amended validation checklist be adopted;

6. that the “meaningful proportion” funds will be transferred to town and parish councils twice a year on 28 April and 28 October each year or where it relates to a parish meeting, the money will be held by EDDC;
7. that the remaining CIL income be retained as a single main CIL pot to allow more flexibility and more timely delivery of key infrastructure;
8. that CIL will generally be used to match fund other funding sources (internal and external) so that it can stretch over multiple priorities, however, this will not restrict CIL being used to entirely fund certain specific projects if required;
9. that the Council will work closely with town and parish councils, parish meetings and local communities to develop joint lists of priorities for CIL spend at a local level;
10. that the eligibility criteria set out in the table at paragraph 4.23 be used to filter out unsuitable or otherwise ineligible projects seeking CIL funding at an early stage;
11. that a funding bid application form be used to gather the information on eligible projects required for officers to make recommendations on which projects to fund and agreement of this form be delegated to the Service Lead – Planning Strategy and Development Management.
12. that an officer/Member working group be set up to consider draft recommendations of officers ahead of recommendations being made to Strategic Planning Committee to ensure they have been informed by key priorities and knowledge of wider issues. The working group shall comprise 5 Members from Strategic Planning Committee and shall be appointed by the Council.
13. that the Chief Executive be authorised to write to the Government on behalf of the Council highlighting the problems associated with the delivery of infrastructure under the CIL regime and request that the pooling restrictions that are applied to Section 106 agreements be lifted to enable the required infrastructure to be secured.

RESOLVED: that the following be noted:

1. CIL funds were not expected to cover the costs of delivering all required infrastructure alone;
2. Whilst Total CIL income was projected to be around £40.6m over the plan period, only around £30.8 may be available to spend on infrastructure and around £3.5m of that would need to be spent on Habitat Regulations Assessment mitigation leaving approximately £27.3m for other infrastructure projects. Income projections were approximate estimates only based on a number of assumptions and caveats. A number of types of development were eligible for relief or exemption from paying CIL and whilst this had been factored in to an extent, the full impact of this was not yet known and could further reduce income. CIL should form part of a wider Council funding package for infrastructure potentially also including New Homes Bonus, business rates retention and the Council’s capital programme. The Council would therefore need to act in an entrepreneurial manner to secure income wherever possible to reduce the funding gap for the delivery of infrastructure identified in the committee report.

***45 Housing monitoring and Five Year Land Supply calculations**

The Service Lead – Strategic Planning and Development Management presented the report setting out the latest monitoring figures on housing completions and projections, and the Five Year Land Supply calculation to a base date of 30 September 2016. Members noted that in summary there had been 354 net completions in the last six months (1 April 2015 to 30 September 2016) and that officers considered that the Council was able to demonstrate 6.13 years supply of housing.

The Chairman invited Cllr Ray Bloxham of Cranbrook Town Council to address the Committee.

Councillor Bloxham spoke of the Town Council's concern regarding the slow down of housing completions in the town and the risk that the delay in issuing permissions could lead to developers taking their investment elsewhere. The Town Council considered the production of the masterplan to be the main reason for the reduced build rates as this was delaying the processing of applications – the masterplan was unnecessary at this stage. It was also felt that there was insufficient resources being put to the Cranbrook applications. There was concern that if build rates did not recover the town centre investment and economic development in the town would be at risk.

In response the Service Lead – Strategic Planning and Development Management acknowledged that the masterplan process was a long but necessary process to help deliver the expansion areas. There were still a large number of homes within the outline planning permission that the Council was awaiting reserved matters applications for. The reduction in build rates in the town was seen as a short-term problem due to technical issues currently being addressed. The resource issues were recognised and vacancies were in the process of being filled.

Comments made during discussions included:

- Needs to be the right development in the right place – development should not be rushed through;
- Scale and delivery models affected the build rates on different sites;
- Concern that the delays in build rates affected the delivery of affordable homes;
- Housing supply across the district had increased, however the Council was not complacent;
- Suggested that a meeting could be held with CABE (Chartered Association of Building Engineers) to discuss lessons to be learnt regarding the delivery of Cranbrook.

RESOLVED:

1. that the Housing Monitoring update to 30 September 2016 be noted;
2. that the approach to the calculation of the Five Year Land Supply as detailed in the committee report be agreed;
3. that the implications of the latest Housing Monitoring Update going forwards be noted.

***46 Planning Obligations Supplementary Planning Document**

The Service Lead – Strategic Planning and Development Management presented a report summarising representations received during the recent public consultation on the Planning Obligations Supplementary Planning Document (SPD) and proposed revisions to the SPD in light of these. Members' agreement was sought for the SPD and Consultation Statement to be published for four weeks and, if no substantive comments were received, that Cabinet be recommended to adopt it.

The Service Lead – Planning Strategic Planning and Development Manager referred to correspondence received from East Devon New Community partners since the agenda was published regarding validation of a planning applications and proposed a change to the text as a consequence.

RESOLVED:

1. that the Planning Obligations Supplementary Planning Document and its Consultation Statement be undertaken be published for four weeks, subject to the relevant sentence in paragraph 6.2 of the SPD being amended to read:
'Where the application does not accord with the Local Plan (and any Neighbourhood Plan) due to financial viability constraints, full information to illustrate the applicant's case will need to be submitted as part of the application in accordance with the Council's validation checklist and the application cannot be validated without it'
2. that, if no substantive comments are received in response to the consultation, the proposed changes to the Planning Obligations Supplementary Planning Document be agreed and it is recommend that the Supplementary Planning Document be adopted by Cabinet.

***47 East Devon Self-build and Custom Build Register**

The Service Lead – Strategic Planning and Development Management presented a report highlighting changes in the regulations governing the self-build and custom build register, which all planning authorities had a duty to compile since 1 April 2016, and recommendations to Members in light of these changes.

In response to a question, the Strategic Lead – Governance and Licensing advised that the register was not a public register and therefore the information provided was covered by data protection.

RESOLVED:

1. that the level of demand shown on the register for self-build and custom build in East Devon so that it can be taken into account in the Council's planning, housing, regeneration and disposal of land functions be noted;
2. the proposal to not charge fees for entry on the self build register, but to review this decision periodically be agreed;
3. that applying a local connection test to 'Part 1' of the register from 1st April 2017 as set out in paragraph 2.6 of the committee report be agreed;
4. that the proposal that financial test on 'Part 1' of the register should not be applied be agreed.

Attendance list

Committee Members:

Councillors

Andrew Moulding - Chairman

Graham Godbeer – Acting Vice Chairman

Mike Allen

Susie Bond

Jill Elson

Graham Godbeer

Geoff Jung

David Key

Rob Longhurst

Philip Skinner

Mark Williamson

Also present (present for all or part of the meeting):

Councillors:

Brian Bailey

Colin Brown

Paul Carter

Alan Dent

Paul Diviani

Peter Faithfull

Roger Giles

Helen Parr

Tom Wright

Officers present (present for all or part of the meeting):

Mark Williams, Chief Executive

Ed Freeman, Service Lead – Strategic Planning and Development Management

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Hannah Whitfield, Democratic Services Officer

Apologies

Committee Members:

Brenda Taylor

Mike Howe

Non-committee Members:

Geoff Pook

Phil Twiss

Officers:

Richard Cohen

Chairman

Date.....