

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Strategic Planning Committee held at Council Chamber Blackdown House on 10 June 2019

Attendance list at end of document

The meeting started at 10.01 am and ended at 10.53 am

1 Public speaking

The Chairman welcomed everyone present to the meeting and commended the previous Strategic Planning Committee for the work done under the Chairmanship of Paul Diviani and Vice Chairman Mike Allen.

There were no members of the public present.

2 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 26 March 2019 were confirmed as a true record with the following amendment to Cllr Ian Hall declaration of interest which should read Chairman of Cloakham Lawns Sports Centre.

Cllr Moulding sought an update on the progress of the independent study agreed at Strategic Planning Committee on 27 November 2018 to consider the specific housing needs within the community. The Service Lead, Planning Strategy and Development Management advised consultants had been commissioned for the study but it was decided to wait to run the panel meeting until post elections to allow works to progress to discuss initial findings. The Service Lead, Planning Strategy and Development Management would look to set up a panel meeting early summer.

Some members were keen to consider the independent study as an agenda item at the next Strategic Planning Committee. In response the Service Lead, Planning Strategy and Development Management advised it was intended to be an open invite to all members and not specifically for this committee although agreed the consultants works would come back to the Strategic Planning Committee.

3 Declarations of interest

Cllr Sam Hawkins – Minute 6 - Personal interest – Ward member for Cranbrook
Cllr Olly Davey – Minute 6 – Personal interest – Ward member for Exmouth
Cllr Fred Caygill – Minute 6 – Personal interest – Ward member for Exmouth

The Strategic Lead for Governance and Licensing and Monitoring Officer gave advice on declarations of interest and reminded members to be clear on what they were declaring and that it must be in relation to the agenda.

The Planning Barrister suggested seeking advice prior to the start of the committee if they had any concerns about interests, bias and predetermination.

4 Matters of urgency

There were no matters of urgency discussed.

5 **Confidential/exempt item(s)**

There were no items that officers recommended should be dealt with requiring exclusion of the public or press.

6 **Review of East Devon Area of Special Control of Advertisements (ASCA)**

The committee considered the Service Lead, Planning Strategy and Development Management's report on the review of the Area of Special Control of Advertisements (ASCA) which sought agreement to recommend that full council make changes to the areas included in the East Devon Area of Special Control of Advertisements.

The Service Lead, Planning Strategy and Development Management highlighted the need for a greater level of control of advertisements within the district and that there a need to review the ASCA on a regular basis to ensure that the appropriate areas were covered.

The report outlined the four responses received including proposed changes from Colyton Parish Council and Cranbrook Town Council.

Members raised the following points during discussion:

- Clarification was sought on how far the district council can control advertisements for businesses, in particular A-boards. In response the Service Lead, Planning Strategy and Development Management advised legislation determined that A-boards on footpaths do not need consent as they were not classed as a permanent fixture. The Service Lead, Planning Strategy and Development Management invited the member to email him with specific sites and locations of concern to follow up and advised, if appropriate, refer to the Highways Authority for investigation.
- Clarification was sought on advertisement prohibition that could affect future planning applications for car parks in Axminster. The Service Lead, Planning Strategy and Development Management confirmed it would not affect future planning applications.

RECOMMENDED:

1. That Full Council make amendments to the areas covered by the Area of Special Control of Advertisements as set out in this report be approved.

RESOLVED:

2. That the Service Lead, Planning Strategy and Development Management be authorised to make minor changes to the draft Modification Order (Appendix 2) prior to finalisation being approved.

7 **Planning Appeals Status Report**

The Committee considered and discussed the report presented by the Service Lead, Planning Strategy and Development Management outlining the current performance in respect of planning appeal decisions.

Members were pleased to note that the success rate on planning appeals had improved from last year. The Service Lead, Planning Strategy and Development Management reported that 72.2% of appeal decisions had been won this year compared to 64.3% last year. Members also noted that the figure was in excess of the national level of the Planning Inspectorate statistics which was a good reflection on the quality of decision making.

The Service Lead, Planning Strategy and Development Management highlighted that a high number of decisions that had been lost were on house extensions. The Planning Inspectorate felt the harm identified had been insufficient to justify refusal which suggested the level of harm had to be quite severe. The Service Lead, Planning Strategy and Development Management advised members to be aware of this in future decision making.

Discussions covered:

- Clarification was sought on what the approach should be taken with the Planning Inspectorate when different decisions had been made on properties that were in close proximity to each other. In response the Service Lead, Planning Strategy and Development Management advised to contact the Planning Inspectorate Complaints Team.
- A query was raised on the appeals process and whether the council had powers to request landowners to keep their land tidy. In response the Service Lead, Planning Strategy and Development Management advised that Enforcement Officers have the power to issue Section 215 Notices.
- Concerns were raised that the Planning Inspectorate should make the reasons for their decisions clear as they can be open to legal challenge and the cost of a legal challenge is expensive.
- Members thanked officers and members from the previous committee for all their hard work in improving the appeal statistics.
- Clarification was sought on supporting evidence to show that house extensions increased the housing stock. In response the Service Lead, Planning Strategy and Development Management advised he was not aware of any formal evidence but suggested anecdotally it was the government's thinking that multiple generations are now living the in same household.
- Concerns were raised that members need to understand Section 215 powers. In response the Service Lead, Planning Strategy and Development Management advised if members were in agreement he would provide a briefing paper on the powers of a Section 215 but highlighted it was not an area of concern. The Strategic Lead, Governance and Licensing and Monitoring Officer referred to government guidance of trying to negotiate breaches first and highlighted it is a settlement approach rather than a hard enforcement approach.
- Members welcomed the suggestion of a training session on planning enforcement and its protocols with an invite extended to Development Management Committee members and, if required, a briefing note to be brought to committee after the training session.

RESOLVED:

1. That the Council's success rate on planning appeals over the last year has improved from 64.3% in the 2017 – 2018 monitoring year to 72.2% over the last year be noted,

2. That the trends in appeal decisions identified in the report particularly the substantial harm that needs to be identified to successfully defend the refusal of household extensions be noted.

8 **East Devon Guide for the Listing of Local Heritage Assets**

The Committee considered the Service Lead, Strategic Planning and Development Management report summarising the comments on responses received on the public consultation and to seek approval to adopt the draft East Devon Guide for the Listing of Local Heritage Assets.

RESOLVED:

That the adoption of the draft East Devon Guide for the Listing of Local Heritage Assets, subject to amendments arising from the consultation as set out in the report be agreed.

Attendance List

Councillors present:

S Bond (Chairman)
N Hookway (Vice-Chairman)
F Caygill
O Davey
S Hawkins
P Hayward
M Howe
F King
D Ledger
T McCollum
A Moulding
P Skinner

Councillors also present (for some or all the meeting)

K Blakey
A Dent
G Jung

Officers in attendance:

Ed Freeman, Service Lead Strategic Planning and Development Management
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer

Councillor apologies:

G Pratt

Chairman

Date: