

Minutes of the meeting of the **SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 14 December 2016 at 6.00 pm.

Present:

Chairman: Councillor L A Keen

Councillors: T A Bond  
P M Brivio  
P I Carter  
R J Frost  
P J Hawkins  
M J Ovenden  
G Rapley

Officers: Chief Executive  
Director of Governance  
Head of Legal Services  
Head of Regeneration and Development  
Principal Planner (Enforcement)  
Team Leader – Democratic Support  
Democratic Support Officer

59 APOLOGIES

Apologies for absence were received from Councillors N Dixon and S Hill.

60 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

61 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

62 MINUTES

The Minutes of the meeting held on 16 November 2016 were approved as a correct record and signed by the Chairman.

63 PUBLIC SPEAKING

The Team Leader – Democratic Support advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

64 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE OR ANOTHER COMMITTEE

There were no items of business to consider.

65 ITEMS CALLED-IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBERS OR PUBLIC PETITION

There were no items of business to consider.

66 NOTICE OF FORTHCOMING KEY DECISIONS

The Team Leader – Democratic Support presented the Notice of Forthcoming Key Decisions to the Committee for its consideration.

Members requested that item 32 (To approve the award of a contract for the preparation of a planning application and an application for Scheduled Monument Consent for a Commonwealth War Memorial at Western Heights, Dover) be included within the Work Programme.

RESOLVED: That the Notice of Forthcoming Key Decisions be noted subject to the inclusion of item 32 (To approve the award of a contract for the preparation of a planning application and an application for Scheduled Monument Consent for a Commonwealth War Memorial at Western Heights, Dover) within the Work Programme.

67 SCRUTINY WORK PROGRAMME

The Team Leader – Democratic Support presented the Scrutiny Work Programme to the Committee for its consideration.

Members were advised that the site visit to the Dover Town Investment Zone would be taking place on Monday 16 January 2017 and that all those interested in attending needed to make sure that they advised Democratic Support so that the necessary arrangements could be made.

Southern Water and Kent County Council had been confirmed their attendance.

The Chairman discussed the positive outcome of the recent meeting organised with the planning department for the ward members for Eythorne and Shepherdswell concerning the Lydden Racing Circuit. The meeting had been chaired by the Chief Executive and attended by representatives from Wootton as well as several members of the Scrutiny (Community and Regeneration) Committee. However, there were concerns expressed over the performance of the noise enforcement

service and it was agreed to ask the Scrutiny (Policy and Performance) Committee to look into the matter.

RESOLVED: (a) That the Work Programme be noted.

(b) That it be recommended to the Scrutiny (Policy and Performance) Committee that the performance of the noise enforcement service be examined.

68 SOUTHERN WATER UPDATE

The Team Leader – Democratic Support advised that an update from Southern Water in respect of flooding in Deal had been circulated to Members for information and that Southern Water had agreed to attend a future meeting of the Committee to discuss the issue in more detail.

RESOLVED: That the update be noted.

69 ENFORCEMENT AND MONITORING OF PLANNING CONDITIONS

The Chairman informed Members that the answers to Questions 6 – 18 were set out in writing in the agenda, with the answers to Questions 1 – 5 having been provided to the Committee at its meeting held on 12 October 2016.

Members were asked for any supplementary questions arising from the answers provided in the agenda papers.

SQ1. What was the definition of a 'larger residential' development?

The definition of a larger residential development was 15-20 properties and above.

SQ2. Was the Conditions Officer separate from Planning Enforcement?

The Conditions Officer post was a full-time position separate from Planning Enforcement and freed planning officers to deal with new applications. The Conditions Officer would remind applicants of conditions and if it was believed that a breach had occurred then the matter would be referred to the Planning Enforcement team.

SQ3. When did the provision of car parking as requirement come in with new builds?

The Council's Core Strategy made provision for no car parking spaces to be provided where there were good transport links.

Members discussed the types of conditions applied to planning applications and were advised that the focus in applying conditions should be on the key elements of an application and that any conditions should be enforceable.

The Head of Regeneration and Development advised that there were 3 types of conditions applied to planning applications:

- time limit on implementing the permission;
- conditions requiring the submission, approval and implementation of further details by specified times e.g. prior to commencement, prior to occupation; and
- conditions that imposed restrictions on the development once it was operational e.g. hours of use, noise levels, removal of permitted development rights

The Committee was advised that it was the responsibility of the purchaser's solicitor as part of the sale to ensure that a house had been built in accordance with the planning permission that had been granted.

It was moved by Councillor L A Keen and duly seconded that

“Officers be asked to review the three categories of conditions applied to planning applications.”

On being put to the vote, the motion was LOST.

It was moved by Councillor T A Bond and duly seconded that

“That a review of the Council's Planning Enforcement Plan be undertaken by Quarter 3 of 2017.”

On being put to the vote, the motion was CARRIED.

The Chief Executive advised that a robust case management process was now in place and the planning enforcement team was working closely with other departments of the Council on enforcement matters. The Principal Planner (Enforcement) advised that the historic backlog of enforcement cases had now been assessed and computerised records created to replace the old paper ones.

The Head of Regeneration and Development advised that enforcement action needed to be evidenced based to be successful in court and that in complex cases it could take a significant period of time to complete enforcement action.

It was moved by Councillor L A Keen and duly seconded that

“That a ‘snapshot’ of the backlog of cases, including where they were in the enforcement process, be provided to the Committee.”

On being put to the vote, the motion was LOST.

It was moved by Councillor T A Bond and duly seconded that

“That an outline of the systems in place for planning enforcement be provided to the Scrutiny (Community and Regeneration) Committee.”

On being put to the vote, the motion was CARRIED.

In response to a question from Councillor P I Carter about development in conservation areas, the Committee was advised that Members need to provide specific examples so that the permissions relating to a specific property could be investigated. There was also an online form that members of the public could use to report concerns.

In respect of the question in the agenda on stop notices, the Head of Regeneration and Development advised that the Council had issued 2-3 temporary stop notices but no full stop notices. A temporary stop notice lasted for 28 days.

Members discussed the application of variations to planning permissions and the difficulty in understanding some of the language used in the variation notices. The Head of Regeneration and Development advised that in some cases the Council had to be very precise in its use of wording for variations but where possible it would look at where changing in the wording could provide more clarity.

RESOLVED: That it be recommended to the Cabinet:

- (a) That a review of the Council's Planning Enforcement Plan be undertaken by Quarter 3 of 2017.
- (b) That an outline of the systems in place for planning enforcement be provided to the Scrutiny (Community and Regeneration) Committee.

The meeting ended at 7.52 pm.