

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 11 July 2017**

#### **Attendance list at end of document**

The meeting started at 10.00am and ended at 11.32 pm.

#### **\*1 Public speaking**

The Chairman welcomed everyone present to the meeting. There were no members of the public that wished to speak.

#### **\*2 Minutes**

The minutes of the Strategic Planning Committee meeting held on 29 March 2017 were confirmed and signed as a true record.

#### **\*3 Declarations of interest**

Cllr Jill Elson; Minute 7 – Community Infrastructure Levy – Payment in kind policy  
Interest - Personal  
Reason: Chair of Governor's, Exmouth Community College

Cllr Phil Twiss; Minute 7 – Community Infrastructure Levy – Payment in kind policy  
Interest - Personal  
Reason: School Governor

Cllr Phil Twiss; Minute 8 – Employment land review report  
Interest - Personal  
Reason: Brother is a Partner at Clarke Willmott Solicitors (Taunton)

Cllr Philip Skinner; Minute 8 – Employment land review report  
Interest - Personal  
Reason: Shareholder representative – Exeter Science Park and close friends with the owners of Greendale Business Park

#### **4 East Devon Local Development Scheme – July 2017**

The Committee considered the Service Lead's – Strategic Planning and Development Management report detailing an updated Local Development Scheme and setting out the timetable for future planning policy production in East Devon.

Members noted the following:

- The Villages Plans had now been submitted to the planning inspector for examination. It was hoped that the Plan would formally be adopted later in the year/early next year.
- The Greater Exeter Strategic Plan was progressing with a team now established – this included two members of the Planning Policy Team who had been seconded. A draft Strategic Plan was anticipated before the end of the year.
- There were currently 30 Neighbourhood Plans in production. This was a large piece of work, which required a lot of resource to support and enable those producing the Plans.

- A consultant had now been appointed to carry out work on a revised Charging Schedule. The same consultants were also undertaking viability work for Cranbrook.

Points raised during discussion on the Local Development Scheme included:

- The importance of progressing the Greater Exeter Strategic Plan to ensure economic prosperity for the district. Some concern was raised that planning applications would be received in advance of the Strategic Plan being adopted due to slow progress with Plan production. In response the Chief Executive advised that the Council was currently in a strong position having an up to date Local Plan and five year land supply and therefore any applications would be assessed against the Council's adopted policies;
- Concerns raised about delays in the production of the Gypsy and Traveller Plan. In response the Service Lead advised that unfortunately a 'call for sites' had been unsuccessful and Officers were now trying to secure sites on the open market – if this was successful there would not be a need for a Gypsy and Traveller Plan. If and when a suitable site(s) was found a report would be presented to Members for their approval. If land could not be secured on the open market, the next stage would be to look at sites that had come through the HELAA process. A site would need to have strong policy support in order for the Council to pursue a compulsory purchase order to secure the land. Members were advised that sites would be allocated in Cranbrook through the Cranbrook Plan.
- The membership of the CIL Working Party had now been agreed and the first meeting was due to take place at the end of the summer. Officers were currently working on a mechanism for assessing bids against the CIL funding pot.
- It was felt that Strategy 36 in the Local Plan, relating to accessible homes, was not being adhered to in the planning process and it was suggested that a supplementary planning document be introduced to provide the necessary detail. In response, the Service Lead advised that he would look into the matter and update at the next meeting.
- Disappointment that parishes were losing out on significant sums of CIL money due to self-build properties being exempt from making a contribution. In response, the Service Lead acknowledged the frustration, however advised that the exemption had been written into the legislation and therefore was not something that the Council could amend. An announcement on the review of CIL was anticipated with the autumn statement.

**RECOMMENDATION:** that Council adopts the East Devon Local Development Scheme, appended to the committee report, from 27 July 2017.

#### **\*5 Local Development Orders within Enterprise Zone**

The Enterprise Zone Programme Manager presented a report updating the Committee on the proposed work programme for the delivery of Local Development Orders (LDOs) within the Enterprise Zone. The LDOs were intended to provide a more simplified planning process, which would enable development to progress more quickly; LDOs were frequently used on employment sites. Members noted that there were a number of examples of Council's that had adopted LDOs which ranged from requiring no planning permission to requiring prior notification. The Council would

need to follow a statutory process in order to adopt the LDO – this would include consultation and engagement with Members, key stakeholders and landowners. A timetable for this work, which would take approximately nine months, was set out in the committee report.

Responses to comments made during discussion included:

- Any development would still be subject to building control conditions and checks;
- A briefing note, including map, on the Enterprise Zone would be circulated to Members;
- A consultant would be appointed by the Officer Working Group to advise on developing and adopting an Order;
- Members would receive a report in December 2017 on recommendations on the type of LDO the Council should adopt and then a final report in April 2018 on the proposed LDO for adoption;
- Devon County Council were aware and were being kept informed of progress of the LDO;
- The LDO process did not prevent any business from re-locating to the Enterprise Zone area whilst it was in production;
- Regular enquiries were being received from businesses wishing to locate/re-locate into the Enterprise Zone area, which was encouraging.

**RESOLVED:**

1. that the proposed Officer Working Group for delivery of the Local Development Orders with Development Management, Major Projects, Planning Policy and Enterprise Zone Officers be endorsed;
2. that the commencement of work on the Local Development Order for the Exeter Science Park site be approved;
3. that the Enterprise Zone Programme Manager circulate a briefing note, including map, on the Enterprise Zone to the Committee.

**\*6 Planning appeals status report**

The Service Lead – Strategic Planning and Development Management presented the report providing an update on the current situation regarding planning appeal decisions and an overview of the results of planning appeals from 1 April 2016 to March 2017. Members noted that although the Council had achieved an appeal success rate close to the national average, the figures for the last twelve months represented a considerable drop in the number of appeals dismissed when compared to the Council's performance over the past three years, where the success rate had been consistently above the national average.

The Service Lead advised that there had been no significant change in policy over the past twelve months which could be attributed to the drop in the Council's success rate. However, there had appeared to be a change in the decisions of the Inspectorate being more positive and pro-development unless there was significant harm and where there was economic benefit. He also advised that there had been a high proportion of officer overturns at Development Management Committee, which had impacted on performance. Members also noted that the Council could not make split-decisions on applications, which the Inspectorate were able to do. Importantly, no costs had been awarded against the Council, which suggested that none of the Council's decisions had been considered unreasonable. Appeal decisions would continue to be monitored and learnt from.

Discussion on the report included:

- Officer reports were there to guide the Development Management Committee, however Members were entitled to come to a different view having listened to all parties – this was the purpose of the Committee;
- Planning was largely down to interpretation;
- Queried whether the figures had been broken down to show the number of retrospective overturns – it was noted that the Committee often struggled to set the fact that it was retrospective aside. The Service Lead advised that he would look into this;
- Unfortunate that the Council could not make split decisions. The Service Lead advised that this would require a change to the legislation;
- Officers needed to be clearer in their reports on the weight given to policies;
- The Council was still on target with the national average and therefore there was no concern, particularly as there no costs had been made against the Council for being unreasonable;
- The Development Management Committee received regular training to improve their planning knowledge;
- Would be helpful for the report to be presented to the Development Management Committee as the decision makers on applications.

**RESOLVED:** that the planning appeals status report for the year from 1 April 2016 to 31 March 2017 be noted.

## **7 Community Infrastructure Levy – Payment in kind policy**

The Service Lead – Strategic Planning and Development Management presented a report outlining a draft policy which had been produced to enable Community Infrastructure Levy to be paid ‘in kind’ by land and/or infrastructure, rather than cash. Members noted that it was not envisaged that the policy would be used very often; however, there would situations where it was beneficial.

During discussion Members supported the principle of the policy and recognised that it provided another option, however considered that further work was required, particularly in respect of how payments were made to parish and town councils.

**RECOMMENDATION:** that Council approves the Community Infrastructure Levy payment in kind policy with effect from 27 July 2017.

## **\*8 Employment Land Monitoring Review report**

The Service Lead – Strategic Planning and Development Management presented a report summarising the employment land review undertaken for 2015-16 and 2016-17. The Council was required to undertake this monitoring exercise in order to understand the provision and delivery of employment land in the district and thereby ensure that plan policies were based upon adequate, up to date and relevant evidence. The detailed monitoring report was appended to the Committee report.

Members noted that the information gathered would be used to inform a strategy for the future delivery of employment land in the district and the resources to assist this. A further report would be prepared with the Economic Development Team to provide an action plan for supporting delivery of employment land in the district for the Committee’s consideration.

Members were also asked to note the Cushman and Wakefield report, produced by consultants on behalf of the Science Park Company and appended to the committee report, which highlighted a significant issue affecting delivery at the Exeter Science Park. The report detailed proposals for a land swap between land currently forming the north eastern corner of the Science Park and land to the south west, which lies outside the Science Park designation. The proposal was for land currently within the Science Park to be brought forward for housing and the Science Park boundary to be extended to include land to the south west to compensate for the loss. Correspondence with officers, which detailed the issues and implications, were also appended to the committee report for information. Ultimately, any application would need go through the Development Management Committee for decision as the application would result in a departure from the Local Plan.

Discussion on the employment land review and proposed land swap included:

- Employment land review report was welcomed;
- There was a need to understand the type of employment buildings required;
- Employment land should be being monitored against the Council's objective of one job:one home provision;
- The proposed land swap was critical to enable delivery at the Science Park to move forward;
- Understanding that there was an economic benefit from the land swap, however concern that 3.5 hectares of employment land was being lost;
- Some concern raised about 25% affordable housing being proposed as part of the land swap (should be 50%) – justification for the reduction was not clear. Some Members felt 25% affordable housing was preferable to none. In response it was advised that this would be a matter Development Management Committee would need to consider when determining any application;
- The economic and viability case for the land swap/housing provision needed to be made clear in the Development Management Committee report.

The Chairman of the Development Management Committee made clear that Development Management Committee Members would need to approach the application with an open mind and determine any application based on the facts presented to them.

**RESOLVED:**

1. that the Employment Land Monitoring Review report for 2015-16 and 2016-17 be noted;
2. that the appendix to the committee report from Cushman and Wakefield detailing a proposed land swap at Exeter Science Park and the implications of this proposal be noted;
3. that a further report detailing an action plan for the delivery of employment land in the district be presented at a future meeting.

**Attendance list**

**Committee Members:**

Councillors

Phil Twiss - Chairman

Graham Godbeer – Vice Chairman

Mike Allen

Susie Bond

Colin Brown

Jill Elson

Mike Howe

Geoff Jung

Rob Longhurst

Philip Skinner

Brenda Taylor

Mark Williamson

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

Councillors

Peter Faithfull

Andrew Moulding

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

Mark Williams, Chief Executive

Ed Freeman, Service Lead – Strategic Planning and Development Management

Naomi Harnett, Enterprise Zone Programme Manager

Shirley Shaw, Planning Barrister

Hannah Whitfield, Democratic Services Officer

**Apologies**

**Committee Members:**

Ian Hall

Geoff Pook

**Non-committee Members:**

Paul Diviani

David Key

Chairman .....

Date.....