

Ashford Borough Council: Local Plan & Planning Policy Task Group

Notes of a Virtual Meeting of the Local Plan & Planning Policy Task Group held on Microsoft Teams on **24th September 2020**.

Present:

Cllr. Bartlett (Chairman)
Cllr. Shorter (Vice-Chairman)

Cllrs. Mrs Bell, Blanford, Clokie, Harman, B Heyes, Ledger, Spain.

Also Present

Cllrs. Burgess, Walder.

In attendance:

Head of Planning & Development, Team Leader – Spatial Planning, Deputy Team Leader (Plan Making and Infrastructure), Principal Urban Designer, Senior Urban Designer, Planning Officer (Plan Making and Infrastructure), Planning Policy Officer, Graduate Trainee Planning Officer, Development Partnership Manager, Principal Solicitor (Strategic Development), Senior Planning & Development Solicitor, Member Services and Ombudsman Liaison Officer.

1 Declarations of Interest

- 1.1 Cllr Blanford made a Voluntary Announcement as she was a member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.
- 1.2 Cllr Clokie made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.
- 1.3 Cllr Harman made a Voluntary Announcement as she was a member of the Kent Association of Local Councils and the Campaign to Protect Rural England.
- 1.4 Cllr Ledger made a Voluntary Announcement as he was a Member of the Ashford Branch of the Kent Association of Local Councils.
- 1.5 Cllr Shorter declared that his mother lived in a Grade II listed building.

2 Notes of the last meeting

- 2.1 The Notes of the meeting of the Task Group held on 29th July 2020 were agreed as a correct record.

3 Introduction to Task Group Reports

- 3.1 The Head of Planning and Development introduced this item and gave a presentation. She said that the Government were proposing significant changes to the planning process but that the changes were based on the existing planning system, which would provide the bedrock for the new approach.
- 3.2 The Team Leader – Spatial Planning explained that there were two separate Government consultations with different deadlines. The White Paper was mainly concerned with medium/long term changes, and tended to cover more general topics. It appeared that the Government was seeking feedback from local authorities to provide a steer and that more detail would follow later. The proposed planning changes were shorter term, and more detailed, specific and technical. Officers were seeking input from the Task Group on the most appropriate responses from the Council.

4 Top down ‘binding’ housing targets and the five year housing land supply

- 4.3 The Team Leader – Spatial Planning introduced this item and gave a presentation. He covered the five main points arising from the proposals and the issues and challenges which the Council would face. He said that there were some positive elements to the proposals, but further clarification was required from Government on exactly what local planning authorities were to work towards and any new penalties which would be in place for failure to reach targets.
- 4.4 The Chairman opened up the item for discussion and the following comments/questions were raised:
 - A Member questioned whether the Government could be encouraged to impose penalties on developers for failing to build out within a reasonable time frame. He pointed out that the onus for development should not just be on the local planning authority, but on developers too. There had been a recent suggestion that developers could be charged council tax after a period of time on permissions which were not built out. He considered that the Council’s response should urge the Government to consider what motivations/penalties could be introduced to incentivize developers to build.
 - Members agreed that the tone of the Council’s response must be assertive as it appeared that the proposals were geared purely to deliver national targets. A Member noted that Ashford Borough Council had a good track record in terms of delivery but it appeared that the Council would now be expected to deliver more which seemed to be punishing the efforts of local planning authorities who were already meeting targets. Another Member added that housing delivery should be spread throughout the whole country and not concentrated in the south-east. He also commented that the Council’s efforts must be geared towards protecting the Council’s position. The Team Leader – Spatial Planning agreed that the tone of the Council’s response would be very

important, and that it should be focused on the Council's interests, as well as making suggestions about incentivizing developers.

- A Member noted that the issue of local constraints was vague and asked for clarification. He also pointed out that the White Paper was presumably written before the emergence of the COVID situation, which had changed the housing market. He considered that the White Paper should allude to this and take this into consideration. He asked that the Council's response should include this point. He also expressed concern about the speed at which the Government wanted to make the proposed changes. The Team Leader – Spatial Planning agreed that the issue of local constraints needed clarification from Government, who may interpret the concept differently from the Council. He agreed that the issue of COVID was relevant and that the Council's response needed to make this point. He said the speed of the introduction of the changes would affect the Council and would provide a significant challenge.
- A Member drew Members' attention to a recent document which had been drawn up by KALC showing that the recommended annual target could be reduced by using different projections and calculations. He recommended that this document should be considered when drawing up the Council's response.
- Another Member thanked Officers for their hard work and efforts. He referred to the Building Beautiful concept and said that national design codes needed to be flexible enough to reflect local character. He also considered that listed buildings should not be preserved in aspic, but should evolve in a tasteful and appropriate way.

5 First Homes and Affordable Housing Threshold

- 5.1 The Development Partnership Manager introduced this item and gave a presentation covering proposals for First Homes and Affordable Housing Threshold changes.
- 5.2 A Member endorsed the questions raised about impact, and considered that the proposal did not address the real difficulties at the lower end of the scale. She considered it inappropriate to raise the threshold.
- 5.3 Another Member considered these proposals were not supported and required a strong response from the Council.

6 Permissions in Principle (PiPs)

- 6.1 The Head of Planning & Development introduced this item. She said there appeared to be confusion in the White Paper regarding PiPs. The proposals would result in a number of negative outcomes for local planning authorities, such as lower developer fees, provision of basic information only and a significant increase in the Officer resources required. The lack of information would also be

likely to result in a greater number of refusals. The two week window for consultation with all statutory consultees and residents would constrict the ability of interested parties to contribute. She pointed out that it would not be possible to revisit PiPs at a future date in terms of technical consent.

6.2 The Chairman opened up the item for discussion and the following comments/questions were raised:

- A Member commented that the proposals disenfranchised local communities from contributing. Another Member considered that the proposals were a developers' charter, and were anti-democratic as the two week consultation period would rule out many Parish Councils, who were statutory consultees. Members were agreed that the Council should respond on this issue in the strongest terms of objection.
- A Member expressed concerns about height parameters of buildings. The Head of Planning and Development said that any stipulation about height would further complicate matters and make PiP applications more difficult to determine.
- In response to a question, the Head of Planning and Development advised that due to the five week determination period, PiP applications could not be considered by Planning Committee.

7 Proposals for area designation in Local Plans, changes to Local Plan making and Neighbourhood Plans

7.1 The Deputy Team Leader (Plan Making and Infrastructure) introduced this item and explained the proposals for three new designated areas. She said that alternative proposals had also been put forward in the White Paper but the Government made it clear that these were not their preferred options. The Council's response would comment that it was unclear how the designated areas would be defined in practice and raise concerns whether the three categories would work for Ashford. She explained that more detail would be also be requested.

7.2 The Deputy Team Leader also highlighted additional proposed changes to Local Plan making in the White Paper, including:

- Shorter Local Plans with removal of Development Management Policies
- Shorter timeframes for plan production and Examination process
- Digitised and interactive web based Local Plans and public engagement
- Move from Tests of Soundness to a test of 'Sustainable Development'
- The removal of the Duty to Cooperate – with views sought on replacement
- Neighbourhood Plans to focus more on local design codes.

7.3 The Chairman opened up the item for discussion and the following comments/questions were raised:

- A Member said that greater clarification on the designated areas was required and that centralization of planning policy was to be avoided. She considered that digitalization was not inclusive and it was generally older members of the community who wished to engage in planning matters. The Duty to Cooperate process was complicated, and she questioned how the process could be improved. The Deputy Team Leader (Plan Making and Infrastructure) agreed that it was unclear at present how the different areas would be designated as the consultation was lacking in detail.
- Another Member expressed concerns about protection of the green corridor and felt it was worth addressing this issue in more detail in the Council's response. He considered that much of the Borough's character derived from the green spaces in villages, urban and sub-urban areas, and he questioned how the three designated areas would protect the character of the Borough. The Deputy Team Leader (Plan Making and Infrastructure) agreed that there should be reference to the current Green Corridor designation and local plan policy in the Council's response and confirmed that Design Codes could be a tool to be used for protecting local character and features.
- A Member commented that the proposals appeared to be trying to remove the influence of local opinion and give power to Officers to make decisions. He considered that this was non-democratic. He said there was a lack of clarity throughout and it was important to make sure that residents were not edged out of the process.
- A Member questioned whether it would be possible for areas to be moved within categories. The Deputy Team Leader (Plan Making and Infrastructure) replied that the proposal was to review Local Plans every 5 years and at this point it would be possible to reconsider zones and areas.

8 Planning Applications

- 8.1 The Head of Planning and Development introduced this item. She explained that once an area was included within the Local Plan as a Growth Area, outline planning permission was immediately granted and in Renewal Areas there would be a 'presumption in favour'
- 8.2 The Head of Planning and Development summarised other changes to the planning application process including:
- Removal of Extensions of Time
 - National Development Management policies
 - The frontloading of consultation to Local Plan stage.
- 8.3 The Chairman opened up the item for discussion and the following comments/questions were raised:

- A Member expressed concern that where immediate planning permission was granted, applications could not be referred to Planning Committee and decisions would be delegated to Officers. The Head of Planning and Development confirmed that this was the case. The Member said that the Council should respond very strongly on this point. Another Member said that front-loading was an erosion of democracy and she was also very concerned at the potential to avoid Planning Committee and circumvent the democratic process. The Head of Planning and Development noted the concerns expressed by Members. She said that one of the positive factors was that a robust planning system was still in place and new outline planning permissions would still come in to be determined.

9 Further business

- 9.1 The Chairman summarised the positives and negatives of the proposals discussed so far. He advised Members that the deadline for the planning changes consultation was 1st October 2020. For that consultation, Members agreed to the recommendations contained at the end of the introductory report, and that a covering letter should accompany the Council's response to this consultation. The Chairman said a draft of the covering letter would be circulated to Task Group members but this would be very close to the consultation deadline, so any important feedback should be provided urgently.
- 9.2 It was agreed that a further meeting was required in October to conclude the discussions on the White Paper consultation.

Resolved:

That the Local Plan and Policy Task Group:

- 1. Notes the contents of Reports 1 and 2 as a means of framing the Council's response to the two Government consultations relating to 'Planning for the Future' and 'Changes to the Planning System', and**
- 2. Agrees that the detailed and final responses to the consultation questions for the planning changes consultation shall be drafted and agreed between the Head of Planning, the Portfolio Holder for Planning and Chair of Task Group, subject to the points made in the Task Group's discussion above.**

10 Date of Next Meeting

- 10.1 21st October 2020 at 10am, Microsoft Teams
4th November 2020 at 2pm, Microsoft Teams
16th December 2020 at 10am, Microsoft Teams

Councillor Bartlett
Chairman – Local Plan & Planning Policy Task Group

Queries concerning these minutes? Please contact membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.moderngov.co.uk