



BOXLEY PARISH COUNCIL

www.boxleyparishcouncil.org.uk

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To All Members of the Council, press and the public.

2 September 2013

There will be a meeting of the **Environment Committee** on **Monday 9 September 2013** at **Beechen Hall, Wildfell Close, Walderslade** commencing at 7.30 pm when it is proposed to transact the following business;

1. **Apologies and absences** (7.30)
To receive and accept apologies for absence.
2. **Declaration of Interest or Lobbying.** (7.31)
Members are required to declare any interests, dispensations, lobbying or changes to the Register of Interests.
3. **Minutes of the Meeting of 1 August 2013.** (7.33)
To consider the minutes (previously circulated) of the meetings and if in order to sign as a true record.
4. **Matters Arising From Minutes.** (7.35)
 - 4.1 Minute 2558/5.2 Quad bike; worked order raised by MBC Aug 2013.
 - 4.2 Minute 2558/5.4 Neighbourhood Area consultation: MBC's official response to the consultation is awaited.
 - 4.3 Section 106 payment for MA/12/2314 Plot 4 Eclipse Park. To ratify Clerk's letter, after consultation with committee members, to MBC Planning Committee concerning allocation of the payment. The parish council's suggestion was that some money is reserved to investigate whether parking restrictions were needed in the local area. MBC decision on 29 August was to support the planning officer's recommendation that all of the Section 106 is allocated to the town centre.
- To adjourn to allow members of the public to address the meeting.** (7.38)
5. **Planning Applications and Appeals for Consideration.** (7.48)
See attached list (pages 3 - 4).
6. **Planning Applications and Appeals Decisions** (8.15)
To receive details of any information received (page 4).
7. **Neighbourhood Development Plans.** (8.18)
Parish Audit see report (pages 4-5).
8. **Maidstone Borough Local Plan.** (8.28)
Site allocation in the Core Strategy. MBC's initial response to the sites submitted by developers is due out on 30 September 2013. The next meeting of the working group will be arranged for after this report.
9. **Volunteer Groups.** (8.29)
To receive reports on the various groups (page 6).

10. **Highways and Byways.** (8.35)
To consider any issues raised by Councillors or the residents, see report (page 6-7).
11. **Policy and procedures review.** (8.40)
Annual Competency review/statement; see report (pages 7-11).
12. **Consultation; Greater flexibility for change of use.** (8.50)
To consider the Government's consultation on amending the permitted development rights for certain User Classes see report (pages 11-15)
13. **Consultation; Kent Downs AONB Management Plan 2014 – 2019** (9.00)
To consider the consultation see report (pages 15-17)
14. **Matters for information.** (9.10)
See report (pages 17-21).
14.1 Report from Cllr Dengate Asbestos First Objection Meeting
14.2 Medway Council Meeting of Medway Council Thursday, 25 July 2013. Extract from the minutes.
14.3 Developments on onshore wind turbines and solar farms.
14.4 Changes to Permitted Development Legislation; summary on the changes for industrial and commercial units.
14.5 Member Planning Training 22nd August 2013
15. **Next Meeting.** (9.15)
Next full environment meeting 14 October 2013 at Beechen Hall commencing at 7.30 p.m. Items for the agenda must be with the parish office no later than 4 October 2013.
- In view of the confidential nature (personal details and data) on the Enforcement item about to be transacted, it is advisable that the public and press will be excluded from the meeting for the duration of or part of the item.
16. **Enforcement and Section 106 updates from MBC.** (9.16)
To consider, if any received, confidential updates.

Pauline Bowdery
Clerk to Boxley Parish Council.

In accordance with policy the meeting should close no later than 9.30 pm but the Chairman has devolved powers to extend it by 30 minutes.

Items to be returned to agenda: Minute 2492/4.2 (10/12/12) PRoW Round Wood valley, return to agenda December 2013; Minute 2558/5.3 Community Infrastructure Levy: Minute 2558/5.6 Local Green Spaces and historic sites.

**REPORTS ATTACHED TO ENVIRONMENT COMMITTEE AGENDA 9 SEPTEMBER 2013.
Members are reminded that the Chairman will assume that these papers have
been read prior to the meeting.**

Item 5 Planning Applications. *Purpose of report:* To consider planning applications. Members' are reminded to consider possible section 106 requests or to suggest any conditions. Members are reminded that the paper versions are available from 7.00 pm

Note: As the following four applications were decided on a majority view of members the Chairman will propose their ratification as a group.

Ratify. MA/13/1260 construction of a new 3G sports pitch with floodlighting; 4 new tennis courts; the upgrading and extension of existing pedestrian access ways from the main school site; the refurbishment of existing tennis courts and associated fencing at Valley Park Community School, Huntsman Lane ME14 5DT 30/8/13. **To ratify** Clerk's decision, after consultation with committee members *Wished to see approved.*

Ratify. MA/13/1332 change of use of land and formation of new access from allotment access road to Sandy Lane to serve existing tourism accommodation at land rear of Old Harbourland, Boxley Road ME14 3DN 30/8/13. **To ratify** Clerk's decision, after consultation with committee members *Do not wish to object.*

Ratify. TA/0108/13 application for consent to cut back 1no Oak tree to previous pollard at 3 Abigail Crescent, Walderslade ME5 9DZ 29/8/13 **To ratify** Clerk's decision, after consultation with committee members *Do not wish to object defer to the views of the landscape officer.*

Ratify. MA/13/1338 single storey side and rear extension at 21 Spenlow Drive, Walderslade ME5 9JT 03/09/13. **To ratify** Clerk's decision, after consultation with committee members *Do not wish to object but concerns about the reduction in available on-site car parking provision.*
Clerk note; a traffic management advisory sheet has been sent to the applicant.

MA/13/1160 Retrospective application for the installation of two windows to the side elevation and erection of a marquee to rear of Fox & Goose Inn, Weaving Street, ME14 5JP
24/9/13

MA/13/1223 An application to alter main entrance to mitigate use as a turning circle, unauthorised parking and additional parking for staff and users at Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent ME14 5LG. 18/9/13

MA/13/1348 Demolition of redundant cattle shed and other structures and conversion of traditional courtyard buildings to provide 2 No. dwellings with access, parking and landscaping at Street Farm, The Street, Boxley ME14 3DR. 17/9/13
Note; the development of this site has already been approved but changes by the developer has resulted in a request for an application. Local residents are concerned that the heights of the buildings have been increased.

MA/13/1352 construction of a first floor side extension with rear balcony and repositioning of first floor window to south elevation of dwelling at 65 Bargrove Road, Vinters Park ME14 5RT. 05/09/13.

MA/13/1404 Erection of a two storey side/rear extension at 24 Woodlands, Chatham, Kent, ME5 9JX. 18/9/13

TA/0104/13 Tree Preservation Order no. 1 of 1969: An application for consent to cut back branches of 1 No Cherry tree and 1 (no) Hornbeam tree that are overhanging into 3 Gean Close, Walderslade ME5 9DB 13/9/13

TA/0114/13 Tree Preservation Order no. 2 of 1972, application for consent to carry out works as described in section 7 of the application form at Cobtree Manor Golf Course, Chatham Road, Sandling ME14 3AZ. 16/9/13

Note to members: this covers an extensive amount of trees so please go online to view.

TA/0123/13 Tree Preservation Order no 1 of 1969, application for consent to re-coppice every 3 to 5 years at 22 Round Wood Close, Walderslade, Chatham, Kent, ME5 9UL.

9/10/13

Item 6 Planning Applications and Appeal Decisions. *Purpose of report:* To consider any MBC decisions contrary to BPC views and appeal decisions.

MA/13/0910 side extension to ground and first floors including conversion of part of existing garage to living accommodation at 18 Olivine Close, Walderslade, Chatham, Kent, ME5 9NQ. **REFUSED on 20/8/13 – Members decision DNWTO – concerns were raised about window design.**

Item 7 Neighbourhood Development Plan; Parish Audit: *Purpose of report:* To receive an update on responses received from the consultation. To decide on what action to take to formally adopt the document.

Clerk's note: **Bold** has been used to identify when members need to take a decision.

Five comments were received from the public consultation and these related to Grove Green, Boxley Village and Sandling. A summary of the comments and possible actions are given below:

Boxley Village.

3.5 Facilities and Services. Congestion caused by large vehicles (buses and commercial) coming into conflict with each other within the narrow parts of the roads in and around the village. A resident suggests a size and weight limit for traffic coming through the village which could alleviate these problems. **Clerk's suggestion: NO ACTION. Reason; due to access needs for farms and local businesses it is likely that it would not be possible to have such restrictions before or in the village. The sharp 90% turn at Lidsing Road/Pilgrims Way junction means that there is already a size and weight limiting factor at this point.**

Grove Green.

4.5 Facilities & Services.

Comment is made about buses to Maidstone and Bearsted from Grove Green are about every 30 minutes. Strictly speaking there is one bus in each direction every hour so maybe this part of the Audit should be clearer on this. Also, it would be helpful to add that there is no Sunday service at all and during the week there is an almost 100 minute gap between buses from Tesco's to town from 7.55 to 9.33. This means that if you work in Maidstone and travel by bus you get the 7.55 bus and arrive in town by 8.10 but if you work in a shop you are hanging about until 9.00. If you get the 9.33 bus then you will be late for work. A bus at about 8.30 would be better.

Additionally, the last bus from town is 17.45 so if you work in London you cannot travel from Victoria to Maidstone East after 16.00 as if you did you would not be able to get the last bus home. As you will know most people working in London leave work at c17.00 and get a train at about c17.25 arriving in Maidstone by 18.30 and to the bus station by 18.45, i.e. 60 minutes after the last bus has left.

Arriva buses told me when I raised this with them that there is no call for a bus later than 17.45. That may be the case but that is because people know there are

no buses after 17.45 so they have to make alternative arrangements to get back to Weaving/Grove Green. They should have a bus at say 18.45 for a trial 3 month period after advertising its existence to see what the demand for such is. If virtually no-one uses that bus then it should cease”.

Clerk’s suggestion: Action amend paragraph to read, Grove Green and Weaving Street are served by the number 19 bus route (to Maidstone and Bearsted); the service to Maidstone is hourly and the last departure from Maidstone town centre is 17.45. This is a poor and ineffective service for residents and train commuters. Bearsted train station is served by the number 19 bus and is also accessible on foot. Commuter coaches to London also stop in the area.

Grove Green various

Comment received include the need for new highway infrastructure especially on New Cut, Grovewood Drive (North and South) and Bearsted Road; traffic impact; existing noise and air pollution which will increase from the additional development planned for the area.

Clerk’s suggestion: Guidance is sought on what members wish to do. The summary for Grove Green and Weaving covers many of these issues but members must decide whether the statement “The need to improve the current road infrastructure” is sufficient. The parish council has previously commented on the need to get Averches Road opened up but KCC has never actively engaged in discussions.

Comment was received about Grovewood Drive South.

“There is a crossing which is widely used by school children/and or parents on Grovewood Drive south (dipped pavements and signage indicating a crossing). This is well positioned when making your way from the bottom of the estate (Franklin Drive) to St Johns School, however, is less so coming the other way. When returning from school you look right and encounter a bend (a problem in itself) which is covered by foliage, making it virtually a blind corner! Parents are currently going out in the road to ensure a safe crossing for the children - a dangerous proposition when cars do seem to speed along this part of the road. Although I am currently trying to cross further up (across a grass verge) I feel the crossing is encouraging people to take risks. The problem will be accentuated when St Johns doubles in size - I agree with the school expansion -, however, this side effect and parking will need to be addressed”

Clerk’s suggestion: Action can be taken if members agree. The vegetation referred to above is on a highway verge. Up until this point the footway is directly beside the highway but then goes behind the verge. The verge is planted with shrubs and it may be possible to negotiate with KCC to have these removed and grass laid; it is likely that KCC would require the parish council to pay for this and the trees and bend will still cause a problem but grass may be a slight improvement. Would members agree to using the street maintenance budget if KCC can be persuaded to remove the shrubs?

Sandling Village.

Two residents have sent in copies of letters objecting to any development at Rochester Meadows.

Clerk’s note; as this will be subject to public consultation in October/November do members wish to take any action now? Clerk’s suggestion: NO ACTION AT THE MOMENT.

Formal adoption of the audit.

Clerk’s comment: This document has no legal standing within the planning framework but could be the base on which a Neighbourhood Development Plan is produced. So far only the Environment Committee has debated the contents and it is currently always referred to as a draft. Do members wish to formally accept the document (with any amendments from above included) or do they wish to review the whole document and then decide.

Item 9 Volunteer Groups. Purpose of report: information.

Report from Rob Burrows Chairman Walderslade Woods Group.

Status Report for July 2013.

KWT revisited the plateaux soon after our initial survey of the area, to collect soil samples, which they will use to advise us how to best manage each one. But they did say that our initial approach should be one of removing ash saplings and encouraging the growth of selected standard trees. So, we are going to cut a peripheral path on each of the plateaux to allow access.

Just to remind everyone, the plateaux have been renamed according to their direction, so they are now called WEST, CENTRAL, EAST, NORTH EAST & NORTH. The location of these can be seen on our map, which can be found on the Parish web site.

In order to gain access to EAST Plateau, we have made a new path from Walderslade Woods (road). Access to NORTH Plateau is via a path which we cut last year, again from Walderslade Woods (road). Our Task Day for July was on the 14th, and we cut the peripheral path for CENTRAL Plateau, made a start on removing ash saplings and creating standard trees, where it was deemed appropriate.

WWG Status Report for August 2013.

The group were called upon to clear brambles and nettles from the allotment development, prior to the Royal Engineers starting their work. Please note that the group is more than happy to assist in any similar activities.

We are embarking on a joint venture with Friends of Boxley Warren (FOBW) to train group members in the use of the new brush cutters which FOBW have purchased. As the Parish own all the tools for both groups, it makes sense that their use should be available to both groups.

We have received KCC's agreement to manage the giving away of wood from the woodlands. The group have received requests for wood from various people for fuel, to make garden ornaments, and as a medium for sculpting.

Our Task Day for August was on the 11th, and we cleared the Round Wood picnic tables, worked on enlarging the area of the glade, and opened the entire length of the valley path, which was particularly overgrown.

Rob Burrows, Chairman WWG.

Item 10 Highways and Byeways. Purpose of report: information and decisions.

10.1 Junction improvements at Lordswood Lane/Gleamingwood Drive. Members requested clarification on KCC's terminology "*Does not meet intervention criteria*". The following explanation on the process for submitting areas for highway improvements/investigation has been taken from the KCC website and the Clerk notes included should explain the terminology used in refusing the work.

"We have to make tough decisions on where to improve traffic and road safety in local areas. This means we have to say 'no' more than we'd like, especially if the request won't reduce casualties. We look at the sites most in need of improvement first, which have got the support of the whole community.

Improvements we make to road layouts include:

- junction improvements
- traffic calming, such as 20mph zones and speed humps
- speed limit changes
- new signs and lines
- bus stop improvements
- new cycle paths
- new footpaths
- pedestrian and zebra crossings

Request changes in your area

We're happy to consider all requests as long as you follow the steps below.

1 - Check the crash history of the site

Visit [crashmap](#) to see if any crashes in the **last 3 years** have resulted in personal injury. If so, you can go to step 2. If not, we cannot consider your request so please don't contact us.

Clerk note: the crash map shows 1 crash (2010) at the junction; it is classified as slight (whiplash, sprains and minor lacerations). KCCH&T has a policy of requiring at least 3 personal injury crashes in a 3 year period or a sudden rise in the number of crashes at a site before they will consider investigating an area. Even if this criteria is met any investigation that makes recommendations has to then satisfy a separate funding criteria which is points based; every potential project in Kent competes for funding and traditionally community based requests never attract enough points to be funded. To rectify, what parishes perceive as an inequality, KCC devolves to each County Councillor a highway budget for them to allocate locally as they see fit. This inequality is one of the main reasons that BPC decided to proactively seek Cllr Carter's highway budget and also to consider using its reserves for highway projects.

2 - Get community support

You'll need to get support from your local representative. Depending on where you live this is likely to be a county, borough, district or parish councillor. If they are not supportive we can't consider your request so please don't contact us.

3 - Contact us

Community representatives can contact us if there's a crash history and local support for a highway improvement scheme. They will know how to get in touch.

How and when we decide

When you'll hear back: We'll let your community representative know within 20 working days whether we can take the request any further. We decide with the help of experienced traffic engineers, who identify whether any cost-effective measures to reduce road casualties are needed.

Funding: Once we've identified, assessed and agreed what to do, we'll seek funding from various sources, such as the county or parish council. This can take some time. We then report the scheme to the local district Joint Transportation Boards.

Clerk note: this statement about proactively seeking funding from parish councils is a fairly recent addition. The Maidstone Joint Transport Board April 2013 meeting (agenda and minutes can be found on the MBC website) has details of the projects being funded for 13/14 and also includes a summary of what members spent their devolved budget on.

Design, consultation and delivery: Once we've got funding we can start work. Before we do, we'll let any affected residents know what we're doing, when it will start and how long it will take.

You can check progress on the scheme on the local district Joint Transportation Boards.

Feedback: After the work's finished we'll send a form to local residents asking for their views. We will review all comments and monitor the scheme to make sure it's providing the intended benefits.

Clerk's note; KCCH&T will not fund any work unless it exceeds the 3 crash requirement. It will however consider work if the funding comes from the parish or county councillor; the cost of the work will include the cost of 'designing' the project, cost of putting up warning signs, supplying (if needed) a portable toilet etc.

Item 11 Policy and Procedures Review. Purpose of report: Information and decision.

Clerk's note: The following is a draft for members to consider.

Annual Competency review/statement.

Boxley Parish Council has set itself an aim not to stagnate and always to seek to improve the way it works and responds to its residents. As part of this aim each committee is required to undertake an annual review of its work, procedures and efficiency and make a competency report, highlighting any weaknesses and omissions, to the Parish Council.

To allow the Committee to undertake this work the Clerk has prepared the following report on the work of the committee and it lists all the different methods, procedures and ways that are used by the office to ensure that work is undertaken and nothing gets forgotten or missed. The list cannot be exhaustive and there will always be irregular or one off situations that will need to be dealt with as they arise. Part of the review (effectively a health check) will need to be a judgement that there are correct policies and procedures in place to be able to identify and deal with odd or unforeseen situations.

The Environment Committee uses the following in its work:

1. Policy and actions taken to control and alleviate/control any potential issues

- Street Maintenance policy and pro forma (policy and action).
- Sale of public land (policy).
- Terms of Reference (to go to April PC mtg) – any amendments wanted by Committee (action).
- BPC Planning information leaflet – annual review (action).
- Traffic Management informative note (action).
- Are laminated planning advices (used at meetings) still fit for purpose (action).
- Review response comments that are available for responding to planning applications (action).
- Pre application discussions (policy)
- Section 106 wish list (policy and action).
- Annual Competency Report (policy and action).
- Identified Standing Orders and procedures to enable out of meeting decisions to be taken and then ratified at the following meeting (policy and action).

All of the above are scheduled in a document submitted to the January Committee (Review of policies and procedures calendar). This not only proves to the Committee that the office has correct procedures to ensure reviews but also allows Councillors an opportunity to comment on the review schedule (action).

2. Procedures.

The parish office and its staff undertake “housekeeping” that members often do not know anything about, or take for granted, and this is why the Council must appoint competent staff and allow them adequate time, training and equipment to do the work. Councillors and the Committee do not have to become involved in ‘housekeeping’ issues as this would not be an efficient or effective way to manage the Council. At some point a housekeeping issue may be referred to the Committee, the parish office uses common sense in deciding if and when this happens.

Housekeeping can range from reporting flytipping to in-depth liaison with residents in an attempt to help them get an issue resolved before taking the problem to the committee. Councillors are also involved in ‘housekeeping’ in that they are asked to report potholes etc. direct to the relevant organisation and only involve the office if they do not get a response.

So how do Councillors know if “housekeeping” work is being undertaken? This can be judged in a number of ways;

- Lack of complaints from the public.
- Visual clues (potholes not being filled, development being advertised that the committee hasn’t been notified of etc.)
- Discussions with public, Borough Councillors, information from MBC will notify Councillors that a problem exists or is brewing.
- Paperwork not being available in adequate time (agenda, reports etc.) Review diary not being adhered to without adequate reasons being given to the meeting.
- Office being unable to supply something requested or having no knowledge of something.
- Reports/feedback from Councillors attending planning committee etc. not on agenda etc.
- Office not completing an action asked for by a committee.
- Information coming to it from serving on another committee (probably more likely to be financial) or reading another committees agenda/minutes.
- Planning application deadlines are included on the agenda so members can check that the requirement to make a decision before the deadline is met. Standing Orders also has provision for decisions to be referred back to members and each out of meeting decision is ratified at the next meeting.
- Every meeting is exactly the same, no new items or issues being placed on the agenda.
- ‘Gut instincts’ *Clerks comment – never ignore these, they are generally the sub conscience method of warnings.*

The review calendar also includes other information by which Councillors can judge whether the committee/office is ‘healthy’ and these are generally under office notes and

are a reminder not only to staff but also to the committee. Examples of these monthly tasks/reminders are:

- *(Office work note remind members about need to notify office of any budget ideas)*
- *(Office work note – ensure committees put a priority on their budget projects)*

The agenda for meetings includes regular items (Volunteer Group Reports, Highways and Byways etc.) to allow regular reviews and debates and items are then added as issues are identified. If necessary at the end of the agenda is a list of items that have been deferred for return and members can keep an eye on these to ensure they are returned.

In 2012 new information was added to the agenda and councillors are now notified of the deadline for submitting new items for the next agenda.

3. Decision making.

A Parish Council is a democracy but to make the proper decisions it must have information. Reports submitted to members must contain relevant information that is produced in such a way so as not to unduly influence the members or ensure a particular response. In some cases the Clerk, and in her absence the Assistant Clerk, may need to 'instruct' the members to ensure that a legal and correct decision is taken and in such cases the report should clearly indicate why.

It might be helpful to remind members that the parish office operates the following system in reports and any of the following can be ignored or added to during the discussion:

- Clerks/Asst Clerk's comment. This is used to impart (in written form) some additional information that it considers relevant. Councillors then have time, before the meeting, to consider the information. It is also used to create links between the many other documents or other Committee policies etc.
- Suggestion, this is to put forward a possible decision, plan or idea to open debate.
- Options, this is used when the parish office can't find that the Council has any policy or previous stated views on the issue being considered. It is to help members consider what is in front of them and to open up discussion.

The Clerk/Asst Clerk also uses 'recommendation' and anything under this description is more likely to deal with a legal requirement. Thus a recommendation to adopt a policy is because not to do so could create legal problems, result in the Council acting unprofessionally or result in the Council not meeting requirements set by itself or another outside body. This does not mean that members should not change or amend aspects of the policy but members need to do so from a position of information and so advance warning of any queries would be extremely helpful.

4. Other issues.

Councillors have to have an element of trust in its personnel however they should not become complacent. It is not wrong to question a report/item however it is polite to do so in a fair way and to give notice to the report's author prior to the meeting. It is more effective and efficient if advance notice can be given of any queries as the personnel undertaking the meeting might need to gather information and can be tired as they will have been working that day.

Prior to going out the agenda is reviewed by the Chairman of the Committee to try to ensure that all items are relevant and that sufficient information is included.

The Councils' method of working is that all Councillors receive agenda and minutes of all committees and that the agenda items are supported by relevant reports and information. This allows members to make informed decisions and it is always helpful to receive feedback on the whether the report was balanced and included all the information members needed.

Councillors also have responsibilities that impact on the competency of the Council and it is expected that they have read their agenda and reports prior to a meeting. The

information supplied to Councillors by the office and information available from other sources allows Councillors to form opinions and to take decisions from a position of information. Training is vital for a healthy committee and various methods are available and members should consider completing training.

In 2013 the Environment Committee undertook work to produce an audit of the various communities within the parish and this has been subject to a public consultation. The information identified in this document will be used to help councillors and the community to have a better understanding of the parish. A consultation on a Neighbourhood Area is currently underway and the Environment Committee is working towards the production of a Neighbourhood Plan.

5. Competent.

The Parish Council is required to appoint a competent Proper Officer (Clerk and in her absence Asst Clerk). It is a duty of all Councillors to ensure that any document it receives is relevant and the Clerk is responsible for ensuring all documents are kept up to date and are correct. It is the Committees duty to judge whether this has been achieved and so is a shared responsibility. So how do Councillors do this? This is achieved in the following way:

- Councillors keep abreast of developments through the KALC Parish News, newspapers, Television etc. They should be willing to check with the parish office that they have noted that something is happening and whether it is going to the committee. *Clerks comment – the office is signed up to many e-mail notification systems (including MBC’s Items of Interest notification system) and also pays to have the Direct Information Service which is a NALC run service giving briefings on changes to legislation, Ministers press releases, other organisations and NALC press releases/statement etc.*
- Read and study all the documents received and using their experience and knowledge judge whether it is correct. *Clerk’s comments – the strength of a Quality Parish Council comes from the variety of Councillor serving on it. Their individual experiences, common sense etc. means that there is generally someone with in depth knowledge.*
- The Clerk, on important reports and documents, will often add a statement to prove that she was competent to make the report or any suggestions/recommendations. She also includes footnotes and information which allows councillors/the public to locate relevant legislation and information. This allows Councillors to judge whether the work submitted is fairly balanced, has depth and breadth and comes from relevant sources.

The Assistant Clerk is currently undertaking long distance training which will expand her knowledge and experience. The Clerk will also continue to undertake training.

MBC has previously offered planning training but basically regurgitates the same planning examples. The recent change to the planning laws and potential changes due to the draft Local Plan and The Localism Bill means that councillors will need to be continually updated. Cllr Dengate attended the KALC planning conference and has made material available to the Environment Committee but a sudden influx of urgent work has delayed plans to provide some in-house training at the meeting.

6. Statement of Clerks competency to produce such an overview.

The Clerk is a qualified Clerk (Certificate of Higher Education in Local Policy July 2000) and undertakes regular training to keep up to date and refreshed. She has been a Clerk for 19 years and undertakes mentoring and training of other Clerks (Kent Association of Local Councils and Society of Local Council Clerks). She is a member of the Society of Local Council Clerks Kent Branch. Her financial and administrative systems are annually audited by the Independent Internal Auditor and positive reports on her competence and the quality of the office systems are regularly submitted to the Parish Council. The Parish Councillors Internal Audits check her financial systems and positive feedback is received by this.

7. Compliance with 2012 Health check.

The following issues were identified.

- Agenda – recently after making a decision, at a meeting, members then indicated that they were unhappy/felt rushed. **Members discussed this at a subsequent meeting and the laminated planning advice was amended to remind members that they could ask for a decision to be delayed etc. This should be an on-going improvement with the Chairman taking the lead.**
- New website. This is still being improved and this will be an on-going issue. **More planning information has been included and future plans are to be on facebook which will hopefully further engage residents.**
- Individual responsibilities. Committee members have agreed to take responsibility for certain things, and only involve the office if they cannot get a result. **Members are undertaking the work.**

8. Weaknesses/opportunities identified by the Clerk whilst undertaking the report

- With the employment of an office assistant it is hoped that the office will become more able to 'chase' MBC and KCC for quicker responses to e-mails etc.
- Under representation in South Ward will create problems if a candidate from that area is not appointed.
- The Local Plan is now starting to generate extra work and with major development sites coming through there is a need to ensure that members stay focused at meetings. To do so they must have comfortable surroundings and it is suggested that a couple of meetings are held in the parish office to see if members find this a more comfortable venue. This will involve some additional work for the office staff but may be beneficial as it will allow everything to be set up in the afternoon rather than at 7.00 in a bit of a mad rush.

9. Health Check.

Members need to undertake a health check on the Environment Committee to identify

- Are the current policies and procedures enough if not where are there weaknesses?
- Are the current checks (reports to meetings) enough to make a decision or do members wish to devise an alternative audit for example a spot check?
- What improvements they think there could be to the way current policies, actions and procedures are managed.
- Are there procedures in place to be confident that one off or irregular issues are dealt with by the office under housekeeping or referred to the Committee in a prompt and correct manner?

Item 12 Consultation; Greater flexibility for change of use. *Purpose of report: information and if required responses to the questions. Closing date for response; 15 October 2013 the full consultation document is available from www.communities.gov.uk or the parish office.*

Clerk's comment. Suggested responses to Questions 1, 2 & 4 have been made, if members agree to these it would help if the Clerk could be notified before the meeting starts. The Chairman can then be advised which will a) potentially save time and b) leave questions 3, 5 & 6 to be decided upon.

The proposals in this consultation support government priorities for making better use of existing buildings, supporting the high street and rural communities; providing new housing; developing more free schools and contributing to the provision of child care for working families.

The consultation seeks views on 5 proposals for permitted development rights to allow:

- shops and financial and professional services to change use to a dwelling house
- existing buildings used for agricultural purposes of up to 150 square metres to change to residential use
- retail uses to change to banks and building societies only

- premises used as offices, hotels, residential and non-residential institutions, and leisure and assembly to be able to change use to nurseries providing childcare
- a building used for agricultural purposes of up to 500 square metres to be used as a new state funded school or a nursery providing childcare

All proposals also include permission to carry out building work connected with the change of use.

The Government considers that there is great potential for some properties (shops and agricultural buildings) that do not have a viable future in their current use to be converted to homes.

It proposes a permitted development right to allow retail uses to change to banks and building societies only. It also enables premises used as offices, hotels, residential and non-residential institutions, and leisure and assembly to be able to change use to nurseries providing childcare; and a building used for agricultural purposes of up to 500m² to be used as a new state funded school or a nursery providing childcare.

The objective is to allow change of use with the minimum need for planning permissions. However there are some material planning considerations which need to be recognised and allowed for when bringing forward permitted development rights. Therefore, by the use of a prior approval, the Secretary of State will be able to have confidence that the planning impact of any change of use will be mitigated.

Where the permitted development is for change of use only, and prior approval is required, a fee of £80 will apply. Where the permitted development also allows for physical development and prior approval is required a fee of £172 will apply.

The proposals are set out in detail below with associated questions.

Creating new homes from old shops.

Specifically in framing a new permitted development right for a retail building (A1 shops and A2 financial and professional services) to change to residential use (C3), with the associated physical development to allow conversion, it is proposed that the right would:

- have an upper threshold of 150m²;
- allow conversion to a single dwelling house or a maximum of four flats,
- enable the external modifications sufficient to allow for the conversion to residential use;
- not apply in article 1(5) land as set out in the General Permitted Development Order (i.e. conservation areas, National Parks, Areas of Outstanding Natural Beauty, the Broads and World Heritage sites);
- be subject to a prior approval for design to ensure that physical development complies with local plan policies on design, material types and outlook;
- be subject to a prior approval allowing account to be taken of the potential impact of its loss on the economic health of the town centre, the need to maintain an adequate provision of essential local services such as post offices, and the potential impact of the change of use on the local character of the area. In order to ensure the policy delivers maximum benefits, we wish
- this to be a tightly defined prior approval, and would welcome suggestions about specific wording which would achieve that.

Local plans that are currently being adopted across the country following the introduction of the National Planning Policy Framework should provide appropriate retail and town centre policies against which any prior approval application for a permitted development can be judged in terms of its impact and any necessary mitigation. The proposal also recognises that more substantial conversions will merit consideration of a full planning application.

Question 1

Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3) and

to carry out building work connected with the change of use?
Clerk's comment; Unless members indicate reasons to object to this then it is suggested that the response is **Yes**

How do you think the prior approval requirement should be worded, in order to ensure that it is tightly defined and delivers maximum benefits?
Clerk's comment; Unless members indicate wording then it is suggested that the response is **No comment**

Currently banks and building societies are generally classed as A2 uses (financial and professional services). However increasingly banking services are also offered by, and within, the larger retailers. Banks are also a recognised and valued feature of most high streets offering important services which are best suited to a high street location.

While there is a permitted development right for financial and professional services (A2) use to change to a retail use (A1), the reverse cannot happen without planning permission. This situation reflects the time when financial services generally had office-like frontages which were considered to break up the retail character of a street. This is less true now with banks and building societies adopting a more retail-like approach to the design of their premises.

Therefore it is proposed to recognise the changing nature of banks and building societies by providing a tightly prescribed permitted development right that would allow A1 uses to change use to banks and building societies only.

Question 2

Do you agree there should be permitted development rights for retail units (A1) to change use to banks and building societies?

Clerk's comment; Unless members indicate reasons to object to this then it is suggested that the response is **Yes**

Re-use of existing redundant agricultural buildings for a dwelling house

The Government has studied responses to previous consultations where it was suggested that more scope for re-use should be allowed.

The Government has recognised that what would be an acceptable change of use needs to be carefully defined. The Government wants to avoid high-impact development occurring without the opportunity for local consideration and to balance any reduction in the flexibility already afforded to farm businesses against new freedoms. It is also important to avoid creating the opportunity for over development.

As a change to a dwelling house is likely to need some external alterations it is recognised that for the permitted development to be effective it should also include provision for some limited physical development.

Specifically, in framing a new permitted development right for an agricultural building to change to residential use (C3) with the associated physical development to allow conversion, it is proposed that the right would:

- allow up to 3 additional dwelling houses (which includes flats) to be converted on an agricultural unit which existed at the time that the intention to consult was announced in the Budget Statement of 20 March 2013.
- have an upper threshold of 150m² for a single dwelling house;
- enable the physical development necessary to allow for the conversion, and where appropriate the demolition and rebuild, of the property on the same footprint;
- include prior approval for siting and design to ensure physical development complies with local plan policies on design, materials and outlook;

- include prior approval for transport and highways impact, noise impact, contamination and flooding risks to ensure that change of use takes place only in sustainable locations;
- apply to agricultural buildings constructed prior to announcement of the proposal to consult in the Budget Statement of 20 March 2013;
- apply in article 1(5) land as set out in the General Permitted Development Order (i.e. conservation areas, National Parks, Areas of Outstanding Natural Beauty, the Broads and World Heritage sites).

The existing (less generous) definition of an agricultural unit set out in Part 6 of Schedule 2 to the General Permitted Development Order will be amended to reflect the above proposed changes with the same 3 dwelling house permitted development right. This recognises that the size of the unit does not necessarily relate to the number or suitability of buildings which it would be appropriate to convert.

The existing agricultural permitted development rights set out in Part 6 of Schedule 2 to the General Permitted Development Order allow for the construction of new agricultural buildings or extension of existing agricultural buildings, not including dwelling houses. Therefore it is proposed that in the future an owner will be able to choose to exercise either the existing permitted right to construct a new agricultural building or the new right for conversion of an agricultural building to a dwelling house. Where the new right is exercised the owner will only be able to exercise the permitted development for construction of a new agricultural building once a period of 10 years has elapsed. This recognises that it is only where the agricultural buildings are genuinely redundant that it is appropriate to grant a permitted development right to allow for the change of use. In addition an owner will not be able to exercise the new right if they used the existing permitted development right to construct a new agricultural building on or after this consultation paper was published. This will not prevent planning permission being sought for development during this period.

Question 3

Do you agree there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house (C3) and to carry out building work connected with the change of use?

Supporting working families to find childcare.

Permitted development rights for nurseries will enable providers to respond more quickly to changing market needs and help grow a thriving and competitive child care market. Access to suitable premises that can be quickly converted to nurseries is repeatedly flagged by providers as an issue which limits their ability to be rapidly responsive to growing childcare needs.

The proposal would allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare and carry out limited building works, as allowed for schools under Part 32 of the General Permitted Development Order, connected with the change of use. It is proposed that the permitted development right is applied only to registered early years childcare providers in non-domestic premises. The prior approval requirements in respect of transport and highways impact, noise and contamination risks that are in place for state-funded schools would also be replicated here.

Question 4

Do you agree that there should be permitted development rights, as proposed, to allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare and to carry out building work connected with the change of use?

Clerk's comment; Unless members indicate reasons to object to this then it is suggested that the response is **Yes**

Provision for children in rural areas

The permitted development rights for agricultural buildings to be used for a range of commercial uses came into force on 30 May 2013 however they did not include any changes to support education.

Therefore it is proposed to build on the approach adopted for the agricultural permitted development rights to bring forward provisions for allowing change of use to state-funded schools as well as nurseries providing childcare.

The permitted development will allow for change of use with prior approval where the gross floorspace of the building is less than 500m². This upper threshold would be the same as for the existing permitted development right for agricultural buildings to change to various commercial uses, and will ensure that a number of farm buildings would be able to change their use under these new permitted development rights. The prior approval will cover noise, transport, flooding and contamination. This combines the existing permitted development prior approval requirements for agricultural buildings and schools. It is proposed that operational development should be permitted to the same extent as for agricultural buildings changing use under existing permitted development rights, i.e. a modified form of the operational development rights available under Class B of Part 41 of Schedule 2 to the General Permitted Development Order.

The permitted development right will be available in respect of more than one building on an agricultural unit, provided that the overall size limits are not breached. In recognition of cumulative impact, any proposed changes which take the cumulative size above the 500m² limit would trigger the need for a planning application.

Question 5

Do you agree there should be permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state funded schools or nurseries providing childcare and to carry out building work connected with the change of use?

It is proposed that the following types of development should be excluded from the permitted development right because they raise issues requiring further consideration:

- listed buildings and scheduled monuments;
- buildings within Sites of Special Scientific Interest, safety hazard zones and military explosives storage areas; and
- development where an environmental impact assessment is required.
-

Question 6

Do you have any comments and further evidence on the benefits and impact of our proposals set out in the consultation?

Item 13 Consultation; Kent Downs AONB Management Plan 2014 – 2019.

*Purpose of report: information and if required an agreement on a response. **Closing date for response; 27 September 2013 the full consultation document is available from www.kentdowns.org.uk or the parish office** (e-mail 31/07/13).*

From Gill Bell, Office Manager, Kent Downs AONB. "The draft review of the Management Plan sets out the vision for the future of the Kent Downs AONB landscape, seeks to address key issues and threats and sets out aims, objectives and policies for the positive management of the Kent Downs for the next 20 years. Consultation closes on the 27th September 2013.

The Management Plan is divided into chapters on our website <http://www.kentdowns.org.uk/publications/consultation-on-draft-management-plan-2013>; just turn to the chapters that are the most relevant to you – farmed landscape, biodiversity and vibrant communities etc. If you would prefer a paper copy then please

let me know so that I can print off this for you. You can respond to the consultation via an online questionnaire for each chapter or download a paper version to make comments. You can comment on all the chapters or just the ones most relevant to your Parish Council.

The Management Plan has been prepared by the Kent Downs AONB Unit on behalf of the local authorities with part of the AONB within their boundary.

Your views are critical throughout the review process. Comments on the Plan must be received by 27th September 2013. We look forward to hearing your views."

Clerk's comment: Members are faced with a number of options

- *Do nothing. This would not show support to the KDAONB group and it is important that the organisations can show it has the support of local groups.*
- *Do a general reply to welcome the strategies etc.*
- *Do an in-depth reply, agreed by the committee, to all the sections, however this would be extremely time consuming.*
- *Delegate the responsibility to reply to a councillor and/or Clerk so long as; they keep to an agreed type of response e.g. support and welcome; any additional comments made conform to recent decisions or previous comments made at the Environment Committee for example comments on issues relating to footpaths should be supportive of additional signage, maintenance but might also include a reference to the need to keep motorbikes off of public rights of way.*

Back ground information.

The Kent Downs is an easily accessible and charming landscape; over 1 million people live within a kilometre of the AONB boundary. This revised Management Plan is based on the original plan and its first review. It justifies and details policies and actions for the conservation and enhancement of the Kent Downs AONB. It has been prepared by the Kent Downs AONB Unit and Joint Advisory Committee (JAC) for, and on behalf of, the 12 local authorities that have land within the Kent Downs, thus fulfilling their statutory obligations (Clerk's note; as laid out in The Countryside and Rights of Way Act).

The ultimate goal of the Management Plan remains to ensure that the natural beauty of the landscape and vitality of the communities of the Kent Downs AONB are recognised, valued and strengthened well into the future. The management plan seeks to do this in a way which enhances health and wellbeing and supports much needed sustainable growth and development.

In this plan policies have been divided into control and intent policies, both are critical to ensure the conservation and enhancement of the AONB.

Clerk's comment. The table below gives an example of the type of intervention that the management plan identifies for areas of the AONB.

Policy wording	Intervention proposed
Oppose	The AONB Unit and partnership will engage in the active opposition (for instance to development proposals) or through responses to development control consultations or attending public inquiries.
Resist	The AONB Unit and partnership will provide evidence and support to seek to overcome risks to the qualities and special characteristics of the AONB.
Will and shall	A strong intention for the AONB Unit, partnership and others to achieve the aim/s and objective/s stated in the policy
Expect/ed	AONB Unit, partnership and others will be required to comply with the level of quality and action inferred by the policy and no support or encouragement would be given by the partnership to actions challenging the spirit of the policy.

Pursue	The AONB Local Authorities, wider partnership and Unit will actively seek to ensure that the policy intention is achieved through leading a series of their own interventions, developing policies, actions and development control decisions. This will include seeking resources and support from other agencies.
Support	The AONB Local Authorities, wider partnership and Unit will provide support through policy and development control decisions, influence others, seek resources and occasionally intervene to seek to achieve the policy intention.
Encourage	The AONB Local Authorities, wider partnership and Unit will endorse the actions of others, develop policies and development control decisions and occasionally seek resources and influence to achieve the policy intention.
Maintain	Little or no intervention expected from Local Authorities, partnership or Unit but policies and actions required to prevent negative change will be expected.
Monitor	To seek to understand change in condition of issue.

Item 14 Matters for information. *Purpose of report: information. Members are asked only to discuss the information if there is an urgent or relevant that needs to be made. If members wish more discussion then they must request that the issue be an item on the next agenda (deadlines permitting).*

14.1 Report from Cllr Dengate Asbestos First Objection Meeting

Residents meeting to discuss Asbestos First's recent resubmission of "Change of Use" planning application. Held at a resident's house on the 13/07/13 commencing at 09.30am and lasted just over the hour. There were approximately 20 people that attended. The meeting was chaired by Tracey Crouch MP (Conservative). In addition the following councillors were present:

Cllr David Wildey (Conservative)

Cllr Alan Jarrett (Conservative)

Cllr Tristan Osborne (Labour)

There may possibly have been one/two more councillors however I did manage to catch their names.

A conference call was done with Sarah Jane who is involved in a fight against an asbestos handling plant in Somerset; Tracy Crouch had arranged this, with a view of passing on her experience. This was particularly interesting due to a large water reservoir close at hand. Similarities were drawn with the agricultural land that borders the site in Lords Wood and the potential for wind currents to blow the matter further afield.

The volume of additional traffic through the local area was also discussed and the issue with road crossing points.

The proximity to three local schools, play grounds and local sports amenities.

The reputation of the owner was brought into question based on her comments at the recent public hearing that was held at Bridgewood Manor hotel and her subsequent ability to adhere to the strict handling requirements set down by the Environment Agency.

The "need" for such a facility was also questioned based on other organisations that exist in more suitable areas, i.e. non-residential both by residential and local business.

Fly tipping of hazardous materials if the site was to be permitted was also discussed.

Tracey Crouch offered to produce a flyer with the help of one of the residents that will be distributed to the local residents.

The number of objections Medway Council receive will likely decide the outcome, therefore everyone was encourage to partake in the writing to Medway Councils Planning.

It was clearly stated that this was not a politically motivated meeting, to that end a group photograph was taken that will appear in the Medway edition of the Kent Messenger, with the headline along the line "All parties unite".

The following FaceBook page will be used to co-ordinate information:

<https://www.facebook.com/LordswoodAgainstAsbestos?fref=ts>

Medway Council Meeting of Medway Council Thursday, 25 July 2013.

Extract from the minutes.

Question. Jane Marsh of Lordswood asked the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett, the following:

Will the Portfolio holder support the Lordswood residents in their campaign to oppose the proposed asbestos transfer station on North Dane Way? If so how? If not why not?

Councillor Jarrett stated that it was not a matter for him as Portfolio Holder for Finance or Deputy Leader of the Council to form a view on this matter, and that it was a matter for Members that decide planning matters to deal with.

However, as Ward Councillor, Councillor Jarrett stated that he could assure the questioner that he was totally opposed to this application and he would do all he could to support the residents of Lordswood and Capstone, in company with Councillor David Wildey, to put forward the best possible argument opposing the transfer station. Councillor Jarrett stated that he believed it was too close to a heavily populated area and he believed there were potential safety issues. He stated that he also believed that there were other facilities in Medway that could cope with this kind of transfer quite adequately

Ms Marsh asked what assurances could Councillor Jarrett give that the IT issues experienced by the Planning Department and the E-petition this week would not be repeated and that all of the details and representations were present, correct and up-to-date.

Councillor Jarrett stated that this was an important point and there had been quite a number of emails on the subject. The matter had been raised with officers who have, he believed, corrected the problems. In terms of an assurance that it would not happen again, it would be a matter for the planners and the departments to ensure there was no repetition and he had raised this matter via an email to the Director, Mr Cooper, to ask him whether in his opinion the consultation process had been compromised because of these lapses and that he looked forward to Mr Cooper's reply in due course.

14.2 Medway Council Meeting of Medway Council Thursday, 25 July 2013.

Extract from the minutes.

Councillor Osborne asked the Leader of the Council, Councillor Rodney Chambers, the following:

Given the £27m spent on the Core Strategy document which has now been flatly rejected; will you now give categorical and unambiguous assurances to the people of Lordswood, Capstone, Walderslade, Chatham and Medway that there will be no construction of homes on the Capstone Valley under a Medway Conservative administration?

Councillor Chambers stated that Councillor Osborne would be aware from the Leader's Report that Medway Council had not spent £27m on the Core Strategy document and nor had that Strategy been flatly rejected. He stated that he could only assume that Councillor Osborne was referring to the fact that the Labour Government had invested £25m in the Lodge Hill site. Otherwise the Council had expended around £1m on the current Core Strategy and around £1m on the earlier document. The Council submitted a sound Core Strategy for examination in February last year. All the issues around Lodge Hill and nightingales only arose after a first round of public hearings and the Council had now written to the inspector requesting her to keep the examination open until Natural England had completed its consideration as to whether a SSSI was justified at Lodge Hill – or not. The Council's evidence was that it was not. Councillor Chambers stated that he could give a categorical assurance to all residents of Medway that this

administration would always resist development in the Capstone Valley and other green designated areas that were at present subject to predatory developers. Councillor Osborne stated that given Medway Magna had a long history of lobbying and the simple fact that this had been rejected, could Councillor Chambers give a categorical assurance that Capstone Valley would not be developed in the future? Councillor Chambers stated that he could give a categorical assurance that as long as there was a Conservative administration here in Medway, Capstone Valley would not be developed.

Clerk's note: I feel that I should point out that the above remark is factually incorrect, he may have meant it as a political statement but ultimately it is the independent Planning Inspectorate that makes the final decisions as highlighted in the fact that it over ruled Medway on Lodge Hill.

14.3 Developments on onshore wind turbines and solar farms. DCLG has just published Planning Guidance on this which confirms that the need for renewable energy does not automatically override local environmental and heritage protections and the concerns of local communities. The guidance can be accessed via the following link: <https://www.gov.uk/government/news/greater-community-say-on-wind-turbines-and-solar-farms>

DCLG has also published Planning Guidance on shale gas, which can be accessed by the following link: <https://www.gov.uk/government/speeches/local-planning-and-shale-gas>.

14.4 Changes to Permitted Development Legislation; summary on the changes for industrial and commercial units.

Members recently received a summary, relating to residential dwellings, on the changes brought about by the 2013 No. 1101 TOWN AND COUNTRY PLANNING, ENGLAND. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (copy available from the office or from the internet (www.communities.gov.uk)).

The following summary deals with the business/ economic section of the legislation. Issues that are of the most interest to the parish council are highlighted below. Most of the changes (permitted in the three year relaxation period) are subject to conditions and where it is thought helpful these are marked as follows included.

** conditions indicates the following restrictions on the permitted development;

Before beginning the development, the developer shall apply to the local planning

authority for a determination as to whether the prior approval of the local planning authority will be required as to—

(i) transport and highways impacts of the development;

(ii) noise impacts of the development; and

(iii) contamination risks on the site,

++ condition indicates that development is not permitted if the building is a listed building or a scheduled monument.

Changes include:

Class J – dwelling house (class C3) to Offices (class B1a). Development is not permitted if there is no previous history of the dwelling ever being an office. **conditions. ++condition.

Class K - Permitted Development. A change of use of a building and any land within its curtilage to use as a state-funded school, from a use falling within Classes B1 (business), C1 (hotels), C2 (residential institutions), C2A (secure residential institutions) and D2 (assembly and leisure) of the Schedule to the Use Classes Order. **conditions. ++condition.

Class M - Permitted development. . Development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business),

Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order. Development is not permitted by Class M if; the building has not been solely in agricultural use since 3rd July 2012; or for buildings first brought into use after 3rd July 2012, for ten years; the cumulative floor space of buildings which have changed use under Class M within an original agricultural unit exceeds 500 square metres;

Allowing schools to build a higher boundary fence or wall adjacent to a highway provided it does not create an obstruction which is likely to be a danger for highway users.

Increase in the size of floor space in business premises which may change use from use classes B1 or B2¹ to use class B8, or from use classes B2 or B8 to use class B1, from 235 square metres to 500 square metres.

New Class K into Part 3 (changes of use). This new permitted development right enables various types of building to change use to use as a state-funded school. **conditions.

New Class M into Part 3 (changes of use). This new permitted development right allows existing agricultural buildings to change use to a flexible use falling within use class A1, A2, A3, B1, B8, C1 or D2. To qualify the building must have been in agricultural use since 3rd July 2012 or if the use began later than that date, for a period of at least 10 years. No more than 500 square metres of floor space in the building can be converted to a new use under the new right. Before beginning the development the person relying on the right must notify the local planning authority. **conditions.

New permitted development right allowing any building within use classes A1, A2, A3, A4, A5, B1, D1 and D2 to change to a flexible use falling within either use class A1, A2, A3 or B1. The new use may only be for a single continuous period of up to 2 years. The change of use may only relate to a floor space of no more than 150 square metres.

Increase the permitted development right to erect, extend or alter industrial and warehouse premises from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres. The new permitted development right is temporary and will expire on 30th May 2016.

New rights in relation to developments by electronic communications code operators; the construction, installation or replacement of telegraph poles, cabinets or lines for fixed-line broadband services will not require prior approval for a 5 year period. Development must be completed before 30th May 2018.

Right to extend or alter an office building from 25% of gross floor space or 50 square metres (whichever is the lesser) to 50% or 100 square metres. The new permitted development right is temporary and will expire on 30th May 2016.

Right to extend or alter a shop, catering, professional or financial services establishment from 25% of gross floor space or 50 square metres (whichever is the lesser) to 50% or 100 square metres. The new permitted development right is temporary and will expire on 30th May 2016. The exclusion of development within 2 metres of the boundary of the curtilage is removed during the same period except in relation to premises which adjoin land or buildings in residential use.

14.5 Member Planning Training 22nd August 2013

Given in the Town Hall by Peter Hockney (enforcement) and Rob Jarman (Planning)

¹ Schedule to the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) ("the Use Classes Order")

Enforcement. PH gave a report on the matter of Enforcement which basically covered the following aspects.

It deals with breaches of planning control; where building work has been carried out without permission; where conditions are not being complied with and where the use of a building or land is changed without planning permission. Investigation is mandatory.

It is discretionary but it is used to manage development. Other than in respect to works to a listed building, the felling of trees covered by a TPO or the display of a sign or advertisement, it is NOT illegal to carry out works without the benefit of planning permission.

Expediency depends on degree of harm, can a solution be negotiated, or can other legislation be used.

Enforcement should be used to remedy a situation rather than to punish the person carrying out the breach.

Enforcement objectives are to fully investigate breaches of planning control and only to be taken when significant harm is being caused.

Type of enforcement action taken should be commensurate with the harm. Complaints to be prioritised, and to be fair, and applied equitably and operate efficiently and effectively.

The Council must pay due regard to the Development Plan Policies in force.

88% are dealt with in the first 21 days. The rest are usually dealt with in 28 days.

The time limit for buildings is 4 years; other usage is 10 years.

The main enforcement powers are :- Enforcement Notices (EN) Stop Notices (SN) Temporary Stop Notices (TSN) Breach of Condition Notices (BCN) Injunctions. SN can be immediate TSN max of 28 days

Summary

Enforcement is discretionary but is regularly required to monitor development.

Decisions must be based on identified planning harm.

Harm may not be significant and therefore enforcement not taken.

Test of reasonableness is the key factor when considering enforcement action.

S106's

3 tests

1. Necessary to make the development acceptable in planning terms
2. Directly related to the development
3. Fairly and reasonably related in scale and kind to the development.

Major difference between S106 and CIL is that the purpose of planning obligations should be to seek only essential financial contributions to allow the granting of planning permission rather than more general infrastructure contributions which are better suited to use the new Community Infrastructure Levy (CIL)

Can be used to restrict the development or use of the land in a specified way, require specific operations or activities to be carried out on the land.

Mitigate the impact of new developments upon existing community facilities.

CIL

Introduced on 6th April 2010 – perhaps interesting that we are now 3 years down the line and the earliest it is likely, we were informed, to be introduced in Maidstone is 2015.

New charge for LA's to levy on most types of new development in their areas to secure funding for vital new infrastructure.

LA's are required to spend CIL revenues on the infrastructure needed to support the development of their area and it will be for LA's to determine the rates of CIL that will operate in their area, which they will publish.

CIL will NOT be charged on Affordable Housing.

The council is in the process of establishing a CIL charging schedule for consultation which we were informed will be taking place this autumn.

This should then go forward toward adoption with the Local Plan in 2015

Cllr Bob and Wendy Hinder.