

CABINET

Minutes of the meeting held on 17 December 2020 at 5.30 pm in Online Viewing Only.

Present: Councillor Rick Everitt (Chairman); Councillors Whitehead, Albon and Yates

In Attendance: Councillors Ashbee, Bailey, J Bayford, R Bayford, Garner, Pugh and D Saunders

696. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Duckworth.

697. DECLARATIONS OF INTEREST

There were no declarations of interest.

698. MINUTES OF PREVIOUS MEETING

Councillor Everitt proposed, and Councillor Albon seconded and Members agreed the minutes as a correct record of the meeting held on 19 November 2020.

699. PARK AVENUE, BROADSTAIRS PETITION

Members were advised that since the work took place on the Park Avenue tree site in question at the end of February and the beginning of March this year, officers in the Planning Enforcement team had conducted an investigation into the enforcement complaints that had been received. The Council's Planning Enforcement protocol outlines that on receiving a complaint, the Council would need to establish whether a breach of planning control had taken place, and seek to resolve the matter without formal action where possible. Following the conclusion of investigations, the Enforcement team would decide whether or not to take formal action. In all cases, the Council would seek to use the most effective power available to remedy a breach of planning control.

In this instance, the reported breach was considered a high priority case, as it related to the loss of protected trees. Officers determined that of the trees that were felled, that on the balance of probabilities when considering the information available, 12 trees had been removed which were protected by virtue of the 1956 and 1985 orders. Officers have been unable to resolve the matter without formal action and the trees felled under the TPO order have not been replanted at the earliest opportunity. They had taken external legal advice and the action they took in resolving this matter was appropriate.

Therefore the Council served a tree replacement notice on the owner of the site requiring 12 trees of specific species to be replanted on the site by the 31st March 2021. The notice would be effective from 30 December 2020 and the owner would be able to appeal the notice to the Planning Inspectorate if an appeal was submitted before this date. Members were further advised that the designation of the site as open space, with development precluded, (as requested by the petitioners) could not be made by Cabinet but rather through the Local Plan process.

The following Members spoke under Council Procedure Rule 20.1:

Councillor Garner;
Councillor David Saunders;
Councillor Bailey.

Councillor Everitt proposed, Councillor Albon seconded and Cabinet agreed to:

1. Note the on-going enforcement action when considering the petition in relation to the felling of trees on a site in Viking Ward, Broadstairs;
2. Include the consideration of open space and green infrastructure in the district within the Local Plan review, in accordance with the recommendations of the separate Cabinet report, (that was considered at this Cabinet meeting), relating to the scope of the Local Plan Update.

700. LOCAL PLAN REVIEW AND UPDATE & LOCAL DEVELOPMENT SCHEME (LOCAL PLAN WORK PROGRAMME)

Members acknowledged that every local planning authority has to “prepare and maintain” a work programme for its Local Plan-related work, which is the Local Development Scheme (LDS). This is a requirement under the Planning & Compulsory Purchase Act 2004. In January 2019, the Secretary of State (SoS) issued a direction to the Council in relation to the Local Plan. Part of the direction was to amend the Council’s Local Development Scheme (LDS), to provide for the completion of a review of the Local Plan within six months of its adoption. This was also a recommendation of the Local Plan Inspectors.

The Local Plan was adopted on 9 July 2020, which meant that the review should be completed by January 2021, with a new LDS published. The review entails assessing whether a Local Plan needs to be updated, and if so, what the scope of that update should be. This assessment had been taking place over the last few months and this would be followed by a substantive updating the Local Plan. This would include carrying out the whole process from evidence gathering and engagement and consultation, right through to the Examination and adoption of a new Plan.

During the last few months, a Cabinet Advisory Group with a cross party membership had been considering the scope of the Local Plan update and identifying local issues that need to be addressed in the update of the Plan. The advisory group made some recommendations to Cabinet through this report before Members.

Cabinet also considered other elements of the local planning policy to determine whether they needed updating as well. Subsequent work to come out this decision would be a consideration of planning matters that were not addressed at the previous Examination of the Local plan. These included Manston Airport, Gypsy and Traveller accommodation. The work would also reflect changes in Government policy in relation to climate change and the Council’s declaration of a climate emergency.

The following Members spoke under Council Procedure Rule 20.1:

Councillor Garner;
Councillor Pugh;
Councillor Ashbee.

Councillor Everitt proposed, Councillor Yates seconded and Cabinet agreed the proposals for the new Local Development Scheme.

Meeting concluded: 5.59 pm