

**Council 23 September 2015 - Questions submitted by Members**

Question No.	Question from:	Question:	Question to:	Service area:
1	Cllr Roger Truelove	He will be aware of the widespread concern in Sittingbourne at the continuing derelict state of the site at the north end of Bell Road. I realise we are in others' hands, but will he tell the Council, in detail, what efforts have been made by his administration in this calendar year to facilitate a better land use of this site?	Cabinet Member for Regeneration	Pete Raine/ Regeneration
<p><b>Response:</b> In this calendar year the planning officer has had several off-the-record conversations with an agent for the administrator and one conversation with a prospective developer. During these exchanges the planning officer emphasised that the Council was positive about engaging with prospective developers and others to secure the re-development of this important site at the earliest opportunity.</p>				
2	Cllr Ghlin Whelan	Bearing in mind that it is now some three years since Planning permission was given for some 150 houses and green space backing onto Charlotte Street( in the same application that approved the building of Morrison's Store) can we hear what exactly has been done to progress the eradication of this "bombsite" and what he proposes to do in the immediate future?	Cabinet Member for Regeneration	Pete Raine/ Regeneration
<p><b>Response:</b> A S73 application has been received for a variation to condition 39 of the outline the planning application; the detail of this will be discussed by the Planning Committee on 24 September 2015.</p> <p>Although no public objections have been received, and only one other helpful comment from the Swale Footpaths Group which is already accommodated, Cllr Whelan will know that it will be put to Planning Committee tomorrow evening at his request as ward member. I therefore do not think that this Council should discuss in further detail tonight since Planning Committee will be doing so tomorrow.</p> <p>The only other matter holding up development has been the finalisation of the S106 agreement. I am pleased to be able to report that this has now been agreed in principle, with the details of what is hoped to be the final draft to be reviewed by the developer.</p>				

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3	Cllr Ghlin Whelan	I was recently advised, at full Council, that we would be informed of the identity of the Cinema Operator at the end of August. This will enable the Sittingbourne Town Centre Regeneration to commence. Is the portfolio holder able to give us this information or are we to anticipate further delays to the programme?	Cabinet Member for Regeneration	Pete Raine/ Regeneration
<p><b>Response:</b> The minutes of the last Council meeting do not state a firm date that the Cinema operator would be identified; nor do I remember giving that assurance. However, I am happy to tell members that Heads of Terms was agreed with a major cinema operator on September 11. Their identity must remain confidential until a formal Agreement to Lease has been signed, but lawyers have been instructed and that work is progressing.</p>				
4	Cllr Roger Truelove	As you will know Sittingbourne High Street does not have the drainage capacity to always cope with surface water. A feasibility study has been initiated to adopt a "Resilient High Street Scheme" which would use biodiversity to reduce surface water and improve the built environment. This scheme can only work as a partnership. I know Swale Borough Council officers have been involved. How enthusiastic is this Council about this innovative plan?	Cabinet Member for Environmental and Rural Affairs	Pete Raine/ Regeneration
<p><b>Response:</b> The Council is working with KCC on this project. We have contributed to both the brief for the project, and the selection process for the consultants. We have also attended an inception meeting with KCC and with the consultants chosen for the project. It is the Council's understanding that survey work of underground services is currently being undertaken.</p> <p>In principle the Council is enthusiastic about this project for Sittingbourne High Street, which is at this stage a design and consultation exercise. Further work on the project, and the costs associated with it, including the costs of ongoing maintenance, will progress at a later date following this initial stage. It is our understanding that KCC will be seeking external funding to implement the scheme.</p>				
5	Cllr Alan Horton	Can the Cabinet Member for Regeneration comment on the closure on the United Reform Church in the High Street and offer his insight into a possible future for this important landmark in the centre of Sittingbourne?	Cabinet Member for Regeneration	Pete Raine/ Regeneration

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<p><b>Response:</b> We have not been formally told that this Church is to close, nor been approached by the Diocese. I cannot therefore comment on its closure. The Church itself is not a listed building, although it stands within the Sittingbourne Conservation area. Any application for change of use or physical change to the building would need to go through due planning process.</p>				
6	Cllr Mike Baldock	Can the Cabinet Member for Planning tell us when Management Plans will be drawn up for those Conservation Areas that currently do not have one, and can he explain what the benefits are of having Management Plans?	Cabinet Member for Planning	James Freeman/ Planning Services
<p><b>Response:</b> The benefit of Conservation Area Management Strategies is that they provide a positive and detailed framework for both plan making and decision taking in the planning process. They offer more detailed guidance than is available in the Local Plan or Neighbourhood Plans, and can reflect the aspirations of Parish Councils for their area, as well as those of local people.</p> <p>25 of Swale's 50 Conservation Areas now have Character Appraisals, which explain the characteristics which make the area special and justify designation. Of those 25, most of the ones produced since 2003 include management strategies. Three more are currently under preparation prompted by the Boughton and Dunkirk Neighbourhood Plan.</p> <p>Many of the Council's remaining Conservation Areas will not be a priority for Conservation Area Management Strategies as they are unlikely to face any significant development pressure. However, where Parishes wish to bring forward development proposals through neighbourhood plans or other means, the Council will work jointly with them to consider whether it would be appropriate to progress such management plans for any conservation areas which may be involved, and ensure they are programmed into Planning Services' work programmes so that adequate support and resources are made available.</p>				
7	Cllr Mick Galvin	When considering a planning application, the Council are mindful of the cost that may be incurred if the applicant has their application refused and takes their case to appeal.  If the appeal is dismissed, are costs awarded to the Council against the appellant?	Cabinet Member for Planning	James Freeman/ Planning Services
<p><b>Response:</b> Where a Local Planning Authority has refused a planning application for a proposal that is not in accordance with the Development Plan Policy, and no material considerations (including national policy) indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the Local Planning Authority for unreasonable refusal of an application.</p>				

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<p>The right of appeal should be exercised by appellants in a reasonable manner. An appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding. This may occur when:</p> <ul style="list-style-type: none"> <li>• the development is clearly not in accordance with the Development Plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise or, where other material considerations are advanced, there is inadequate supporting evidence;</li> <li>• the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site, where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period;</li> <li>• in enforcement and lawful development certificate appeals, the onus of proof on matters of fact is on the appellant. Sometimes it is made plain by a recent appeal decision relating to the same, or a very similar development on the same, or substantially the same site, that development should not be allowed. The appellant is at risk of an award of costs if they persist with an appeal against an Enforcement Notice on the ground that planning permission ought to be granted for the development in question; and</li> <li>• lack of co-operation on any planning obligation.</li> </ul> <p>(NB: this list is not exhaustive).</p>				
8	Cllr Andy Booth	Does the Cabinet Member agree that recreational fishing from boats is an important reason for visiting the Sheppey coast and Barton's Slipway in particular, and is something we want to encourage to further benefit the economy of the Island? Does he recognise the issues with the slipway being unusable because it is regularly covered in shingle from the beach, and will he look into how we might make the area even more welcoming to those wanting to launch craft?	Cabinet Member for Environmental and Rural Affairs	Dave Thomas/ Commissioning and Customer Services
<p><b>Response:</b> Whilst we have no way of measuring the impacts, recreational sea angling is undoubtedly a popular sport, whether on or off-shore. The Sheerness Sea Angling Club founded 2015 (Formally Sheerness Steel Sea Angling Club) has been an established Island club for over thirty years, and provides an opportunity for people to get involved and enjoy the benefits that fishing can bring. I will certainly look into what we can do to make the area more welcoming, and would welcome the member's input.</p>				

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9	Cllr Mike Henderson	What progress have you made in developing a policy and action plan for Swale Borough Council to assist Syrian refugees/ asylum seekers?	Cabinet Member for Housing	Amber Christou/ Housing Services
<p><b>Response:</b> As mentioned in the Leader's statement, the Local Government Association are seeking clarity from Central Government and a commitment for ongoing funding for any support that Borough councils will be required to offer.</p> <p>As more information is received we will work closely with partners and KCC in particular to ensure that everything necessary is in place to support these households. In the meantime, we will direct those offering support to County Council's appropriate teams.</p>				
10	Cllr Mike Henderson	What action have you taken to seek to persuade SBC's highly competent, knowledgeable and effective Conservation Manager from leaving? What progress has been made to seek to recruit someone as good to fill this vital role in the planning process.	Cabinet Member for Planning	James Freeman/ Planning Services
<p><b>Response:</b> As many members will be aware, the Council's Design and Conservation manager for 16 years has decided to leave the Council to work in the private sector. His contribution to the Planning Committee and to the Council over the years has been much appreciated, and I will ensure that the Councillors' expressions of thanks will be passed onto him formally before he leaves the employment of the Council.</p> <p>Interviews have already taken place for his replacement, and I understand there were several high calibre candidates. I may be in a position to announce to the Council who his replacement will be, and when they are likely to start. It is likely that there will be a short period of time between the officer leaving and the replacement being in place. The Head of Planning is organising for Design South East (formerly the Kent Architecture Centre) to provide surgery sessions for planning officers on a two-weekly basis, and to secure the services of specialist temporary agency/consultancy staff should extra capacity be required to handle the current workload.</p>				
11	Cllr Monique Bonney	How much was spent by this Council implementing MKIP Planning Services function; of that how much has been spent rectifying its failure to deliver a satisfactory service; specifically how much has been spent on agency staff to date?	Cabinet Member for Planning	James Freeman/ Planning Services
<p><b>Response:</b> The original business case for the project agreed by the Joint Cabinet meeting in June 2013 was set out over a period of four years from 2013/14 to 2016/17. The table below provides comparison with the project costs as originally set and the actual project costs to date. These additional costs are shared between the three partner authorities.</p>				

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	Forecast Costs (£s)	Actual Costs (£s)
Project Costs	195,700	242,920*
MKIP Project support	20,000	20,000
Forecast revenue costs	785,394	862,853
<b>Total</b>	<b>1,001,094</b>	<b>1,125,773</b>

\* This includes £71,760 consultant fee to provide advice on project and performance recovery.

Whilst the shared service has had to recruit additional temporary staff to deal with the back log of work arising from the problems at the inception of the shared service, plus some ongoing quality issues, this has been balanced by the difficulties in recruiting permanent staff. A significant proportion of overspend related to the recruitment of an interim Head of Shared Planning Support to bring forward the recovery action plan, which is being used as the basis for the latest improvement action plan.

As members will be aware, Tunbridge Wells Borough Council has made an 'in-principle' decision to disaggregate from the shared service operation. A report is to be considered by the Cabinet and a co-located Tri Authority meeting on 5 November 2015, which will also review this Council's position with regard to the shared service.

With regard to agency and consultancy fees, the service has spent £179,409 since 1 June 2014 when the shared service started. These resources were brought in to deal with the backlog of cases arising from the process failures following the inception of the shared service and associated new IT systems, the significant increase in 'major' planning applications received, and to cover for temporary staff vacancies. These additional costs have been met from the increased planning fee income received during 2014/15.

12	Cllr Monique Bonney	The boarded up and disused shops in the Borough's High Streets are an eyesore, particularly in Sittingbourne. What is this Council doing to solve the problem?	Cabinet Member for Regeneration	Pete Raine/ Regeneration
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**Response:** Regarding vacancy rates, the national average town centre vacancy rate is currently around 10% (10.2%, BRC Springboard vacancy Rate Monitor, April 2015). Sittingbourne currently has 17 vacant units, which equates to 11.3%, which is slightly above the average rate.

There are three shops in Sittingbourne High Street which are currently having works carried out, and once these are let/occupied this will

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<p>bring the vacancy rate down to 9.3%, which will be below the national average.</p> <p>A number of the vacant units in Sittingbourne have been vacant for a long period of time. We have on several occasions made approaches to agents to explore possibilities for temporary uses for vacant units, but they have been unwilling to engage.</p> <p>Please let me know if there is any further information you need.</p>				