

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**PLANNING AND TRANSPORTATION ADVISORY BOARD**

**Tuesday, 23rd February, 2010**

**Present:** Cllr M R Rhodes (Chairman), Cllr D W Smith (Vice-Chairman), Cllr A W Allison, Cllr P F Bolt, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr H S Rogers, Cllr A K Sullivan, Cllr D Thornewell and Cllr L A Withey.

Councillors Aikman, Ms Atkinson, Baldock, Balfour, Ms Branson, Cure, Heslop, Mrs Luck and Worrall were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor D Davis.

**PART 1 - PUBLIC**

**PE  
10/001      DECLARATIONS OF INTEREST**

Councillor Worrall declared a personal interest in the item on Strategic Transport Developments as it related to the A21 Dualling Scheme on the grounds of being a non-executive director of the Maidstone and Tunbridge Wells NHS Trust which was lobbying on behalf of the new Pembury Hospital.

**PE  
10/002      MINUTES**

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 18 November 2009 be approved as a correct record and signed by the Chairman.

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**PE  
10/003      MANAGING DEVELOPMENT AND THE ENVIRONMENT DPD -  
INSPECTOR'S REPORT**

The Director of Planning, Transport and Leisure reported receipt of the Inspector's Report into the Examination of the Managing Development and the Environment Development Plan Document (MDE DPD). Members were advised that the Inspector had found the DPD to be sound subject to a few relatively minor changes which needed to be incorporated into the document and adopted by the Council. It was noted that this was the fourth of the Borough Council's DPDs in its Local Development Framework that had been found to be sound and that the Council was one of the first in the country to achieve this degree of progress.

**RECOMMENDED:** That

(1) the Managing Development and the Environment DPD, as recommended to be changed by the Inspector under Appendices 1 and 2 to his report, be adopted by the Council; and

(2) thanks be recorded to Brian Gates, Chief Planner (Policy), and his team for their work on the Local Development Framework.

**\*Referred to Cabinet**

**PE  
10/004**

## **WEATHER CONDITIONS - CAR PARKS AND ADJOINING AREAS**

Consideration was given to the report of the Director of Planning, Transport and Leisure which summarised the Council's current operational winter arrangements in respect of dealing with severe weather conditions in the Council's car parks and adjoining areas and presented options as to how this might be improved in order to minimise the risk associated with such conditions. It was noted that the challenge for the Council was to make a proportionate investment to ensure that the state of preparedness was satisfactory and the report set out a number of general principles to form the basis of the Council's future operational response at times of severe weather conditions.

The detailed List C evaluation of the recommended options, including 'fast tracking' to List A, was set out at the Annex to the report.

**RECOMMENDED:** That

(1) the recommended options listed in the report (purchase of mid-sized grit spreader and 4 x 4 vehicle plus new salt bins and containers) and associated costs be noted and agreed;

(2) the List C evaluation set out in Annex 1 to the report be approved and the scheme be 'fast tracked' to the Capital Plan with immediate effect with funding of £44,000 being reallocated from the 2011/12 annual capital allowance; and

(3) the revenue budget and Medium Term Financial Strategy be updated to reflect the revenue costs of £25,000 for salt supplies and the cost of future asset replacement.

**\*Referred to Cabinet**

**PE  
10/005**

## **STRATEGIC TRANSPORT DEVELOPMENTS**

Decision Notice D100020MEM

The report of the Director of Planning, Transport and Leisure outlined a number of current strategic transport matters of importance to the Borough. Details were given of proposed responses to several consultations and representations made in respect of ongoing issues which had implications for the future of travel in the Borough.

Considerable discussion ensued and officers undertook to collate the additional detailed comments made by Members for incorporation in the final responses to the consultations.

**RECOMMENDED:** That

(1) the observations set out in section 1.2 of and Annex 1 to the report be endorsed as the formal response to the consultation on the Kent Integrated Transport Strategy document subject to inclusion of reference to the adopted Kent Downs AONB Management Plan policies regarding the rural road network;

(2) the range of issues outlined in section 1.3 of the report be approved as representing the Council's views about what needs to be included in the Regional Transport Board's consideration of the London to Dover/Cross Channel Ports DaSTS Study;

(3) a letter be sent to the Highways Agency to register the Council's support for the A21 Dualling Scheme during the current notice period for the Highway Orders and copies be provided to the Regional Transport Board and A21 Reference Group;

(4) the various responses set out at Annex 3 and Annex 6 to the report advocating the continuation of city services on the West Malling/Maidstone East line be endorsed; and

(5) the continuing efforts being made in conjunction with the Rt Hon Sir John Stanley MP in respect of the range of transport matters affecting the Borough and West Kent be supported and endorsed.

**PE  
10/006**

**KCC CONSULTATION ON COMMUNITY INFRASTRUCTURE  
PROVISION AND SERVICE STRATEGIES**

Decision Notice D100021MEM

The report of the Director of Planning, Transport and Leisure gave details of a consultation by Kent County Council on a document intended to inform the preparation of Local Development Framework documents and to contribute to the Development Control process by setting a context for the County Council's 'bids' for developer contributions in respect of a number of services. Endorsement was sought of the officer level comments submitted by the deadline of 20 January 2010 and the report highlighted the balance of competing demands for contributions towards community infrastructure arising from new developments.

**RECOMMENDED:** That Tonbridge and Malling Borough Council supports the principles behind the production of these documents and endorses the general thrust of the conclusions. It will take them into account in determining planning applications.

However it raises the following concerns with regard to the 2009 Document and recommends that further steps of consultation be taken with regard to the 2007 Document so as to improve its credibility:

#### 2009 Document

- It is not clear that the consultation approach adopted will give sufficient weight to the document - for instance have other 'public service providers' and the development industry been directly consulted to allow them to comment upon the approach adopted by KCC?
- The 2009 Document fails to identify specific and clearly costed projects in TMBC area. This makes it very difficult to assess what level of (normally financial) contribution could be justified of a particular proposed development when planning permission is sought.

#### 2007 Document

- Bearing in mind the Inspector's decision in the Sovereign House appeal and the more recent decision in Tunbridge Wells, there is an urgent need to expose the 2007 Document and its formulas to the same (appropriate) nature and level of public consultations as the 2009 Document.

In light of the above Tonbridge and Malling Borough Council cannot endorse either the 2009 Document or 2007 Document for the purposes of full compliance with South East Plan policy CC7 or Tonbridge and Malling Core Strategy policy CP25, in Tonbridge and Malling Borough. The Council will nevertheless give consideration to these documents in its assessment of individual planning applications.

**PE  
10/007**

### **SOVEREIGN HOUSE - DRAFT DESIGN GUIDELINES**

#### Decision Notice D100022MEM

The report of the Director of Planning, Transport and Leisure gave details of responses received in relation to consultation and recommended adoption of the Design Guidelines to assist potential redevelopment of the important Sovereign House site in Tonbridge Town Centre. An update was given at the meeting on a prospective development proposal anticipated by the summer.

**RECOMMENDED:** That the Sovereign House Design Guidelines document be adopted for the purposes of Development Control subject to:

- (1) modification of the wording of the document as identified in paragraphs 1.3.2 and 1.3.3 of the report; and
- (2) the document being updated to reflect the current position and locality as referred to in paragraph 1.2.6 of the report.

**PE  
10/008**

## **PLANNING ENFORCEMENT**

Decision Notice D100023MEM

The report of the Director of Planning, Transport and Leisure made reference to the limitations on the considerations that local planning authorities were able to take into account in deciding whether or not it was expedient to take enforcement action. The report accordingly suggested that representations be made to the Government to improve the powers comprised in the regime for planning enforcement.

### **RECOMMENDED:** That

- (1) a letter be sent to the Department for Communities and Local Government encouraging the introduction of a new offence of carrying out development without the necessary approvals under planning legislation and also a requirement for independent building control operatives to inform the Local Planning Authority of any discrepancies between approved plans and what is happening on the ground;
- (2) the letter be copied to the Planning Shadow spokesmen of the Conservative and Liberal Democrat parties and the Local Government Association, encouraging them to support the approach to Government; and
- (3) the attention of adjoining authorities be drawn to the action taken.

**PE  
10/009**

## **DCLG CONSULTATIONS - DEVELOPMENT CONTROL**

Decision Notice D100024MEM

The report of the Director of Planning, Transport and Leisure updated the position on recent consultation papers and Government responses to comments made by stakeholders following the Killian Pretty review of Development Control. Particular attention was drawn to publicity for planning applications and three further outstanding procedural consultations.

### **RECOMMENDED:** That

- (1) the comments set out in paragraphs 1.2.4 (publicity for planning applications), 1.2.6 and 1.2.7 (improving the use of planning conditions) of the report be communicated to the Government; and
- (2) the letter be copied to the Planning Shadow spokesmen of the Conservative and Liberal Democrat parties.

## **MATTERS SUBMITTED FOR INFORMATION**

**PE  
10/010**

### **REGIONAL AND NATIONAL PLANNING ISSUES**

The Director of Planning, Transport and Leisure updated the Advisory Board on a number of important regional and national planning issues. These included the review of the South East Plan in the form of a Single Regional Strategy, the Examination in Public into the partial review dealing with Gypsies, Travellers and Travelling Showpeople, and progress on the suite of National Policy Statements being prepared by the Government.

**PE  
10/011**

### **DCLG RESEARCH PROJECT: GARDEN DEVELOPMENTS**

The Director of Planning, Transport and Leisure reported on the outcome of research into residential development on gardens in England sponsored by the Department for Communities and Local Government. Details were given of an announcement by the Secretary of State of his intention to revise the definition of 'previously developed land' and emphasising the importance of councils having a local policy in place to deal with the issues. It was noted that the Borough Council was well placed to meet the future in respect of this aspect of planning decision-making by virtue of the work being undertaken on Urban Character Area Assessments.

## **MATTERS FOR CONSIDERATION IN PRIVATE**

**PE  
10/012**

### **EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 2128 hours

# TONBRIDGE & MALLING BOROUGH COUNCIL

## RECORD OF DECISION

Decision Taken By: **CABINET MEMBER FOR  
Planning and Transportation**

Decision No: **D100020MEM**

Date: **23rd February 2010**

### **Decision(s) and Reason(s)**

#### **Strategic Transport Developments**

**(Report of Director of Planning, Transport and Leisure)**

**(Annex 1)**

**(Annex 2)**

**(Annex 3)**

**(Annex 4)**

**(Annex 5)**

**(Annex 6)**

**(Annex 7)**

**The report outlined a number of current strategic transport matters of importance to the Borough. Details were given of proposed responses to several consultations and representations made in respect of ongoing issues which had implications for the future of travel in the Borough.**

**Considerable discussion ensued and officers undertook to collate the additional detailed comments made by Members for incorporation in the final responses to the consultations.**

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Planning and Transportation resolved that:

- 1) the observations set out in section 1.2 of and Annex 1 to the report be endorsed as the formal response to the consultation on the Kent Integrated Transport Strategy document subject to inclusion of reference to the adopted Kent Downs AONB Management Plan policies regarding the rural road network;
- 2) the range of issues outlined in section 1.3 of the report be approved as representing the Council's views about what needs to be included in the Regional Transport Board's consideration of the London to Dover/Cross Channel Ports DaSTS Study;
- 3) a letter be sent to the Highways Agency to register the Council's support for the A21 Dualling Scheme during the current notice period for the Highway Orders and copies be provided to the Regional Transport Board and A21 Reference Group;
- 4) the various responses set out at Annex 3 and Annex 6 to the report advocating the continuation of city services on the West Malling/Maidstone East line be endorsed; and

5) the continuing efforts being made in conjunction with the Rt Hon Sir John Stanley MP in respect of the range of transport matters affecting the Borough and West Kent be supported and endorsed.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 23 February 2010.

[Councillor Worrall declared a personal interest in the A21 Dualling Scheme on the grounds of being a non-executive director of the Maidstone and Tunbridge Wells NHS Trust which was lobbying on behalf of the new Pembury Hospital.]

Signed Cabinet Member for M Balfour  
Planning and  
Transportation:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

**Date of publication:** 26 February 2010

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.



# TONBRIDGE & MALLING BOROUGH COUNCIL

## RECORD OF DECISION

Decision Taken By: **CABINET MEMBER FOR  
Planning and Transportation**

Decision No: **D100021MEM**

Date: **23rd February 2010**

### Decision(s) and Reason(s)

#### **KCC Consultation on Community Infrastructure Provision and Service Strategies**

**(Report of Director of Planning, Transport and Leisure)  
(Annex 1)**

**The report gave details of a consultation by Kent County Council on a document intended to inform the preparation of Local Development Framework documents and to contribute to the Development Control process by setting a context for the County Council's 'bids' for developer contributions in respect of a number of services. Endorsement was sought of the officer level comments submitted by the deadline of 20 January 2010 and the report highlighted the balance of competing demands for contributions towards community infrastructure arising from new developments.**

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Planning and Transportation resolved that:

Tonbridge and Malling Borough Council supports the principles behind the production of these documents and endorses the general thrust of the conclusions. It will take them into account in determining planning applications.

However it raises the following concerns with regard to the 2009 Document and recommends that further steps of consultation be taken with regard to the 2007 Document so as to improve its credibility:

2009 Document

- It is not clear that the consultation approach adopted will give sufficient weight to the document - for instance have other "public service providers" and the development industry been directly consulted to allow them to comment upon the approach adopted by KCC?

- The 2009 Document fails to identify specific and clearly costed projects in TMBC area. This makes it very difficult to assess what level of (normally financial) contribution could be justified of a particular proposed development when planning permission is sought.

2007 Document

- Bearing in mind the Inspector's decision in the Sovereign House appeal and the more recent decision in Tunbridge Wells, there is an urgent need to expose the 2007 Document and its formulas to the same

(appropriate) nature and level of public consultations as the 2009 Document.

In light of the above Tonbridge and Malling Borough Council cannot endorse either the 2009 Document or 2007 Document for the purposes of full compliance with South East Plan policy CC7 or Tonbridge and Malling Core Strategy policy CP25, in Tonbridge and Malling Borough. The Council will nevertheless give consideration to these documents in its assessment of individual planning applications.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 23 February 2010.

Signed Cabinet Member for M Balfour  
Planning and  
Transportation:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

**Date of publication:** 26 February 2010

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

**Decision Taken By: CABINET MEMBER FOR  
Planning and Transportation**

**Decision No: D100022MEM**

**Date: 23rd February 2010**

**Decision(s) and Reason(s)**

**Sovereign House - Draft Design Guidelines**

**(Report of Director of Planning, Transport and Leisure)**

**Further to Decision No D090160MEM, the report gave details of responses received in relation to consultation and recommended adoption of the Design Guidelines to assist potential redevelopment of the important Sovereign House site in Tonbridge Town Centre. An update was given at the meeting on a prospective development proposal anticipated by the summer.**

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Planning and Transportation resolved that the Sovereign House Design Guidelines document be adopted for the purposes of Development Control subject to:

- 1) modification of the wording of the document as identified in paragraphs 1.3.2 and 1.3.3 of the report; and
- 2) the document being updated to reflect the current position and locality as referred to in paragraph 1.2.6 of the report.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 23 February 2010.

Signed Cabinet Member for M Balfour  
Planning and  
Transportation:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

**Date of publication: 26 February 2010**

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

# TONBRIDGE & MALLING BOROUGH COUNCIL

## RECORD OF DECISION

Decision Taken By: **CABINET MEMBER FOR  
Planning and Transportation**

Decision No: **D100023MEM**

Date: **23rd February 2010**

### **Decision(s) and Reason(s)**

#### **Planning Enforcement**

**(Report of Director of Planning, Transport and Leisure)  
(Annex 1)**

**Reference was made to the limitations on the considerations that local planning authorities were able to take into account in deciding whether or not it was expedient to take enforcement action. The report accordingly suggested that representations be made to the Government to improve the powers comprised in the regime for planning enforcement.**

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Planning and Transportation resolved that:

- 1) a letter be sent to the Department for Communities and Local Government encouraging the introduction of a new offence of carrying out development without the necessary approvals under planning legislation and also a requirement for independent building control operatives to inform the Local Planning Authority of any discrepancies between approved plans and what is happening on the ground;
- 2) the letter be copied to the Planning Shadow spokesmen of the Conservative and Liberal Democrat parties and the Local Government Association, encouraging them to support the approach to Government; and
- 3) the attention of adjoining authorities be drawn to the action taken.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 23 February 2010.

Signed Cabinet Member for M Balfour  
Planning and  
Transportation:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

**Date of publication:** 26 February 2010

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

# TONBRIDGE & MALLING BOROUGH COUNCIL

## RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR  
Planning and Transportation**

**Decision No: D100024MEM**

**Date: 23rd February 2010**

### **Decision(s) and Reason(s)**

#### **DCLG Consultations - Development Control**

#### **(Report of Director of Planning, Transport and Leisure)**

**The report updated the position on recent consultation papers and Government responses to comments made by stakeholders following the Killian Pretty review of Development Control. Particular attention was drawn to publicity for planning applications and three further outstanding procedural consultations.**

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Planning and Transportation resolved that:

- 1) the comments set out in paragraphs 1.2.4 (publicity for planning applications), 1.2.6 and 1.2.7 (improving the use of planning conditions) of the report be communicated to the Government; and
- 2) the letter be copied to the Planning Shadow spokesmen of the Conservative and Liberal Democrat parties.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 23 February 2010.

Signed Cabinet Member for M Balfour  
Planning and  
Transportation:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

**Date of publication: 26 February 2010**

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.