

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

23 February 2010

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 DCLG CONSULTATIONS – DEVELOPMENT CONTROL

To report recent consultation papers and Government responses to comments made by stakeholders. Where appropriate to recommend responses to Government on outstanding consultations.

1.1 Introduction

1.1.1 Members will no doubt recall the wider range of initiatives that the Government has published following the Killian Pretty review of Development Control. The latest manifestations the proposed procedural measures are described below. Other recent consultations involve proposed changes to the Permitted Development regime.

1.1.2 It is clearly difficult to predict the likely future outcome of these consultations given the forthcoming General Election but given the intention to speed-up the development control process it is quite possible that some of the ideas will continue to have some currency.

1.2 The proposals

1.2.1 A recent consultation concerned publicity for planning applications and the Government's response thereto has recently been published.

1.2.2 There are 3 key outstanding procedural consultations. They are each quite complex in their own way but in most respects are of limited interest. However each raises some questions that deserve a response to Government.

Publicity for planning applications

1.2.3 This recent consultation has led to three positions taken by Government;

- To align Listed Building publicity to the timetables for other applications

- To require Local Planning Authorities to publicise information (planning decisions on their website, for example, which we do in a variety of forms already)
- To not abandon the need to publicise some forms of applications in local newspapers.

1.2.4 This last decision is most disappointing as the cost of such publicity is high (our budget is some £40,000 for 2009/2010 and so nationally this is a major call on public expenditure). In our analysis of representations received we endeavour to establish which mode of consultation has alerted the writer to the case. We do not perceive a significant number deriving from Press Notices. Bearing in mind that most Authorities now have well developed alternative means of publicity this decision seems at odds with the thrust for efficiency. The Government's view seems to be driven as much by the economics of local newspapers as it does by not wishing to constrict publicity. In a time when the Government is encouraging both stringent budgetary control and the enhancement of e-government, I believe that they should be asked to reconsider this decision.

Improving the use of planning conditions

- 1.2.5 The majority of the proposed changes are unexceptionable and some, such as the suggestion for a formal structuring of Decision Notices, are useful.
- 1.2.6 There are suggestions that should be positively encouraged, in particular the option for a condition that would require the completion of a S106 Obligation before the permission can be implemented. This should be encouraged as one means of improving speed in decision making.
- 1.2.7 However, things would be made even simpler if the primary legislation were to be altered to allow planning conditions to require encashed development contributions, but only where the local planning authority has up to date policies that control such matters.

Improving engagement with statutory and no-statutory consultees

- 1.2.8 There is no proposal to extend or reduce the list of statutory consultees, but there is a desire to extend the use of e-consultation.
- 1.2.9 In the interest of speedy decision making the paper is quite clear that Authorities should not hold-up a decision to await the views of a consultee. It is also proposed that consultees should make the strength of their views clear, usually by choosing to articulate that a view falls within the following categories:
- A fundamental concern,
 - A substantive concern or

- A material concern.

1.2.10 I perceive no need to respond to this consultation.

Development management – pre-application to delivery

1.2.11 This paper concerns the Government's desire to develop a "cradle to grave" approach to managing the development process through the planning system. This is, in itself, a laudable aim and I feel that this Council can show good actions in such areas, especially in its Validation Guidance Note as agreed through Kent Development Control Officers' Group. I do not see the need to engage in this matter at the moment but this is likely to become a key issue after the General Election when the then Government's aspirations will be come clearer.

1.3 Legal Implications

1.3.1 None

1.4 Financial and Value for Money Considerations

1.4.1 None unless/until the need to advertise planning applications is confirmed as abandoned or a new development management system is defined and costed by Government.

1.5 Risk Assessment

1.5.1 None

1.6 Recommendations

1.6.1 **I RECOMMEND** that the comments set out in paragraphs 1.2.4, 1.2.6 and 1.2.7 are communicated to Government.

The Director of Planning Transport and Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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