

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**22 February 2011**

**Report of the Director of Planning, Transport and Leisure**

**Part 1- Public**

**Matters for Information**

**1 DEVELOPMENT CONTROL BUSINESS UPDATE**

**This report provides Members with a picture of Development Control casework, appeal performance and fee income, at the current time and in the recent past.**

**1.1 Introduction**

1.1.1 As Members will be aware Local Government has seen many far reaching proposals for change since the election of the Coalition Government in May last year. This is particularly so in the world of town and country planning and recent reports to Cabinet in December and elsewhere on this agenda focus on some aspects of anticipated change. The Localism Bill is being considered by Parliament and is currently just beginning its Standing Committee phase. As Members might imagine the various and many potential changes arising from the Localism Bill have consumed much thinking by senior staff both in terms of our professional functions and also in terms of assessing the implications for the Council. This rather febrile atmosphere could easily lead to the assumption that normal life has rather slowed-down in favour of new ideas especially in light of the uncertain state of the economy.

1.1.2 Nothing could be further from the truth and in a Borough where we have habitually delivered more housing and affordable housing than the Growth Areas or Growth Point in Kent I felt it right to give Members a continuing picture of work that in particular the Development Control Section is dealing with.

**1.2 Casework**

1.2.1 Each of the three Area Teams is dealing with a wide range of casework and even those cases which are, in effect, seeking renewal of permission given over the last few years are themselves having to be reviewed in light of the changes of national policy in particular that has emerged in the interim period (by both the current and the previous Governments).

- 1.2.2 Even in cases that Committees have approved over the last months there is outstanding work in negotiating the finalised versions of legal agreements to ensure that the most up-to date assessment of the securing of development contributions, including affordable housing and leisure provision, is embodied in a developers legal obligations. Once the Committee has agreed to grant a planning permission in principle there is still a lot of work to be done by my staff, colleagues in legal and other services and also our professional development advisors, before that decision can be issued.
- 1.2.3 The appeal process is also a very time consuming element of the work of the Development Control Section in the background to casework where an application for planning permission has been refused.
- 1.2.4 A selection of large or high impact schemes that are ongoing is set out below (in no particular priority order). There are, of course, very many much smaller schemes and many of those will also demand a significant element of staff time because often a small house extension will have so much “perceived” impact on a third party that it is actually of more concern than some much larger schemes. Of course, an application by a neighbour may be a third party’s one and only experience of the planning system and thus proportionately my staff often have to devote more time to these cases than other much larger projects.
- 1.2.5 I mention these latter types of case specifically because the Coalition Government appears to have an appetite for reducing the day to day control over smaller cases by its encouragement of the use of Neighbourhood Development Orders to allow a much wider range of development to take place in neighbourhoods without the need for a planning application. We feel that they Government may be overestimating the willingness of any one neighbourhood to adopt such a flexible and positive approach in its area when our experience is to the contrary. We will await the response to this opportunity should this part of the Localism Bill remain in place at Royal Assent.
- 1.2.6 An example range of large or complex live or recent cases, which reflect the casework profile described above, is set out below:
- Housing redevelopment - Mill Yard Swan Street West Malling
  - Travelling Showmen - Castle Way Leybourne
  - Hotel and Listed building refurbishment - Blue Bell Inn East Peckham
  - Housing - MOD Land South Of Discovery Drive Kings Hill West Malling
  - Housing - Area F1 Discovery Drive Kings Hill West Malling
  - Residential and Listed Building works - Yaldham Manor, Wrotham
  - Major Retail development - Land Adjoining Asda Supermarket Alexander Grove Kings Hill
  - Residential - Queen Street Kings Hill West Malling
  - Residential - Land North West Of The Spitfire Off Alexander Grove Kings Hill West Malling

- Major Leisure and sports area – Heath Farm, Kings Hill
- Commercial use - Control Tower Kings Hill West
- Strategic Residential site - Leybourne Grange Hospital
- Enforcement notice appeals (multiple) - The Hop Farm Country Park
- Golf course re-formation - Oast Park Golf Club Malling Road Snodland
- Station Lodge & Station Car Park Station Approach West Malling
- Pyrolysis plant - Blaise Farm Quarry Kings Hill
- Residential - Ryarsh Park, Ryarsh
- Strategic Residential site - Isles Quarry West
- Hotel/leisure – London Golf Course, Stanstead
- Residential – Oakwood poultry Farm, Stanstead
- Residential – Holborough Valley, Snodland
- Polytunnels – West Peckham, Mereworth and adjoining areas
- Warehouse/depot – Ditton/Larkfield
- Residential - Station Road, Aylesford
- Residential – East Malling Research Station
- Residential – Ashby’s Yard Tonbridge
- Residential/education – The River Centre, Tonbridge
- Residential – Sovereign House, Tonbridge
- Residential – Cannon Lane, Tonbridge
- Residential – 1 to 3 Bank Street Tonbridge
- Residential – 180 High Street

1.2.7 There are also ongoing discussions on a wide range of other potential development sites that are likely to come forward shortly, such as redevelopment at Preston Hall, and more speculative issues such as the prospect of development at Buckmore Park.

1.2.8 I hope that this list gives some idea of the more significant cases recently or currently in the Section at present and impacting on the day-to-day working position. The smaller, mostly domestic, cases also continue to draw heavily on our resources, as do the appeals that caseworkers must deal with. Needless to say there is a further caseload that is dealt with by our Enforcement Team and members will be aware of several high profile cases that are currently running. All of this casework could not progress without the Development Control Administration team carrying out the necessary and crucial administrative processing, which has inevitably become more complex over time.

### 1.3 Appeals

1.3.1 The Service has dealt with a significant number of appeals over the last few years but none which have led to large scale Public Inquiries, other than the case of the unauthorised caravans in Wateringbury. In that case there is an *outstanding and*

*unresolved* High Court appeal by the appellant against the Inspector's decision to refuse planning permission.

1.3.2 The case load is as follows:

<b>Year</b>	<b>Total appeals</b>	<b>%age allowed</b>
2008	65	17
2009	40	32.5
2010	46	24

1.3.3 There is no perceptible pattern behind the decisions that may suggest that the Planning Inspectors are adopting new approaches. It is gratifying that the performance improved again in 2010 with the proportion of appeals lost well below (better than) the target set by Government.

#### **1.4 Fee income**

1.4.1 Inevitably the flow of fee income is not within the control of the Council since the fee rates are currently set at national level and the range and nature of planning applications submitted is determined by external factors, most notably the state of the economy.

<b>year</b>	<b>application fee income</b>
2008	553144
2009	421145
2010	494617

1.4.2 As Members will be aware the government proposes that, subject to the publication of new Regulations, local authorities set their own fee rates. We are currently working with colleagues in Financial Services to develop a draft set of fees and we will report on this in due course.

#### **1.5 Legal Implications**

1.5.1 There are none ongoing from this report.

#### **1.6 Financial and Value for Money Considerations**

1.6.1 There is a quite separate background study with regard to the Government's intention to introduce the local determination of planning application fees to cover the cost of applications processing.

## **1.7 Risk Assessment**

- 1.7.1 Our challenge, and therefore risk, is to manage the many facets of the Planning Service and to provide a high level of customer service to our local residents, communities, businesses and the development sector. The uncertain level of austerity and the potential for change in the system is part of that risk. We have for some time now been carefully managing our staff resources to suit changing needs and to reflect business volume and activity.

## **1.8 FOR MEMBERS TO NOTE**

Background papers:

contact: Lindsay Pearson

Nil

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