

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

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18 July 2016

To: MEMBERS OF THE PLANNING AND TRANSPORTATION ADVISORY BOARD

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Planning and Transportation Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 26th July, 2016 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

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To confirm as a correct record the Notes of the meeting of the Planning and Transportation Advisory Board held on 5 July 2016

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**PART 2 - PRIVATE**

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr D A S Davis (Chairman)  
Cllr T Edmondston-Low (Vice-Chairman)

Cllr M A C Balfour  
Cllr Mrs S M Barker  
Cllr P F Bolt  
Cllr V M C Branson  
Cllr M O Davis  
Cllr B T M Elks  
Cllr Mrs S M Hall

Cllr Mrs F A Kemp  
Cllr R D Lancaster  
Cllr M Parry-Waller  
Cllr S C Perry  
Cllr R V Roud  
Cllr A K Sullivan  
Cllr M Taylor

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Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 5th July, 2016

**Present:** Cllr D A S Davis (Chairman), Cllr T Edmondston-Low (Vice-Chairman), Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr P F Bolt, Cllr V M C Branson, Cllr M O Davis, Cllr Mrs S M Hall, Cllr Mrs F A Kemp, Cllr M Parry-Waller, Cllr S C Perry, Cllr R V Roud, Cllr A K Sullivan and Cllr M Taylor

Councillors Mrs J A Anderson, O C Baldock, R P Betts, T Bishop, M A Coffin, D J Cure, Mrs T Dean, N J Heslop, Mrs S L Luck, P J Montague, Mrs A S Oakley and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor R D Lancaster

#### **PE 16/10 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct. However, Councillor M Balfour indicated that he was the Cabinet Member for Environment and Transport at Kent County Council. Councillor M Davis advised of a potential interest in that his legal firm acted for a number of landowners in the Borough but as this did not amount to either a Disclosable Pecuniary Interest or an Other Significant Interest in the circumstances of this report, he did not withdraw from the meeting.

#### **PE 16/11 MINUTES**

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 12 January 2016 be approved as a correct record and signed by the Chairman.

#### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **PE 16/12 LOCAL PLAN - THE WAY FORWARD**

The report of the Director of Planning, Housing and Environmental Health provided an update on progress towards completing the Local Plan evidence base and set out proposals and arrangements for the Local Plan Regulation 18 public consultations to commence in September together with emerging development strategies.

Consideration was given to the draft document comprising the Regulation 18 consultations and entitled "The Local Plan – The Way Forward" which would form the focus of the public consultation. It was noted that it would be refined and updated if necessary by evidence yet

to be completed prior to seeking the approval of the Cabinet on 6 September 2016. Two supporting documents relating to Sustainability Appraisal and Habitat Regulations Assessment were appended to the report and would also be subject to public consultation.

Considerable discussion ensued with Members complimenting the officers on the quality of the document while requesting its simplification for the purposes of the public consultation and suggesting some changes to the format including creation of an executive summary at the front of the document, provision of clear, large scale maps, definition of who the consultation was aimed at and explanation of such terms as “sustainability” and “sensitivity testing”.

Members commented and sought information and clarification on a range of issues including provision of affordable houses for rent, housing for older people, densities and implications for infrastructure. Reference was also made to extension of the Green Belt, maintenance of a “strategic gap” between Tonbridge and Malling and Maidstone and buffer zones around settlements. It was acknowledged that presentation of the updated strategic land availability with colour coding would assist residents in making choices about sites.

An information report circulated at the meeting summarised comments received from a group of parish councils on sites within Borough Green and vicinity. It was noted that these would be considered by the Borough Council when the public consultation had taken place. Some Local Members requested the deletion of reference to the Borough Green and Platt by-pass from the Local Plan document since there was support for the east facing slip roads at the M25 junction 5 as a preferred solution. Officers advised against elimination at this stage on the grounds that the infrastructure in that part of the Borough should be tested and addressed as part of the public consultation.

Members queried the opportunities to see the revised document before it was formally approved by the Cabinet. In order to adhere to the timescale for preparation of the Local Plan, the Leader suggested that a supplementary report be presented to the Cabinet on 6 September reflecting the discussions of the Advisory Board and any Members would be invited to make comments as appropriate.

**RECOMMENDED:** That

- (1) the progress in respect of the preparation of the Local Plan evidence base and the proposed next steps including the Regulation 18 public consultations be noted; and
- (2) the documents appended to the report be approved as the basis for that consultation subject to presentation of a supplementary

report to the Cabinet in the light of the discussions at the Advisory Board meeting.

**\*Referred to Cabinet**

**MATTERS FOR CONSIDERATION IN PRIVATE**

**PE 16/13 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.06 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

26 July 2016

Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

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

#### 1 LOCAL VALIDATION REQUIREMENTS LIST

##### Summary

**This report provides a summary of the Council's obligations in respect of the validation of planning applications, together with associated submissions, and makes appropriate recommendations in accordance with national guidance.**

#### 1.1 Introduction

- 1.1.1 Validation of planning applications simply represents a decision by a local planning authority as to what information must be provided within an application prior to the determination as to whether to grant or refuse planning permission/listed building consent. A 'valid' application is not necessarily an acceptable application.
- 1.1.2 Since 6<sup>th</sup> April 2008, when mandatory standard planning application forms were introduced, national statutory requirements for validating applications have been in place. At the same time an option was introduced for local planning authorities to adopt a list of additional 'local' requirements as part of the process of validating applications. The Borough Council has not adopted such a list to date.
- 1.1.3 Current guidance on local validation requirements is set out in national Planning Practice Guidance (PPG) under the heading 'local information requirements' in the 'Making an application' section. It indicates that anything that is specified on a local list must be:
- reasonable having regard, in particular, to the nature and scale of the proposed development, and
  - about a matter which it is reasonable to think will be a material consideration in the determination of the application.

- 1.1.4 The key purpose of stipulating what documents a planning application must comprise is to ensure its validity. It is essential that local planning authorities have adequate information in order that a sound, timely and confident decision can be made. It also means that statutory consultees and other third parties can have a comprehensive understanding as to what is being sought by the application and what the impacts (both positive and negative) are likely to be. Furthermore, the stipulation of what is required in order to make a valid application is helpful for the applicant and their agent and reduces delays in the validation process.
- 1.1.5 National advice requires Councils to be proportionate in the amount of information required to make an application valid. It does not preclude the Council from subsequently seeking additional information at a later date. Whatever information is required to accompany a planning application should always be proportionate to the nature of the application.

## **1.2 Proposed local validation requirements**

- 1.2.1 The adoption of a Local Validation Requirement List (LVRL) will enable the Council to require the provision of information, over and above the submission of application forms, certificates of ownership and plans, i.e. the National Validation Requirements (NVR), to support a planning application for the purposes of validation.
- 1.2.2 The LVRL has been drafted in accordance with national guidance and comprises a matrix setting out the validation requirement, which application they would be relevant to, details of the documentation required and the relevant policy/guidance. The LVRL is attached as Annex 1.
- 1.2.3 It is important to note that if a submitted application lacks the necessary information specified in the Council's LVRL the Council will be entitled to invalidate the application. However the Council it will still need to take a proportionate approach when validating, so that applications are not rendered invalid by the omission of an item of information that would add little to the Council's understanding of the development proposal.
- 1.2.4 Pre-application discussion is strongly encouraged so that where possible the information sought by the Council at application stage is proportionate to the nature of the scheme. Should the applicant not agree with the Council's local validation requirement they will be encouraged to discuss it with the Council.
- 1.2.5 It is important to note that the quality of the information submitted has no bearing as to whether the application is a valid or not. Applicants are encouraged to submit information to a good standard, and the Council does have the ability to request clarification and further information during the determination process.
- 1.2.6 Equally, we would retain the right under the Town and Country Planning Acts to request any additional information required on a case by case basis, if it were deemed necessary. It should also be noted that the onus is on the applicant to

submit appropriate information with their application to enable officers to fully assess the impact of any development. In the event that any requested additional information needed to help demonstrate how an application meets the requirements of the development Plan is not provided, and then we are able to refuse planning permission on the basis of the inadequate information.

### **1.3 Consultation Process**

- 1.3.1 The consultation has taken place over a 3 week period, ending on 21 July 2016. The Authority wrote to over 700 agents and placed a notice in the local press on 1 July 2016. In addition the LVRL has been displayed on the Council's website with explanatory text setting out details of what it is and inviting comments by 21 July 2016.
- 1.3.2 At the time of writing this report no comments have been received. Any late representations will be reported to the Transportation and Planning Advisory Board on 26 July 2016.

### **1.4 Legal Implications**

- 1.4.1 The proposed consultation on the local validation requirements list for the validation of planning applications' is in accordance with the requirements set out in the Development Management Procedure Order 2010 (as amended).
- 1.4.2 A validation dispute process was introduced in 2013 together with the ability to appeal against non-validated applications after the normal determination period ends. At an appeal if the Inspector considered that the Authority had unreasonably concluded that further information was required in support of the application and unnecessarily delayed the decision an award of costs could be made. To date no appeals have been lodged on this basis but an adopted local list of requirements will support the Council's case in the event that any appeals are lodged in the future.

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

- 1.5.1 There are no direct financial implications of the proposed changes to the local information requirements. However, the adoption of a clear, proportionate list of requirements would likely increase the number of applications which are valid on receipt and would have an indirect financial benefit in relation to officer time and rework.

### **1.6 Risk Assessment**

- 1.6.1 The LVRL will provide clarity on what the application must submit in order to make an application valid. It will reduce the risk of non-valid notices submitted under Article 12 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

## 1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.8 Recommendations

1.8.1 It is recommended to Cabinet to **APPROVE** the following proposals with effect from 14 September 2016

- 1) Adopt the Local Validation Requirement List as attached at **[Annex 1]**.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

Nil

contact: contact: Emma Keefe  
Development Control Manager  
Louise Reid  
Head of Planning

Steve Humphrey  
Director of Planning, Housing and Environmental Health



Tonbridge and Malling Borough Council: Local Validation Requirements

The list below summarises Local Validation Requirements for planning applications in Tonbridge and Malling borough. The tables on the following pages identify validation requirements for specific applications and proposals, and the scope of information to be provided in the planning application.

- |                                 |   |  |
|---------------------------------|---|--|
| 1. Plans and drawings (various) | 11. Noise impact assessment                               | 18. Structural survey/statement, statement of justification, schedule of works |
| 2. Affordable housing statement | 12. Open, play space and recreation assessment            | 19. Telecommunications supplementary information                               |
| 3. Air quality assessment       | 13. Parking and servicing provision                       | 20. Transport assessment   |
| 4. Archaeological assessment    | 14. Photographs and photomontages                         | 21. Tree survey/Arboricultural implications                                    |
| 5. Biodiversity survey/report   | 15. Planning obligations statement – draft heads of terms | 22. Utilities and foul sewage assessment                                       |
| 6. Contaminated land assessment | 16. Planning statement                                    | 23. Ventilation/Extraction statement   |
| 7. Flood risk assessment        | 17. Retail impact assessment/retail statement             | 24. Viability statement  |
| 8. Design and access statement  |   |  |
| 9. Heritage statement           |   |  |
| 10. Landscaping details         |   |  |

Glossary

NPPF	National Planning Policy Framework 2012
NPPG	National Planning Policy Guidance
TMBCS	Tonbridge and Malling Borough Core Strategy 2007
MDE DPD	Tonbridge and Malling Managing Development and the Environment Development Plan Document
TMBLP	Tonbridge and Malling Borough Local Plan

<u>Validation requirement</u>	<u>Which applications</u>	<u>What is required</u>	<u>Policy/Guidance information</u>
<b>1. Plans and drawings (various)</b>			
<b>a. General guidance</b>	All drawings and plans	<p>Drawings should ideally be on A4 or A3 sized paper and must be to a recognised metric scale and printable at 1:100 or 1:50. A scale bar must be included and the wording “do not scale” should not be included.</p> <p>When submitting documents as pdf please ensure that any drawings within those documents are of one size only, at A4 or A3.</p> <p>Dimensioned drawings are preferred where extra annotation does not compromise the drawing readability.</p>	NPPG TMBCS CP24 TMBLP saved policy P4/12
<b>b. Building elevations</b>	Applications that involve building works	<p>Existing and proposed drawings of all sides of the exterior of the building at an appropriate scale, usually 1:50 or 1:100. Please include the following:</p> <ul style="list-style-type: none"> <li>• All elevations of the property which will be altered by the proposal must be shown, including blank elevations and elevations that are part-attached to an adjoining building,</li> <li>• For an extension, show the elevation of the existing building to indicate the relationship between the two, clearly showing which work is new,</li> <li>• Show elevations in the context of adjacent buildings,</li> <li>• Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property,</li> <li>• Omit extraneous context that obscures proposed elevations and avoid distant context if it diminishes the scale of the proposed elevation,</li> <li>• The make, type and colour of external materials (walls, roofs, windows, doors, rainwater goods etc) should be clearly annotated,</li> <li>• The manner in which new windows are intended to be opened.</li> </ul>	NPPG TMBCS CP24 TMBLP saved policy P4/12
	Applications that also involve works to Listed Buildings	Internal elevations: both proposed and existing, to clearly demonstrate proposed internal alterations to a listed building at an appropriate scale, usually 1:50 or 1:100.	

<b>c. Building floor and roof plans</b>	Applications that involve building works	<ul style="list-style-type: none"> <li>• Plans of the existing and proposed floors of the building at an appropriate scale, usually 1:50 or 1:100.</li> <li>• In the case of a new building, show the proposal in detail, indicating which parts are to be used for which purpose;</li> <li>• Ground level floor plans should usually be shown in context with relevant details from the site plan;</li> <li>• Show floor plans in the context of adjacent buildings, where appropriate, detailing the position of relevant openings (windows and doors) on immediately adjacent land;</li> <li>• In the case of an extension, show the floor layout of the existing and proposed building to indicate the relationship between the two, clearly indicating what is new work;</li> <li>• Where existing buildings or walls are to be demolished, these should be clearly shown;</li> <li>• Include a roof plan where necessary to show a new roof or alterations to an existing one.</li> </ul>	NPPG TMBCS CP24 TMBLP saved policy P4/12
	Applications for changes of use	Plans of the existing and proposed floors of the building at an appropriate scale, usually 1:50 or 1:100, and indicate which parts are to be used for which purposes.	NPPG TMBCS CP21; CP22; CP23
<b>d. Finished floor/site levels and sections</b>	Proposals for new and altered buildings and/or changes in ground levels	<ul style="list-style-type: none"> <li>• Cross and long sections should be provided for all new and altered buildings to reveal construction details: in context with ground levels and immediately adjacent buildings where necessary;</li> <li>• Where a proposal involves a change in ground levels, drawings should be submitted to show existing and finished levels;</li> <li>• On sloping sites, full information is required concerning alterations to levels and the way in which a proposal sits within the site, particularly relative levels between existing and proposed and how these sit in context with immediately adjacent buildings.</li> </ul>	NPPG TMBCS CP24 TMBLP saved policy P4/12
<b>e. Plans and drawings (detailed/specific)</b>	Applications with a Design and Access Statement	Plans of wheelchair parking and accessible alternatives to be provided.	TMBCS CP24
	Proposals with an element of public realm (even if on private land)	Detailed plans and cross sections of proposed external areas at 1:100 scale.	TMBCS CP24 TMBLP saved policy P4/12

	Proposals for residential development	Plans demonstrating how each dwelling will accommodate private outdoor space.	TMBCS CP1
	Major developments	Block plans showing arrangements for refuse and recycling collection, servicing, cycle storage, substations and any other infrastructure requirements.	TMBCS CP1
	Plant, flues, ventilation, air conditioning	Manufacturer's specifications and details of mounting (if attached to the upper floor in the event that they are occupied as residential use).	TMBCS CP1 MDE DPD CC1
	Advertisements	Advertisement applications should show methods of illumination in cross-sectional drawings.	NPPF (para 67) TMBCS CP24 MDE DPD SQ1
	<b>Outline applications:</b> 'layout' as a reserved matter.	Illustrative/indicative layout showing approximate layout of buildings, routes and open spaces.	Development Management Procedure Order 2015
	'scale' as a reserved matter.	Scale parameter plans showing upper and lower limits for height, width and length.	Development Management Procedure Order 2015
	'access' as a reserved matter.	An application for outline permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved.	Article 5(3) of the Development Management Procedure Order 2015
<b>2. Affordable housing statement</b>	<u>AONB</u> No Affordable Contributions for developments of fewer than 6 units (but if the maximum combined gross floorspace is greater than 1000 sqm - see below)  Any developments of between 6 and 10 units:	The Statement should: <ul style="list-style-type: none"> <li>• Set out the approach and justification for the level of affordable housing, and provide details of any Registered Providers acting as partners along with details of nomination rights and a schedule of accommodation;</li> <li>• Include the level and mix of proposed on-site affordable housing provision (where applicable), numbers of habitable rooms and numbers of bedrooms.</li> <li>• State how the applicant will secure the provision of Affordable Housing plus either:</li> </ul>	TMBCS CP17 as amended by NPPG

	<p>commuted cash payments., ( but if the maximum combined gross floorspace is greater than 1000 sqm - see below)</p> <p>Over 10 units and if the maximum combined gross floorspace is greater than 1000 sqm) on site provision can be sought as Policy CP17, i.e. 40%.</p> <p><u>Rural Service Centre; a rural settlement or the countryside;</u> Contributions or provision sought from developments of 11 or more units (or where the maximum combined gross floorspace is greater than 1000 sqm) as Policy CP17 i.e. 40%.</p> <p><u>Urban Areas</u> <u>Threshold of 15 units but if the site area is 0.5 ha or above,</u> affordable housing contributions should not be sought from developments of fewer than 11 units unless the maximum combined gross floorspace is greater than 1000 sqm. The starting point for the provision of affordable housing is as Policy CP17,</p>	<p>1) A Unilateral Undertaking or heads of terms for a legal agreement to make the required payment and a commitment to pay the Council's legal checking fees; or</p> <p>2) A viability assessment (see separate validation requirement) and agreement to pay for an independent examination of the assessment, plus draft Unilateral Undertaking and commitment to pay the Council's legal checking fees. (See Section 15.)</p> <p>A separate viability assessment will be required to explain the levels of affordable housing proposed along with an agreement to pay for an independent appraisal of the submitted viability assessment.</p>	
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	i.e. 40%.		
<b>3. Air quality assessment</b>	Air Quality Management Areas (AQMA) and Air Quality Action Plans in accordance with the Environment Act 1995.	Assessment to provide details of how a residential scheme (or other sensitive uses) will be satisfactorily provided with the area of particularly significant poor air quality.	MDE DPD SQ4 TMBCS CP1
	Proposals which have the potential to cause significant levels of air pollution or odour, or which may affect a designated AQMA or the need to declare an AQMA	An impact assessment to allow a full consideration of the air quality impact of a proposal's generated traffic flow through an AQMA.	
<b>4. Archaeological assessment</b>	Proposals within Areas of Archaeological Potential likely to affect important archaeological remains.	<ul style="list-style-type: none"> <li>• An assessment of potential archaeological heritage should be provided and prepared by a qualified individual or organisation, and should use existing information to establish the archaeological significance of the site and the impact of the proposals on surviving monuments or remains;</li> <li>• Small-scale archaeological fieldwork may be required to determine the actual extent and degree of survival on site;</li> <li>• Historic Environment Records are publicly accessible at <a href="http://www.kent.gov.uk">www.kent.gov.uk</a> and provide information about the local historical environment.</li> </ul>	Circular 01/2007 Proposals Map TMBCS CP1 and CP7 Character Area Appraisals NPPF Section 30
	Proposals that involve any form of excavation or piling within an area of archaeological protection  24 Scheduled Ancient Monuments are identified on Proposals Maps		
<b>5. Biodiversity survey/report</b>	Any developments that have the potential to impact on biodiversity, directly or indirectly	An ecological survey and assessment should be carried out wherever the proposed development is likely to have a significant biodiversity impact, particularly where this involves protected species or sites designated as important for nature conservation. This includes refurbishment works that may impact on species using the existing building, such as swifts or bats.	MDE DPD NE1, NE2 and NE3 NPPF paragraph 117
<b>6. Contaminated land assessment</b>	Proposals on potentially contaminated land	An environmental risk assessment to assess the potential for the presence of contamination, associated risks and potential of site to be designated as contaminated land. This assessment should report:	

		<ul style="list-style-type: none"> <li>• site inspection scope (to include buildings);</li> <li>• review of historical land use;</li> <li>• review of environmental setting;</li> <li>• consultation with relevant regulatory authorities;</li> <li>• qualitative environmental risk assessment;</li> <li>• review of existing relevant reports.</li> </ul>	
Page 23	<p><b>7. Flood risk assessment</b></p> <p>Parts of Tonbridge and Malling Borough fall within Flood Zones 2 or 3. Development in areas at risk of flooding should be avoided by directing it from areas at high risk: where development is necessary, making it safe without increasing flood risk. A site-specific flood risk assessment (FRA) should be provided and the Environment Agency's standing advice can be followed for certain developments.</p>	<p>Site-specific flood risk assessments should always be proportionate to the degree of flood risk and appropriate to the scale, nature and location of the development and should accord with National Guidance as set out in Planning Practice Guidance and on the Environment Agency website</p>	<p>NPPF (section 10) NPPG Environment Agency Standing Advice TMBCS CP10</p>
	<p><b>8. Design and access statement</b></p> <p>All of the following:</p> <ul style="list-style-type: none"> <li>• Listed building consent</li> <li>• Major development as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015</li> </ul>	<p>Required information:</p> <ul style="list-style-type: none"> <li>• Explanation of the design principles and concepts that have been applied to the proposed development;</li> <li>• Demonstration of the steps taken to appraise the context of the proposed development and how the design of the development takes that into account;</li> <li>• Reference to the particular characteristics of the site and its wider setting;</li> <li>• Explanation of the applicant's approach to access.</li> </ul> <p>Design and Access Statements accompanying applications for Listed Building Consent must also include an explanation of the design principles</p>	<p>NPPG</p>

	<p>(a) the winning and working of minerals or the use of land for mineral-working deposits;</p> <p>(b) waste development;</p> <p>(c) the provision of dwellinghouses where the number of dwellinghouses to be provided is 10 or more; or otherwise the development is to be carried out on a site having an area of 0.5 hectares or more</p> <p>(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or (e) development carried out on a site having an area of 1 hectare or more;</p> <ul style="list-style-type: none"><li>• Applications for development in a Conservation Area where the proposed development consists of: One or more dwellings; or A building or buildings with a floor space of 100sqm or more.</li></ul>	<p>and concepts applied and how they have taken account of:</p> <ul style="list-style-type: none"><li>• The specific architectural or historic importance of the building;</li><li>• The particular physical features of the building that justify its designation;</li><li>• The building's setting.</li></ul>	
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	<p>The following types of application do <u>not</u> need a Design and Access Statement:</p> <ul style="list-style-type: none"> <li>• Householder applications of less than 100 square metres</li> <li>• Applications for waste development</li> <li>• a material change of use</li> <li>• engineering or mining operations</li> <li>• Non-Material Amendment application</li> <li>• Non-compliance of conditions</li> <li>• Application for gates, fences, walls etc no higher than existing or up to 2m in height, <u>unless</u> in the curtilage of a Listed Building, or within a Conservation Area.</li> </ul>		
<p><b>9. Heritage statement</b></p>	<p>Listed Building Consent and applications for removal or variation of a listed building consent condition</p>	<ul style="list-style-type: none"> <li>• A written statement that includes a schedule of works to the Listed Building, an analysis of the significance of the archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the Listed Building or structure, its setting and the setting of the adjacent Listed Buildings may be required.</li> <li>• A structural survey may also be required in support of an application for Listed Building Consent.</li> </ul>	<p>NPPF MDE DPD SQ1, SQ2, SQ3 &amp; policy annex SQ3 TMBCS CP1 CP24 TMBLP P4/13 See also Conservation Area Appraisals available for parts of the district.</p>
<p>Conservation Area Consent</p>	<p>A written statement that includes an analysis of the significance of the heritage asset, the justification for the proposed removal and the impact on the Conservation Area.</p>		

<p><b>10.Landscaping details</b></p>	<p>Any proposal that requires new or enhanced hard and/or soft landscaping.</p> <p>The scale of the proposals will vary depending on the nature of the development, site area and surroundings</p>	<ul style="list-style-type: none"> <li>• Landscaping schemes should where appropriate include proposed finished ground levels or contours, a soil management survey where significant earthworks are required, and means of enclosure such as fencing, boundary walls or hedging.</li> <li>• In terms of hard landscaping, details should be provided of pedestrian and car parking layouts/manoeuvring area.</li> <li>• In terms of soft landscaping, plans should show the location of existing and proposed shrubs and trees, indicating which are to be retained and which will be removed together with a schedule of new planting species, size at time of planting and density, implementation programme, relevant protection measures and management practices and final maintenance height/details.</li> <li>• An ecological management plan in association with the landscaping scheme may also be necessary for some forms of development where ecological benefits have been identified.</li> <li>• Landscaping matters should be included in the Design &amp; Access Statement (section 8). Reference to section 21 may also be required.</li> </ul>	<p>NPPF</p> <p>MDE DPD SQ1 TMBCS CP1 CP24</p> <p>Character Area Appraisals: These documents are available for parts of the district and may provide some information on local landscaping features or materials</p>
<p><b>11.Noise impact assessment</b></p>	<p>A Noise Impact Assessment may be required either for proposals that:</p> <ul style="list-style-type: none"> <li>• could cause significant noise disturbance; or</li> <li>• for noise sensitive developments, (such as housing), that are proposed near to major sources of noise, such as main roads, railway or major industrial sites.</li> </ul>	<ul style="list-style-type: none"> <li>• The Assessment should provide information on noise levels and any proposed mitigation measures.</li> <li>• A Noise Assessment should be prepared by a suitably qualified acoustician detailing impact and mitigation measures including layout, insulation and ventilation, where applicable.</li> </ul>	<p>NPPF</p> <p>MDE DPD SQ1 TMBCS CP1 CP24 (CP7 may also be relevant if site is within AONB)</p>

<p><b>12.Open, play space and recreation assessment</b></p>	<p>Open Play Space is defined in the Town &amp; Country Planning Act 1990 as land laid out as a public garden or used for the purposes of public recreation or land which is a disused burial ground.</p> <p>Open Space includes all open space of public value including land, areas of water such as rivers, canals, lakes and reservoirs which may offer opportunities for sport and recreation and can also act as visual amenity.</p>	<ul style="list-style-type: none"> <li>• Open Play Space is required on all residential development of 5 units or above (net), in accordance with the quantitative standards set out in Policy Annex OS3. Where it is inappropriate to provide open space on-site, off site provision (or a financial contribution towards it) will be sought in accordance with the standards set out in Policy Annex OS3.</li> <li>• Plans at an appropriate scale should be submitted showing any areas of existing or proposed open space, or play, sports or recreation facilities within or adjoining the application site.</li> <li>• Where the proposal would result in the loss of open space an independent assessment should be provided as evidence that the land or buildings are surplus to local requirements.</li> <li>• The assessment must also identify provision for future and amenity space, including private, public, communal and formal play space.</li> </ul>	<p>NPPF  TMBCS CP1 CP24  MDE DPD OS1 OS2 OS3 OS4 OS5 OS6  Policy Annexe open space provision pursuant to policy OS3  OS1A  OS1B</p>
<p><b>Parking and servicing provision</b></p>	<p>Each application for new residential, industrial or commercial development should make adequate provision for vehicle parking in order to minimise the impact on the existing highway network.</p>	<ul style="list-style-type: none"> <li>• Details are required of existing and proposed vehicle parking arrangements including provision for accessible parking. If necessary a supporting statement should explain how the design of the layout ensures that vehicles can be parked in places well related to the property they are intended to serve.</li> <li>• Details are also required of the proposed servicing to be provided including the location, access/circulation and an indication of vehicle types and expected numbers of deliveries and times per day. These details could be shown on a site layout plan or supporting written statement and comply with adopted parking standards.</li> <li>• Details are required of refuse and recycling storage locations and access arrangements for collection and emergency vehicles, including the location for collection vehicles.</li> </ul>	<p>Manual for Streets  Manual for Streets 2  NPPF  MDE DPD SQ8  Other MDE DPD policies may be relevant depending on the nature of the development  TMBCS CP1 CP2 CP24  KCC documents:  Interim Guidance Note 2 (visibility)  Interim Guidance Note 3 (residential parking)  Kent Vehicle Parking Standards 2006 (Non Residential Parking)  Kent Design Guide</p>

<b>14. Photographs and photomontages</b>	Large scale developments, those affecting a heritage asset or its setting, demolition of an existing building or proposals affecting views towards or from local landmarks	<ul style="list-style-type: none"> <li>• Annotated elevations relating to the heights of viewing planes should demonstrate the impact of the proposal on the quality of designated views and landmarks.</li> <li>• Verified views of local landscapes.</li> </ul>	
	Smaller scale developments	Would also benefit from the submission of photographs that would assist in determining the application.	
<b>15. Planning obligations statement – draft heads of terms</b>	<p>A Planning Obligation may be required under Section 106 of the Town and Country Planning Act 1990 (Legal Agreement or Unilateral Undertaking) to address certain planning issues such as highway works, affordable housing, public open space provision or nature conservation mitigation, on a development site.</p> <p>Where a Legal Agreement is necessary, it is entered into between the applicant and the Council.</p>	<p>A draft Heads of Terms should be discussed with a Planning Officer at the pre-application stage.</p> <p>Where an Obligation has been identified at pre-application stage, the applicant should provide either a Unilateral Undertaking or a statement of the proposed Heads of Terms that will form the basis of the Section 106 Agreement.</p> <p>Details should also be provided of the contact details of your legal representative, evidence of title or confirmation that the title owner(s) will be in a position to enter into such an Agreement and cover legal costs.</p>	Relevant planning policies will depend on the nature of the application and associated contributions.

<b>16.Planning statement</b>	Major developments (including applications for outline permission and approval of reserved matters)	<p>A summary of the proposed development, its key impacts and should include:</p> <ul style="list-style-type: none"> <li>• A description of the site, its context and planning history;</li> <li>• A summary of relevant national and local planning policies and guidance (without reproducing their full text);</li> <li>• Explanations as to how/why the proposed development accords or fails to accord with them;</li> <li>• Any other information that is materially relevant to planning and to the proposed development but which is not addressed in other submission documents;</li> </ul>	<p>NPPF</p> <p>MDE DPD policies</p> <p>TMBLP saved policies</p>
	Applications for Lawful Development Certificates	<p>It is encouraged that the following information is submitted:</p> <ul style="list-style-type: none"> <li>• A description of the site and its planning history;</li> <li>• a clear description of the use(s) or work(s) to which the application relates;</li> <li>• an explanation as to why the uses(s) or work(s) are believed to be lawful (with reference to planning legislation, where relevant);</li> <li>• and appendices containing, where relevant, sworn affidavits, rent records, evidence of council tax and utility bills, receipts relating to works, advertisements relating to a business, invoices, tax returns and dated photographs.</li> </ul>	
<b>17.Retail impact assessment/retail statement</b>	Applications for Main Town Centre Uses (A1, D2 and Sui Generis Uses) of more than 2,500 sqm m in out-of centre locations	Sequential test assessments to be provided which thoroughly investigates alternative sites in Town Centres, Local Shopping Areas and edge of centre locations to demonstrate that there are no more preferable sites for development.	<p>NPPF (paras 26 and 27)</p> <p>NPPG</p> <p>TMBCS CP22</p>
<b>18.Structural survey/statement, statement of justification, schedule of works</b>	Works to listed building(s) or structure(s) (including demolition)	<ul style="list-style-type: none"> <li>• A structural survey may be required in support of an application if the proposal involves substantial demolition; where substantial excavations are to be taken place under or near existing buildings to accommodate development (especially if those buildings are listed); or to justify that a building is capable of conversion without major alterations.</li> <li>• For applications for listed building consent or conversion of rural buildings, where structural works are proposed a structural statement/report justifying the proposed structural works and methods and indicating the intended method of ensuring the safety and stability of the building fabric throughout the works</li> </ul>	<p>Relevant policies from the NPPF</p> <p>MDE DPD DC1</p>

		<ul style="list-style-type: none"> <li>• If the works would cause substantial harm or total loss of significance to the listed building or structure, a method statement and justification must be provided.</li> <li>• A schedule of works must be provided detailing the removal part of any building, indicating the location, extent and character of the items to be removed (cross-referenced to elevations, plans and sections)</li> </ul>	
<b>19. Telecommunications supplementary information</b>	Planning applications for mast and antenna development by mobile and broadband operators	<p>Supplementary information to be included is as follows:</p> <ul style="list-style-type: none"> <li>• Area of search;</li> <li>• Details of any consultation undertaken;</li> <li>• Details of the proposed structure;</li> <li>• Technical justification and information about the proposed development.</li> </ul> <p>Applicants must provide a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection</p>	Relevant policies from the NPPF (Section 5)
<b>20. Transport assessment</b>	<p>All proposals above the following thresholds:</p> <ul style="list-style-type: none"> <li>• A1: 1,000 sqm</li> <li>• A2: 2,500 sqm</li> <li>• A3/A3/A5: 1,000 sqm</li> <li>• B1(a): 2,500 sqm</li> <li>• B1(b and c): 3,000 sqm</li> <li>• B2: 5,000 sqm</li> <li>• B8: 4,000 sqm</li> <li>• C1: 100 bedrooms</li> <li>• C2: 100 parking spaces</li> <li>• C3: 100 dwellings</li> <li>• D1: Schools: New locations and expansion of existing schools</li> <li>• D1: All other non-residential institutions: 2,500 sqm</li> <li>• D2: Assembly and Leisure: 1,000 sqm</li> </ul>	<ul style="list-style-type: none"> <li>• The Transport Assessment should identify the impact of the proposal on the transport infrastructure including road capacity, public transport and walking and cycling infrastructure.</li> <li>• Coverage and details should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes, the transport aspects of the application should be outlined, likely modal splits of journeys to and from the site provided, and needs of all users (including people with a disability) considered.</li> <li>• The Travel Plans should identify how travel to the development will be managed. It must contain proposals to manage sustainably the levels of movement generated with the aim of reducing the environmental impact of vehicles, and promote public transport, walking and cycling opportunities for all users.</li> </ul>	<p>NPPF (para 32)  NPPG  KCC Vehicle Parking Standards  MDE DPD SQ8</p>

	<ul style="list-style-type: none"> <li>• D2: Stadia: 1500 seats</li> <li>• Sui Generis: Individually assessed</li> </ul>		
<b>21.Tree survey/arboricultural implications</b>	Proposals affecting trees	A survey of trees on the site at the time of the submission, which must include an assessment of tree quality. Tree retention and removal plans must be provided and Root Protection Areas identified on proposed layout plans. The assessment should also identify protection measures to be implemented during construction and potential management measures.	NPPF MDE DPD SQ1 TMBCS CP24 Tree quality assessment: BS5837:2005
<b>22.Utilities and foul sewage assessment</b>	Major developments involving connection to utilities infrastructure eg electricity, gas, telecommunications and water supply	<p>The applicant will be required to address the following:</p> <ul style="list-style-type: none"> <li>• Following consultation with the service provider, the availability of utility services has been examined and the proposal would not result in undue stress on infrastructure;</li> <li>• Proposals incorporate utility company requirements for substations, telecommunications equipment or similar ;</li> <li>• Service routes have been planned to avoid (as far as possible) damage to trees and archaeological remains;</li> <li>• Where development impinges on existing infrastructure, provisions for relocating or protecting that infrastructure have been agreed with the service provider.</li> </ul>	NPPF MDE DPD SQ5
	Proposals involving the connection of new buildings to an existing drainage system	Details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers	
	Proposals involving the disposal of trade waste or the disposal of foul sewerage effluent other than to the public sewer	A full foul drainage assessment is required, including details of the method of storage, treatment and disposal, and the suitability of the site for storing, transporting and treating sewage. It should be demonstrated why connection to the mains sewer is not practical and show satisfactory alternative means of disposal.	

	Proposals involving any changes / replacement to the existing drainage system or the creation of a new drainage system	Scale plans of the new foul drainage arrangements to be provided, including a location plan, cross-sections/elevations and specification. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.	
<b>23.Ventilation/Extraction statement</b>	Proposals for premises within the A3, A4, A5, B1 or B2 use classes; significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed.	<ul style="list-style-type: none"> <li>• Details of the position and design of ventilation and extraction equipment, including odour abatement techniques, manufacturer's specification and acoustic noise characteristics are required.</li> <li>• Natural ventilation should be designed in rather than mechanical. Where mechanical ventilation is unavoidable, it must be demonstrated that it is absolutely necessary and options or passive design/ventilation have been considered.</li> </ul>	NPPF MDE DPD SQ4
<b>24.Viability statement</b>	Where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary regarding the provision of affordable housing. This should be informed by the particular circumstances of the site and proposed development.	<p>The applicant is required to:</p> <ul style="list-style-type: none"> <li>• commit to pay for an independent viability assessment on a major site;</li> <li>• demonstrate that on-site provision of affordable housing is the maximum reasonable amount in accordance with adopted policy;</li> <li>• demonstrate that the required financial contribution towards affordable housing will be made.</li> <li>• make an exception case where necessary.</li> </ul>	NPPF TMBCS CP17 Affordable Housing SPD
	Where the development involves a Retail Impact Assessment	The applicant is required to commit to pay for an independent assessment of the Retail Impact of the proposal.	TMBCS CP22

## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

26 July 2016

#### Report of the Director of Planning Housing and Environmental Health

#### Part 1- Public

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

### **1 PLANNING ENFORCEMENT PLAN**

#### **Summary**

**This report provides an overview of the proposed planning enforcement plan which is intended to provide a clear and transparent structure in respect of how we will deal with planning enforcement matters, in particular how complaints will be managed and prioritised.**

#### **1.1 Introduction**

- 1.1.1 Planning enforcement is a statutory function of local government, although the power to take formal action is discretionary. The Council as Local Planning Authority has responsibility for the investigation of reported breaches of planning control. Unauthorised development can have harmful consequences and the enforcement regime exists to address and resolve such situations. Failure to investigate and enforce planning conditions or address unauthorised development can reduce the effectiveness of planning control and undermine public confidence in the planning system. Equally, it is important to manage expectations about what can be achieved and in which circumstances planning enforcement action can appropriately be used.
- 1.1.2 The basis for the planning system is to protect amenity, whether it is the quality of the environment in general, or the quality of life of people living close to development. Powers have been granted to the Local Planning Authority to ensure that action can be taken against unauthorised development or a breach of planning control which is causing demonstrable harm to the amenity of the area. Breaches of planning control impact on peoples' lives. Consequently, the delivery of effective planning enforcement is an important issue.
- 1.1.3 With this in mind, this Plan sets out how the Council's planning enforcement service will seek to address breaches of planning control and prioritise its work. It describes the range of powers available to the Council, how we should decide whether or not to pursue enforcement action and the process of enforcement.

## **1.2 Relevant policies and guidance:**

1.2.1 The Council's objectives in producing a Planning Enforcement Plan are supported by the National Planning Policy Framework (2012) (NPPF).

1.2.2 Paragraph 207 of the NPPF relates to the enforcement of planning control and states:

*'Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'*

1.2.3 The proposed planning enforcement plan complies with the contents of the Council's wider enforcement policy, together with national legislation and Government guidance.

## **1.3 The Planning Enforcement Plan:**

1.3.1 The Planning Enforcement Plan sets out the approach the Council will take in relation to breaches of planning control in the Borough. Where breaches take place planning law lays down strict requirements which must be followed before the Council can enforce against them. These requirements seek to balance the concerns of local people and the rights of owners against the need to secure proper planning control in the borough.

1.3.2 The Council's commitment to publishing a Planning Enforcement Plan is borne out of a need to ensure planning enforcement is managed proactively and in a way that is appropriate for the Borough and its residents. It sets out the Council's approach to enforcement, including timescales for action, explaining in detail how the Council will respond to suspected breaches of planning control. The prioritisation of planning enforcement resources in terms of planning breaches also forms part of the document.

1.3.3 The plan is intended to provide greater transparency and accountability about how the Local Planning Authority will decide if it is expedient to exercise its discretionary enforcement powers, whilst seeking to deliver an effective service within a challenging environment where expectations are high.

1.3.4 The plan is also intended as a proactive tool for Members of the Council who are often the public face of the Council concerning issues which may require enforcement action. Having an adopted Planning Enforcement Plan to refer to

should provide Members with clarity and confidence in addressing such matters, as well as providing end users with more transparency and consistency.

- 1.3.5 In addition, the plan will also be helpful to the Parish Councils in clarifying the processes around planning enforcement. Engagement with the Parish Councils is important and, in recognition of this, steps have been taken to improve communication by providing regular updates on enforcement cases in their areas.

## 1.4 Legal Implications

- 1.4.1 Without an up to date Planning Enforcement Plan in place the Council's decisions to take, or not to take, enforcement action (including prosecutions) may in future be subject to legal challenge through the Courts.

## 1.5 Financial and Value for Money Considerations

- 1.5.1 The Planning Enforcement Plan will utilise existing resources in a more effective way and there are no direct financial implications with regard to its implementation. the
- 1.5.2 The Planning Enforcement Plan will provide a framework that makes best use of resources and is in accordance with the recommendations of the NPPF.

## 1.6 Risk Assessment

- 1.6.1 The Planning Enforcement Plan will reduce the risk at appeal or by judicial review as it clearly sets out the process and timescales by which enforcement complaints will be investigated and progressed.

## 1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.8 Recommendations

- 1.8.1 It is recommended that Cabinet be asked to **Adopt** the Planning Enforcement Plan as attached at **[Annex 1]**.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

Nil

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Head of Planning

Steve Humphrey  
Director of Planning, Housing and Environmental Health



# **Tonbridge and Malling Borough Council**

# **Planning Enforcement Plan**

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- 6 Communication
- 7 Parish and Town Council involvement
- 8 Scheme of delegation

## PART 1: BACKGROUND CONTEXT

**A breach of planning control is defined in Section 171A of the Town and Country Planning Act 1990 as: the carrying out of development without the required planning permission; or failing to comply with any condition or limitation subject to which planning permission has been granted.**

### 1. Introduction and Context:

- 1.1 This document sets out the approach the Council will take in relation to breaches of planning control in the Borough. Where breaches take place planning law lays down strict requirements which must be followed before the Council can enforce against them. These requirements seek to balance the concerns of local people and the rights of owners against the need to secure proper planning control in the borough.
- 1.2 The Council understands that breaches of planning control impact on peoples' lives. Consequently, the delivery of effective planning enforcement is an important issue.
- 1.3 With this in mind, this Plan sets out how the Council's planning enforcement service will seek to address breaches of planning control and prioritise its work. It describes the range of powers available to the Council, how the Council will decide whether or not to pursue enforcement action and the process of enforcement.
- 1.4 The Council's objectives in producing a Planning Enforcement Plan are consistent with the National Planning Policy Framework 2012 (NPPF). The Framework states:

*“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.*

*Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”*

- 1.5 Planning enforcement covers the areas of planning permission, advertisement consent, listed building consent, and conservation area consent and tree preservation orders. National legislation allows some minor and small-scale works

to be undertaken without the need for any further consent or approval. These works are known as “permitted development”. Any works carried out as permitted development cannot be subject to enforcement action.

- 1.6 In dealing with any enforcement issues the Council must take into account the Council’s adopted frameworks and strategies as well as the guidance contained within the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance (PPG).

## 2. The Scope of Planning Enforcement:

- 2.1 There are two key principles which underpin the planning enforcement system:

*A breach of planning control is **not** a criminal offence, **except for** unauthorised works to listed buildings, illegal advertisements, demolition without consent and unauthorised works to trees with Tree Preservation Orders or within Conservation Areas.*

*Other than in these cases, a criminal offence only arises when an Enforcement Notice or other formal notice has been served and has not been complied with upon the expiry of a specified time limit.*

- 2.2 There is a common misconception that breaches of planning control are a criminal offence and should automatically attract formal enforcement action. In fact, enforcement action is a discretionary power. It is for each local planning authority to decide the amount of resource to put into enforcement, how to determine when action is necessary and the type of action that is appropriate. In making these decisions the authority should be mindful of maintaining public confidence in the planning system but it should be recognised that in the majority of cases, formal enforcement action should be seen as a last resort.

*It is at the Council’s discretion whether action will be taken – any action proposed must be proportionate to the alleged breach.*

- 2.3 In investigating alleged breaches of planning control formally reported to it, the Council will make a reasoned decision whether the alleged breach merits further action. However, formal enforcement action will only be taken where it is fair and reasonable to do so. In making this judgement, we will assess all of the circumstances of the case and make reference to our adopted planning policies. In addition we must also consider central government enforcement policy and guidance which is currently set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) which specifically references when Authorities should take enforcement action.

2.4 Importantly, the NPPF sets out that ***‘local planning authorities should act proportionately in responding to suspected breaches of planning control’***.

2.5 Formal enforcement action may only be taken in cases where

(i) there is a breach of planning control **and**;

(ii) it is expedient to take such action.

*What does expedient mean?*

*In general terms, this means where an unauthorised development is causing serious harm, rather than it being a minor or technical breach in control.*

*The matter of “expediency” covers a range of matters upon which a judgement needs to be based, a key issue is whether the breach would unacceptably affect public amenity or use of land that should be protected in the public interest.*

*Any enforcement action should be proportionate to the breach, so for example, it would be inappropriate to take formal action against a trivial or technical breach.*

*There will be cases where there is a breach of planning legislation but the breach or harm is so minor that action cannot be justified, i.e. it is not expedient or in the public interest to pursue the case.*

2.6 Examples of harm resulting from a breach of planning control *could* concern:

- Harm to amenity;
- Highway safety issues for example danger from increased traffic flows;
- Noise nuisance or;
- Loss of daylight or privacy.

2.7 This is not an exhaustive list of ‘harm’ but indicates that there must be recognisable planning harm.

2.8 Such harm would **not** include, for example:

- Loss of value to a neighbouring property;
- Competition to another business;
- An extension to a building that is slightly larger than permitted development rights allow but does not create any comparative harm;

- Private rights to a view.

2.9 As such, the planning enforcement team will **not** investigate the following:

- Neighbour disputes or other civil issues including boundary disputes or enforcement of covenants. In these matters, complainants need to contact their solicitor or local Citizens Advice office.
- The use of or development on adopted highways, pavements or highway grass verges. These matters should be addressed to Kent County Council as the Highways Authority;
- Dangerous structures. These matters should be addressed to the Council's Building Control team;
- Fly-tipping, litter and fly posting. These should be addressed to the Council's Waste and Street Scene Service.

### **3. The general approach to Enforcement – guiding principles:**

3.1 Government guidance on enforcement focuses not just on the impact of any breach on the complainant but on the rights of the owner or occupier where the alleged breach is occurring. With this in mind, the Council is committed to acting in a fair and consistent manner and has adopted this enforcement plan as part of this commitment. When exercising its enforcement functions the Council will act in a way that is:

- **Consistent and fair**

- We will look at past cases and try to take a similar approach, for consistency, where this seems fair and reasonable. Cases will be investigated in accordance with the priorities set out within the plan.

- **Transparent and accountable**

- Members, residents, existing and potential local businesses, complainants, alleged offenders and council staff should understand how we provide the service and the principles that guide it. We will provide an easy-to-access service, where the procedures, level of service provided and the rights of appeal for the alleged offenders are clearly explained and easy to understand.

- **Proportionate and targeted**

- Any proposed action is in keeping with the scale of the alleged breach and the amount of harm caused. In each case we will decide on the most appropriate course of action to follow. Under the law we are only allowed to take enforcement action if it is expedient to do so having taken into

account government guidance, our own development plan policies and the specific circumstances of the case.

## **PART 2: INVOLVEMENT IN THE PROCESS**

### **4. Advising the Council of possible breaches:**

- 4.1 Reports of possible breaches of planning control should, whenever possible, be made in writing. This enables the Council to have a written record of the need for initiating investigation and possible action. Reports of suspected breaches can be made by:
- Completing an online enforcement investigations form which can be found on the Council's website at <http://www.tmbc.gov.uk/services/planning-and-development/planning/planning-enforcement>);
  - Emailing [planning.enforcement@tmbc.gov.uk](mailto:planning.enforcement@tmbc.gov.uk) or;
  - Sending a letter to the Planning Enforcement Team at the Council's Kings Hill Offices
- 4.2 When this is not possible reports should be made in person, for example, by telephone to enable Council officers to make a detailed written record.
- 4.3 Anonymous reports will **not** be investigated unless they concern a statutory listed building or a protected tree.
- 4.4 Vexatious or repeated complaints will **not** be investigated. The Development Control Manager and Senior Enforcement Officer will determine these on a case by case basis.
- 4.5 The name and address of those making complaints will not be repeated to the person or organisation involved in the alleged breach.

### **5. Investigating alleged breaches:**

- 5.1 When the Enforcement Team receives an allegation that a breach of planning control may be occurring, the Senior Enforcement Officer assigns this case to a member of the Enforcement Team.. An initial assessment of the nature of the breach is then carried out and the case is categorised according to what level of priority it should be accorded.
- 5.2 All allegations of planning control breaches will be prioritised and investigated thoroughly and accurately. Below are the priorities we have assigned to different types of alleged breaches, and the target times we have set to carry out an initial site visit.

**PLEASE BE AWARE: These are target timescales for the undertaking of an initial site inspection and will be adhered to as far as reasonably practicable in the prevailing circumstances. Following the initial inspection, a subsequent investigation will take place the length of which will be dependent on the complexities of the individual case.**

<b>Priority ranking</b>	<b>Case characteristics</b>	<b>Target for initial site inspection</b>	<b>Comments</b>
Top Priority	1. Work to Listed Buildings. 2. Work to protected trees. 3. Development likely to have a serious impact on health or public safety.	1 working day	Approach would be to inspect site as soon as possible to prevent irrevocable damage.
High Priority	1. Development causing significant harm the quality of life of a significant number of local residents. 2. Development with some (less serious or immediately threatening) impact on health or public safety. 3. Development causing potential harm to a Conservation Area or Site of Special Scientific Interest. 4. Development potentially causing significant harm to the landscape.	5 working days	Cases with these characteristics are inevitably themselves subject to assessment and judgement during triage – may require engagement with outside specialist bodies which may have more appropriate powers of control or enforcement (e.g. Environment Agency, Health and Safety Executive)
Medium Priority	1. Development which causes limited harm to individuals and/or local communities. 2. Development other than of a wholly minor nature not falling within any other category.	10 working days	
Other Priority	1. Minor developments such as sheds, fences.	As soon as resources allow,	

	<p>2. Most advertisements.</p> <p>3. Other minor breaches of planning conditions.</p> <p>4. Minor departures from approved plans.</p>	<p>bearing in mind other priorities</p>	
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- 5.3 This prioritisation reflects the perceived urgency and level of harm arising to amenity or to areas or features that benefit from special protection.
- 5.4 At this stage the complainant is informed of the case officer's name and contact details. The named Officer will act as the main point of contact and will advise all parties on progress and outcome of the case.
- 5.5 Additionally, Borough Council Members are informed of the receipt of allegations on a weekly basis.
- 5.6 The enforcement case officer will inspect the site within the given timescale to determine if a breach of planning control is occurring. This is an essential part of almost every case to establish the actual circumstances on the ground and will also involve research into the site planning history.
- 5.7 If there is no evidence of a breach occurring at this stage, a brief report is produced by the case officer and passed to the Development Control Manager for endorsement.
- 5.8 Should the first inspection prove inconclusive, the enforcement case officer will contact the site owner requesting a meeting on the site, or request further information as might be necessary, so that further investigations can be undertaken.
- 5.9 Whatever the assessment, the complainant will be informed and advised of the next course of action.

**If a breach is identified**

- 5.10 If a breach of planning control *is* found an assessment has to be made, on a case by case basis, as to whether:
- it is or is not appropriate to take any further action at all,
  - to proceed to try to resolve the breach informally through negotiation;
  - to seek to invite a retrospective planning application; we will only do this if there is some prospect of permission being granted, or

- to proceed directly towards formal action, such as the service of an enforcement notice.

5.11 The assessments are made by the Enforcement Officer in conjunction with either the Area Planning Officer or another Planning Officer from the appropriate Area Team and then these are endorsed by the Development Control Manager.

**No formal action:**

5.12 It is not automatically the case that the Local Planning Authority will take any action (whether formal or informal) in the event that a breach is discovered to seek to rectify matters. A judgement must be made in each and every case as to whether any action is expedient. This judgement will involve consideration of the seriousness of the breach, the level and nature of any harm that is being caused, and the proportionality of any contemplated remedial action. If the breach is relatively minor, inconsequential or of a purely technical nature, there will be some instances where no further action is appropriate.

**Negotiation:**

5.13 In some cases it may be possible to bring about a satisfactory resolution through informal action such as negotiations with those responsible. This may, for example, bring about the cessation of an unlawful activity, or reduce any harmful impacts so that they are within acceptable bounds.

5.14 Government guidance makes it clear that in all but the most serious cases we should initially seek to have planning breaches remedied through negotiation. In these events, the person carrying out the breach will be sent a letter confirming that the breach should be remedied in a specific timescale, or information should be provided to justify to us that no further action should be taken.

**Retrospective planning applications:**

5.15 A local planning authority can invite a retrospective application. In circumstances where they consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application (Section 73A of the Town and Country Planning Act 1990) without delay.

5.16 We will only do this where it is considered that there is a reasonable prospect of permission being granted. The invitation to submit an application is not, however, meant to imply that permission will necessarily be granted. But it does provide a formal process for consideration of the merits of the case including, importantly, public consultation. In many cases where we follow this course of action, we may eventually conclude that it is appropriate to grant permission subject to conditions that exercise control over the most significant and potentially harmful impacts.

## **When might it be appropriate to serve an Enforcement Notice?**

- 5.17 Wherever possible, we will try to resolve harmful activities through informal action or the planning application process. However, where it is felt that the breach is significantly harmful and is unlikely to be rectified by way of the submission of a planning application we will request that the breach is ceased/remedied within a specified timescale; this is determined on a case-by-case basis and will depend upon the seriousness of the breach and the nature of harm that is being caused. Should the owners fail to meet this request then enforcement action is required. A report is made to the appropriate Area Planning Committee if the necessary action is to serve an Enforcement Notice (other than in cases which are clearly urgent, bearing in mind the criteria set out above, when this may be done under powers delegated to the Director of Central Services).
- 5.18 Enforcement Notices are our main enforcement tool. Government guidance sets out that the power to issue an enforcement notice is discretionary (Section 172 of the Town and Country Planning Act 1990). An enforcement notice should only be issued where we are satisfied that it appears that there has been a breach of planning control and it is expedient to issue a notice, taking into account the provisions of the development plan and any other material considerations.
- 5.19 Enforcement notices are formal legal documents that will require the owner or occupier to take specific steps to remedy the planning breach in a specified time. If the notice is not complied with the planning breach will become a criminal offence which can be prosecuted in the Courts. However, the notice may be appealed to an independent, government- appointed Planning Inspector. In such cases the effect of the Enforcement Notice is suspended whilst the appeal is ongoing. Inspectors can decide to uphold the notice, amend it or have it quashed.
- 5.20 Alternatively, if the breach consists of a breach of conditions on an existing permission, a Breach of Conditions Notice can be issued. In this case, a continuing breach could lead to prosecution in the Magistrates' Court. There is no right of appeal against a Breach of Condition Notice. .
- 5.21 Where a planning application is invited but none is submitted within a reasonable period, consideration is given to taking further action. Where formal action is contemplated, we will take legal advice before commencing such action.

### **Other possible types of formal action:**

- Planning Contravention Notice (PCN)
- 5.22 This is a legal notice which allows us to bring the breach to the attention of the owner or occupier and requires the alleged offender to provide certain information. A planning contravention notice may be issued under Section 171C of the Town and Country Planning Act 1990 and can be used to do the following:

1. allow us to require any information for enforcement purposes about any operations being carried out, any use of or activities being carried out on the land, and;
2. can be used to invite its recipient to respond constructively to us about how any suspected breach of planning control may be satisfactorily remedied.

5.23 The issuing of a PCN is discretionary. We need not serve one before considering whether it is expedient to issue an enforcement notice or to take any other appropriate enforcement action.

- Section 215 notices

5.24 A Local Planning Authority has the power to issue a notice under s215 if the amenity of part of its area is adversely affected by the condition of a piece of land. The notice requires such steps as may be specified for remedying the condition of the land (includes buildings) and provides a minimum of 28 days before it takes effect. There is no right of appeal to a planning inspector, although before the notice takes effect an appeal may be made to the Magistrates Court by those served with the notice or any other person having an interest in the land.

- Stop Notices, Temporary Stop Notices and Court Injunctions

5.25 These can be used to bring a quick stop to development where a breach is causing serious or irreparable harm and immediate action is justified. They will therefore generally only be used in the most serious cases. The use of injunctions will be considered in appropriate cases, such as where a listed building is undergoing alterations without consent that affects its special historic and architectural interest or where the Council has evidence that a site will be developed without planning permission and in doing so will cause serious harm to particular planning interests.

- Prosecution

5.26 In most cases the Council cannot prosecute until we have taken formal enforcement action through the service of a formal notice, such as an Enforcement Notice or Breach of Conditions Notice, and any period specified in that notice has expired.

Prosecution does not bring about the remedying of a breach; rather it can be seen as the Courts “punishing” the person responsible, usually through a fine. Even though a successful prosecution may not remedy a planning breach on its own it can have an important deterrent effect.

We will not take a prosecution forward without first taking legal advice. As part of that advice, an assessment will be made as to whether there is sufficient evidence to take a prosecution forward and whether it is, in all the circumstances, in the

public interest to take a prosecution, in accordance with the Code for Crown Prosecutors.

## **6. Communication:**

6.1 If you draw our attention to a possible planning enforcement issue we will:

- write to acknowledge your complaint within the prescribed time period;
- write to let you know the priority it has been given and who is investigating it;
- contact you if we need further information;
- keep you informed on progress;
- let you know the final outcome of your complaint;
- treat your complaint confidentially;
- not consider anonymous enquiries or vexatious or repeated complaints

6.2 If we have been informed that you may be responsible for a planning breach we will:

- provide identification whenever we visit;
- provide the name of the officer carrying out the investigation;
- investigate the complaint thoroughly before making any decision on what action to take;
- write to you explaining our conclusions;
- explain what you need to do to put matters right, how long you have to do this and what the consequences might be if this does not happen;
- inform you if we decide to issue an Enforcement Notice or start legal action.

*It is important to understand that live enforcement investigations are confidential because of the possibility of future legal action and in accordance with the Data Protection Act 1998. This means that the amount of information that can be divulged about any particular case will be limited.*

6.3 If you feel that there is unreasonable delay, an error in the way in which an enforcement investigation is being carried out, or you are dissatisfied with the outcome of the Council's investigations, you should use the Council's formal

complaints procedure which can be found on the Council's website at <http://www.tmbc.gov.uk/services/council-and-democracy/complaints/complaints-procedure>

## **7. Parish and Town Council involvement:**

- 7.1 Effective community engagement is a key part of delivering a responsive and accountable planning enforcement service. Decisions on whether or not to take enforcement action are governed largely by the law and clearly defined material planning considerations and as a result cannot be unduly influenced merely by local perception. However it is important that the service is fully receptive to concerns raised by individual communities in addition to service improvement ideas that are generated from a community level.
- 7.2 The Council recognises that parish and town council members have an important role to play in this. Town and Parish Councils have a great deal of local knowledge and awareness of what is happening in their areas. Town and parish councils can inform the planning enforcement process and as such the Council encourages them to engage with officers over planning enforcement issues.

## **8. Scheme of delegation:**

- 8.1 The scheme of delegation to the Director of Planning, Housing and Environmental Health excludes the taking of formal enforcement action under delegated powers other than:
- The issuing of a Breach of Conditions Notice (BCN);
  - Where urgent action is required to commence enforcement proceedings consisting of the service of a Temporary Stop Notice, Stop Notice, Emergency Enforcement Notice or to commence injunction proceedings. In such instances, these proceedings can be instigated in consultation with the Planning Chairman, Vice Chairman and Ward Members;
- 8.2 Prosecution proceedings are delegated to the Director of Central Services.
- 8.3 In accordance with the scheme of delegation, formal enforcement action is otherwise authorised at the relevant Area Planning Committee.

## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

26 July 2016

#### Report of the Director of Planning, Housing and Environmental Services

#### Part 1- Public

#### Matters for Information

### 1 TRANSPORTATION UPDATE

This report updates Members in respect of two recent transportation studies; one exploring the economic case for improving the connectivity between the M25 and M26; the other establishing baseline data for the capacity of the A20 Corridor between the A228 and the Coldharbour Roundabout.

#### 1.1 The Economic Case Report for M25/M26 Connectivity

##### 1.1.1 Background

1.1.2 During 2015 the Borough Council together with Kent County Council (KCC) and the Kent Association of Local Councils (KALC) agreed to jointly commission consultants to revisit the economic case for delivering east facing slip roads at Junction 5 of the M25 near Sevenoaks. The aim of the project was to support ongoing bids for regional investment funds for improvements to the strategic highway network in west Kent and to support future Government lobbying to alleviate some of the adverse impacts associated with traffic attempting to access the motorways via the local road network, particularly the A25 corridor.

1.1.3 Following a tendering exercise coordinated by KCC the consultants SYSTRA were subsequently appointed in November to review the previous study carried out in 2009 by Parsons Brinkerhoff and also carry out a further qualitative and quantitative analysis of the potential wider economic benefits. The final draft of the report was circulated to the commissioning bodies at the end of June. When complete a copy will be uploaded to the Local Plan evidence pages on Council's website.

##### 1.1.4 Summary of Findings

1.1.5 The consultants found there to be some limitations in revisiting the 2009 model partly due to its age and also because of the limited coverage of the study area to the west of the A21 and Sevenoaks. The original study for east facing slips at the A21/M25/M26 junction identified a benefit to cost ratio (BCR) of 2.23 based on comparing transport user benefits in the form of time savings with scheme costs.

The review found that this ratio had fallen to between 1.03 and 1.66 (or 1.13-1.76 with additional savings based on reductions in the number of accidents).

- 1.1.6 An additional option of east facing slips located at Otford on the A225 was also tested for comparison purposes. The capital costs were almost half of those for the original option, but the benefits were also reduced resulting in a BCR of 1.79 (with or without accident reduction).
- 1.1.7 The consultants found that a number of enhancements and corrections to the original model were necessary. The fall in the BCR is mainly a result of corrections to the underlying network model. The Department for Transport guidance identifies a BCR of between 1.13 and 1.76 as medium value for money, before wider economic and non-monetarised benefits are taken into consideration.
- 1.1.8 The study confirmed that there would be environmental benefits associated with reductions of traffic noise and emissions as a result of the east facing slips primarily along the A25, although there were likely to be some localised disbenefits in the vicinity of the slip roads themselves. In Borough Green this was estimated to be a reduction of up to 250 vehicles an hour or 20% of estimated traffic flows in 2031.
- 1.1.9 In terms of estimating the potential wider economic benefits, the consultants considered how much growth could be unlocked by the improvements, including the delivery of dependent housing; the uptake of employment land; and improved labour market connectivity within the study area. Dependent housing is defined as proposals that could only be delivered if the proposed improvements were to be implemented.
- 1.1.10 The consultants reviewed the current commitments and firm proposals for future major housing schemes in the Districts of Sevenoaks, Tonbridge and Malling and Tunbridge Wells, but concluded that there were no schemes currently identified or sufficiently advanced through emerging Local Plans to calculate a value contribution to the scheme.
- 1.1.11 The high level of planning constraints in the area, such as the Metropolitan Green Belt, were recognised as a limiting factor on the amount of future major development that may be located in the study area, but for illustration the consultants suggested a dependent housing development of 2,500 dwellings could generate a value contribution of approximately £70m (based on a present value at 2010 prices).
- 1.1.12 Similarly, the consultants concluded that there were few major employment sites either identified in current or emerging Local Plans, although an extension of the study area west could see some increased investment at Westerham or Biggin Hill.

### 1.1.13 Conclusions

- 1.1.14 The estimated transport benefits of £70-95m compared with engineering costs of £50-65m represents a modest performance. Overall, the study concludes that while there is an economic case for investment in east facing slips at junction 5 of the M25, that this is a relatively weak. It also acknowledged that there may be some risks associated with the assumptions around scheme costs.
- 1.1.15 The study concludes that the wider economic case may be enhanced when Local Plans in the area are further advanced and there is more certainty over future allocations for housing and employment. The consultants also recommend that in the event of any future reviews being considered that the study area be extended to the west of Sevenoaks and the A21.
- 1.1.16 Local Parish and Town councils were consulted as part of the study, but the responses were inconclusive with 6 providing general support, 3 objecting and 6 neither expressing support nor objecting. KALC will be sending copies of the summary report to the Parish and Town Councils in Sevenoaks, Tonbridge and Malling, Tunbridge Wells and Maidstone with full copies available on request from KCC.

## 1.2 **The A20 Corridor Study**

### 1.2.1 Background

- 1.2.2 Following a series of meetings with local parish councils and Kent Highways during 2015 to discuss the capacity issues and associated impacts along the A20 corridor it was decided that a baseline study to confirm the anecdotal evidence would be required as a starting position for further modelling work and future bids for funding. The baseline study and any future modelling will also form part of the Local Plan evidence base.
- 1.2.3 Kent Highways commissioned the consultants Amey to carry out the survey work, which took place earlier this year. The study area runs along the A20 between the A228 to the Coldharbour roundabout. The purpose of the study was 'to provide a robust evidence base of 'typical' traffic conditions along the A20 road corridor and to identify potential improvements that will enhance conditions for all users and enable future growth to be accommodated'.
- 1.2.4 The draft report was completed at the end of May and a further meeting with Parish and local Borough Councillors held on the 7<sup>th</sup> June to share the findings. A final version is being prepared incorporating some of the comments made at the meeting. When complete a copy will be uploaded to the Local Plan evidence pages on the Council's website.

### 1.2.5 Summary of Findings

- 1.2.6 In terms of traffic conditions along the A20 corridor the study found that the eastern end had significantly higher traffic demand than the rest of the corridor. In particular the movements between the M20 (Junction 5), Hermitage Lane and Quarry Wood Retail Park. All of the junctions along the study corridor were scored as being at red or amber, with the junctions at Coldharbour Lane, Hermitage Lane and Hall Road/Mills Lane being the most congested.
- 1.2.7 In addition the junctions at Station Road, New Hythe Lane and Lunsford Lane were all found to have an issue with excessive queuing of traffic.
- 1.2.8 The study also considered road safety, bus provision and pedestrian and cyclist accessibility along the corridor. It found that there were no significant issues with road safety with an average crash rate below the average expected for the type of road with no hotspots. Bus provision was considered to be adequate to cater for existing patronage levels, although there is scope for improvement. It was felt that the A20 corridor caters well for pedestrians and cyclists, although again there was room for improvement.
- 1.2.9 The study noted that the corridor environment is car dominated and that there are limited opportunities to significantly improve the operation of the existing junctions without reducing the level of anticipated traffic demand or increasing the size of the junctions.
- 1.2.10 The study recognised that the new Local Plan will have to determine where future development will be located and that some of the sites may be in close proximity to the A20 corridor. This will form the basis of further modelling work building on the baseline data and provide crucial evidence for the Local Plan.

### 1.2.11 Recommendations and Conclusions

- 1.2.12 Recommendations were included for potential 'quick wins' in advance of more significant improvements that can only really be considered through the Local Plan process. These include minor improvements to bus stop facilities; reviewing bus priority measures at Hermitage Lane and New Hythe Lane; improvements to pedestrian access and general maintenance to paths and crossings; and addressing some gaps in the cycle provision, to encourage greater use.
- 1.2.13 Other recommended quick wins arose as a result of the stakeholder consultation and the meeting with Local Parishes held in June and include reviewing the road markings at the Station Road junction, right turn movements from the A20 into Preston Hall and extending the exit from Quarry Wood to three lanes. The opportunity to explore further measures presented by the redevelopment of the Aylesford Newsprint site by opening up Bellingham Way would also be considered further.

1.2.14 For the longer term, it was recommended that a potential scheme to provide a strategic link between Hermitage lane and the Quarry Wood Retail Park and possibly further west be explored through the Local Plan process to remove traffic movements from the most congested part of the A20 corridor.

1.2.15 The study confirms and clarifies the capacity issues along the A20 corridor and provides useful evidence both for the Local Plan going forward and also to support bids for further funding to deliver more minor improvements or 'quick wins'.

### **1.3 Legal Implications**

1.3.1 There are no legal implications arising from this informative report.

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

1.4.1 There are no Financial and Value for Money implications arising from this informative report.

Background papers:

Nil

contact: Ian Bailey  
Planning Policy Manager

Steve Humphrey  
Director of Planning, Housing and Environmental Health

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# Agenda Item 7

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 8

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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# Agenda Item 9

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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