

TONBRIDGE AND MALLING BOROUGH COUNCIL

PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 28th July, 2020

Present: Cllr R W Dalton (Chairman), Cllr T Bishop, Cllr M D Boughton, Cllr V M C Branson, Cllr D J Cooper, Cllr D A S Davis, Cllr M O Davis, Cllr S A Hudson, Cllr D W King, Cllr Mrs C B Langridge, Cllr H S Rogers, Cllr N G Stapleton, Cllr M Taylor and Cllr D Thornewell.

Councillors Mrs T Dean, N J Heslop, M A J Hood, D Lettington, B J Luker, P J Montague, Mrs A S Oakley, W E Palmer, R V Roud, J L Sergison, T B Shaw and Mrs M Tatton were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors J L Botten (Vice-Chairman) and D Keers.

PE 20/8 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in the agenda item relating to the Local Plan on the grounds of his status as a partner of Warner's Solicitors. In accordance with the dispensation granted at Minute GP 19/13 ([General Purposes Committee of 19 June 2019](#)) he remained in the meeting and addressed the Advisory Board but took no further part in the discussion.

PE 20/9 MINUTES

RESOLVED: That the notes of the meeting of the Planning and Transportation Advisory Board held on 3 March 2020 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

PE 20/10 PLANNING ENFORCEMENT SECTION 215 PROTOCOL

(Decision Notice D200055MEM)

The report sought approval for the adoption of a Planning Enforcement Section 215 Protocol intended to provide a clear and transparent framework in respect of how the Service would decide whether to take action to serve formal notices, in particular how sites would be assessed to establish whether such action was appropriate and proportionate and whether any other powers held by the Council should be called upon as an alternative. It was noted that, given the high number of complaints the enforcement team received on such matters, the Protocol would

ensure that Council financial and personnel resources were properly focused.

Members welcomed the proposals for a Planning Enforcement Section 215 Protocol as a formal framework supported good governance and transparency in decision making. It also set out a clear process as to what detailed assessments would be undertaken to establish whether formal action was necessary and proportionate in light of all the prevailing circumstances of a case.

A number of issues were raised including the flexibility to enable objective decisions to be taken using the criteria set out; measures for land owners experiencing repeat fly tipping; addressing long term empty properties and overgrown sites or gardens. Members were assured that sufficient flexibility remained within the Protocol when read in conjunction with other main Planning Policies. In addition, it was reiterated that Planning Officers would liaise with Housing; Waste and Environmental Services to discuss suitable or alternative measures for addressing the other issues raised.

The request to amend paragraph 4.2 of the Protocol to emphasise liaison with Environmental Health on measures to address overgrown gardens and pest control, where appropriate, was noted.

Finally, it was reported that the Protocol would be regularly reviewed and could be amended if it became necessary to address any of the concerns raised by Members.

RECOMMENDED: That the Planning Enforcement Section 215 Protocol, as set out at Annex 1 to the report, be approved with effect from 1 September 2020.

MATTERS SUBMITTED FOR INFORMATION

PE 20/11 DEVELOPMENT MANAGEMENT - PROCESSES AND PROCEDURES

The report of the Director of Planning, Housing and Environmental Health provided an update on Development Management since the proposals were first presented to the Advisory Board in March 2020. The proposals would result in some savings to support the Borough Council's Medium Term Financial Strategy and create service efficiencies.

Particular reference was made to the concerns raised by parish councils and a number of consultations had been undertaken to understand the issues around the proposals. The initial outcomes of this engagement exercise were reported verbally to Members and included concerns around the functionality of Public Access and My Account; re-

consultation on applications amended online and the 21 day notification period for consultation responses. It was noted that some parishes had reiterated concerns about the lack of initial consultation on these proposals and the perceived changing relationship between the Borough and Parish Councils.

Planning Officers were working extensively with IT Services on testing the functionality of the Public Access and My Account platforms to better understand the issues raised by parish councils. It was hoped that the next round of consultation would involve training sessions and user guidance on these online systems.

Finally, the Director of Planning, Housing and Environmental Health emphasised that these proposals were intended to improve the application process for all parties and parish councils continued to have an important role in consultation.

PE 20/12 SECTION 106 PROTOCOL AND MONITORING REPORT

The report provided an overview of planning obligations for the period 2018-20 and updated on upcoming changes to how future monitoring of obligations would take place. Approval was also sought for the adoption of a Planning Obligations Protocol which was intended to provide a clear and transparent framework in respect of how planning obligations would be negotiated and secured under section 106 of the Town and Country Planning Act 1990, in order to mitigate the impacts of development taking place across the Borough. Successful negotiation of planning obligations required effective management and monitoring to ensure timely and appropriate use of collected obligations.

Careful consideration was given to Section 106 funding and Members were reminded that Local Planning Authorities were only able to secure contributions to mitigate impacts of a development and these were not able to address historic issues. There was also concern expressed about how s106 monies were allocated and which tier of authority exercised powers over contributions. The latter point was subject to a potential pilot scheme being considered by Kent County Council.

Members welcomed the intention to report back to this Advisory Board in November with the finalised Planning Obligations Protocol and associated monitoring fee charging schedule. A further update on progress on changes to the recording and monitoring of new agreements in accordance with Government requirements would also be provided.

PE 20/13 LOCAL PLAN UPDATE

Members were updated on the progress of preparing the Local Plan, including new provisional dates for the first phase of Examination

Hearings that were postponed due to the coronavirus restrictions in March.

It was reported that the rearranged phase one Examination Hearing sessions were provisionally scheduled for 6 – 8 October; 3 – 5 November and 10 – 11 November 2020, which differed from those set out in paragraph 1.1.10 of the report. Currently, the arrangements were that a final decision on the format of the hearings would be taken nearer the opening session taking into consideration the latest guidance on social distancing and the response of those confirming that they wished to participate, which would be the subject of a questionnaire from the Programme Officer later this month.

In the meantime progress had been made in preparing the Borough Council's statements for the first phase of the examination and responding to the 70 questions that would form the basis of the discussion at the hearing sessions. These were still being finalised and would be submitted by the new deadlines.

PE 20/14 PLANNING FOR THE FUTURE WHITE PAPER

The report of the Director of Planning, Housing and Environmental Health summarised the main topics set out in the recently published White Paper 'Planning for the Future' and highlighted those matters which potentially had significant implications for the operation of the Development Management function.

Particular reference was made to the creation of new permitted development rights for building upwards on existing buildings, extending residential blocks by up to two storeys and to delivering new and bigger homes. There was also the potential for a permitted development right to allow vacant commercial buildings, industrial buildings and residential blocks to be demolished and replaced with well-designed new residential units. Members expressed concern about the quality of accommodation that would be created under these new permitted development rights but acknowledged that there was a national housing crisis.

In addition, Members welcomed the support for first time buyers and 'more homes for local people'.

It was recognised that the White Paper was published against a very different national backdrop to that now being faced and inevitably there would be implications for the timescales in addressing the measures set out. However, it was also recognised that the planning system would be identified as a key priority in ensuring economic revival and the importance of home building and fast decision making would continue to be important.

PE 20/15 TRANSPORTATION UPDATE

The report reviewed the outcomes of the Tonbridge and Malling Borough Council Cycling Strategy; considered options for an updated strategy framework for cycling and walking and provided an update on the South Eastern rail franchise and Lower Thames Crossing.

Members noted the progress of the principles and proposals to improve cycle routes across the Borough (as set out in paragraph 1.2.1 of the report), expressed concern that regional route 12 (Tonbridge to Penshurst) could be downgraded and recognised that improvements were necessary to the cycling network in Tonbridge and Malling, subject to securing funding to provide quality infrastructure. The importance of well-maintained walking routes was also recognised.

Reference was made to the Lower Thames Crossing consultation and it was indicated that the Borough Council had raised concerns with Highways England regarding the impacts on the A228, A229, M2 and M20 (junctions 4 – 6).

MATTERS FOR CONSIDERATION IN PRIVATE

PE 20/16 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 10.25 pm