

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

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.

Contact: Democratic Services
committee.services@tmbc.gov.uk

28 November 2022

To: MEMBERS OF THE HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Housing and Planning Scrutiny Select Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 6th December, 2022 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

AGENDA

1. Guidance for the Conduct of Meetings 5 - 6

PART 1 - PUBLIC

2. Apologies for absence

3. Notification of Substitute Members 7 - 8
4. Declarations of interest 9 - 10

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](http://www.tmbc.gov.uk).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

5. Minutes 11 - 14

To confirm as a correct record the Notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 6 September 2022

Matters for Recommendation to the Cabinet

6. Temporary Accommodation Action Plan Update 15 - 30

The report provides an update on the progress being made on the Temporary Accommodation Action Plan.

7. Regulation 18 Local Plan Consultation - Initial Outputs 31 - 58

The report presents initial findings in respect of the Regulation 18 consultation on the draft Local Plan and the Interim Sustainability Appraisal and seeks approval of a programme for presenting more detailed findings.

8. IGN3 and SPG4 Update and Way Forward with the Local Plan 59 - 80

The report sets out the position on current development matters and outlines an approach on how these will be handled.

Note: Annex 4 – parking standards of Swale Borough Council – will be published as a supplement due to its size

Matters submitted for Information

9. Key Performance Indicators 81 - 84

One of the key recommendations of the Peer Challenge Review was to “establish a Corporate Performance Framework which provides visibility and a formal mechanism to track your progress. Benchmark and learn from good practice elsewhere”. This covering report and appendix provides a list of Key Performance Indicators (KPIs) that will be monitored on quarterly-annual basis and made available to the select committees on an ongoing basis.

10. Work Programme 2022/23 85 - 86

The Work Programme setting out matters to be scrutinised during 2022/23 is attached for information. Members can suggest future items by liaising with the Chair of the Committee.

11. Urgent Items 87 - 88

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

Matters for consideration in Private

12. Exclusion of Press and Public 89 - 90

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

13. Urgent Items 91 - 92

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 J L Botten (Chair)
Cllr D J Cooper (Vice-Chair)

Cllr Mrs S Bell
Cllr G C Bridge
Cllr R W Dalton
Cllr M O Davis
Cllr D Harman
Cllr M A J Hood
Cllr Mrs F A Kemp

Cllr D W King
Cllr M R Rhodes
Cllr R V Roud
Cllr M Taylor
Cllr Miss G E Thomas
Cllr D Thornewell

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

Housing and Planning Scrutiny Select Committee – Substitute Members (if required)

	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Note
1	Pam Bates	Paul Boxall	Anna Cope	Tim Shaw	
2	Chris Brown	Tim Bishop	April Clark		
3	Andrew Kennedy	Trudy Dean	Nick Stapleton		
4	Brian Luker	Frani Hoskins			
5	Colin Williams	Anita Oakley			

Members of Cabinet cannot be appointed as a substitute to this Committee

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 6th September, 2022

Present: Cllr J L Botten (Chair), Cllr D J Cooper (Vice-Chair), Cllr Mrs S Bell, Cllr G C Bridge, Cllr R W Dalton, Cllr M O Davis, Cllr D Harman, Cllr M A J Hood, Cllr Mrs F A Kemp, Cllr D W King, Cllr M R Rhodes, Cllr R V Roud, Cllr M Taylor and Cllr D Thornewell

In attendance: Councillors R P Betts, M D Boughton, D A S Davis, P M Hickmott, F A Hoskins, D Lettington, T B Shaw and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors A E Clark, M A Coffin, A Cope, D Keers, P J Montague, Mrs A S Oakley, J L Sergison and Mrs M Tatton participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Miss G E Thomas

HP 22/9 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Councillor B Luker for Councillor G Thomas

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

HP 22/10 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. He noted however that he was entitled to remain in the meeting in accordance with the dispensation granted to him under section 33 of the Localism Act 2011 at Minute GP 22/27 (General Purposes Committee of 18 July 2022).

HP 22/11 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 19 July 2022 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 22/12 REGULATION 18 LOCAL PLAN

The report of the Director of Planning, Housing and Environmental Health detailed the purpose of the Regulation 18 consultation in respect of the draft Local Plan and advised that this was the first of two prescribed consultation processes.

The purpose of the Regulation 18 consultation was to seek a wide range of views from individuals, communities and stakeholders and invited comment on what a local plan should contain. There was limited prescription within primary and secondary legislation on the form and format of a Regulation 18 local plan provided statutory consultation duties were met.

Subject to the views of Members it was hoped that public consultation could commence in September 2022 for a period of six weeks. This would be in accordance with the Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.

In addition, comments were also sought in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 on the interim draft Sustainability Appraisal.

For reasons of clarity, it was emphasised that at this stage the Plan only identified key 'issues' related to the Borough and the information set out in Annex 1, Appendix B, should be considered as a broad indication of the Borough Council's ability to meet its objectively assessed needs and did not represent the quantum or pattern of development to be proposed through future site allocations.

Careful consideration was given to the consultation approach and Members recognised that the preparation of a new local plan would provide the authority with an up to date Local Plan on adoption (anticipated 2025), which would alleviate the current risks associated with not having an up to date development plan in place. There were also reputational risks should the local plan programme not be delivered on time.

However, concern was expressed about the number of public open spaces identified as potential sites for development within the Urban Capacity Study. In response it was indicated that these sites were deemed to have potential for development for housing, employment or a mix of uses with the plan period. It was also emphasised that these sites would be subject to refinement following the completion of further suitability and availability analysis, the production of new evidence and consultation responses. It was agreed that the specification and

methodology used by consultants in drafting the Urban Capacity Study be shared with Members out of meeting for information.

Particular reference was made to General Data Protection Regulations (GDPR) and the importance of clarifying the requirements of the Planning Inspectors to meet this requirement when publishing consultation responses. Members were reminded that despite the views of the Planning Inspectorate organisations had a responsibility to protect data of individuals. The Director of Planning, Housing and Environmental Health committed to clarifying the position of the Borough Council in respect of GDPR as soon as possible.

Other points discussed and noted included the potential shortfall in traveller and gypsy sites, the challenges related to meeting the Objectively Assessed Need which continued to be raised with central Government and whether socio-economic factors should be considered as a protected characteristic when assessing sites.

Finally, a number of factual corrections were requested and the Director of Planning, Housing and Environmental Health committed to clarifying and amending these points before any public consultation commenced.

RECOMMENDED: That

- (1) the commencement of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal be approved;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health for any minor amendments, including typographical corrections, to the Regulation 18 consultation on the draft Local Plan; and
- (3) the publishing of the evidence base documents, as set out in Annex 2 to the report, alongside the draft Local Plan be approved.

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 22/13 WORK PROGRAMME 2022/23

The Work Programme setting out matters to be scrutinised during 2022/23 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee. It was requested that the following matters be considered for inclusion in the Work Programme, subject to liaison with relevant Services:

- Walking and Cycling Infrastructure Plan/Active Travel Strategy
- Housing Strategy
- Healthy Homes Campaign
- Living Streets Principles

HP 22/14 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.10 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

06 December 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 TEMPORARY ACCOMMODATION ACTION PLAN UPDATE

1.1 Background

1.1.1 Since January 2022, the Housing service has been implementing an action plan that was produced as part of a piece of consultancy advice relating to Temporary Accommodation. The consultancy report was presented to Members at the Communities & Housing Advisory Board in February 2022. A RAG rated action plan summary is attached to this report at **Annex 1**.

1.1.2 At the time of the consultancy report, the peak number of households in TA was 164. As at 9 November this figure stands at 97, which brings the TA level within the identified 'acceptable range' of 70-100 units.

1.2 Current position

1.2.1 Some of the key areas of work from the action plan that have contributed to this significant reduction are as follows;

- Introduction of a more rigorous monitoring and sign off framework, to support operational managers and staff in service delivery whilst other changes were being implemented.
- Recruitment of a number of fixed term additional staff, to reduce overall caseloads and to give staff the time needed to focus on their cases.
- Development of use and staffing of triage and prevention functions, which has enabled more homelessness issues to be resolved or supported at an earlier stage in the process. (75 successful preventions have been made since the introduction of dedicated resource in this area).
- Enhanced liaison with Clarion Housing, as our largest Registered Provider, to ensure best use of available stock.

1.2.2 As the action plan highlights, there are a number of other areas that continue to require focus;

- Housing Allocations Scheme implementation; as Members will be aware from previous reporting, the revised allocation scheme is currently undergoing the required statutory engagement. Following this, it will be implemented in Spring/Summer 2023, alongside the new software system for case and lettings management, Huume. The new allocations scheme has amended TMBC's policy around local connections and is designed to support people to stay in their current housing, where safe and feasible to do so, rather than present as homeless.
- TA procurement approach; numbers in TA have reduced significantly, however the unit cost of placing a household in TA remains high, primarily due to the ongoing use of nightly paid accommodation for the majority of households. The proposed TA procurement approach will be presented to Members early in 2023.
- Accessing the Private Rented Sector; Local Housing Allowance rates for the areas of the borough are increasingly struggling to keep up with private sector rents. Following on from the TA consultancy review, the Housing teams have been expanding their search areas into neighbouring boroughs and beyond and are still struggling to find properties that are not only affordable but also accessible, as many landlords are unable to take tenants on benefits due to their insurance requirements. This remains a significant issue in discharging our Housing duties.

1.2.3 The TA Strategic Monitoring group of officers has continued to meet monthly during 2022. TA property/portfolio matters are now being managed in a separate officer group due to the range of work involved. These monthly meetings TA monitoring meetings will continue until the end of the 22/23 financial year and, if TA numbers remain within the acceptable range, these meetings will move to bi-monthly. Progress against the TA consultancy targets is also the subject of regular briefing to the relevant Cabinet Members.

1.3 Legal Implications

1.3.1 The primary homelessness legislation – that is, [Part 7 of the Housing Act 1996](#) – provides the statutory under-pinning for action to prevent homelessness and provide assistance to people threatened with or actually homeless.

1.3.2 In 2002, the government amended the homelessness legislation through the [Homelessness Act 2002](#) and the [Homelessness \(Priority Need for Accommodation\) \(England\) Order 2002](#) to:

(a) ensure a more strategic approach to tackling and preventing homelessness, in particular by requiring a homelessness strategy for every housing authority district; and

(b) strengthen the assistance available to people who are homeless or threatened with homelessness by extending the priority need categories to homeless 16 and

17 year olds; care leavers aged 18, 19 and 20; people who are vulnerable as a result of time spent in care, the armed forces, prison or custody, and people who are vulnerable because they have fled their home because of violence.

1.3.3 The [Homelessness Reduction Act 2017](#) significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have 'priority need'. These include:

(a) an enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage; and

(b) a new duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation.

1.3.4 The [Domestic Abuse Act 2021](#) amends Part 7 of the 1996 Act to strengthen the support available to victims of domestic abuse. The Act extends priority need to all eligible victims of domestic abuse who are homeless as a result of being a victim of domestic abuse. The 2021 Act brings in a new definition of domestic abuse which housing authorities must follow to assess whether an applicant is homeless as a result of being a victim of domestic abuse.

1.4 Financial and Value for Money Considerations

1.4.1 Due to the changes that have led to a reduction in caseload in TA, Total Gross TA spend to end of September is £712,424 against an initial budget of £833,333. The end of year revised estimate is £1,515,000 and this is considered achievable if numbers in TA remain within the agreed accepted range of 70-100.

1.5 Risk Assessment

1.5.1 The table below identifies some of the key risks associated with maintaining or improving on the number of households in TA, along with mitigating actions;

Risk	Mitigation
Cost of living crisis; resulting in more households being in need of temporary accommodation and in nightly paid providers needing to increase their prices.	<p>Bolstering Homelessness Prevention function through training and support for officers. Also considering moving resource into prevention from solution work as/when caseloads drop further.</p> <p>Working with nightly paid providers wherever possible to understand their</p>

	pressures. Consider procurement options as part of TA portfolio approach.
Lack of PRS opportunities	Continue to develop relationships with landlords/agents via regular contact and WK Landlord Forum Keep landlord offer under review Ensure close working between officers seeking properties and those working with households in need of alternative accommodation.
Additional housing pressures, through changes to schemes such as Homes for Ukraine	Work with existing support channels to help households identify secure housing in the private rented sector wherever possible.
Lack of updates to Local Housing Allowance rates mean that households have fewer and fewer opportunities in the private rented sector	Seek member support to lobby central government regarding uplifts to LHA rates.

1.6 Equality Impact Assessment

1.6.1 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.

1.7 Policy Considerations

1.7.1 Customer Contact

1.8 Recommendations

1.8.1 Members are requested to **NOTE** the progress made against the TA Action Plan.

Background papers:

contact: Eleanor Hoyle

Nil

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

ANNEX 1

TA Actions Table

Green completed

Amber in progress

Red remain outstanding

	Recommendation	Current position	Timeframes	Owners	Notes
1	Agree an overall TA reduction target (initially reduce TA to 80 households by October 2022)	Approximately 160 at November 2021, now at 97 (9/11/22)	Members have agreed reduction target of 80 households in TA by October 2022, with a range of 70-100 being considered acceptable.	Eleanor Hoyle/ Linda Hibbs	Numbers have consistently reduced over time period.
2	Agree a TMBC performance framework to cover types of decisions and ending of duties on: <ul style="list-style-type: none"> • Prevention • Relief • Main duty • Reduction in the use of TA, including costs 	Session held with Anna Whalen LH/CK met and discussed. Initial draft framework in design.	Framework in place from September 2022 – now aiming for January 2023.	Linda Hibbs/Claire Keeling	Still to be developed in some areas.
3	Restructure your meetings to ensure monitoring the Housing Solutions Service performance with the focus on the action plan and progress to meet the TA reduction target	Fortnightly strategic monitoring meetings arranged from w/c 17 January and are ongoing	Ongoing	Eleanor Hoyle	
4	Undertake an exercise to set the base budgets for the Housing Solutions Service and in particular temporary accommodation correctly	Proposal for a 'shadow budget' for 22/23. 5/5/22 Completed and in place. Will	In place for 2022/23.	Linda Hibbs/Neil Lawley	

		move to being part of usual budget from 23/24.			
5	<p>Use the Homelessness Prevention Grant to fund additional growth in staff resources</p> <p>Establish 2 year contracts for the following posts: 1 x Triage Officer 1 x additional Prevention Officer 1 x additional Housing Solutions Officer 1 x Private Rented Officer located within the Housing Improvement Team</p> <p>Also consider short term role of a 'Welfare Officer' role to visit households in TA, ensuring occupancy and any change in circumstances which would affect the types of offers that can be made to end duties.</p>	<p>MT agreed staffing posts</p> <p>All posts in place apart from Accommodation Officer/Private Rented Officer not filled – decision taken to keep under review as to need.</p>	Completed	Linda Hibbs/Claire Keeling	
6	<p>Stop using the Locata 'Initial Assessment' form as your main triage tool and replace this with:</p> <ul style="list-style-type: none"> an option for email into the Service directly (using a Triage form which we will provide) or a phone call via Customer Service Centre who could be asked to complete the new triage form with the person with a housing problem 	<p>Agreed to continue to use initial Locata assessment form as feeds into casework system. Working well with new triage system in place.</p>	n/a	Claire Keeling/Linda Hibbs	
7a	<p>The role of the new Triage Officer needs to be defined clearly</p>	<p>Now defined and role working well.</p>	Completed	Claire Keeling	
7b	<p>Manage expectations of those seeking assistance at either prevention or relief stages, as well as those in TA</p>	<p>Triage/prevention roles working well in this respect. Welfare Officer role adds value to this approach. Amendments to housing</p>	Completed		

		allocations policy to aid this work also.			
8	Implement a new Prevention Casework Framework	Framework provided as part of this review. Our prevention approach has been overhauled with the introduction of the Homelessness Prevention Officers. We will further review the framework to ensure we are implementing full.	Completed	Claire Keeling/Linda Hibbs	We have casework framework. Prevention improved. Service turned around from reactive to prevention.
9a	Strengthen the authorisation procedure for signing off any TA placement	A model of a new ' <i>Placement into TA Manager Authorisation Checklist</i> ' has been provided (Feb 2022) as part of the review. This is being reviewed by Housing team. EH/LH are signing off all new placements into TA until further notice.	Completed	Claire Keeling Linda Hibbs/Eleanor Hoyle	
9b	To undertake more thorough assessments prior to placement into TA where the question of priority need is not clear cut	Action forms part of checklist referenced above.	Completed		
10	To address the backlog so that average caseloads are no more than 30 cases per officer and maintain these caseload numbers to no more than 30 per officer throughout 2022	Caseloads were averaging 60 – 80 per full time officer, including Prevention Officers. Caseloads now much lower and more aligned to less than 30 per Officer.	Completed	Claire Keeling/Linda Hibbs	Actively monitoring caseloads and will shift resources as

					required e.g. to prevention.
11	Implement a comprehensive Temporary Accommodation control and monitoring sheet and associated procedure	A TA control and monitoring sheet has been developed as part of the review Continued development and use in place.	Completed	Lisa Grimes/Claire Keeling	
12	The need to bring together all of TA operational procedures and processes into a comprehensive operational procedure manual	At present in TMBC there are individual forms, checklists and some required procedures such as the out of area TA placement policy and a private rented sector discharge policy. A model <i>Operational Procedure Manual</i> will be provided as part of the review.	End September 2022	Claire Keeling/Linda Hibbs	Under review
13a	The guiding objectives for TMBC's TA Procurement Strategy should be: a) To reduce the net cost of TA from 1 million to no more than £200,000. b) To deliver the right balance between short term and longer term TA, which is applicable to TMBC's needs. The balance should be based on 1 third long term 2 thirds short term TA. c) To significantly reduce the number of units of TA outside of the Borough d) To have a balanced portfolio delivering sustainable TA without the need to rely on costly bed and breakfast or over-rely on nightly rate TA	Report presented to H&PSSC 6/12/22	December 2022	Eleanor Hoyle	

13b	TMBC should plan for a 'normal' level of TA, based on demand and supply, of between 80-100 Units	Recommendation to CHAB in Feb 2022 97 in TA as at 9/11/22	Target October 2022	Eleanor Hoyle/Linda Hibbs/Claire Keeling	
13c	Ideally TMBC's TA portfolio should consist of two-thirds short-term TA and one-third longer term TA	Linked to Procurement Strategy above	December 2022	Eleanor Hoyle	
13d	TMBC should aim to develop at least 40 units of low/nil cost short term Council owned hostel type accommodation through converting multiple use shared accommodation such as lower demand sheltered housing or purchasing former multiple use homes	Linked to Procurement Strategy above	December 2022	Eleanor Hoyle	
13e	A further 20-30 units of self-contained accommodation could be purchased if capital resources are available to build on the units purchased at the High Street and Pembury Road	Linked to Procurement Strategy above	December 2022	Eleanor Hoyle	
13f	Discussions should be held with Clarion to obtain their commitment to providing a further batch of social housing units that can be used as TA	Officer discussions have taken place and a process is now in place to review all properties coming up for letting to ascertain their most appropriate use. Regular TA meetings in place.	Monthly meetings to monitor progress	Linda Hibbs/Claire Keeling	Meeting monthly
13g	The use of nightly rate accommodation should not be ruled out completely. The aim within 12 months should be to reduce the use of nightly let to no more than 20 units with a focus on the majority being 1 bedroom units	Linked to Procurement Strategy above	December 2022	Eleanor Hoyle	

13h	The Council may wish to consider being part of a Kent wide nightly let 'call off' procurement contract in order to try and deliver lower nightly rates, but the Council should not commit to taking units on a long term basis	Linked to Procurement Strategy above	July 2022	Eleanor Hoyle	Indicated our interest however Kent wide procurement did not proceed.
13i	A small private leased scheme could be developed for up to 12 units with a recommendation that negotiations with Clarion to manage the units	Linked to Procurement Strategy above	December 2022	Eleanor Hoyle	
13j	For single people any TA duty can be performed through accessing supported housing or HMO's inside or outside of the Borough	8 HMO units at Pembury Road ready for use imminently.	November 2022	Eleanor Hoyle	
13k	TMBC should be extremely careful in considering whether to enter into a long term 40 year leasing arrangement which we believe is currently under consideration	Linked to Procurement Strategy above	December 2022	Eleanor Hoyle	
14	Develop specialist capacity to procure PRS properties to use as discharge of duty and to be clear on the deal	Use of resources within existing team to liaise with managing agents etc Housing Improvement Team is also exploring contracts with a private organisations who can procure PRS properties.	Summer 2022	Linda Hibbs/Jason Wheble	Ongoing challenges with accessing PRS due to availability, affordability and our ability to respond quickly.

15	The Housing Improvement Team cease routine inspections of all new temporary accommodation units procured through a private landlord or agent in order to free up capacity to focus on delivering the number of PRS properties required to discharge duty.	Routine inspections have been ongoing whilst a revised inspection scheme has been developed. Given the reduction in the number of placements this process has become less burdensome.	June 2022	Linda Hibbs/Jason Wheble	
16	The team should quickly develop professional marketing material based on the offer agreed	Discussions ongoing with Media team	Summer 2022	Linda Hibbs/Jason Wheble	In progress
17	If any changes or tweaks needed to the 'Golden Hello' offer to make it more attractive to landlords, decisions should be the responsibility of the Director of Planning, Housing and Environmental Health	CHAB approved this recommendation in Feb 2022	Completed	Eleanor Hoyle	
18	There is a need to deliver private sector properties in significantly expanded numbers that can then be targeted at 'discharging duty' for applicants in TA owed the relief of homelessness duty, or the main homelessness duty. A target should be set for the number of properties to be delivered each month. The target should initially be 6 properties a month and reviewed after 3 months of the team being fully operational.	Use of resources within existing team to liaise with managing agents etc Housing Improvement Team is also exploring contracts with a private organisations who can procure PRS properties.	Summer 2022	Linda Hibbs/Jason Wheble	Ongoing challenges with accessing PRS due to availability, affordability and our ability to respond quickly.
19	All acquisition should be through the Housing Improvement Accommodation Team	In place	Completed		
20a	Properties acquired should be only used to discharge duty on families or single households currently in TA which means operationally some changes are required, namely:	Use of resources within existing team to liaise with managing agents etc	Summer 2022	Linda Hibbs/Jason Wheble	Ongoing challenges with accessing PRS due to availability,

	<ul style="list-style-type: none"> ➤ At the 'Prevention Duty' stage – applicants will be expected to source their own PRS accommodation with TMBC providing a rent deposit or rent in advance funded by a DHP or Prevention Fund Payment. ➤ At the 'Relief Duty' stage – PRS acquisitions of 6 months minimum should be targeted at families and single households in TA owed a relief duty and for whom there is no outstanding intentional homelessness assessment. ➤ At the 'Main Duty' stage – PRS acquisitions of 12 months should be targeted at families and single households in TA owed a Main duty. 	Housing Improvement Team is also exploring contracts with a private organisations who can procure PRS properties.			affordability and our ability to respond quickly.
20b	The scheme should initially be set up as a 'tenant finder service' only and not set up as a social lettings agency.	Noted for implementation	Summer 2022	Linda Hibbs/Jason Wheble	
20c	Properties should be sourced both in TMBC's area and in neighbouring Kent Councils with a larger PRS market. Suitable offers should be made to applicants in TA regardless of whether the property is in or outside of TMBC. The household in TA should have no 'veto' on whether to accept a PRS offer outside of TMBC, though of course, any offer must pass a rigorous suitability assessment regarding any impact on the household of being housed in a neighbouring district.	<p>PRSO offer revisited and robust.</p> <p>Continue to seek accommodation outside TMBC.</p>	Completed/ongoing		

21	<p>There should be more work carried out to better manage the expectations of applicants who are homeless so that they should expect the duty to be discharged with a PRS tenancy and that tenancy could be outside of TMBC given the shortage of supply inside the Borough.</p>	<p>Welfare Officer role in place will assist with managing these expectations.</p>	<p>Summer 2022</p>	<p>Linda Hibbs/Claire Keeling</p>	<p>Dependent on PRS properties being available</p>
22	<p>Top slice 50% of nominations as an emergency measure to help halve the number of households in TA for the next 6 months. This needs to be agreed with Clarion. Allocate these properties directly to households in TA owed a main duty, or owed a relief duty and likely to be owed a main duty.</p>	<p>All Clarion vacancies are now discussed within TMBC team (RS/LG/CK/LH) and decision made as to best use balancing TA need/direct offers/housing register). TMBC now advertise Clarion properties so in control of this process.</p>	<p>Ongoing</p>		
23	<p>Include the 2017 Homelessness Reduction Act prevention and relief duties in the banding scheme.</p> <ul style="list-style-type: none"> • Given that the Homelessness Reduction Act commenced in 2018, the Council should as soon as possible adopt a minor change to meet its legal duty to include in the policy the Section 195 prevention of homelessness duty and the Section 189B relief of homelessness duty, and • The new prevention and relief duty cases should be allocated Band C and not Band B so the perception is not given that homelessness is a fast track into social housing. 	<ul style="list-style-type: none"> • Allocations Policy now been reviewed • Out for consultation with RPs 	<p>July 2023</p>	<p>Linda Hibbs/Claire Keeling</p>	<p>New policy agreed by Members. Consultation with RPs underway. Launch delayed due to new IT system being adopted. Will notify applicants closer to the time.</p>

23b	<p>Using discretion to make a direct offer in specific circumstances.</p> <p>The suggested wording for the direct offer change is set out below:</p> <p><i>In exceptional circumstances where there are considerable budgetary pressures on the Council caused by the number of households in temporary accommodation the Council may make a direct offer, outside of band and date order, to an applicant who is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty in order to manage any budgetary impact.</i></p>	<p>Discussion led to decision not to act upon this recommendation.</p>			<p>Agreed that policy already covered this aspect.</p>
23c	<p>Make amendments to the banding award for overcrowding and to consider tightening the adopted test for measuring overcrowding.</p> <p>The recommendation is therefore that:</p> <ul style="list-style-type: none"> • Band B overcrowding should be reserved only for families that are 2 or more bedrooms deficient. • Applicants who are 1 bedroom down should be placed into Band C • Furthermore, given the high numbers that are overcrowded that are competing with homeless households, TMBC should consider options for tightening up the measurement of overcrowding standard and this is legally permissible as long as it is 	<ul style="list-style-type: none"> • Allocations Policy now been reviewed • Out for consultation with RPs 	July 2023	Linda Hibbs/Claire Keeling	<p>New policy agreed by Members. Consultation with RPs underway. Launch delayed due to new IT system being adopted. Will notify applicants closer to the time.</p>

	<p>set out in the adopted policy. The options for change are:</p> <p>Option 1: Tweak the bedroom standard to tighten it. This could be:</p> <ul style="list-style-type: none"> • One bedroom for applicant and partner/spouse (if any) • One bedroom for any additional adult couple • One bedroom for any two additional people of the same sex • One bedroom for any two additional people of the opposite sex aged nine and under • One bedroom for any additional person <p>Option 2: To count any second communal room as a bedroom when measuring overcrowding</p>				
23d	Tighten the local connection rules to qualify for the housing register.	<ul style="list-style-type: none"> • Allocations Policy now been reviewed • Out for consultation with RPs 	July 2023	Linda Hibbs/Claire Keeling	New policy agreed by Members. Consultation with RPs underway. Launch delayed due to new IT system being adopted. Will notify applicants closer to the time.

<p>23e</p>	<p>Include within the banding scheme a category that supports the prevention of homelessness casework.</p> <p><i>A proposed new deal for newly formed households at risk of parental/family eviction</i></p> <p>The new deal summarised:</p> <ul style="list-style-type: none"> • The new deal needs to be presented to both the family member seeking to exclude and the applicant. • It is a more transparent approach that removes the need to collude to claim to be homeless. • It may involve a much longer wait but a social housing outcome at the end of that wait and more choice over where that offer is. In contrast becoming homeless is likely to result in a private rented solution with no choice over the location <p>There are 2 banding options that TMBC would need to consider for the new Prevention Solution category: Option 1: To allocate Band B so it is comparable with applicants owed a main homelessness duty. Option 2: To allocate Band C that would rise to Band B after 6 or 12 months of the position at home being sustained.</p>	<ul style="list-style-type: none"> • Allocations Policy now been reviewed • Out for consultation with RPs <p>Triage role now effectively engages with excluders and family to try and prevent homelessness.</p>	<p>July 2023</p>	<p>Linda Hibbs/Claire Keeling</p>	<p>New policy agreed by Members. Consultation with RPs underway. Launch delayed due to new IT system being adopted. Will notify applicants closer to the time.</p>
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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

06 December 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 **REGULATION 18 LOCAL PLAN: INITIAL OUTPUTS**

1.1 **Background**

- 1.1.1 The Council has recently concluded the consultation on its Regulation 18 Local Plan and the Interim Sustainability Appraisal of the Local Plan. The consultation took place between 22 September and 3 November 2022.
- 1.1.2 The consultation took place in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It was the first of two prescribed consultation processes and sought a wide range of views from communities and stakeholders on what the new local plan should contain.
- 1.1.3 Consultation on the Interim Sustainability Appraisal is not required to take place at the same time as the Regulation 18 consultation, but it is best practice to do so. The consultation on this document took place under the Environmental Assessment of Plans and Programmes Regulations, 2004 on the Interim draft Sustainability Appraisal (SA).
- 1.1.4 Due to tight timescales this report includes high-level summaries and statistics of responses received, and key themes identified. It does not include full summaries or council responses. The full response is proposed to be brought to the HPSSC meeting in March 2023, alongside other initial recommendations.
- 1.1.5 This report seeks a HPSSC recommendation to Cabinet to note the initial outcomes of the consultation and to agree the proposed timetable for bringing further conclusions and key decisions before members.

1.2 **Consultation approach**

- 1.2.1 The consultation was publicised in accordance with the above regulations which included making the consultation documents publicly available in hard copy at the council's main office, the website and on the INOVEM [consultation portal](#). All contacts on the local plan consultation database were directly informed of the consultation by email, including a link to the relevant part of the council website. A social media strategy was also adopted to promote the consultation, the results

being that the local plan consultation page was the sixth most visited page in the period.

1.2.2 Below is a breakdown of the responses received.

INOVEM consultation portal ¹	1158 separate questionnaire responses 1643 other comments relating to paragraph or sections of the plan
Email	Approximately 2000 individual responses
Post	Approximately 500 individual responses

1.2.3 By way of comparison Maidstone Borough Council received 550 responses at the first Regulation 18 consultation but over 3000 at the second, and Tunbridge Wells received 551 responses at Regulation 18.

1.2.4 This included 11 responses from statutory consultees, including Natural England, Historic England, the Environment Agency, 4 neighbouring authorities and Kent County Council. Responses were also received from 26 of the 27 parish councils. A majority of the comments were in response to the local plan rather than the interim sustainability appraisal, and key matters raised by the statutory bodies are set out in **Annex 1**. A list landowners, developers and other key bodies who responded to the consultation is also included in **Annex 2**.

1.2.5 The breakdown of the responses could influence the detail of the results. For example, those who submitted comments via the portal were directed to apportion their comment to a particular section or paragraph of the plan and/or answer the specific question. Whereas responses received by email were less structured. However, officers are currently entering email and postal responses into the portal and attributing them to a section or paragraph, or assigning to a 'general' section of the portal. This is to allow the consultation software to be used for further in-depth analysis and to effectively collate responses.

1.3 Early conclusions

1.3.1 Due to the high number of consultation responses received it is only possible at this stage to provide some high-level outputs for the results submitted within the consultation portal. This includes those submitting answers to the specific questions posed and any additional comments, which totals 2801 responses.

1.3.2 As above there were 1158 questionnaire responses through the consultation portal, which is approximately 22% of total responses. These are subject to the

¹ Subject to verification

detailed statistical analysis included in **Annex 3**. The bullets below are percentages of those that answered those particular questions, highlighting:

- A clear preference for Spatial Strategy Option 1 -68% of questionnaire responses) – A focus on settlements outside the Greenbelt and the AONB boundaries
- Disagreement with the strategic case for exceptional circumstances in relation to Greenbelt release (82%)
- A clear preference for meeting Objectively Assessed Needs only (as opposed to OAN+10%)- 92%
- Agreement with the windfall allowance methodology (60%)
- Clear support for the strategy option 1 for Tonbridge (optimising capacity within development sites in the town) (93%)
- 91% disagreed with the conclusions of the Sustainability Appraisal site assessments
- Agreement that the local plan should allocate of mix of site types (small, medium, large) (72%) and provide for a specific mix of housing types (80%)
- Support for requiring more than 10% biodiversity net gain (if viable)- (93%)

1.3.3 It is possible to provide some high-level breakdown of some of these messages by location of respondent, as included in **Annex 3**. This shows that a large proportion of those responding came from Tonbridge. Those from the west of the borough were also more likely to prefer Option 1 to those in the east (although Option 1 was still the preferred strategy). The consultation also included voluntary questions on equalities. This information is also included in **Annex 3**.

1.3.4 As highlighted above an additional 1643 comments were received through the consultation portal relating to particular sections or paragraph numbers of the Regulation 18 Plan. Around 40% of these comments received were made in reference to a particular site identified within Appendix B to the Local Plan. This was the list of sites identified in the previous Call for Sites process, the Urban Capacity Study and the former proposed allocations within the withdrawn local plan. This totalled 664 responses, and a breakdown is provided in **Annex 3** by ward.

1.3.5 It is not yet possible to analyse the results of the emailed or paper responses which relate to over 50% of returns due to the significant resource requirement in reviewing and uploading these to the consultation software. However a significant proportion of these are also in relation to the sites identified within Appendix B, including through adding names and addresses to standard proformas developed

within the community. There were three proformas which were submitted by a significant number of individuals as below:

- Objections to particular sites within King's Hill (8), Downs and Mereworth (1), East Malling (3), West Malling (1) and Watlington (3)- it is estimated this accounted for over 1,500 responses
- 'Stop Borough Green City'- including standard answers to a select number of the consultation questions in the context of Borough Green- it is estimated this accounted for around 100 responses
- Comments in relation to King's Hill and extracts of each site proposed within Appendix B with comments inserted- it is estimated this accounted for around 20 responses

1.3.6 As explained at the HPSSC meeting of September 2022, the Call for Sites process was also reopened alongside the Regulation 18 consultation a result of which 65 new sites were submitted. These additional sites are now being considered against the suitability criteria set out within the Placemaker software as well as the sustainability objectives within the Sustainability Appraisal. Legal advice will be sought to be able to ensure that these are considered in a proper and timely manner and to ensure there is opportunity for these sites to be consulted upon.

1.3.7 In addition to the above members of the team attended a TMBC Youth Forum to promote the local plan consultation. Further feedback was sought from attendee's peers through their schools, and the main comments were:

- The majority supported development, conditional on protecting greenfield land
- The countryside and woodlands around the borough are well liked but very few like Tonbridge town centre.
- Many identified a need for a cinema, cafes and restaurants, and parks and gardens,
- Traffic and air pollution are the greatest concerns about the future of the borough, followed by the loss of natural habitats and wildlife.

1.3.8 The above information is high-level analysis of the online questionnaire responses and key comments on sites. It is likely that the email responses reflect similar sentiments, but this cannot be confirmed, or full outcomes known until all emailed and postal responses have been fully logged. The full analysis will be brought to members, including an officer-level response for March 2023, which will effectively form the full Regulation 18 summary.

GDPR implications

- 1.3.9 Some comments have also been received regarding the appropriateness of the consultation and engagement methods, including the reasoning why all households were not directly informed of the consultation process. As at section 1.2.1, emails were sent to those individuals who had directly registered on the local plan consultation portal. Advice was taken prior to the start of the consultation period on whether other council contacts could also be utilised and added to the consultation database, however this was restricted by the privacy notice.
- 1.3.10 Legal advice was also provided on the broader issue of data handling and GDPR in July 2019 following issues which arose at the local plan examination. This highlights that the 'processing of personal data' should only be progressed if it cannot be fulfilled by other means. On this basis utilising personal data collected for council tax purposes cannot be used for local plan purposes. However, other options are being explored, including how information on the Local Plan and encouraging registration can be disseminated with other council communications such as within the council tax information provided in early 2023.

Progress towards Regulation 19

- 1.3.11 The planning policy team are currently processing the representations received. This includes entering emailed or postal responses into the consultation portal. Due to the high level of response, it will not be possible to assign ID numbers to respondents until this process has been concluded.
- 1.3.12 The team are also conducting more in-depth analysis of results of the Regulation 18 consultation. These full outputs of the consultation will be brought back to the HPSSC meeting of March 2023. This information will also be included within the consultation statement to be published alongside the Regulation 19 local plan in due course. The outcomes of the sustainability appraisal consultation are being passed onto the consultants to be separately analysed for reflection within the sustainability appraisal report.
- 1.3.13 The team are also currently assessing each identified site for suitability and availability. This is being undertaken through a range of methods including meeting with parties who submitted sites or are promoting formerly proposed allocations, and further consideration of site constraints. This process will also include engagement with owners of all of the sites identified in the Urban Capacity Study. This will be fed into a Housing and Employment Land Availability Assessment (HELAA) to identify land availability over the plan period. This will be used alongside the consultation results and other evidence to identify an appropriate spatial strategy, which will be tested within other pieces of evidence. Members will be engaged regarding the spatial strategy as it begins to emerge, via informal and confidential sessions in early 2023. These sessions require confidentiality so that the production of a spatial strategy or early thinking around

site suitability outcomes are not made public until an appropriate time. If made public before key decisions have been made this could require a significant injection of officer resource to manage.

- 1.3.14 Other new and emerging pieces of work which have or are currently being considered include transport modelling, a whole plan Viability Assessment, Landscape Study, Open Space, Playspace and Recreation Study and Greenbelt Study- part 2.
- 1.3.15 The current [Local Development Scheme](#) has Regulation 19 programmed for between August and October 2023.
- 1.3.16 However, this is an ambitious timetable. As highlighted above, ongoing legal advice will be sought on risk management, next steps and timetabling once the full outcomes of the consultation responses, site submissions and resources are known.
- 1.3.17 The next consultation stage will be on the Regulation 19 version of the Local Plan, currently anticipated for Autumn 2023. This will be the plan which the council considers to be 'sound', which will then be submitted to the Secretary of State, via the Planning Inspectorate. To be able to swiftly move between Regulation 19 and Regulation 22 (submission of a local plan) a revised approach to the current consultation portal is likely to be required, including how responses are analysed in an effective and timely manner.

1.4 Duty to Cooperate

- 1.4.1 The planning policy team liaises with neighbouring boroughs on an ongoing basis, updating the Duty to Cooperate grid on a regular basis. Officers conducted bespoke officer and member-level duty to cooperate meetings on the Regulation 18 local plan whilst it was out to consultation. The latest version of this grid is available on member request. **Annex 1** contains a summary of the representations received from neighbouring authorities which will form the subject of the next conversations with each borough.

1.5 Legal Implications

- 1.5.1 Local Planning Authorities are required to prepare and keep up to date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.
- 1.5.2 General Data Protection Regulations set out particular requirements in relation to the processing of data. All individual responses will be redacted when outputs are published and no personal data will be shared with outside bodies.

1.6 Financial and Value for Money Considerations

- 1.6.1 There will be direct financial and value for money considerations associated with the commissioning of work and responding to issues raised through the consultation. These costs will be met from existing budgets, which are kept under regular review due to considerations including Member requirements on evidence base and inflationary cost increases for consultancy advice.

1.7 Risk Assessment

- 1.7.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption (anticipated 2025). This will alleviate the current risks associated with not having an up-to-date development plan in place. There are reputational risks should the local plan programme not be delivered on time.

1.8 Equality Impact Assessment

- 1.8.1 The decisions recommended through this report have relevance to the substance of the Equality Act 2010. The equalities data collected within the Regulation 18 consultation has been processed in accordance with the GDPR and the local plan privacy notice. An Equalities Impact Assessment will be undertaken alongside the preparation of the Regulation 19 Local Plan.

1.9 Recommendations

HPSSC is asked to recommend to Cabinet:

- 1.9.1 **NOTE** the initial outputs of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal.
- 1.9.2 **APPROVAL** of the programme for bringing more detailed outputs to members at the March 2023 meeting.
- 1.9.3 **NOTE** the approach to promoting the Local Plan through other council communications, subject to GDPR restrictions.

Background papers:

Annex 1 - Summary of responses from statutory consultees

Annex 2 - Responses from landowners, developers and other bodies

Annex 3 - Initial outcomes of the Regulation 18 consultation

contact: Gudrun Andrews
Planning Policy Manager

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

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Annex 1 Responses from specific consultation bodies

Natural England	<ul style="list-style-type: none"> Highlighted the impacts of the five Spatial Options and the need for landscape protection a need to protect AONBs and their settings
The Environment Agency	<ul style="list-style-type: none"> Flood risk and the role of the Medway Estuary and Swale Strategy (MEAS) Specific comments on sites in Appendix B of the Local Plan a need to refer to restoring degraded habitats, the DEFRA biodiversity metric, green/blue infrastructure and the role of SSSI impact zones
Historic England	<ul style="list-style-type: none"> Provides a steer on policies and guidance to be considered in plan preparation, including the scope of development management policies. Highlights the benefits of a heritage strategy or heritage SPD
Kent County Council	<ul style="list-style-type: none"> Comments focussed around their statutory functions in relation to public rights of way, highways, education, minerals and waste and waste management. Other key areas of comment were around the built and natural environment and infrastructure priorities. Support for seeking more than 10% biodiversity net gain, if viable. Additional comments were also provided on the Sustainability Appraisal.
Gravesham	<ul style="list-style-type: none"> No comments received.
Maidstone Borough Council	<ul style="list-style-type: none"> Highlights potential spatial strategy implications on MBC borough including on air quality and settlement coalescence Acknowledgment of the influence of the Maidstone Housing Market Area Support to the commitment to meet the local housing need in full, including that of gypsies and travellers.

Medway	<ul style="list-style-type: none"> • Welcomes the commitment to meeting OAN • Requests early sight of information in relation to preferred sites and strategy options. • Comments in relation to scenarios within the Economic Development Needs Study and the need for further supply-side data to be able to fully comment on these.
Sevenoaks District Council	<ul style="list-style-type: none"> • Identification of cross boundary issues in relation to housing and infrastructure delivery and the role of regular duty to cooperate conversations, including around potential for shared evidence. • Draws attention to the SDC Regulation 18 plan consultation, summarising the development strategy as making the most efficient use of land in existing settlements, only releasing Green Belt land where there are exceptional circumstances for doing so. • Identifies a SDC unmet need of approximately 6,000 homes and states that there is a case which can be made for TMBC to assist with some of these unmet needs, should there be capacity to do so. • Welcome the TMBC ‘OAN plus 10%’ option • Highlights opportunities for joint working over infrastructure planning and need to provide for this alongside development for areas close to the SDC boundary, and this should have a bearing on the spatial strategy adopted within the plan.
Tunbridge Wells Borough Council	<ul style="list-style-type: none"> • the potential impacts of high-density development on the settlement character, the character of the natural environment and landscape setting of settlements, and on the historic environment. • highlights the good working practices taking place around the duty to cooperate between west Kent authorities and the acknowledgement that needs are to be met in full within the borough boundary.

Annex 2 Responses from landowners, developers and other key bodies

Table 1- Landowners and developers

Barratt David Wilson Homes	Gladman Developments
Bellway Strategic Land	Hadlow College
Berkeley Homes Eastern Counties	Kitewood Estates
Berkeley Homes Southern Counties	Leander Homes
Berkeley Homes Strategic	Millwood Designer Homes
Borough Green Gardens Consortium of landowners	Panattoni UK Development Ltd
Canham Homes	Persimmon Homes
CEMEX UK Properties Ltd	Redrow Homes
Coblans Nursery (north-west Tonbridge)	Rydon Homes Ltd
Cooper Estates	Savills
Croudace	Tarmac
Dandara South East Ltd	Taylor Wimpey Strategic
Fairlawne Estate	Terance Butler Holdings Ltd (Aylesford Quarry)
Fernham Homes	Tregothnan Estate
Gallagher Developments	Trenport Investments Limited
Gallagher Properties	Vistry Group (formerly Bovis Homes)

Table 2- Other bodies

Age UK	Kent Police
British Horse Society	Kent Wildlife Trust
Civil Aviation Authority	Lower Medway Internal Drainage Board

CPRE	Malling Society
Diocese of Rochester	Romany Guild
Federation of Small Businesses	Showmans Guild
Friends of the Earth	South East Local Enterprise Partnership (SELEP)
Heart of Kent Hospice	Sport England
High Weald AONB Management Unit	Theatres Trust
Home Builders Federation	Tonbridge Civic Society
Kent Chamber of Commerce	West Kent Chamber of Commerce
Kent Downs AONB Management Unit	Woodland Trust
Kent Fire	

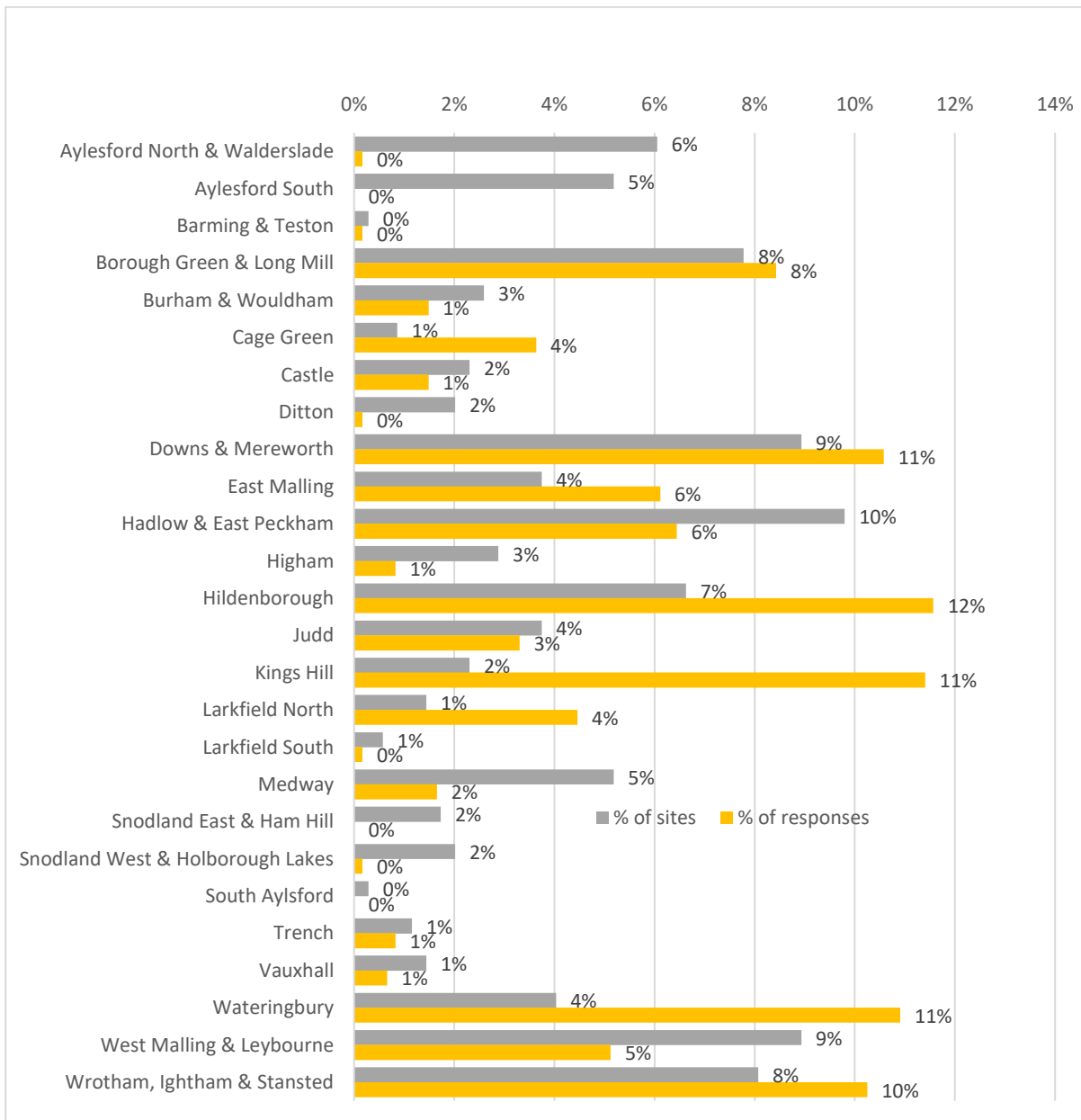
Annex 3- Summary of initial outcomes

These figures only include submissions within the consultation portal, at around 22% of responses. A different picture could emerge once all responses can be analysed.

Appendix B comments

The chart below shows that some wards contain only a small proportion of sites but received a much greater proportion of responses (e.g. King’s Hill, Hildenborough, Watringbury) whereas some wards had a greater proportion of sites but received proportionally lower responses (e.g. Aylesford wards and Medway)

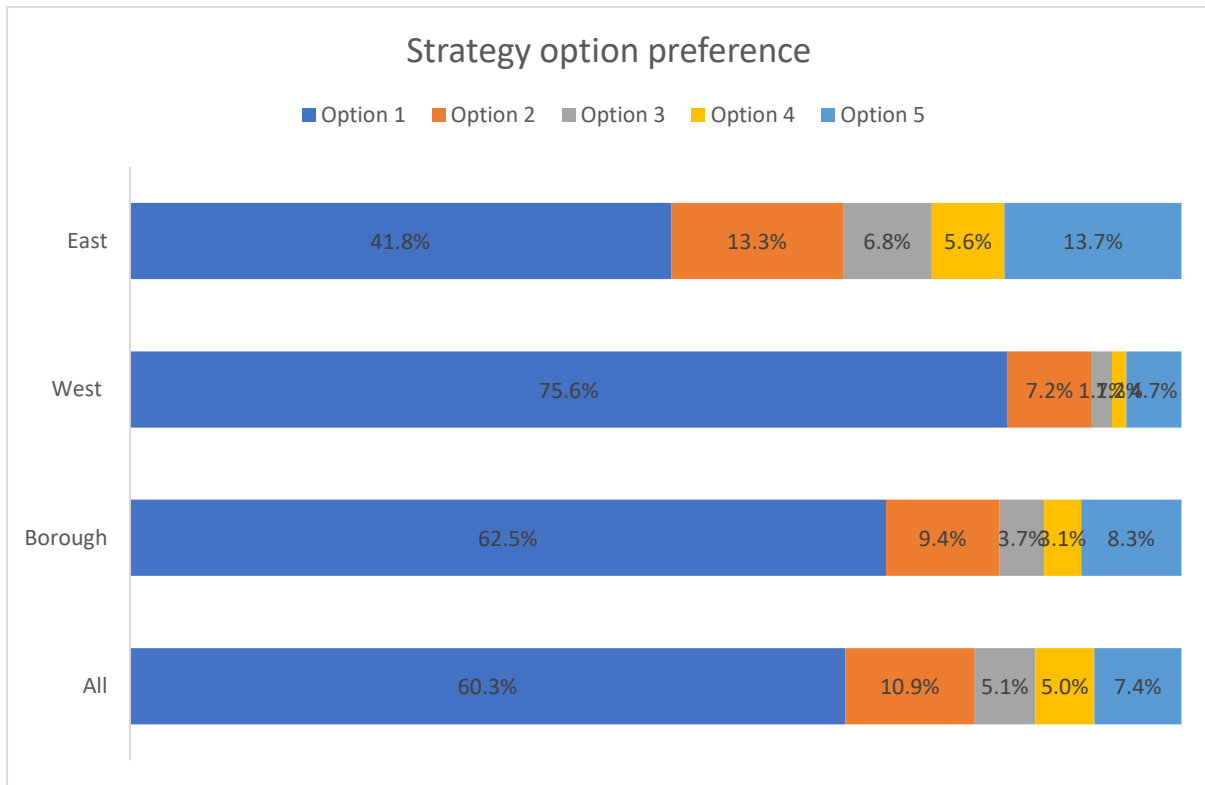
Figure 1- Proportion of site responses and locations



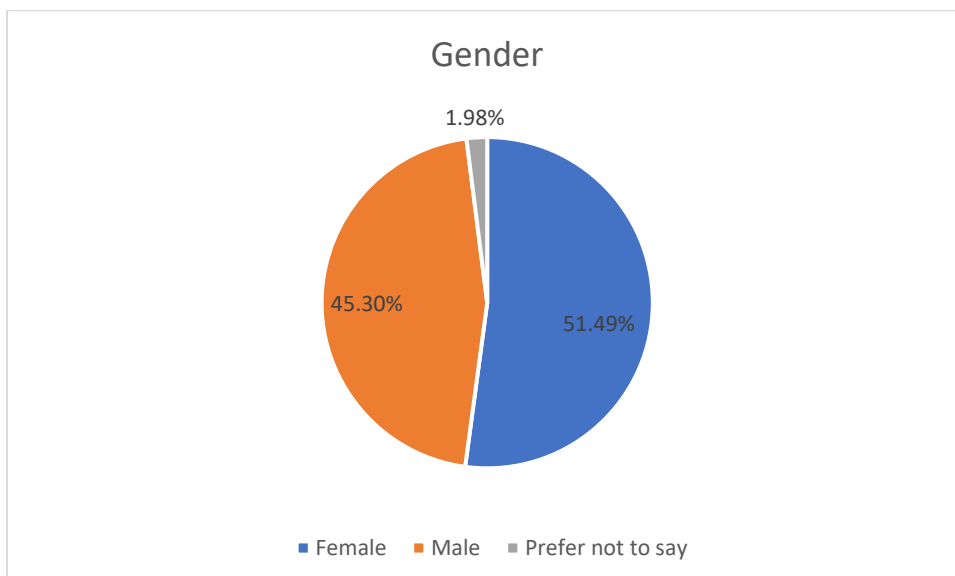
Spatial Strategy analysis

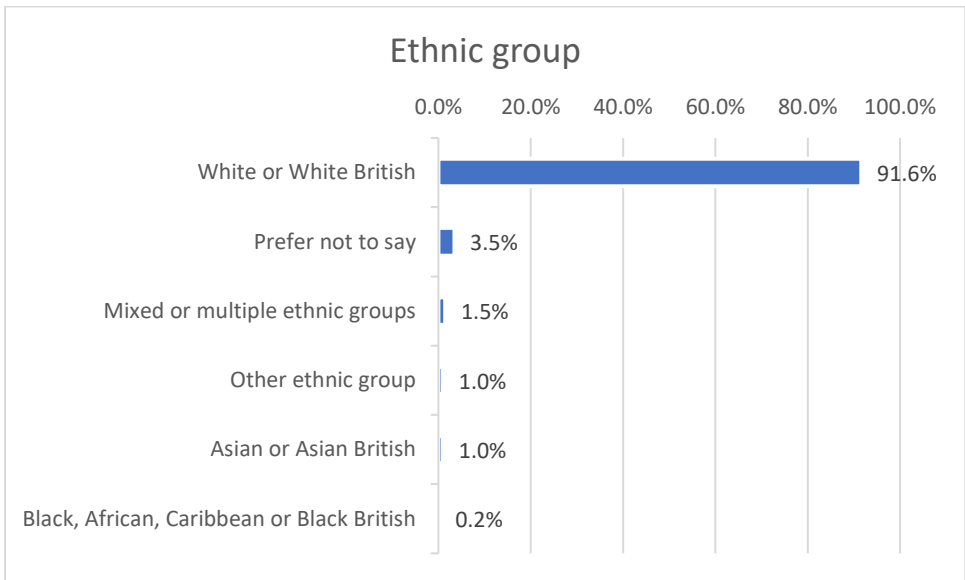
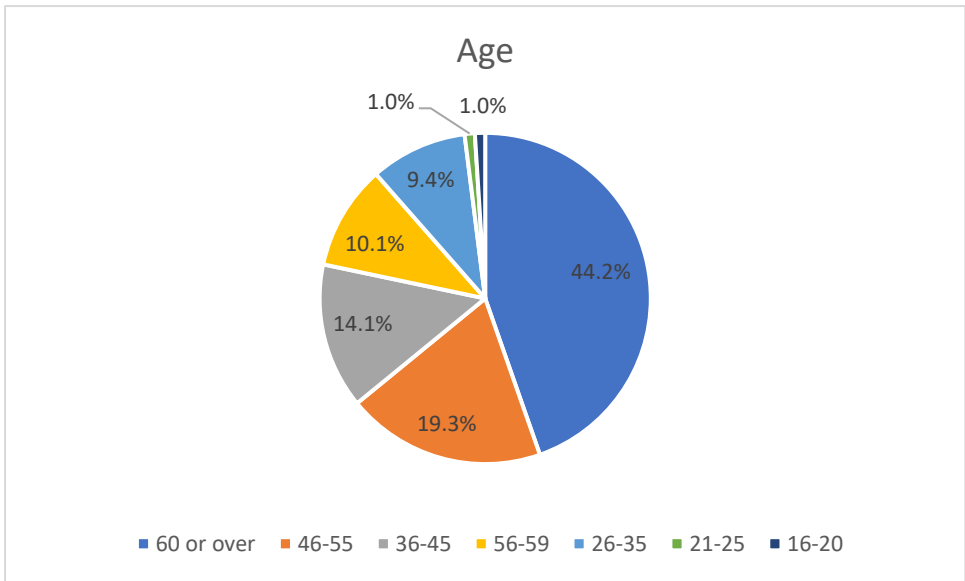
The chart below shows analysis of the spatial strategy options by location of response (excluding non-responses to these fields). The below shows that those in the west of the borough are more likely to opt for option 1 whereas those to the east, although still prefer option 1 overall, are less likely to express this as a preference.

Figure 2- Strategy option preference by location



Equalities information





Local Plan Regulation 18 summary statistics—as at 7/11/22

NB—Doesn't include entries from LP inbox or received by post.

Comments (overview):

Name	Comments	Accepted
 TMBC's Regulation 18 Local Plan		1643
 Foreward, infographic, ToC	No	
 Introduction	No	331
 Local Context	No	54
 Vision	No	66
 Spatial Distribution of Development	No	210
 Strategic Matters	No	287
 Other Matters	No	8
 Further Information	No	
 Next Steps	No	
 Appendix A: Key Diagram	No	23
 Appendix B: List of Sites	No	664

Questionnaire:

Question 1

Which elements should feature in the vision for the borough in 2040? (Select as many as applicable)



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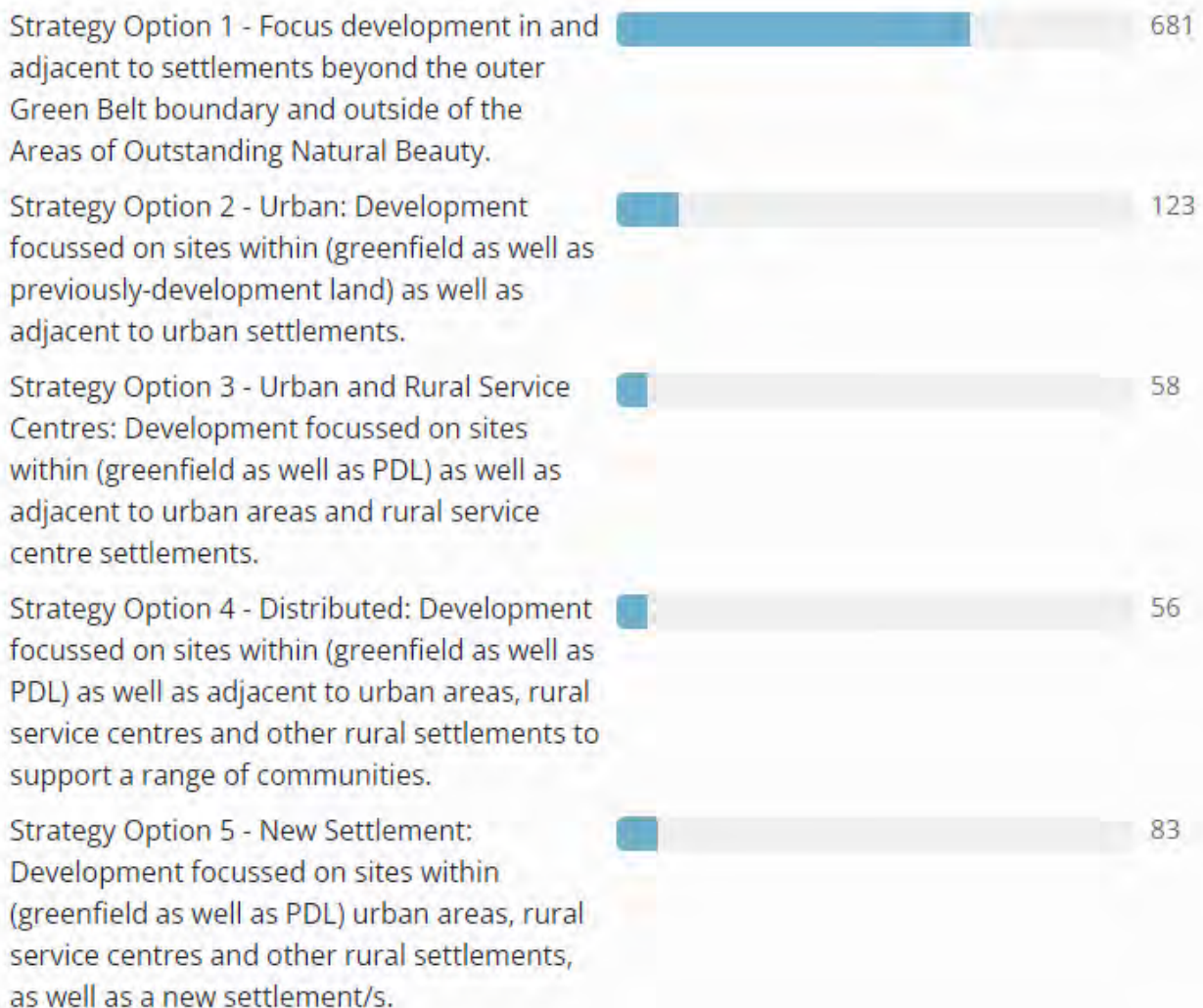
Question 2

Do you agree that this settlement hierarchy should be retained and inform the spatial strategy for the Local Plan?



Question 3

Which spatial strategy option do you prefer?



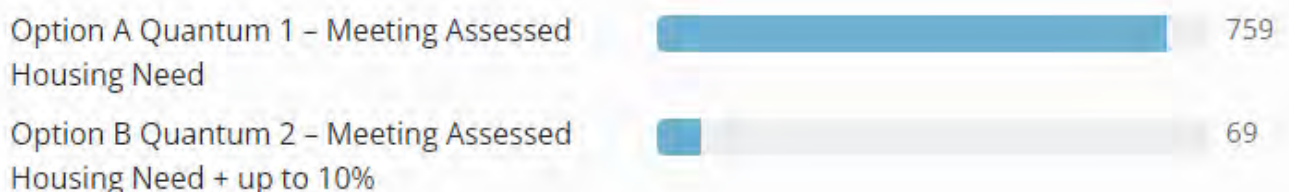
Question 4

What are your reasons for selecting this particular spatial strategy option for the Local Plan (outline briefly (max. 6000 characters))?

This question has been answered 893 times.

Question 5

Which quantum options for the spatial strategy do you prefer?



Question 6

What are your reasons for selecting this particular quantum option for the Local Plan (outline briefly (max. 6000 characters))?

This question has been answered 704 times.

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Question 7

Do you agree with the findings of the strategic policy options assessments in Chapter 4 of the Interim Sustainability Appraisal Report?

Yes  274


No  330


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[Quick Report](#)

Question 8

Do you agree with the findings of the individual site assessments in Annex 1 of the Interim Sustainability Appraisal Report?

Yes  61

No  653

Question 9

Do you agree with this set of strategic matters?

Yes  296

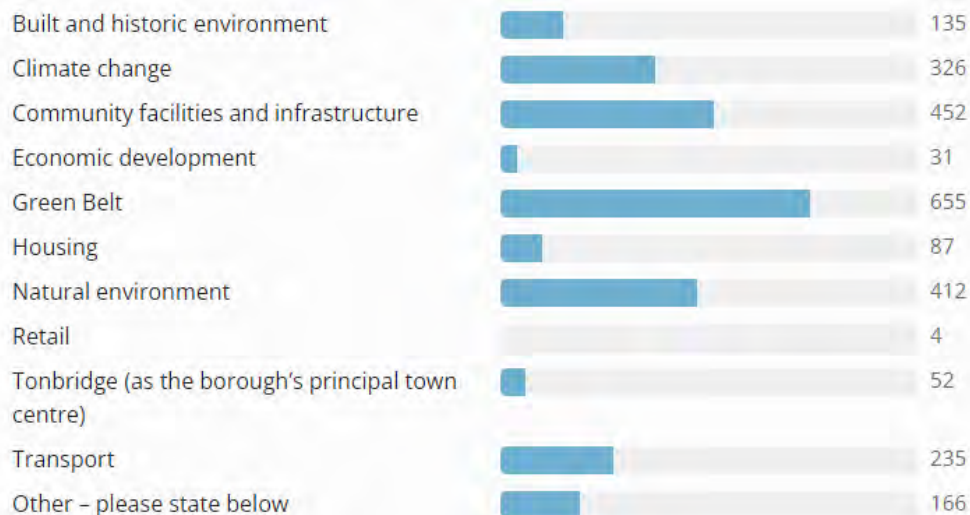
No  336

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Question 10

Which strategic matters should be priorities in the Local Plan?



Question 11

What are your reasons for selecting these particular strategic matters as priorities for the Local Plan (outline briefly (max. 6000 characters))?

This question has been answered 625 times.

[View Responses](#)

[Quick Report](#)

Question 12

With reference to your answers to questions 5 and 6 do you agree that the housing requirement for the Local Plan should involve meeting the identified housing needs in full, as a minimum?

Yes  160

No  539

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[Quick Report](#)

Question 13

Do you agree that the Local Plan should allocate a mix of sites (small, medium, and large) to help maintain supply throughout the plan period?

Yes  490

No  192

Question 14

Do you agree that the Local Plan should require a specified mix of dwelling types (e.g. flatted, terraced, semi-detached, detached) on large development sites to meet the range of households' needs?

Yes  557

No  135

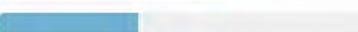
[View Responses](#)

[Quick Report](#)

Question 15

Do you agree that the Local Plan should require a proportion of plots on large developments to be made available for self-build and custom house building?

Yes  403

No  245

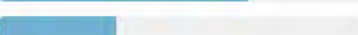
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Question 16

Do you agree that the Local Plan should require a proportion of homes on large development sites to be Build-to-Rent products?

Yes  428

No  206

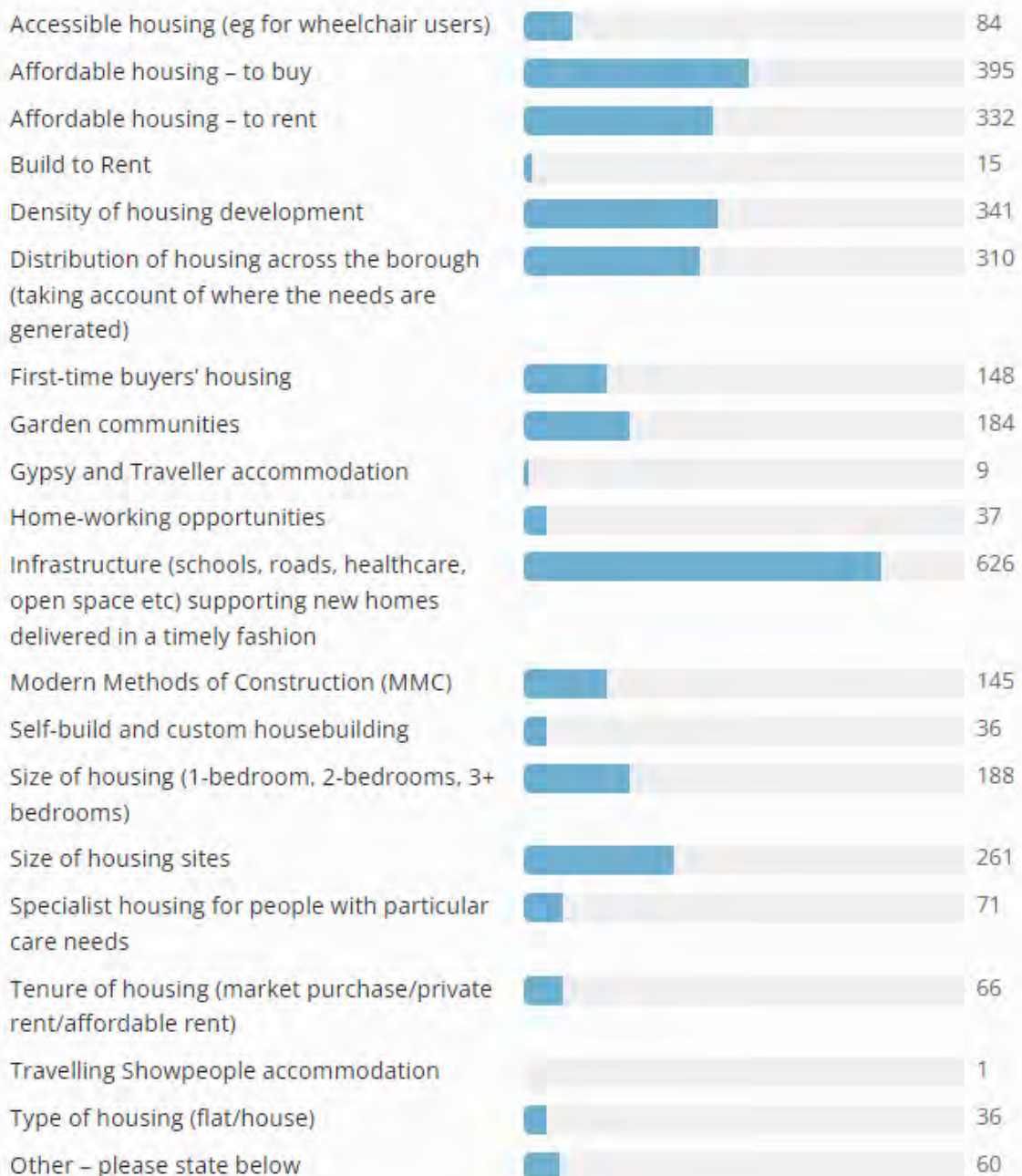
Question 17

Do you agree with the windfall allowance methodology?



Question 18

Which housing matters are most important to you?



Question 19

What are your reasons for selecting these particular housing matters as priorities for the Local Plan (outline briefly (max. 6000 characters))?

This question has been answered 477 times.

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Question 20

Do you agree with the key economic development issues identified above?

Yes  371

No  158

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Question 21

Do you agree with the key transport issues identified above?


Yes  424


No  187


Question 22

Which transport issues matter the most to you?

Bus services – linking developments to services and places  486

Cycle routes – safe links between homes and schools, other service, places and public transport  314

Pedestrian infrastructure – safe links between homes and schools, other services, places and public transport  502

Rail – improving station access and links with cycling and walking routes  249

Roads including junction improvements  418

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Question 23

What are your reasons for selecting these particular transport matters as priorities for the Local Plan (outline briefly) (max. 6000 characters)?

This question has been answered 488 times.

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Question 24

Would you support the implementation of cycling and walking schemes where a reduction in road space including on-street parking may be required in some instances, to provide a network of high-quality urban cycle routes?

Yes  362

No  316

Question 25

What is your preferred strategy option for Tonbridge?

Strategy Description

Option 1 Optimise densities on development sites within Tonbridge, particularly on those sites within the town centre, maximising their potential for residential and mixed-use development.

Option 2 Conservative densities on development sites within Tonbridge, minimising the intensification of existing built-up areas for residential and mixed-use development.

Consequence for the need for additional development land

Minimise the need for the release of green field sites beyond the outer edge of Tonbridge, in the Green Belt, primarily for residential development.

Increase the need for the release of green field sites at and beyond the outer edge of Tonbridge, in the Green Belt, primarily for residential development.

Option 1 - Optimise densities on development sites within Tonbridge, particularly on those sites within the town centre, maximising their potential for residential and mixed-use development.

 634

Option 2 - Conservative densities on development sites within Tonbridge, minimising the intensification of existing built-up areas for residential and mixed-use development.

 50

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Question 26

What are your reasons for selecting this particular strategy option for Tonbridge (outline briefly (max. 6000 characters))?

This question has been answered 510 times.

Question 27

What should be the main role of Tonbridge Town Centre moving forward? Should the priority be for shopping or for leisure, social and cultural uses or a balance of these? (max. 6000 characters)

This question has been answered 519 times.


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Question 28

Should the Local Plan include a more flexible policy framework for Tonbridge to allow the Town to respond to future market investment opportunities for a range of land uses and developments?

Yes  430

No  105

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Question 29

Do you have other thoughts about how planning policy should guide development in and around the town centre? (max. 6000 characters)

This question has been answered 343 times.


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Question 30

Do you agree with the key retail issues identified above?

Yes  388

No  89

Question 31

Is there anything more that the Council could do to make the borough's retail centres more attractive and successful?



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Question 32

Do you agree with this set of community facilities and infrastructure priorities?



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[Quick Report](#)

Question 33

Should Local Green Space be designated in the Local Plan?



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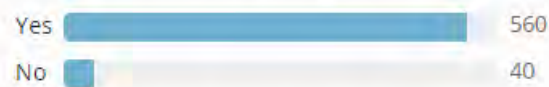
Question 34

If yes, do any potential sites meet all of the criteria set out in NPPF? (max. 6000 characters)

This question has been answered 230 times.

Question 35

Should the Council be seeking more than 10% Biodiversity Net Gain, if viable?

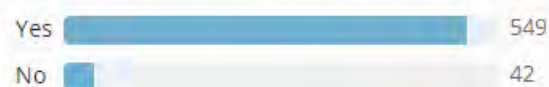


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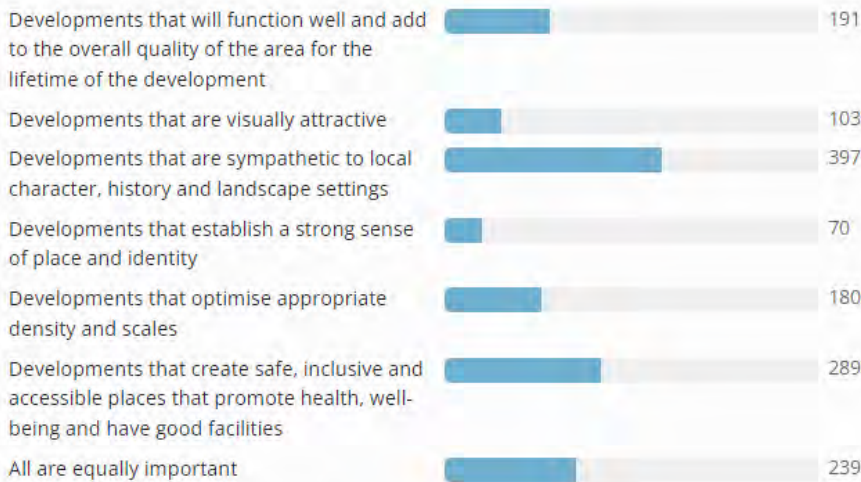
Question 36

Should the Council allocate sites specifically for Biodiversity Net Gain within the Local Plan?



Question 37

Which design matters are most important to you? (Select 3)



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Question 38

What are your reasons for selecting these particular design matters as priorities for the Local Plan (outline briefly (max. 6000 characters))?

This question has been answered 289 times.

Question 39

Are there any other locally significant built, historic issues or sites which you consider are important to the borough and should be addressed in the Local Plan?



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Question 40

Do you agree that there are exceptional circumstances, at the strategic level, for altering Green Belt boundaries (in principle) to help address assessed development needs?



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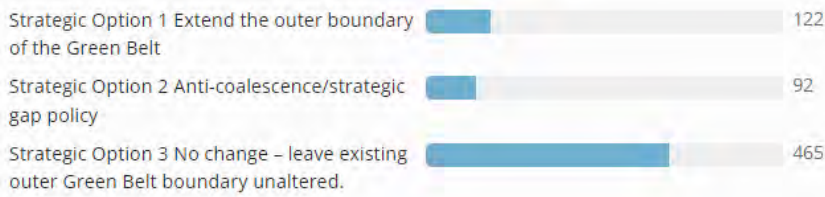
Question 41

Do you agree that the set of factors listed in para. 5.11.7 should be used to determine if exceptional circumstances exist to justify alterations to Green Belt boundaries?



Question 42

Please indicate your preferred strategic policy option for the area beyond the outer Green Belt boundary



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Question 43

What are your reasons for selecting this policy option for the area beyond the outer Green Belt boundary (outline briefly (max. 6000 characters))?

This question has been answered 473 times.

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Question 44

Do you agree that the Local Plan should set requirements for a certain proportion of development on major sites to be built using MMC?



Question 45

Do you agree that the Local Plan should set a minimum requirement for tree canopy coverage on new developments?



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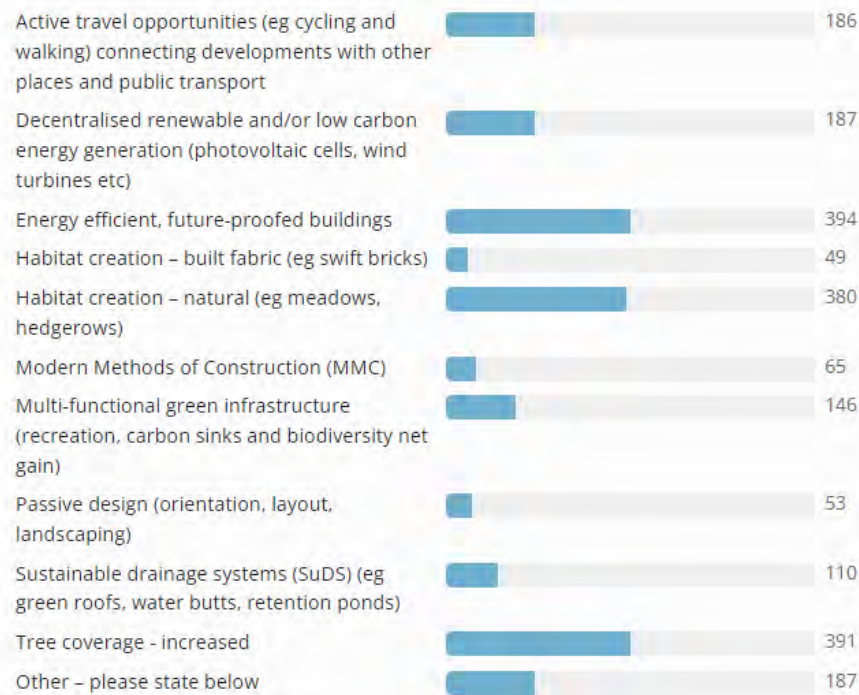
Question 46

Do you agree that new developments should integrate into the fabric of buildings habitat space for wildlife, such as migratory birds?



Question 47

Which climate change measures are most important to you?



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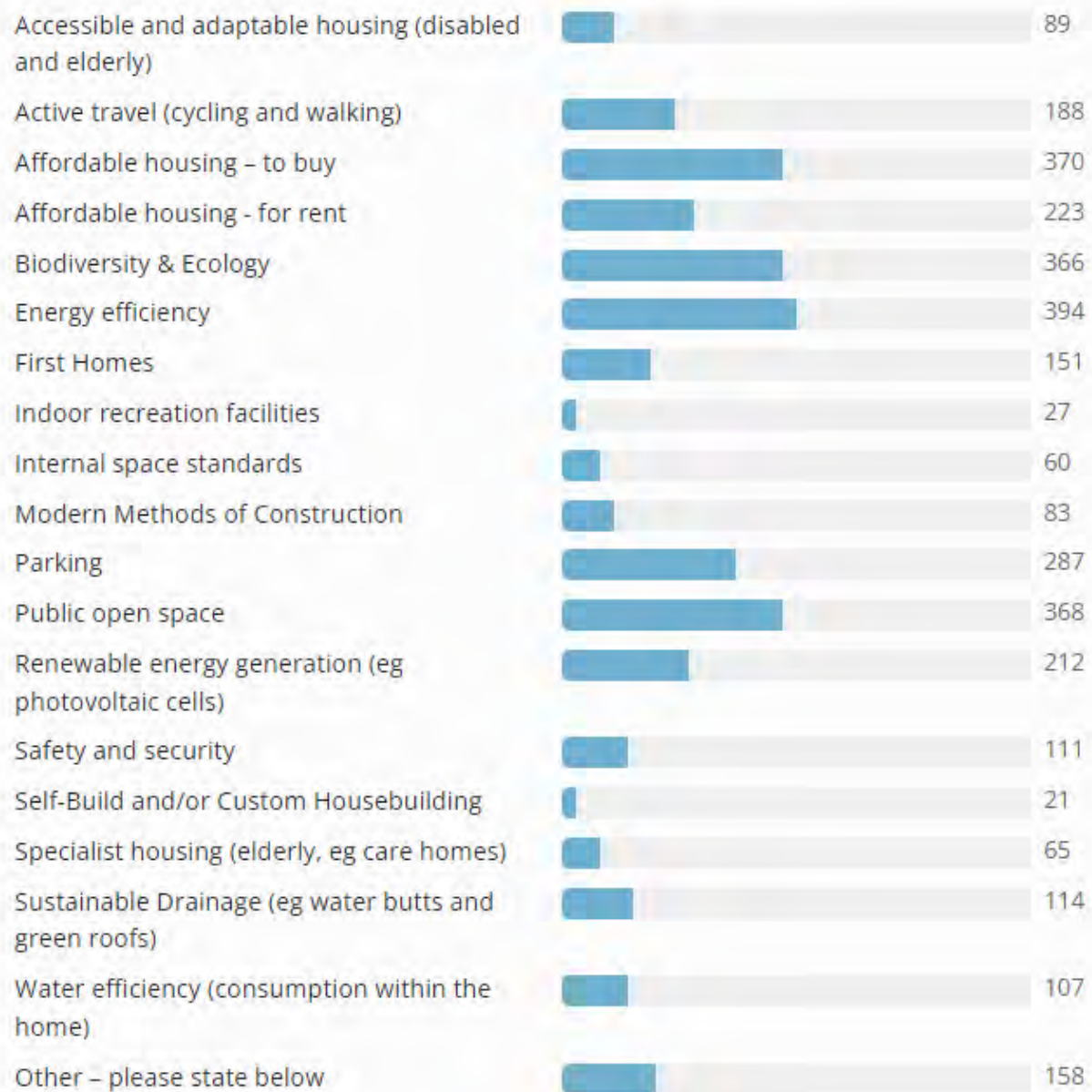
Question 48

What are your reasons for selecting these particular climate change measures as priorities for the Local Plan (outline briefly (max. 6000 characters))?

This question has been answered 427 times.

Question 49

Which local policy requirements are most important to you?



Question 50

What are your reasons for selecting these particular local requirements as priorities for the Local Plan (outline briefly (max. 6000 characters))?

This question has been answered 433 times.

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

06 December 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 IGN3 AND SPG4 UPDATE AND WAY FORWARD WITH LOCAL PLAN

1.1 Introduction

- 1.1.1 At the meeting of the Housing and Planning Scrutiny Select Committee on 19 July 2022 members requested that Carports, Garages and Interim Guidance Note three (IGN3) be included on the work programme for the committee. In informal consultation with the Members who made this request and with the Cabinet Member for Strategic Planning & Infrastructure, officers have refined the scope of this report, which seeks to set out the current framework and policy around parking standards within TMBC. The report also sets out a current high level interim position to assess development management applications and seeks to review possible options around updating the standards and providing recommendations to support a new parking standards policy within the new Local Plan. The policy would commit to producing a Supplementary Planning Document either as a stand-alone document on parking or including a document on Design guides/codes which could include parking standards but would also include more general design quality standards following adoption of the Local Plan.
- 1.1.2 There are two related but distinct matters for Members to consider in this report. The first is the current position relating to development management (both applications and enforcement) and the second is the longer term consideration of how we better shape parking provision, particularly on large scale development sites, utilising lessons learnt from existing developments.

1.2 Current Legal and Policy Framework and Background

- 1.2.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise as set out in Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 1.2.2 In relation to decisions, applications are assessed against the TMBC Development Plan adopted in 2007 as part of the Local Development Framework. The important material considerations comprise of the National Planning Policy Framework, July 2021 (“NPPF”) and the Planning Practise Guidance (“PPG”).

- 1.2.3 Paragraph 11 of the NPPF requires that “plans and decisions should apply a presumption in favour of sustainable development” where “plans should promote a sustainable pattern of development that seeks to ...align growth and infrastructure, improve the environment, mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”.
- 1.2.4 For decision making, the NPPF requires that planning authorities approve development proposals which “accord with an up-to-date development plan without delay”.
- 1.2.5 In relation to the Development Plan, policy SQ8 of the TMBC Managing Development and Environment DPD sets out several criteria for development in relation to parking as follows:
1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.
 2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
 3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.
 4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
 5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures, and these must be provided before the development is used or occupied.
- 1.2.6 Points 2 and 4 above are most relevant as they deal with harm to highway safety and compliance with parking standards which are said will be set out in a Supplementary Planning Document. The pre-ambule to this policy in paragraph 6.4.22 confirms that parking standards will be set out in a Supplementary Planning Document however in the meantime, “the Council will continue to apply the standards set out in SPG4 to the Kent and Medway Structure Plan.
- 1.2.7 A Supplementary Planning Document (as referred to in the policy) was not adopted by the Council (as this requires a statutory process to be followed), however the Council adopted Interim Guidance Note 3 (IGN3) for planning purposes as set out below. The adopted policy position therefore as set out by SQ8 is that the “Council will continue to apply the standards set out in SPG4”, with IGN3 being adopted for development management purposes.

1.2.8 The Council has therefore two documents adopted for decision-making purposes in relation to car parking which include:

- Kent County Council Interim Guidance Note 3: Residential Parking Standards (applicable to residential development)
- Supplementary Planning Guidance 4: Kent Vehicle Parking Standards (SPG4) (applicable to all other development types and includes design guidance)

1.2.9 In addition to this, on 18 November 2014, the Planning and Transportation Advisory Board adopted a revised approach to the use of IGN3 when considering residential planning applications. The approach taken was that garages (and carports/car barns unless the right to enclose them for use as storage is removed by condition) would not form part of the supply side in any parking provision, irrespective of siting. **Annexes 1 and 2** outline the report to PTAB and subsequent record of the decision.

1.2.10 In August 2021, the Council released a position statement in relation to IGN3 as set out in **Annex 3**. In summary, this confirmed that TMBC would afford substantially less weight to IGN3 when assessing planning applications, this being since the evidence base which determined the number of parking spaces required for each dwellinghouse dated back to the 2001 census data and was therefore considered out of date. It was also considered that the standards were not informed by the latest national policy (the National Planning Policy Framework and associated material planning considerations such as the National Design Guide).

1.2.11 The position statement affirmed that assessments on parking schemes would focus on the following.

- Individual detail of the development in question
- Site specific circumstances, and
- Prevailing locational characteristics of any given case.

1.2.12 However, both SPG4 (and its evidence base) and IGN3 are aged. SPG4 was produced in July 2006 and IGN3 in November 2008. They both significantly pre-date the NPPF and the evidence base underpinning the documents is around 20 years old. Both documents are considered to carry less weight in decision making but are still material considerations in the overall planning assessment (and should be read together with the position statement).

1.3 Current high level interim position to assess development management applications and call-in procedures

- 1.3.1 The Interim high-level position for Development Management Purposes has been arrived at using the material considerations set out above and the revised approach and position statement of PTAB.
- 1.3.2 *Garages:* The 2021 position statement raised concerns with the quantities of parking spaces stated within IGN3 due to the dated evidence base. The assessment in IGN3 which states “*In areas without on-street controls, many people do not use garages, even if they have to park on the street as a result*” is still considered relevant. Additionally, the approach adopted by the decision of PTAB on 18 November 2014 which affirms that garages would not form part of the supply-side in any parking provision calculation, irrespective of siting.
- 1.3.3 The current interim position on garages for development management purposes therefore is that they are not regarded as parking spaces as they are predominantly not used for parking and commonly used for storage. This position would apply to both new estate development and proposals to convert garages.
- 1.3.4 *Converting or enclosing car ports:* IGN3 confirms that open car ports or car barns are acceptable at all locations subject to good design. This position is considered unaffected by the most recent position statement (August 2021) as it is not impacted by the dated evidence base. Additionally, the PTAB decision on 18 November 2014 determined that car barns subject to planning conditions precluding them from becoming enclosed, would count towards parking provision.
- 1.3.5 The current interim position on car ports or enclosing car ports for development management purposes is that on new housing estates car ports are accepted in line with parking space requirements set out in IGN3 and SPG4 and for proposals for the enclosure or conversion of car ports, will be considered acceptable where the number of off-street parking spaces within the curtilage of the site adhere to both the parking space quantity and space size standards as set out in IGN3 and SPG4.
- 1.3.6 Since the adoption of SPG4 and of IGN3 for development management purposes, officers and members have sought to apply parking policies consistently to ensure sufficient parking is available within the curtilage of dwellings to prevent obstruction or danger to highway safety. Whilst each application is assessed on its own individual merits, considering the locational circumstances of the development, some clear policy principles should be applied in line with the policy standards and any changes to these standards that have been adopted as material considerations.
- 1.3.7 It is recognised that some developments, an example being the Countryside scheme which was within Phase 3 of Kings Hill and which included Ruton Square, Vickers Grove and Pioneer Avenue permitted under application TM/17/01392/RM in 2017 did not meet the updated requirements as set out by the 18 November 2014 decision by PTAB. For this scheme, garages did form part of the approved parking strategy for the development in addition to car barns, in curtilage external

parking and communal parking. This was not in accordance with the PTAB decision. The decision to allow garages to form part of the development of this area in Kings Hill was taken by Area 2 Planning Committee with the eventual mix of car parking spaces supported by Kent Highways (negotiations improved the parking mix to include more carbarns/carports and fewer garage spaces). The committee report was however clear that parking spaces did not fully adhere to IGN3 and members would have been aware when making their decision.

- 1.3.8 It is therefore accepted that there have been instances of inconsistency in the application of IGN3/SPG4 and applying the PTAB decision from 2014. However, whilst the current policy position, position statement and Interim position seek to add consistency to the Council's decision-making process for the assessment of applications on parking grounds, there will inevitably be exceptions to the general rule. The important matter is to consider the planning merits of each case, considering the policy guidance and the position statement and assessing whether an appropriate level of car parking remains available for each dwelling.
- 1.3.9 The Development Management Officer Protocol on Member Call ins sets out that:
- Member for the relevant Ward in which the application site falls may require that the application be determined by the relevant Area Planning Committee provided that:
- (a) The request is made within 21 days of notification of the application to the Member; and
- (b) The request is made with reasoned justification on proper planning grounds as determined by the Director of Planning, Housing and Environmental Health in consultation with the relevant Area Planning Committee Chairman.
- 1.3.10 Given the issues set out above and with regard to the loss of garage space, the approach to be adopted will be that the loss of garage spaces will not be considered a material planning reason for cases to be called in to committee under the Protocol on Member call ins.

1.4 Options around updating the standards

- 1.4.1 Several options have been considered and assessed in relation IGN3 and SPG4 and whether a more up to date evidence base and set of parking standards and guidelines can be developed to replace these current aged guidance notes.
- 1.4.2 As stated above, both SPG4 and IGN3 are aged and both significantly pre-date the NPPF with the evidence base for the documents being 20 years old. Similarly, the evidence behind TMBC Managing Development and Environment DPD, principally policy SQ8 is almost 14 years old. Whilst policy SQ8 refers to development proposals complying with parking standards which will be set out in a Supplementary Planning Document (SPD), given the evidence base behind and the age of the DPD and the significant changes around national policy in the

NPPF, it is not advisable and indeed would be very unorthodox to develop new parking guidance on the back of this existing policy.

- 1.4.3 Any new or updated guidance which usually would take the form of an SPD (or if the previously cited planning reforms are progressed which propose replacing SPD's with Supplementary Plans (SP) and which would carry weight in decision making (material consideration) would need an up to date evidence base to support it. It would also require a policy which is consistent with national planning policy and must be in conformity with policies contained within the Local Plan/DPD. It is for this reason that any new or updated guidance for parking standards should be contained within a version of the plan which has the latest evidence base. This usually being a recently adopted or emerging Local Plan.
- 1.4.4 Paragraph 107 of the NPPF does allow for the setting of local parking standards for residential and non-residential development with policies considering, the accessibility of the development, the type, mix and use of the development, the availability of and opportunities for public transport, local car ownership levels and the needs to ensure an adequate provision of space for charging plug-in and other ultra low emission vehicles. This are all best addressed through a new high level parking policy and supporting SPD as set out below.
- 1.4.5 Paragraph 128 of the NPPF sets out how the vision for achieving well-designed places should be progressed. It requires Local Planning Authorities to prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code which reflect local character and design preferences. The Design guides and codes can be prepared at an area wide, neighbourhood or site-specific scale and can be produced either as part of a plan or as supplementary planning documents.

1.4.6 The options available to TMBC at this point in time are laid out in the table below;

Option	Outline	Delivery timescale
1. Do Nothing Scenario	<p>This would retain IGN3 and SPG4 as existing together with the updated PTAB decision from 2014 and the Position Statement from 2021 which assesses parking schemes on those details as set out in 1.2.11 above. The Interim position in terms of assessing planning applications would also be retained. This would not address the concerns raised by members over the loss of off-street parking and the aged evidence base that sits behind SPG4 and IGN3.</p>	<p>Immediate</p>
2. Request that KCC update SPG4 and IGN3	<p>The evidence base and guidance documents were produced by KCC based on parking studies carried out almost 20 years ago and this evidence is now very aged. Councils who have progressed updated Local Plans have generally included a high-level parking policy with some committing to producing a more detailed parking Supplementary Parking Document with an up to date evidence base. This is then usually adopted as a material planning consideration and would be considered in conjunction with the adopted Local Plan (principally with reference to the parking policy).</p>	<p>Discussions have already taken place with KCC who have confirmed that at this time there are no plans to update SPG4 and IGN3.</p>
3. Modify IGN3/SPG4 and update it	<p>IGN3 was produced as part of the Kent Design Review for residential parking. As stated earlier in this report, it was produced in 2008 on the back of Planning Policy Statement 3 (PPS3) - Housing. SPG4 was produced in 2006 and supports policies of the now withdrawn Kent and Medway Structure Plan. The evidence base behind both is aged and significantly pre-dates the National Planning Policy Framework. Changes cannot be made to these guidance documents as these reflect the current policy position and are material planning considerations. A new evidence base would need to be commissioned which would need to include parking surveys. Essentially a new document would be required which would take the form of a Supplementary Planning Document which could be adopted as a material planning consideration.</p>	<p>As stated in 1.5.2, a new Supplementary Planning Document should not be produced on the back of policy SQ8 of the TMBC Managing Development and Environment DPD.</p>

<p>4. TMBC includes a high level parking standards policy within the emerging Local Plan with a commitment to producing either a stand alone Supplementary Planning Document (or its replacement) on parking OR includes the design and layout of parking (including standards) within a comprehensive Design guide/code modelled on the National Model Design Code which also covers other matters on place making/shaping following adoption of the Local Plan</p>	<p>As part of the emerging Local Plan and following evidence gathered over the course of the emerging plan cycle, a high-level parking standards policy could be produced which would reference parking standards for both residential and non-residential development. Within the policy wording and pre-ample to the policy, TMBC would commit to producing a stand-alone SPD or its replacement (supplementary plans) which would support and expand upon the high-level policy. The SPD would be evidence based and would align with the approach to parking as detailed in the NPPF as well as providing guidance on high quality parking layouts, landscaping, design (including car port and car barns), parking for ultra-low emission vehicles, parking for disabled and cyclists as well as parking size dimensions and layouts. An example of a well detailed and informative Parking Standards SPD is included as Annex 4. Whilst commissioning work would need to be undertaken and a methodology worked up for the document, it is envisaged that similar themes as contained in Annex 4 document would be considered a requirement for a new supporting SPD to accompany a high-level parking policy in the emerging local plan.</p> <p>The requirements for a Supplementary Planning Document are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Essentially there are four main stages to the SPD preparation. Preparation and informal consultation, formal consultation (four to six weeks), consideration of representations and completion of the final draft of the SPD and adoption of the SPD.</p> <p>The alternative option would be to include similar requirements as set out above within a comprehensive Design guide/code, modelled on the National Design Guide and National Model Design Code which could cover the design, layout and parking standards within a guide/code that would also cover design quality and standards across the borough.</p> <p>Detailed examination and consideration of the best options around Design guide/codes have not been undertaken at this early stage of plan preparation and therefore maintaining this should be explored.</p> <p>For the above reasons, option four is recommended.</p>	<p>The process would usually take between 12-18 months but could start to be progressed once the Council has certainty that the Local Plan will be adopted.</p> <p>If substantive objections were not received to the high-level policy at Reg 19, then this time frame could be shortened, however this would not be without risk and cost implications (see risk section below).</p>
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1.5 Legal Implications

- 1.5.1 Local Planning Authorities are required to prepare and keep up to date development plans for their area. The Planning and Compulsory Purchase 2004 (as amended) and The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the requirements and statutory process for the preparation of a Local Plan and Supplementary Planning Documents.

1.6 Financial and Value for Money Considerations

- 1.6.1 Each of the options have been reviewed to understand the financial impact. Option One is cost neutral. Options Two and Three have no direct financial implications as they are not considered feasible to take forward. Option Four (*TMBC includes a high level parking standards policy within the emerging Local Plan with a commitment to producing either a stand alone Supplementary Planning Document (or its replacement) on parking OR includes the design and layout of parking (including standards) within a comprehensive Design guide/code modelled on the National Model Design Code which also covers other matters on place making/shaping following adoption of the Local Plan*) will have direct financial and value for money considerations. It is difficult to estimate the costs of producing either a stand-alone SPD (or its replacement) on parking or including an SPD on Design guides/codes which could include parking standards but would also include more general design quality standards in line with the NPPF requirement. This would need to go out to the market for competitive tender and would depend on many variables.
- 1.6.2 Currently there is no budget for the preparation of an SPD around parking and these are usually costed between £50 to 80k, however, if parking standards were included within a design guide/code then the costs may increase. As set out in 1.4.5 above, the NPPF requires Local Planning Authorities to prepare design guides or codes either as part of a plan or as supplementary planning documents and it is envisaged that there would be economies of scale to undertake a design guide/code for the Borough which included parking standards. At this early stage in plan preparation, no decisions have been taken on how a design guide/code for the Borough will be taken forward, but it is likely that this will take the form of an SPD and not be included as part of the Plan.
- 1.6.3 This cost analysis does not currently take account of the officer time required to manage external consultants and refine studies into policy positions/run consultation exercises.
- 1.6.4 A recommendation on which SPD option to take forward cannot be given at this time until market testing has been undertaken but it is anticipated that work on either SPD option would not be undertaken until there was certainty around the adoption of the Local Plan. The costs therefore for undertaking this work whilst not budgeted for in the 2023/24 financial period could be budgeted for in the Local Plan budget in the financial year 2024/25. However, this would need to be considered in the overall financial context of the Local Plan, the budget for which is currently being reviewed. At the time that the budget setting was undertaken,

there was not an intention to progress an SPD on Parking Standards, or indeed any other SPDs, on a twin track timetable with the Local Plan, so this would likely represent an increase in budgetary requirements.

1.7 Risk Assessment

- 1.7.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption (anticipated 2025). The commissioning of either a stand-alone SPD (or its replacement) on parking or including an SPD on Design guides/codes which could include parking standards but would also include more general design quality standards will address the current concerns over the aged evidence base to IGN3 and SPG4 and comply with the requirements of the NPPF. The risk of not updating parking standards means relying on an increased aged evidence base which does not consider current conditions and locational factors. Not preparing for Design guides/codes in the Plan would fail the requirements of paragraph 128 of the NPPF and risk making the plan unsound. This risk can be mitigated by committing to producing an SPD following adoption of the Local Plan.
- 1.7.2 A report on the high-level summaries and statics of responses received, and key themes identified to the Regulation 18 consultation is also included on the Agenda for H&PSSC to consider. Due to the high number of consultation responses and the limited time between the closure of the consultation and preparation of both reports, it has only been possible to provide very high-level outputs for the results submitted through the consultation portal (Inovem). This includes those submitting answers to specific questions posed (1158 questionnaire responses) and any additional comments (1643 other comments) totalling 2801 responses but does not include the outputs from approximately 2000 individual responses (by email) and approximately 500 individual responses (by post).
- 1.7.3 Having reviewed the transport comments submitted through the consultation portal, there have been 32 comments made excluding questionnaire responses which directly relate to transport matters. Whilst a variety of transport matters are raised, including improving cycle ways and paths, improving bus services which are limited, matters relating to pollution and congestion, capacity of the road network to take further development and many more alike, there appear to be no specific comments made in relation to the lack of parking spaces and the resulting congestion as a consequence and whether this is seen as a high priority in the borough.
- 1.7.4 Whilst a large proportion of responses have not been analysed at this time, there is a risk that other areas of greater priority than parking matters may emerge through the analysis of the consultation responses and through the emerging Corporate Strategy (such as climate change and housing). These new priorities could become a greater focus for policy development. Any new priorities may require additional budget to develop and therefore by using additional unplanned expenditure now to produce an SPD on parking, may impact on any available future budget to address the new priorities.

- 1.7.5 Progressing an SPD now would require the commissioning of a new evidence base without understanding the emerging priority areas from the consultation. However, by future funding an SPD or as part of design code, which would come after the Local Plan is adopted, would ensure that any other priority areas are included.

1.8 Equality Impact Assessment

- 1.8.1 The decision recommended within this paper will have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on the end user.

1.9 Recommendation

- 1.9.1 H&PSSC is asked to **RECOMMEND** to Cabinet Option Four - TMBC includes a high-level parking standards policy within the emerging Local Plan with a commitment to producing either a stand-alone Supplementary Planning Document (or its replacement) on parking OR includes the design and layout of parking (including standards) within a comprehensive Design guide/code modelled on the National Model Design Code which also covers other matters on place making/shaping following adoption of the Local Plan.

with **delegated powers** granted to the Director of Planning, Housing and Environmental Health to determine the most appropriate option on the form the SPD should take.

- 1.9.2 Members **NOTE** the position on current development management matters and how they will be handled as set out in paragraph 1.3.

Background papers:

contact: James Bailey
Head of Planning

Annex 1 - PTAB report on revised approach to use of IGN3

Annex 2 - Record of Decision of Cabinet Member

Annex 3 - IGN3 Position Statement

Annex 4 - Swale SPG on Parking Standards

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

18 November 2014

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 USE OF INTERIM GUIDANCE NOTE 3 (IGN3) STANDARDS IN ASSESSING PARKING PROVISION IN RESIDENTIAL SCHEMES

To recommend a slightly revised approach to the use of IGN 3 when dealing with residential planning applications

1.1 IGN 3 – its genesis

- 1.1.1 Following the adoption of an earlier version of the Kent Design document and in light of emerging changes in Government policy towards residential parking KCC carried-out a number of user/site surveys especially in respect of the adequacy of parking provision.
- 1.1.2 Following this IGN 3 was adopted by KCC and subsequently this Board adopted IGN 3 for local purposes. A degree of flexibility was anticipated in using IGN 3 locally because of the intention of KCC to discount the use of garages as part of the parking calculation (in suburban and rural locations) and the size of some spaces sought. Both of these elements in KCC's thinking were felt at the time to move too far away from previous levels of parking.
- 1.1.3 Over the last few years the Council has applied the numerical standards in IGN 3 but has normally continued to accept standard sized garages as part of the calculation.
- 1.1.4 Experience on larger housing schemes especially Kings Hill Phase2 and Holborough Valley (both initially permitted by the Secretary of State who applied the 1.5 spaces per dwelling formula) has indicated that the Council was right to adopt IGN3 as a more appropriate set of standards but it has nevertheless become increasingly obvious, not least because of on-street parking, sometimes in positions where road widths are restricted on design grounds, that including garages in the calculation whilst not being able to realistically resist those garages being used for storage, failed to ensure adequate parking.

- 1.1.5 In light of the experience the developer in Kings Hill Phase 3 has sensibly decided to plan for parking standards to exclude garages in the calculated requirement of parking spaces. So, in effect garages can be provided, but would not be considered in assessing compliance with the parking standards.

1.2 What to do now

- 1.2.1 The time is right to adopt this approach widely as a way of guarding against unnecessary and undesirable on-street parking or practical under provision. This would be a short-term expedient in the period running up to the adoption of the emerging Local Plan. It is therefore intended that normally garages (and car barns unless the right to enclose them for use as storage is simultaneously removed by condition) would not form part of the supply-side in any parking provision calculation.
- 1.2.2 In parallel it is important that the production of a new Local Plan provides the opportunity for reviewing in a more detailed way how parking standards can be updated for the future. As part of current plan-making we have begun the research the limited detail of how others have reviewed IGN 3. We will also be looking closely at how the impact of parking may vary between dense urban areas, suburban locations and village locations both generally and specifically in the way garage provision can potentially distort the position.
- 1.2.3 However, what will not be possible in plan-making is to unlock the conundrum that we do know that gives rise to concern for some members - the Council is bound to take into account the historic "parking need" for a site when comparing it with the parking need of any proposed alternative use. The Council's considerations must take into account the realistic fall-back position for the site and it won't be possible to change this.

1.3 Legal Implications

- 1.3.1 None provided this approach is appropriately applied on a case by case basis.

1.4 Financial and Value for Money Considerations

- 1.4.1 None provided this approach is appropriately applied on a case by case basis.

1.5 Risk Assessment

- 1.5.1 None provided this approach is appropriately applied on a case by case basis.

1.6 Equality Impact Assessment

- 1.6.1 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.

1.7 Recommendations

- 1.7.1 The proposals set out in paragraphs 1.2.1 – 1.2.3 **BE ADOPTED** and applied henceforth and until such time as any alternative Standards are adopted in a new Local Plan.

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:

contact: Lindsay Pearson

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Planning and Transportation

**Decision No:
D140134MEM**

Date: 18 November 2014

Decision(s) and Reason(s)

Use of Interim Guidance Note 3 Standards in Assessing Parking Provision in Residential Schemes

(Report of Director of Planning, Housing and Environmental Health)

The report set out recommendations for a revised approach to the use of Interim Guidance Note 3 Standards in Assessing Parking Provision in Residential Schemes.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Planning and Transportation resolved that the proposals set out in paragraphs 1.2.1 to 1.2.3 of the report be adopted and applied henceforth and until such time as any alternative Standards are adopted in a new Local Plan.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 18 November 2014.

Signed Cabinet Member for
Planning and Transportation S Murray

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 21 November 2014

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

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Tonbridge & Malling Borough Council

**Position Statement in respect of Kent County Council Interim Guidance Note 3:
Residential Parking Standards**

August 2021



www.tmbc.gov.uk

Background context

Ensuring enough well-integrated parking provision across new developments throughout the Borough is of great importance to the Council in making planning decisions. Planning Committees regularly give this matter detailed consideration and Councillors are acutely aware that residents are now experiencing very real issues on the ground in terms of how such developments function day to day because of historic failings to provide sufficient parking.

The Council fully appreciates that largely these problems are a consequence of previous national planning policy. Nonetheless, the Council now has significant concerns regarding the adequacy and efficacy of Interim Guidance Note 3 (“IGN3”) for decision making purposes within the current context of how people in this Borough live and work.

Current context

The Council has undertaken a careful review of the document and is of the view that it is based on requirements previously set out in PPS3 (Housing) which has long since been replaced by the National Planning Policy Framework (originally in 2012, most recently updated in July 2021). The introductory text to the document sets out that after the publication of PPS3, a report entitled “Residential Car Parking Research” (CLG, May 2007) considered the various influences on levels of residential parking, pointing to data from the 2001 Census as a starting point for estimating “expected levels of car ownership”. It appears to the Council that this is the evidence base for the document although the text throughout the document is not immediately conclusive in this respect.

The Council accepts that the key component of IGN3 is the “Guidance Table for Residential Parking” which sets out minimum and maximum parking levels for new developments based on size of unit and location of site. It is this part of the IGN that KCC most regularly references in making representations on planning proposals across the Borough. It is noted that the IGN does not expressly indicate what the evidence base is for the guidance table. The Council therefore assumes that it relates back to the 2001 Census data and there is no indication of this having been considered more recently to ensure any evidence base remains up to date.

Position for decision making purposes

IGN3 has been adopted by the Council for decision making purposes. The Council in its role as local planning authority is required to determine planning applications in accordance with the adopted development plan unless material considerations indicate otherwise.

However, we are also required to establish whether adopted “local” planning policies (in this case IGN3 as adopted) conform with all latest national policy (the NPPF and associated material considerations such as the National Design Guide). Given the

above, the Council considers that the evidence base for the prescribed vehicle parking standards are out of date and relates to a policy position that no longer exists.

It is for the decision maker to determine what weight to afford to those standards within that very specific context. On this basis, substantially less weight will now be afforded by this Council to IGN3.

The Council accepts that in respect of housing development such an exercise must be undertaken in line with the presumption in favour of sustainable development (as set out in paragraph 11(d)(ii) of the NPPF) but if the decision maker considers that the quantum, layout and/or design of parking provision proposed would give rise to a poor quality development and the harms arising substantially and demonstrably outweighed the benefits arising from the provision of housing (and any other benefits arising), a refusal of planning permission could be justified. That is a matter of judgement to be made in all cases by the Council as local planning authority.

As such, whilst the Council will continue to consult Kent County Council as the statutory highway authority where required to do so, our assessments as to these aspects of proposed parking schemes will be focused on the following:

- individual detail of the development in question
- site-specific circumstances, and
- prevailing locational characteristics of any given case.

Developers and applicants will be advised of this as part of any pre-application engagement and officer reports (both delegated and committee reports) will set out in full the weighting exercise and subsequent assessment in any given case.

Kent County Council have been advised of this position in writing.

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

06 December 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 KEY PERFORMANCE INDICATORS

One of the key recommendations of the Peer Challenge Review was to “establish a Corporate Performance Framework which provides visibility and a formal mechanism to track your progress. Benchmark and learn from good practice elsewhere”. This covering report and appendix provides a list of Key Performance Indicators (KPIs) that will be monitored on quarterly-annual basis and made available to the select committees on an ongoing basis.

1.1 Overview of KPIs and Next Steps

- 1.1.1 The KPI dataset that is provided represents the key strategic indicators that the Council reports on to various Government departments and bodies. They are not designed to provide detailed service specific indicators.
- 1.1.2 The Housing and Planning KPIs are provided in Appendix 1. A baseline covering April-June 2022 has been used, with the data for July-September 2022 representing the most up-to-date available statistics. Where require, explanatory notes are provided to give additional context.
- 1.1.3 If there are any questions regarding the KPIs provided, **these should be submitted to the relevant Director at least 2 days in advance of the scrutiny select committee meeting** in order to ensure that a suitable response can be provided at the meeting. If additional queries are raised at the scrutiny select committee meeting, these will be responded to within 5 working days.
- 1.1.4 As these statistics are collated on an annual or quarterly basis, and the scrutiny select committees are five times a year, it will not be possible to provide every meeting with new KPI information. However, it is intended to report to the upcoming select committees once the quarterly information has been produced.
- 1.1.5 This KPI reporting represents the first stage of a programme of activity to action the recommendation from the Peer Challenge Review. Future steps are likely to include;

- Providing comparator baselines for other Kent districts and other similar authorities (for example, our CIPFA grouping)
- Agreeing KPI targets relating to improvement or maintenance of service delivery standards
- Exploring opportunities for benchmarking offered by the LGA's performance management function
- Regular review of the KPIs at Management Team and Service Management Teams.

1.1.6 Further down the line, a technological solution, such as Power BI (which is currently being used for planning enforcement) may enable the collation of and access to KPIs to become more streamlined, with real-time, self-serve access for officers and Members. This will be explored alongside the rollout of Agile, which utilises Power BI reporting already. This is likely to provide the opportunity for more detailed statistics about individual service areas and these models will be co-developed by officers and Members.

Background papers:

Nil

contact: Jeremy Whittaker,
Strategic Economic
Regeneration Manager

Appendix 1 – Housing and Planning Key Performance Indicators

	BASELINE				2022/23			2023/24				NOTES
	Value	Date	Frequency	Source	July-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	
INDICATORS - Housing and Planning												
Development Management												
Number of major applications determined	8	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	8							
% against Government target of 60% (for major apps)	75%	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	87.50%							
Number of minor applications determined	47	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	73							
% against Government target of 65% (for minor apps)	72%	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	91.78%							
Number of others determined	255	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	305							
% against Government target of 80% (for 'others')	76%	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	90.49%							
Number of appeals received	8	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	20							
Number of appeals determined - allowed	3	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	8							
Number of appeals determined - dismissed	3	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	8							
Planning Enforcement												
Number of planning enforcement cases opened	75	Apr-June 2022	Quarterly	Uniform	76							

Number of planning enforcement cases closed	158	Apr-June 2022	Quarterly	Uniform	143							
Number of notices served	5	Apr-June 2022	Quarterly	Uniform	4							
Planning Policy												
Housing Land Supply (years)	3.17	Mar-21	Annually	HLS Study	N/A							
Housing												
Number of people on housing register	1474	Jun-22	Quarterly	Locata	1508							
Number of applications received	441	Apr-June 2022	Quarterly	Locata	439							
Waiting time for assessment of applications (days)	133	Jun-22	Quarterly	Locata	112							
Number of people in Temporary Accommodation	107	Jun-22	Quarterly	Locata/TA system	96							
Number of properties where property conditions have been improved	8	Apr-June 2022	Quarterly	Uniform	15							
Number of enforcement notices served	8	Apr-June 2022	Quarterly	Notices Register	2							

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

WORK PROGRAMME 2022/23

Standing items:

- Record of Executive (Cabinet and Cabinet Member) Decisions Taken;
- Record of Officer Decisions Taken (If any);
- Key Performance Indicators;
- Work Programme (for information).

Meeting Date	Matter for Discussion	Requested by:	Director/Officer
6 December 2022	Local Plan – Regulation 18 Initial Consultation outcomes		Director of Planning, Housing and Environmental Health
	Temporary Accommodation Action Plan Update		
	IGN3 and SPG4 Options for Parking Standards	Cllrs R Dalton/H Rogers	
21 March 2023	Healthy Homes and Living Streets (Representative from Town and Country Planning to be invited to address Committee)	HPSCC	Director of Planning, Housing and Environmental Health
23 May 2023			

Item	Meeting Date	Papers published	Director/Officer
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Potential future matters to be included, subject to confirmation and allocated meeting date:		
<ul style="list-style-type: none"> • Walking and Cycling Infrastructure Plan/Active Travel Strategy • Housing Strategy • Healthy Homes Campaign • Living Streets Principles 		

Agenda Item 11

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 12

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 13

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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