

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Thursday, 14th December, 2023

Present: Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr Mrs S Bell, Cllr G C Bridge, Cllr R W Dalton, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr A Mehmet, Cllr W E Palmer, Cllr R V Roud and Cllr D Thornewell

In attendance: Councillors F A Hoskins and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors D Keers, Mrs A S Oakley, M R Rhodes and M Taylor participated via MS Teams in accordance with Council Procedure Rule 15.21.

PART 1 - PUBLIC

HP 23/33 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

HP 23/34 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

HP 23/35 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 26 September 2023 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 23/36 REVIEW OF THE PLANNING PERFORMANCE AGREEMENT PROTOCOL AND FEE CHARGING SCHEDULE 2024/25

The report of the Director of Planning, Housing and Environmental Health set out the proposed amendment to the Planning Performance Agreement (PPA) Protocol following a review of the existing Protocol, including the introduction of an Inception Meeting. A revised Planning Performance Agreement Protocol was attached at Annex 1 and a copy of the Inception Meeting template was provided at Annex 2. Furthermore, a revised Planning Performance Agreement Charging

Schedule for 2024/25 was proposed for consideration by Members as set out in Annex 3.

Members noted that the PPA fees were set on a cost recovery only basis, however, the current fee schedule associated with PPAs did not recover the full costs of the service. Therefore, a revised fee schedule was proposed taking into review the Borough Council's hourly charging rates and the best estimate of timescales to cover all aspects of the PPA service. Furthermore, a baseline review had been undertaken across the Kent authorities to review charging schedules for those authorities. Nonetheless, it was recognised that not all development sizes were suitable to progress through a PPA.

RECOMMENDED*: That with effect from 1 April 2024

- (1) the amendment and the publication of the Planning Performance Agreement Protocol, attached at Annex 1, be approved;
- (2) the Inception Meeting template, attached at Annex 2, be adopted; and
- (3) the updated Planning Performance Agreement Charging Schedule for 2024/25, as attached at Annex 3 and set out in 1.3.13 of the report, be adopted.

***Recommended to Cabinet**

HP 23/37 REVIEW OF FEES AND CHARGES 2024/25 FOR PRE-APPLICATION ADVICE SERVICE, BUILDING CONTROL FEES AND FOR HIGH HEDGES AND S106 MONITORING FEES

The report of the Director of Planning, Housing and Environmental Health proposed a revised set of Pre-application Charging Schedule [Annex 1], a revised Building Control Fee Charging Schedule [Annex 2] and an updated charging fees for S106 monitoring and High Hedge, following reviews undertaken in relation to the respective services.

Members recognised that the fees were set on the basis of cost recovery to provide the services and/or increased by the baseline rate of the inflation. In addition, benchmarking exercises had been undertaken against the fees charged by the other local authorities in Kent as part of the review process for the relevant services.

RECOMMENDED*: That with effect from 1 April 2024

- (1) the proposed Pre-application Charging Schedule 2024/25, attached at Annex 1, be adopted;

- (2) the proposed Building Control Fee Schedule 2024/25, attached at Annex 2, be adopted;
- (3) the proposed charging fees for High Hedges, as set out in 1.2.2 – 1.2.4 of the report, be adopted; and
- (4) the proposed charging fees for S106 monitoring, including an update to the Planning Obligations Protocol S106 (paragraph 9.5), as set out in 1.2.5 – 1.2.9 of the report, be adopted.

***Recommended to Cabinet**

HP 23/38 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2024/25

The report of the Director of Planning, Housing and Environmental Health updated Members on the existing fees charged to license a house in multiple occupation (HMO) or caravan site for permanent residential use and set out the proposed fee charges for 2024/25 to process the respective applications.

RECOMMENDED*: That with effect from 1 April 2024

- (1) the proposed charge of £753 for processing a new mandatory house in multiple occupation (HMO) licence application, as set out in 1.1.5 of the report, be approved;
- (2) the proposed charge of £675 for processing a renewal application for a mandatory HMO licence, as set out in 1.1.5 of the report, be approved;
- (3) the proposed charge of £475 for processing a new caravan site licence application where the use of the site was for permanent residential use, as set out in 1.2.3 of the report, be approved;
- (4) the proposed charge of £232 for the transfer of a caravan site licence for a permanent residential use site, as set out in 1.2.3 of the report, be approved; and
- (5) the proposed charge of £273 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites, as set out in 1.2.7 of the report, be approved.

***Recommended to Cabinet**

**HP 23/39 SUSTAINABLE TEMPORARY ACCOMMODATION OPTIONS
REPORT AND TEMPORARY ACCOMMODATION PROVISION
ACTION PLAN**

The report of the Director of Planning, Housing and Environmental Health introduced a consultant report by Altair, who were commissioned to research and report on sustainable Temporary Accommodation (TA) delivery options for the Borough Council, as part of the Local Government Association Housing Advisers Programme, to deliver 40 sustainable temporary accommodation units. A copy of the report was provided at Annex 1.

As informed by the options report, a Temporary Accommodation Portfolio Action Plan had been developed to work towards securing sustainable TA provision and a copy was attached at Annex 2.

Members had an in-depth discussion with regard to the various options as recommended in the consultant report, with particular reference made to modular construction of new homes, private sector leasing, partnership working with registered providers, social lettings agency and re-purposing existing stock. It was explained that the research focused on meeting the core and ongoing needs of the Borough Council in providing sustainable TA.

The in borough location had been acknowledged as one of the primary goals the Council was seeking to achieve in respect of sustainable TA provision, however, this needed to be balanced with considerations across a range of priorities, including suitability and feasibility of potential sites.

Furthermore, it was noted that potential sites, once identified and assessed to be suitable for delivery, would be presented to full Council in due course for consideration by Members.

RECOMMENDED*: That

- (1) the Options Appraisal Report on Sustainable Temporary Accommodation Delivery by Altair, attached at Annex 1, be noted and endorsed by Council; and
- (2) the Temporary Accommodation Portfolio Action Plan, attached at Annex 2, be approved and adopted.

***Recommended to Cabinet**

HP 23/40 UPDATE ON LOCAL PLAN INFRASTRUCTURE EVIDENCE

(Decision Notice D230108MEM)

The report of the Director of Planning, Housing and Environmental Health summarised the latest position in relation to the preparation of the Infrastructure Delivery Plan (IDP), which covered all forms of infrastructure, including water, wastewater, electricity, gas and telecommunications as well as social and health facilities. It was noted that the IDP was a live document and was regularly updated to reflect the Borough Council's progressing Local Plan and the revised business, service and delivery plans of infrastructure and service providers.

Particular reference was made to the specific emphasis on water resources and sewerage capacity, as a key part of the IDP process, and specific engagement with water providers.

Members had an in-depth discussion on concerns raised over both sewerage and surface water drainage systems and were advised that mitigation measures required in respect of the water/wastewater infrastructure to support growth could be addressed in the IDP, which would be reported to Members for approval in due course, to accompany the emerging Local Plan.

RECOMMENDED*: That

- (1) the contents of the report be noted; and
- (2) the approach to infrastructure matters as set out in the report be approved.

***Decision taken by Cabinet Member**

HP 23/41 INFRASTRUCTURE FUNDING STATEMENT 2022/23

(Decision Notice D230109MEM)

The report of the Director of Planning, Housing and Environmental Health outlined the statutory requirement under regulation 121A for the Brough Council to publish an annual Infrastructure Funding Statement (IFS) and sought approval to publish the annual IFS, attached at Annex 1, and the associated documents outlining S106 contributions secured, allocated and spent where appropriate over the monitoring period of 2022/23.

Particular reference was made to the introduction of a newly proposed Infrastructure Levy, for which a response had been issued to the consultation and a decision was awaited from the central government.

Members welcomed the report, although disappointment had been expressed towards the failing of the Kent County Council in meeting certain delivery timeframes.

With regard to the possibility of repurposing S106 contribution towards alternative projects, Members noted that the developer contribution had to be agreed to directly mitigate the impact arising from the development and any subsequent alteration of its use would be subject to further agreement of the developer via variation.

RECOMMENDED*: That

- (1) the Infrastructure Funding Statement 2022/23, attached at Annex 1, and the associated documents, attached at Annex 2, be endorsed and published by the end of December 2023.

***Decision taken by Cabinet Member**

HP 23/42 ACTIVE TRAVEL STRATEGY

(Decision Notice D230110MEM)

The report of the Director of Planning, Housing and Environmental Health provided Members with an update on progress and next steps in the preparation of the Tonbridge and Malling Active Travel Strategy (ATS), which was being prepared in accordance with the Department for Transport's published Local Cycling and Walking Infrastructure Plan guidance. Once adopted, this Strategy would replace the current borough Cycling Strategy.

Members noted that a cycle route priorities consultation had been undertaken in 2022 to inform the preparation of the ATS and a full summary of the consultation feedback was included at Annex 1, with headlines highlighted in 1.1.4 of the report. Careful consideration had been given to the feedback received by the project team, with particular reference made to the alternative route suggestions and ideas to improve infrastructure for active travel on local roads and public rights of way. The route suggestions were set out in Annex 2, including comments from the project team.

Queries and concerns were raised over a number of particular routes and Members were assured that future deliveries would be subject to detailed scheme design and public consultation to enable full options to be presented when the draft Strategy was brought back to the Committee for consideration. However, it was recognised that funding remained limited for active travel projects in the coming years.

RECOMMENDED*: That

- (1) the feedback received to the cycle route priorities consultation and the progress being made, be noted;
- (2) the alternative routes detailed in 1.1.6 of the report be investigated further for potential inclusion within the Active Travel Strategy; and
- (3) the updated timetable as detailed in 1.2.3 of the report, be noted.

***Decision taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

HP 23/43 KEY PERFORMANCE INDICATORS

Members received a list of Key Performance Indicators (KPIs) that were aligned to the priorities as identified in the adopted Corporate Strategy 2023-2027 and were relevant to the Committee. A baseline covering the period 2022/23 had for the most part been used, with the data for July to September 2023 representing the most up-to-date available statistics in most instances. In order to improve the effectiveness of KPI monitoring, trend analysis and targets had also been included in the KPIs provided at Appendix 1 and a number of the identified trends were highlighted in 1.1.5 of the report. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

With regard to benchmarking, it was noted that for those KPIs that were already being benchmarked, the benchmarking data would be added in the next cycle of reporting, and further work would be undertaken to build up benchmarking for the remaining KPIs.

Particular reference was made to the KPIs in respect of planning appeals and it was explained that the indicators could represent cases dealt with in different accounting periods due to the varying length of time for decisions to be taken on appeals.

With regard to planning enforcement notices, it was noted that a new process for serving enforcement notice involving legal review was being implemented.

HP 23/44 WORK PROGRAMME 2024/25

The Work Programme setting out matters to be scrutinised during 2024/25 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 23/45 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.42 pm