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TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 24th September, 2024

Present: Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair), Cllr Mrs S Bell, Cllr G C Bridge, Cllr R I B Cannon (substitute), Cllr P M Hickmott, Cllr M A J Hood, Cllr S A Hudson, Cllr A Mehmet, Cllr R W G Oliver, Cllr W E Palmer, Cllr R V Roud and Cllr D Thornewell.

Cllrs A G Bennison, R P Betts*, M D Boughton*, M A Coffin*, S Crisp*, F A Hoskins, D Keers*, Mrs A S Oakley, K B Tanner and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams).

Apologies for absence were received from Councillors S M Hammond

HP 24/28 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr R Cannon substitute for Cllr S Hammond

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 24/29 DECLARATIONS OF INTEREST

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

HP 24/30 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 21 May 2024 be approved as a correct record and signed by the Chair.

MATTERS FOR CORPORATE MONITORING

HP 24/31 CORPORATE KEY PERFORMANCE INDICATORS

The report of the Chief Executive provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2024-27 and monitored on a quarterly basis. The data provided related to the

period up to end of June 2024 and aimed to provide analysis about the performance of the authority and support its improvement.

Members noted positive trends in respect of affordable housing and major planning application deadlines. There were also areas that continued to be challenging particularly the delivery of the new Local Plan, demand for temporary accommodation and minor planning application deadlines.

Particular reference was made to the challenges in achieving a five-year housing land supply as a result of Government proposals to change the methodology. There were also challenges in dealing with minor planning applications since the introduction of Biodiversity Net Gain and the requirement to secure funding for monitoring would further impact on the delivery of such schemes.

Finally, there was discussion on the potential reasons for the increasing use of temporary accommodation. Although it was indicated that the number of people in temporary accommodation in Tonbridge and Malling wasn't as significant as other areas it might be necessary for the Borough Council to consider a different approach. The Committee supported the suggestion of an additional KPI to assist Members in monitoring the amount of time individuals were in temporary accommodation.

RESOLVED: That the positive and negative trends as set out in the report be noted.

MATTERS SUBMITTED FOR INFORMATION

HP 24/32 IMPLICATIONS OF THE PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM CONSULTATION

Members were provided with an update on the Government consultation on proposals to revise the National Planning Policy Framework (NPPF) intended to achieve sustainable growth in the planning system.

Whilst the consultation principally related to the supply of land to boost housing it also sought views on a series of wider policy proposals related to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects. The consultation also set out how and when it was expected for every Local Planning Authority to create a clear, ambitious local plan for high quality housebuilding and economic growth.

The deadline for responses to be submitted was 24 September 2024 and the Borough Council's consultation response was set out at Annex 1. The Cabinet Member for Planning had taken decision D240094MEM

on 16 September 2024 to enable the response to be submitted by the consultation deadline. This decision was the subject of a call-in and would be reviewed by the Overview and Scrutiny Committee on 26 September 2024. In the meantime, the Department of Housing, Communities and Local Government had extended the deadline for submissions to be endorsed by Members to 30 September 2024.

A detailed summary of the consultation document, taking into account the revisions made as set out in the draft NPPF, was provided in Annex 2. The main implications of the proposed revisions to the NPPF were outlined in Annex 3.

Attention was drawn to the headline proposed changes and implications outlined in the report and there was in-depth discussion on the detail set out in Annexes 1 – 5.

Members expressed significant concern at the introduction of a new standard method calculation formula, the uplift in housing need requirements for Tonbridge and Malling from 820 to 1057 dwellings per annum (an increase of 237 dwellings per annum), the 20% buffer that would apply given that the Borough Council did not currently have a 5-year housing supply and the significant cost implications.

Concern was also expressed in respect of green and grey belt proposals, the weakening of the 'very special circumstances' requirement to enable development in the green belt, the removal of 10% provision of affordable housing on major developments, the increased importance of the Duty to Co-operate and implications for the Local Plan timetable and final submission. In addition, Members welcomed the potential for cost recovery if planning fees were increased. However, budgetary proposals would come forward once the revised NPPF was published.

Finally, it was reported that Government had committed to publishing a new NPPF by the end of the year and a Local Plan would need to be submitted no later than December 2026. To date the Borough council had progressed a considerable amount of evidence and as a result of a new NPPF it would be necessary to consider and review the work undertaken to ensure it aligned with the new planning framework. This would include a new call for sites exercise. A further update on evidence base requirements would be provided at the next meeting of the Housing and Planning Scrutiny Select Committee, subject to a revised NPPF being published in good time.

Members noted:

- The Tonbridge and Malling Borough Council response to the Government's 'Proposed Reforms to the National Planning Policy

Framework and other changes to the Planning System Consultation' (attached at Annex 1);

- The potential implications of a revised NPPF on the Borough Councils plan-making process and timetable; and
- The items (as set out in 1.7 of the report) to be brought to a future meeting of the Housing and Planning Scrutiny Select Committee, dependant on the timing of the publication of a revised NPPF.

(A summary of Member comments raised and the responses provided at the meeting was set out in an Annex to the Minutes).

HP 24/33 IDENTIFICATION OF SAVING OPTIONS

Members were invited to propose options for evaluation to assist in bridging the current funding gap identified in the Medium-Term Financial Strategy. Any proposals would be evaluated in the coming months as part of the budget setting process.

It was agreed that any ideas should be emailed to the Chair in the first instance. The potential for increased planning fees arising from a new National Planning Policy Framework was noted.

HP 24/34 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.

HP 24/35 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.15 pm

Housing and Planning Scrutiny Select Committee – NPPF Consultation – Summary of Member Comments and Responses

Chapters 3 and 4 - Planning for the homes we need; and the new Standard Method of assessing housing need:

- Expressed concern re increased housing targets =+5% uplift
- Expressed concern re implications to Local Plan timetable
- An increase in the TMBC housing requirement is difficult to achieve in a borough with high green belt constraints. It will be important to maintain some level of local control by achieving and supporting the TMBC LP
- New targets based on housing density a cause for concern and concern expressed re deliverability.

Chapter 5: Brown Field, grey belt and Green Belt: Q20-46

- Concern that green belt boundaries softened and special circumstances erased.
- Definition of limited contribution and what constitutes green open space – confusing language.
- Comment that traveller sites considered more reasonable in the green belt. Views are sought on this element and it is hoped that more will be understood once the new NPPF published.
- Grey belt – how much cost involved as assessment on green belt already started. Work undertaken so far is a good foundation although new work will need to be undertaken to reflect new NPPF. Will be increased costs to meet criteria of revised NPPF. (Q23)
- Concern that new call for sites will be required. Significant increase in housing targets will lead to new call for sites to identify as many sites as possible – this will improve options and potentially choice if additional sites are submitted.
- Green belt release in the right location could be good planning for the future.
- Most sustainable changes to green belt since NPPF introduced. Grey belt difficult to develop under current housing rules and unlikely to deliver much. Could lead to speculative development, important for the BC to plan/assess to defend unacceptable development. Need to move forward quickly on updating green belt evidence base.

Chapters 6 & 8: Delivering affordable, well-designed homes and places + Delivering community need: Q47-81

- Concern around affordable housing and the removal of the requirement for the delivery of 10% of homes to be affordable home ownership. This will provide TMBC the ability to identify and deliver the affordable housing product most needed.
- Design codes on a local basis – should improve design quality
- Welcomed removal of beauty as reason for refusal as subjective.

Chapter 9: Supporting green energy and the environment: (Q72-73)
<ul style="list-style-type: none"> • Should be mandatory that developers put solar panels on all new housing - consider as policy in the LP – this could be a topic for member engagement • Water cycle also should be considered.
Chapters 10: Changes to Local Plan intervention criteria: (Q87-88)
<ul style="list-style-type: none"> • No comments
Chapter 12: The future of planning policy and plan making: (Q103-106)
<ul style="list-style-type: none"> • Duty to co-operate – position is now more challenging due to housing targets. Strategic discussions referenced in NPPF consultation – what does BC need to be mindful of. Importance of Duty to Cooperate elevated. Cross boundary issues, infrastructure – onus on LAs for effective communication and resolutions to strategic cross boundary matters.
Chapters 7: Building infrastructure to grow the economy (Q62-66)
<ul style="list-style-type: none"> • Build infrastructure to meet current needs as well as future needs.
Chapters 11: Changes to the planning application fees and LA recovery of NSIP project: (Q89-102)
<ul style="list-style-type: none"> • Commented that increased fees potentially increased income – ring fence for planning department given the ongoing significant costs arising from revised NPPF. Important to resource Service adequately, strengthen service provided. To meet the costs of managing. • Cost recovery – review what fees should be set at; balance between not deterring applicants and generating income. Set locally rather than nationally. • Enforcement, heritage and conservation – BC require help in this area to ensure the standard of advice is presented to Planning Committee and is considered in the local plan process.
Annex 4: Local Plan evidence:
<ul style="list-style-type: none"> • Noted local plan evidence base commissioned to date. Annex 4 set out potential future evidence base requirements • Landscape sensitivity assessments – when brought forward as fundamental for DM decisions. Staged approach and landscape assessment of whole borough will need to be stage 1. Huge piece of work. (Q135)

Annex 5: Local Plan Risk Assessment:

- Transport modelling – how far along the process are the BC. Once in better position re NPPF and housing numbers, sites and options will need to be tested through transport modelling. Cross border impacts noted – part of strategic discussions with neighbours. (Q35)

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