

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 3rd December, 2024

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

Cllrs Mrs T Dean, F A Hoskins, K B Tanner, M Taylor, M D Boughton*, M A Coffin*, D Keers*, Mrs A S Oakley* and Mrs M Tatton* were also present pursuant to Council Procedure Rule No 15.21.

(participated via MS Teams)

Apologies for absence were received from Councillors R W Dalton, S M Hammond and R W G Oliver.

HP 24/36 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr Athwal for Cllr Oliver
- Cllr Cannon for Cllr Hammond
- Cllr Rhodes substitute for Cllr Dalton

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 24/37 DECLARATIONS OF INTEREST

Cllr Mehmet declared an Other Significant Interest in respect of Fees and Charges for Discretionary Planning Services (item 7) on the grounds of his employment in planning. After seeking the advice of the Monitoring Officer, he was able to participate in discussions on the majority of the proposals but had to withdraw from the meeting when options related to development management were considered. Cllr Mehmet did not participate or vote on the recommendations set out in 5.1 – 5.4 and Annex 1 of the report.

HP 24/38 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 24 September 2024 be approved as a correct record and signed by the Chair.

MATTERS FOR CORPORATE MONITORING

HP 24/39 KEY PERFORMANCE INDICATORS - QUARTER 2

The report provided data on Key Performance Indicators for the period July – September 2024 (quarter 2) that were aligned to the Corporate Strategy 2023-27, monitored on a quarterly or annual basis and related to the theme of housing and planning.

This data was a key tool in assessing performance management, helped to deliver positive change and provided Members with an insight into areas where the Borough Council was performing well and areas that needed greater focus.

Members noted positive trends in respect of disabled facilities grants and improvements in major and minor applications. Areas of focus included a revised Local Development Scheme once the implications of changes to the National Planning Policy Framework were understood, reducing the backlog on the Housing Register and identifying options to mitigate increasing need of temporary accommodation. With regard to the latter, Members were advised that a number of measures were being explored including prevention, reducing unit cost and purchasing/managing own temporary accommodation.

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

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 24/40 REVIEW OF FEES AND CHARGES FOR DISCRETIONARY PLANNING SERVICES

The report of the Director of Planning, Housing and Environmental Health set out proposed fees and charges for 2025/26 for the provision of services in respect of development management, building control, high hedges, s106 monitoring and the Planning Performance Agreement (PPA) and Charging Schedule with effect from 1 April 2025. Fees had generally been increased between 3.5% - 5 %, with fees for strategic development being increased by 10%. Consideration had been given to each category of fee and further explanation of these increases were detailed in the report.

In bringing forward the charging proposals for 2025/26 consideration had been given to a range of factors, including the Borough Council's overall financial and market positions, trading patterns, the current rate of inflation and customer feedback. A set of guiding principles for the setting of fees and charges had also been taken into account and were summarised in 4.2 of the report.

Particular reference was made to the Borough Council's significant and challenging financial position and as it was becoming increasingly difficult to achieve further expenditure savings to meet the targets in the Savings and Transformation Strategy it was essential that opportunities to maximise income were taken.

***RECOMMENDED:** That

- (1) the updated Pre-application Charging Fee Schedule 2025/26 (attached at Annex 1) be adopted;
- (2) the updated Building Control Fee Schedule 2025/26 (attached at Annex 2) be adopted;
- (3) the updated High Hedges Fees (an increase to £540) as set out in paragraph 5.12 be adopted;
- (4) the updated charging fees for s106 monitoring and compliance (representing an increase to £460 for each obligation contained in the agreement) as set out 5.17-20 be adopted;
- (5) the updated Planning Performance Agreement template (attached at Annex 3) be included as a new Annex 1 to the PPA Protocol;
- (6) the updated Planning Performance Agreement charging schedule (attached at Annex 4) be adopted; and
- (7) the above proposed fees and charges be implemented with effect from 1 April 2025.

***Recommended to Cabinet**

HP 24/41 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2025/26

Consideration was given to the proposed fees for licensing of houses in multiple occupation (HMOs) and caravan sites for permanent residential use with effect from 1 April 2025.

In bringing forward the charging proposals for 2025/26 consideration had been given to a range of factors, including the Borough Council's overall financial and market positions, trading patterns, the current rate of

inflation and customer feedback. A set of guiding principles for the setting of fees and charges had also been taken into account and were summarised in 4.1 of the report.

Particular reference was made to the Borough Council's significant and challenging financial position and as it was becoming increasingly difficult to achieve further expenditure savings to meet the targets in the Savings and Transformation Strategy it was essential that opportunities to maximise income were taken.

***RECOMMENDED:** That

- (1) the proposed fee for licensing of HMOs (representing an increase of 3.5%) as detailed in 5.1.6 of the report be approved;
- (2) the proposed fee for caravan sites for permanent residential use (representing an increase of 3.5%) as detailed in 5.2.3 the report be approved
- (3) the proposed fees be implemented from 1 April 2025

***Recommended to Cabinet**

HP 24/42 LOCAL PLAN ENGAGEMENT STRATEGY AND ESTIMATED LOCAL PLAN BUDGET

The report of the Director of Planning, Housing and Environmental Health provided an update on the progress of a number of workstreams following the Government consultation on a revised National Planning Policy Framework (NPPF).

As a revised NPPF had not yet been published the report focused on an Engagement and Consultation Strategy (attached as Annex 1) and provided an interim position in respect of the Local Plan.

The Engagement and Consultation Strategy set out the consultation details against key local plan stages, who would be engaged at the various stages and the engagement and consultation methods that would be used. Further detail in respect of engagement with Councillors, Officers and Parish/Town Councils were set out in Annex 2.

It was recognised that engagement was an essential and critical element of the plan-making process and provided an opportunity for Members, communities, partners and stakeholders to be involved. It was also important for consultation and engagement to be effective and Members welcomed the commitment to regular dialogue with parish/town councils and communities via the Parish Partnership Panel and the Tonbridge Community Forum. Other methods of engagement proposed and

welcomed included consultation/drop-in sessions; virtual exhibition; digital consultation platform and digital maps.

In addition, it was hoped that the introduction of a new software platform to host the Regulation 18b and Regulation 19 Consultations would be easier for residents to navigate and interact with. The benefits of collecting information via on-line methods was outlined as it would be more efficient for the Borough Council to assess and analysis the data received. Alternative methods would be available for those who had difficulty in accessing services online and there would be opportunity for residents' views to be collected at drop-in sessions and virtual exhibitions. Residents would also be invited to sign up to receive emails or printed materials.

Members attention was drawn to the significant financial and value for money implications associated with the Local Plan preparation beyond that which was originally identified before the Government consultation and 'pausing' of the process. Detailed budgetary considerations were set out at 7.1 – 7.6 of the report. The budget provision within the Medium-Term Financial Strategy (MTFS) had recently been increased (on an interim basis) to £160,000 to take into account that the previously identified £80,000 would likely be insufficient to meet the requirements of a new NPPF and submission timescales. Given the work that would be required to produce a national policy compliant Local Plan it was likely that additional funds beyond the £160,000 currently identified would be required. Further updates to the figures presented in the MTFS would be considered as soon as possible in line with the publication of a revised NPPF.

***RECOMMENDED:** That

- (1) the Local Plan Engagement and Consultation Strategy (attached at Annex 1) be approved;
- (2) the Engagement Programme (attached at Annex 2) be endorsed; and
- (3) the updates provided in relation to the Local Plan, including the likely increase in the annual budget allocation to the Local Plan reserve that would be required to progress a Local Plan under a revised National Planning Policy Framework be noted.

***Recommended to Cabinet**

HP 24/43 TREE PROTOCOL UPDATE

Following the adoption of the Tree Preservation Order Protocol and the Enforcement Tree Protocol in May 2024, Members had expressed concern that the measures proposed to address an existing backlog of

Tree Preservation Order (TPO) requests were insufficient to make a significant improvement within a reasonable timeframe.

As the Borough Council did not have current capacity to clear the backlog of requests in a timely manner, three options were presented for consideration. These were detailed in paragraph 5 of the report and included:

- seeking a consultant to work on the backlog of requests
- continue to attempt to reduce the backlog within existing resource
- await the outcome of a wider review of case work and capacity.

Members recognised that one of the proposed options would require a funding stream to be identified as there was no budget provision available. It had been estimated that a one-off cost of approximately £29,000 would be required to clear the backlog.

Due regard was given to the Borough Council's financial position and the potential impact on the Medium-Term Financial Strategy. Members also recognised that this needed to be balanced with providing an effective service and on the grounds of reducing the backlog Cllr King proposed that a consultant be sought to work on the backlog of TPO requests (detailed in Option A). This was seconded by Cllr Roud and supported by the Committee.

Whilst recommending the use of an external consultant to address the backlog, Members felt it was important to identify and understand the ongoing and future demand and capacity within the Service. Concern was also expressed that the existing backlog was delaying the protection of other trees.

***RECOMMENDED:** That

- (1) a consultant be sought to work on reducing the backlog of Tree Preservation Order requests (Option A), as detailed in 5.3 – 5.7 of the report; and
- (2) the approximate one-off cost for Option A of £29,000 and the need to identify a funding stream be noted.

***Recommended to Cabinet**

HP 24/44 HOARDING WORKING WITHIN HOUSING

(Decision Number D240121MEM)

Consideration was given to the provision of a Hoarding Co-ordinator service for residents of Tonbridge and Malling and associated clearance

and clean-up works. This to be funded via the disabled facilities grant element of the Better Care Fund (BCF).

The proposal was for the Home Improvement Agency to deliver the Hoarding Co-ordinator role which they already undertook across Kent as part of their hospital discharge service.

As defined by the Kent and Medway Multi-Agency Policy and Procedures to Support People that Self Neglect or Demonstrate Hoarding Behaviour (attached as Annex 1) hoarding was the excessive collection and retention of any material to the point that living space was sufficiently cluttered to preclude activities for what they were designed for. Hoarding was a recognised mental health diagnosis.

Due regard was given to the financial and value for money considerations set out in the report and it was noted that the BCF continued to be underspent in recent years. The diversion of funding to support further revenue initiatives would provide essential support in respect of hoarding in the community. Members recognised the importance of addressing hoarding issues within properties as it enabled households to remain in their home safely. There was also a wider positive impact for neighbouring properties.

***RECOMMENDED:** That:

- (1) a part-time (0.5FTE) Hoarding Co-ordinator role employed by the Home Improvement Agency be funded via the Disabled Facilities Grant (DFG) element of the Better Care Fund;
- (2) the estimated cost of £30,000 per annum for this role be noted;
- (3) a £15,000 per annum budget for clearance and clean-up works be provided and funded from the Better Care Fund;
- (4) authority to enter into the contract with the Home Improvement Agency be delegated to the Director of Planning, Housing and Environmental Health.

***Decision taken by Cabinet Member**

**HP 24/45 PROCEDURE ON AMENDMENTS TO PLANNING INCLUDING
RESERVED MATTERS APPLICATIONS**

(Report of Cabinet Member for Planning and Director of Planning, Housing and Environmental Health)

The report provided an update in respect of the Non-Amendments Policy and presented an updated procedure (attached at Annex 1) for consideration.

The National Planning Policy Framework stated that decisions on planning applications should be made as quickly as possible and within statutory timescales unless a longer period had been agreed by the applicant in writing. With this in mind, it was proposed that the current procedure of a Non-Amendment Policy be amended and adopted to provide clarity on when amendments and additional information would be accepted, what happens when a refusal was recommended and information on the Planning Guarantee.

A number of amendments were put forward by Cllr Mehmet and to give Officers sufficient time to give these appropriate consideration he proposed, seconded by Cllr Thornewell, that the Amendments Policy be presented to Cabinet in January 2025 following consultation with the Director of Planning, Housing and Environmental Health and the Cabinet Member for Planning. This was supported by the majority of the Committee.

***RECOMMENDED:** That:

- (1) the amendments put forward by Cllr Mehmet be reviewed by Officers, in consultation with the Director of Planning, Housing and Environmental Health and the Cabinet Member for Planning; and
- (2) the Amendments Policy, reflecting any of the amendments put forward, be considered by Cabinet.

***Recommended to Cabinet**

HP 24/46 INFRASTRUCTURE FUNDING STATEMENT 2023-24

(Decision Number D240122MEM)

Members reviewed the Infrastructure Funding Statement 2023/24 which set out the infrastructure delivery and contributions collected by the Borough Council, allocations made within the monitoring period, projects delivered within the relevant period and new agreements entered into. Contributions agreed over the 2023/24 period were also outlined.

The Borough Council had a statutory requirement under the Community Infrastructure Levy Regulations 2010 (Regulation 121A) to publish an annual Infrastructure Funding Statement (IFS) by the end of December each year. The purpose of the IFS was to provide a summary of all financial and non-financial developer contributions.

Reference was made to the lack of a mechanism for Tonbridge to have an infrastructure statement and a different approach on how these

funding requests could be put forward would be considered in discussion with Members and the Tonbridge Community Forum.

***RECOMMENDED:** That:

- (1) the Infrastructure Funding Statement and associated documents be endorsed; and
- (2) the Infrastructure Funding Statement be approved for publication by the end of December 2024.

***Decision taken by Cabinet Member**

HP 24/47 AUTHORITY MONITORING REPORT 2023-24

(Decision Number D240123MEM)

The report outlined the Borough Council's latest Authority Monitoring Report (AMR) (attached as Annex 1), which reviewed the effectiveness of the organisations planning policies and helped to ensure that progress was being made towards achieving the objectives as set out in the suite of Adopted Development Plan documents. The AMR was a statistical document to help guide the direction of travel for future corporate and planning policy.

Members noted that the AMR covered the previous financial year due to the period for data collection and reported on the period 2023/24. The last AMR was published by Tonbridge and Malling in 2017 and this version sought to provide an up-to-date consideration of the effectiveness of policies as well as progress in preparing planning documents as set out in the Local Development Scheme and actions taken in relation to the duty to cooperate.

***RECOMMENDED:** That:

- (1) the Authority Monitoring Report for the period 2023/24 be endorsed;
- (2) the Authority Monitoring Report for the period 2023/24 be approved for publication by the end of December 2024.

***Decision taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

**HP 24/48 UPDATE ON HOMELESSNESS AND TEMPORARY
ACCOMMODATION ACTION PLAN**

Following a consultancy review of the homelessness and temporary accommodation service at the end of 2023, a number of actions were recommended and an Action Plan (attached at Annex 1) developed to monitor progress.

Members noted the good progress being made, with only 4 actions remaining to be started, and the positive changes outlined in 5.2 of the report. It was intended that all actions would be completed by 31 March 2025. However, it was also noted that the work related to improving opportunities to access the private rented sector to facilitate move-on and discharge of duties would be championed by the proposed new Accommodation Team which it was hoped would be established early in 2025.

HP 24/49 WORK PROGRAMME 2025

The Work Programme setting out matters to be scrutinised during 2025 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

HP 24/50 CONSIDERATION OF MATTER IN PUBLIC

Before consideration of the Local Nature Recovery Strategy report, which was identified as Private in accordance with LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person, Councillor Thornewell proposed that the matter be discussed in public as the report did not contain exempt information and it was in the public interest to have the matter heard in public. This was seconded by Cllr Bridge and supported by the majority of the Committee.

Subsequent to the meeting, the report of the Cabinet Member for Planning and Director of Planning, Housing and Environmental Health was made public.

HP 24/51 LOCAL NATURE RECOVERY STRATEGY

(Decision Number D240123MEM)

Kent County Council was commencing its pre-consultation review of the Kent and Medway Local Nature Recovery Strategy. The review was to determine whether the relevant authorities, including Tonbridge and Malling Borough Council, were content for the public consultation to proceed. If no objections were received by the end of the 28-day period,

commencing 14 November and ending on 12 December, it would be determined that public consultation could go ahead.

***RECOMMENDED:** That:

- (1) the purpose and content of the draft Kent and Medway Local Nature Recovery Strategy be noted;
- (2) confirmation be given to Kent County Council that the Borough Council supported proceeding to public consultation; and
- (3) the Borough Council's response be delegated to the Director of Housing, Planning and Environmental Health, in consultation with the Cabinet Member for Planning.

***Decision taken by Cabinet Member**

MATTERS FOR CONSIDERATION IN PRIVATE

HP 24/52 EXCLUSION OF PRESS AND PUBLIC

The Chair moved, it was seconded and

RESOLVED: That, as public discussion would disclose exempt information, the following matters be considered in private.

MATTERS FOR RECOMMENDATION TO CABINET

HP 24/53 PROPOSED LEASE OF RESIDENTIAL APARTMENTS IN TONBRIDGE FOR USE AS TEMPORARY ACCOMMODATION

(Reasons: Private – LGA 1972 Sch12A Paragraph 3 – Financial or business affairs of any particular person)

Consideration was given to the proposal to lease a total of 19 residential apartments in the High Street, Tonbridge to serve as temporary accommodation in line with the Borough Council's adopted Housing Strategy.

Details of the terms of the lease and costs assumed in the financial modelling were set out in 5.5 and 7.3 of the report.

On the grounds that the ongoing costs associated with providing temporary accommodation was one of the Borough Council's most challenging financial issues, the Committee supported the proposal. However, during the discussion Members asked that an 'option to buy' clause be tested with the freeholder.

***RECOMMENDED:** That

- (1) the terms of the lease for 19 residential apartments in the High Street, Tonbridge to serve as temporary accommodation, as set out in the report, be approved; and
- (2) the one-off setup costs and tax liability to be funded from an appropriate budget to be identified in liaison with Finance Services be agreed.

***Recommended to Cabinet**

The meeting ended at 10.00 pm
having started at 6.50 pm