

Lynn Francis - RE: Henry Simmonds/ 13 Harrison Road

From: Adrian Stanfield
To: Mike Taylor
Date: 09/12/2014 08:45
Subject: RE: Henry Simmonds/ 13 Harrison Road
CC: Allan Sullivan; Andy Allison; Anita Oakley; Ann Kemp; Anne Moloney; ...

Dear Mike

Thank you for your email.

I don't wish to enter into prolonged exchanges about this issue, but there are a small number of points I feel obliged to make in response to your email.

Firstly, on the subject of predetermination, there is nothing in law that provides that predetermination cannot arise *before* the submission of an application. It is perfectly possible for evidence to be adduced of statements/conduct of a Member before an application for planning permission is submitted, which indicates a predetermined position. That is not surprising - say for example a Member had made public statements to the effect of 'over my dead body will a betting shop open in this area' and then an application is submitted by Coral. The statements made by that member would be very persuasive evidence of a predetermined view.

There are of course no planning rules that prevent you from talking to your residents. That was not the point I was seeking to make - my concern arose from the fact that you allowed yourself to be photographed behind a banner stating 'Shame on Sainsbury's'. That is quite a different matter. As I said however, ultimately it is a matter for you whether you participate in the 2 items on the area 2 agenda relating to Sainsbury's/ the Henry Simmonds. I was clear in my email that my comments were offered as advice only.

Turning to the planning issues, it is incorrect to say that the GPDO is a 'loophole'. It is national legislation, and a conscious move by Parliament to enable changes of use and other development to take place without the need to seek permission from the Council as Local Planning Authority. The particular provision allowing a change of use from A4 to A1 is one of a number of changes of use permitted by the GPDO, which give effect to Government policy intended to streamline the planning process. It was not designed simply to allow for changes of use within failing pubs as you suggest.

Finally, in respect of 13 Harrison Road, I must again reject any allegations or inferences of unfair influence, regardless of where or from whom these might originate. There is no simply evidence to support these allegations. As you know each case is assessed on its planning merits by the case officer, as indeed it would be by a Planning Inspector. I am aware that Steve Humphrey and Lindsay Pearson have appropriate measures in place within the planning department to ensure that each case is properly considered according to the relevant legal and planning tests; there would have been no reason for me to intervene in this case.

Regards

Adrian

>>> Mike Taylor <mike.truck@btconnect.com> 03 December 2014 12:49 >>>

Dear Adrian,

I have been expecting this letter for some time.

(1) Your highlighted paragraph, when read in context, is clearly a typo, and I have inserted the crucial "not" below. Remember I am a truck driver, not a University graduate.

although I did advise on the drafting to ensure it did *not* become a petition with the inherent bias'

I was aware that petitions are seen as biased, and I wanted to ensure that the consultation the residents and traders wanted to run was worded in a balanced way that did not include that sort of bias, and indeed even re-arranged the wording and layout to favour Sainsbury's position. The consultation was passed to me as Chairman of the PC, because residents wanted their voice heard, and that is my job, to pass on resident's views in the planning process.

(2) I do believe that an Article 4 direction should be made - an application of this importance should be tested by the planning process, and not allowed through on a loophole. the GPDO 95/05 was designed to allow expedient repurposing of failing pubs, not to provide exploitation points for large corporations. The Article 4 direction is precisely designed for this situation. That is not me showing bias, it is me wanting the proper planning process observed, with all the impacts being assessed.

(3) Those comments were made before we were advised that an application had been submitted, we were served with the application on the day of our PC meeting 3rd November, so I cannot have pre-determined the application, because it had not been submitted.

(4) Again, this was before we were aware of any application. Furthermore, I was unaware that planning rules prevented me from visiting my High St and talking to my residents.

As you quite rightly quote the law, pre-disposition is not illegal, and I freely admit to a pre-disposition against the constant attacks against my village, and my ward, by developers, who are assisted in their endeavours by the failure of the planning department to abide by their own rules. However, I cannot pre-judge the application until I have heard the full evidence from Sainsbury at the hearing, and it may well be that in their evidence at that hearing they demonstrate that they have listened carefully to resident's concerns and will address them to ensure there development only has a minimal impact. I am still open to persuasion either way, but the outcome depends on the case Sainsbury make on the 10th.

Regarding 13 Harrison Rd- I responded to your "junior officer" Julian, because he was the officer who wrote to me - and I did not impugn his character. I did not make a direct accusation, but passed on assumptions that I have heard made. And quite frankly, if the applicant chose to take that course in the appeal, TMBC would have a very hard time proving that this one-off aberration from its habitual policy of passing these overbearing extensions was not as a result of unfair influence. I am very surprised that you personally did not intervene so those sort of accusations could not be made. It is intriguing why the second application was refused after officers advised the applicant how to respond to the initial concerns.

I view your letter as just another (failed) attempt to browbeat me into silence, and I am surprised that one of your superior intellect has not yet realised that I do not back down in the face of threats, as the current Standards Complaint rumbling through the system clearly demonstrates.

It is absolutely pointless to have a planning system and an LDF if the Officers, with your support, continuously manipulate the system according to some unknown and possibly political agenda. It also surprises me that so close to an election, with the dominant party in such a parlous and beleaguered state, the Executive seems hell bent on alienating the entire population of Borough Green and Longmill, and its surrounding catchment area, with this continuous support of unacceptable development.

I will appeal to Members' consciences to at least allow the people of Borough Green a fighting chance by supporting an Article 4 direction, so Sainsbury have to prove their case.

Regards

Mike

Lynn Francis - Fwd: 14.01564 14/02798 13 Harrison Rd in confidence

From: Lindsay Pearson
To: Adrian Stanfield; Steve Humphrey
Date: 02/12/2014 15:52
Subject: Fwd: 14.01564 14/02798 13 Harrison Rd in confidence
CC: Julian Moat; Marion Geary

Adrian/Steve,

this type of correspondence is quite inappropriate and becoming intolerable

may I have some comments as to who/how a response should be made

Lindsay

Lindsay John Pearson
Chief Planning Officer
Tonbridge and Malling Borough Council
tel: 01732 876237
fax: 01732 876363
website - www.tmbc.gov.uk

Have you tried contacting us at:
www.tmbc.gov.uk/do-it-online ?

>>> Mike Taylor <mike.truck@btconnect.com> 02/12/2014 15:32 >>>

Dear Julian,

After many years of objecting to ever larger and more overbearing extension and development applications and watching them get rubber-stamped by planners whatever the PC and the public might say, I was most surprised to find one had actually been refused on exactly the same grounds we have oft repeated, and with just one single neighbour objection.

I trust this is the beginning of a glorious new era when the planning department actually begins listening to the Parish Council, but cynics have already assured me that this is a one-off generated by the fact that the complaining neighbour appears to be an ex TMBC Leader, Mayor, and long serving member of both T&MBC and the Parish Council. But I reassured them saying I cannot believe that in this age of transparency such "old boy" networks still exist.

It will be interesting to see how the appeal turns out, will TMBC have costs awarded against them ?

Regards
Mike

Annex L

Lynn Francis - Standards Complaint #3

From: Mike Taylor <mike.truck@btconnect.com>
To: 'Lynn Francis' <Lynn.Francis@tmbc.gov.uk>, Adrian Stanfield <Adrian.Stan...>
Date: 14/03/2015 11:08
Subject: Standards Complaint #3
CC: <tim@timshaw.wanadoo.co.uk>, 'cliff dobson' <frogskwod@hotmail.com>, 'ga...

Dear Ms Francis

Feel free to proceed with yet another Standards complaint.

My only comment is that I have made no accusation or inference, but as an elected representative merely passed on concerns raised to me. Even then, I have merely noted the conclusions a reasonable person might draw from the sparse evidence available.

I do not propose to waste any more of my time getting involved with "independent persons" or internal discussions, - should the Monitoring Officer deem it appropriate to convene a Standards Committee, I will attend at that point.

Mike Taylor
Chairman, Borough Green Parish Council
Ward Member, Borough Green & Longmill.

Lynn Francis - RE: Standards Complaint #3

From: Mike Taylor <mike.truck@btconnect.com>
To: 'Steve Perry' <steve.perry@chronus.co.uk>
Date: 16/03/2015 09:38
Subject: RE: Standards Complaint #3
CC: 'Lynn Francis' <Lynn.Francis@tmbc.gov.uk>, 'Adrian Stanfield' <Adrian.St...>
Attachments: bh8.pdf

Hi Steve,

I do apologise - this refers to a standards complaint lodged by Barry Hughes, referring to the letter I sent to the Planning Inspectorate regarding 13 Harrison road, as read and discussed at the last PC meeting, and circulated, noting that it was in fact sent in a personal capacity. I think the complaint is spurious, because I am merely passing on concerns raised to me by residents, nowhere do I personally endorse the view that undue influence had taken place, merely that "a reasonable person might draw that conclusion".

TMBC sent the complaint in hardcopy, so I have scanned it to circulate for the benefit of the transparency we are used to at BGPC. I keep getting the impression that TM think they can bully us into silence with these complaints.

Regards, and thanks for the thoughts
Mike

From: Steve Perry [mailto:steve.perry@chronus.co.uk]
Sent: 16 March 2015 09:00
To: Mike Taylor
Cc: Lynn Francis; Adrian Stanfield; <tim@timshaw.wanadoo.co.uk>; cliff dobson; gary harrington; Hazel Damiral; <henrybnl@btinternet.com>; les chown; <michealyianni@btinternet.com>; sandra gould; scott millener; Tim Shaw
Subject: Re: Standards Complaint #3

Mike

I note that you have copied the email below to all Borough Green Parish Councillors.

As far as I am aware, we have not been made aware of the circumstances triggering such a response from yourself, for what appears to be a repetition of a scenario involving your personal relationship with TMBC.

Obviously, any inference of endorsement by BGPC needs to be removed swiftly.

Regards
Steve

On 14 Mar 2015, at 11:07, Mike Taylor <mike.truck@btconnect.com> wrote:

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