

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **PLANNING AND TRANSPORTATION ADVISORY BOARD**

**Tuesday, 3rd March, 2020**

**Present:** Cllr R W Dalton (Chairman), Cllr J L Botten (Vice-Chairman), Cllr T Bishop, Cllr M D Boughton, Cllr V M C Branson, Cllr D J Cooper, Cllr D A S Davis, Cllr M O Davis, Cllr S A Hudson, Cllr D Keers, Cllr D W King, Cllr H S Rogers, Cllr N G Stapleton, Cllr M Taylor and Cllr D Thornevell.

Councillors Mrs J A Anderson, M A Coffin, N J Heslop, M A J Hood, F A Hoskins, Mrs F A Kemp, D Lettington, Mrs R F Lettington, B J Luker, Mrs A S Oakley, M R Rhodes, R V Roud, J L Sergison and Mrs M Tatton were also present pursuant to Council Procedure Rule No 15.21.

#### **PE 20/1 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. In accordance with the dispensation granted at Minute GP 19/13 ([General Purposes Committee of 19 June 2019](#)) he remained in the meeting and addressed the Advisory Board but took no further part in the discussion.

#### **PE 20/2 MINUTES**

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 13 November 2020 be approved as a correct record and signed by the Chairman.

#### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **PE 20/3 LOCAL PLAN UPDATE AND TIMETABLE**

(Decision Notice D200025MEM)

The report provided an update on the progress of the Local Plan since November 2019 and considered the next stages in the process. A revised timetable was recommended for approval. Progress in neighbouring authorities was also reviewed.

Members were advised that the first phase of Local Plan Hearings were scheduled for 19-21 May at the Orchards Conference Venue at East Malling Research Centre. Since the publication of the agenda, additional dates of 24-25 June had also been arranged. It was explained that discussions at these Hearings would be guided by

'Matters, Issues and Questions' raised by the Planning Inspectors. These had recently been received and the Borough Council had until 9 April to submit statements.

In addition, Members were informed that the Borough Council had been appointed a new Lead Planning Inspector. It had been confirmed that the change of Inspector would not affect the Hearing dates. Members noted that the new Lead Local Plan Inspector was Louise Crosby and not Susan Crosby as stated in the report.

The revised timetable, set out in Annex 1 to the report, allowed a reasonable estimate of time for each of the remaining key stages of the Local Plan process but this remained subject to confirmation.

Members welcomed the recent acceleration in progress but expressed frustration at the length of time taken between the Local Plan being submitted and the Hearings being scheduled.

**RECOMMENDED:** That:

- (1) the content of the report be noted; and
- (2) the revised Local Plan timetable, set out in Annex 1 to the report, be endorsed.

#### **PE 20/4 DEVELOPMENT MANAGEMENT - PROCESSES AND PROCEDURES**

Following feedback from consultees and stakeholders on engagement processes the report provided an update on Development Management with a view to ensuring parity and improving efficiency and effectiveness. If approved, the proposals could result in savings to support the Borough Council's Medium Term Financial Strategy, support the Borough Council's commitment to the Climate Change and Digital Strategies and create service efficiencies that enabled planning applications and decisions to be dealt with in a timely way.

Members recognised the value in reviewing internal working practices to ensure that the development management function was delivered efficiently for the benefit of residents and applicants. In particular, Members welcomed the proposals around notification deadlines, validation dates and the use of 'List B' to trigger the commencement of the 21 day notification period. Members also supported the principle of stricter measures being in place to reduce last minute amendments to planning applications


However, concern was expressed that the proposals represented a significant challenge for parish councils, who would have to adapt their current practices to adopt the changes. To support parishes through this

process Planning Officers would actively engage with parish councils (and other interested parties) to understand the issues and concerns around the proposals and to identify potential digital solutions. It was not the Borough Council's intention to prevent anyone from engaging in the planning process.

It was also intended to hold a number of training sessions, working in partnership with the Kent Association of Local Councils (KALC) and the Parish Partnership Panel to support parish councils in using digital tools such as the Public Access portal and My Account to keep informed of planning applications in their area. There would be a transition period from 1 June 2020, during which the approach would be tested and there would be discussions between planning officers and parish councils to identify any issues.

Finally, reference was made to late representations and the need to retain flexibility around any information received to ensure that fundamental matters were addressed when considering a planning application.

Members discussed the proposals in detail and Officers responded to concerns, comments and questions raised.

**RECOMMENDED:** That the proposed changes to process, set out in the report and detailed below, be agreed: 

- (1) from 1 September 2020, the Borough Council will not accept representations on applications received after the relevant 21 day period from any party not included in the statutory (technical) consultees definition (as set out in paragraph 1.2.9 of the report). It would, however, be recognised that there could be exceptions to this where fundamental matters were raised outside the period, which could leave the authority open to legal challenge or raised new material considerations.
- (2) from 1 September 2020, the Borough Council will notify Parishes via the weekly List B and they will have 21 days from then within which to make representations (as set out in paragraph 1.2.12 of the report) and therefore the provision of hard copies of planning applications to Parish Councils will cease and they will be required to view relevant papers online (as set out in paragraph 1.2.12 of the report);
- (3) the savings derived from changes to how Parish Councils will be notified will contribute to both the Savings and Transformation Strategy and the Medium Term Financial Strategy (as set out in paragraph 1.2.14 of the report);

- (4) from 1 September 2020, amendments to planning applications will not be accepted, other than where the changes sought were considered to be 'de-minimis', correct errors or discrepancies identified by officers or where a Planning Performance Agreement was in place that provided for such amendments to be negotiated between the parties (as set out in paragraph 1.3.7 of the report); and
- (5) progress on the proposals will be updated at the meeting of the Planning and Transportation Advisory Board scheduled for 28 July 2020.

**\*Referred to Cabinet**

**PE 20/5 PROPOSED REVISION TO THE JOINT TRANSPORTATION BOARD AGREEMENT**

The report of the Director of Street Scene, Leisure and Technical Services presented a revised Joint Transportation Board Agreement between the Borough Council and Kent County Council for consideration. There were no financial implications related to the proposal and therefore no impact on the Medium Term Financial Strategy.

A copy of the revised Agreement (attached at Annex 2 of the report) incorporated an amendment to paragraph 2.2 of the First Schedule agreed at the meeting of the Joint Transportation Board held on 23 September 2019, stating that Parish/Town Council representative(s) nominated by the Area Committee of the Kent Association of Local Councils (KALC) would be able to speak on any item on the agenda. It was confirmed that Parish/Town Council representatives would not have voting rights as part of this amendment.

**RECOMMENDED:** That the revised Joint Transportation Board Agreement (attached at Annex 2 of the report) be approved. ◀

**\*Referred to Cabinet**

**MATTERS SUBMITTED FOR INFORMATION**

**PE 20/6 PLANNING CONDITIONS**

The report of the Director of Planning, Housing and Environmental Health provided an update on how planning conditions would be sought on planning permissions through the use of a comprehensive, published compendium.

Members welcomed the use of a compendium as a valuable and informative tool and noted that its use would be in the interests of good and consistent decision making.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**PE 20/7      EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 9.50 pm