

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

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

**Tuesday, 29th June, 2021**

**Present:** Cllr J L Botten (Chairman), Cllr D J Cooper (Vice-Chairman), Cllr T Bishop, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs F A Kemp, Cllr A Kennedy, Cllr D W King, Cllr H S Rogers, Cllr N G Stapleton, Cllr M Taylor and Cllr D Thornevell

Councillors Mrs J A Anderson, Mrs S Bell, R P Betts, V M C Branson, M A Coffin, N J Heslop, M A J Hood, J R S Lark, D Lettington, B J Luker, P J Montague, Mrs A S Oakley, W E Palmer, M R Rhodes and R V Roud participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

(Note: As Councillors R W Dalton and S A Hudson were unable to attend in person and participated via MS Teams they were unable to vote on any matters)

Apologies for absence were received from Councillors M D Boughton, R W Dalton, S A Hudson and D Keers

#### **PE 21/10 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. He noted however that he was entitled to remain in the meeting in accordance with the dispensation granted to him under section 33 of the Localism Act 2011 at Minute GP 19/13 (General Purposes Committee of 19 June 2019).

#### **PE 21/11 MINUTES**

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 17 May 2021 be approved as a correct record and signed by the Chairman.

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

#### **PE 21/12 THE ADOPTION OF THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN**

The report of the Director of Planning, Housing and Environmental Health reminded Members of the requirement under The Countryside and Rights of Way (CROW) Act 2000 for local authorities to produce, adopt and keep under review Management Plans for Areas of Outstanding Natural Beauty (AONB). The report outlined the review

undertaken to update the current Kent Downs (AONB) Management Plan for the period 2021-2026.

**RECOMMENDED:** That

- (1) Cabinet commends that Council resolve to adopt the Kent Downs AONB Management Plan 2021-2026 as a material planning consideration; and
- (2) Delegated authority be given to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Strategic Planning and Infrastructure, to produce the Kent Downs AONB Management Plan and to make further minor changes during the adoption process.

**\*Referred to Cabinet**

**PE 21/13 TUNBRIDGE WELLS LOCAL PLAN STATEMENT OF COMMON GROUND**

(Decision Notice D210064MEM)

The report of the Director of Planning, Housing and Environmental Health provided a summary of the Statement of Common Ground between Tunbridge Wells and Tonbridge and Malling and sought approval for it to be returned to Tunbridge Wells Borough Council to accompany its Local Plan submission to the Secretary of State. In response to comments regarding the Governance arrangements the Planning Policy Manager advised that the text of Section 7 would be amended to extend the level of Member involvement. The Portfolio Holder agreed to consider any further suggested amendments from Members up to mid-July in order that the Statement could be finalised and returned to Tunbridge Wells Borough Council before the submission of their Local Plan in August.

**RECOMMENDED:** That

- (1) the content of the report be noted; and
- (2) subject to the amendment of section 7 and any further proposed changes, the Statement of Common Ground with Tunbridge Wells Borough Council, as set out at Annex 1 to the report, be approved.

**PE 21/14 HOUSING DELIVERY TEST ACTION PLAN**

(Decision Notice D210065MEM)

The report of the Director of Planning, Housing and Environmental Health provided an explanation of the Government's Housing Delivery Test which provided an annual measurement of housing delivery at local level. The report sought endorsement of the preparation of an Action Plan which identified the profile of housing supply within the Borough and actions to be taken to boost delivery.

**RECOMMENDED:** That

- (1) the draft Housing Delivery Test Action Plan, set out at Annex 1 to the report, be endorsed; and
- (2) following engagement with relevant stakeholders, the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Strategic Planning and Infrastructure and the Chairman of the Planning and Transportation Advisory Board, be authorised to agree the final version of the Action Plan.

**PE 21/15 BOROUGH GREEN GARDENS**

(Decision Notice D210066MEM)

The report of the Director of Planning, Housing and Environmental Health provided an update on the garden communities work undertaken to support the delivery of development at Borough Green Gardens, a significant strategic allocation in the Council's draft Local Plan. The report informed Members about the creation of a Project Board to enable discussion with technical consultees and delivery partners involved in the Garden Communities project. In addition it was reported that, in order to progress the draft Development Brief towards formal public consultation later in 2021, it was important to seek the views of the local community, including businesses, residents and community groups so that benefits for existing and future residents could be maximised.

**RECOMMENDED:** That

- (1) the content of the report be noted; and
- (2) the project next steps and timetable be endorsed to allow community engagement activities to commence.

**PE 21/16 REVIEW OF PLANNING ENFORCEMENT PLAN AND ASSOCIATED PROTOCOLS**

(Decision Notice D210067MEM)

The report of the Director of Planning, Housing and Environmental Health provided an update on the activities undertaken by the Planning Enforcement Team over the past 12 months, with particular reference to the effectiveness of the adopted Planning Enforcement Plan and the publication of additional guidance in respect of the issuing of Cautions. Additionally, the report sought approval to the adoption of a Tree Protection Enforcement Protocol.

**RECOMMENDED:** That

- (1) the principle of a Tree Protection Enforcement Protocol be adopted subject to
  - consideration by the Cabinet of any necessary amendments to the draft document to reflect all feedback from the Planning and Transportation Advisory Board to ensure it was fit for purpose; and
  - a 6-month review period following the successful appointment to the Tree and Landscape Officer post;
- (2) the Director of Planning, Housing and Environmental Health be granted delegated authority to approve the final protocol in consultation with the Cabinet Member for Strategic Planning and Infrastructure; and
- (3) the Simple Cautions and Planning Enforcement Guidance Note, as attached at Annex 2 to the report, be adopted.

**PE 21/17 TREE RELATED SERVICE IMPROVEMENTS AND TREE PRESERVATION ORDER PROTOCOL**

(Decision Notice D210068MEM)

The report provided an update on the ongoing review into how the service dealt with all tree related matters and outlined proposed changes to processes and procedures to facilitate improvements. Additionally, the report outlined the terms and scope of a Protocol intended to provide a clear and transparent framework on the administration of Tree Preservation Order work.

**RECOMMENDED:** That the proposed strategy in respect of tree related matters, as set out in the report, be approved as follows:-

- (1) the principle of a Tree Preservation Order Protocol be adopted, subject to
  - consideration by the Cabinet of any necessary amendments to the draft document to reflect all feedback from the Planning and Transportation Advisory Board to ensure it was fit for purpose; and
  - a 6-month review period following the successful appointment to the Tree and Landscape Officer post;
- (2) the Director of Planning, Housing and Environmental Health be granted delegated authority to approve the final protocol in consultation with the Cabinet Member for Strategic Planning and Infrastructure;
- (3) Officers seek to develop a new Protocol further to the adopted Planning Enforcement Plan setting out in detail how alleged unauthorised works to protected trees will be investigated and how any evidenced breaches will be addressed;
- (4) Officers progress on-site Member training event(s) to enhance the information provided within the Member Briefing Note at a practical level following the successful appointment to the Landscape Officer post. Final arrangements for how the training event(s) will take place to be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure;
- (5) Officers continue to develop detailed parameters for the review of historic TPOs across the Borough reflecting all feedback from the Planning and Transportation Advisory Board to ensure it is suitably focused and has a defined and achievable scope;
- (6) Officers build into 1 and 3-5 (inclusive) a review period to take place 6 months following the successful appointment to the Landscape Officer post to be reported to the Planning and Transportation Advisory Board for consideration of an updated, refined Protocol as necessary; and
- (7) Officers continue to review and improve all tree-related internal processes and administrative work to ensure that Members are regularly updated on improvements made.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**PE 21/18 EXCLUSION OF PRESS AND PUBLIC**

The Chairman 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 THE CABINET**

**PE 21/19 LOCAL PLAN DELIVERY APPROACH**

(Reasons: LGA 1972 Sch 12A Paragraph 5 – Legal Advice)

The report of the Director of Planning, Housing and Environmental Health provided an update on the Local Plan covering the period since March 2021. Members were invited to consider a number of options for adopting a Local Plan at the earliest opportunity and to recommend a preferred option.

**RECOMMENDED:** That Option 3, to withdraw the current Plan and Review, Refresh and Resubmit the Local Plan, as set out in Annex 3 to the report, be commended to Council as the preferred option.

**\*Referred to Cabinet**

The meeting ended at 11.28 pm  
having commenced at 8 pm