

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

01 March 2022

Report of the Director of Planning Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 DEVELOPMENT MANAGEMENT PROTOCOLS

Summary: This report seeks Member endorsement for protocols relating to Member briefings on called in applications and officer site visits. It also makes recommendations to amend arrangements for public speaking at planning committee. The proposals in this report could, if agreed, result in some savings to support the Council's medium term financial strategy.

1.1 Introduction

1.1.1 Officers continue to investigate all opportunities for improving ways of working to achieve efficiencies in delivering the planning service. Two key matters have arisen which could usefully benefit from the publication of prescribed protocols to improve consistency and provide greater transparency to applicants, agents and Members. Furthermore, it is considered necessary to update the arrangements for public speaking at planning committee to improve efficiencies. These matters are summarised as follows:

Applications subject to Member call-in:

1.1.2 It is considered necessary to prescribe a series of actions to be undertaken by officers in all instances where applications are subject to Member call in. This will ensure that officers are briefing Members in good time before an application reaches the relevant planning committee to establish whether there are any key issues that require resolution. This would give certainty of approach to Members and allow officers to address any concerns raised ahead of the committee meeting itself.

1.1.3 The proposed Protocol is provided at **Annex 1** to this report.

Officer site visits:

1.1.4 Ways of working have shifted in a manner that means it is not necessary for officers to visit every individual site subject to a planning application. This has been particularly noticeable since the start of the Pandemic. This historic activity is

not efficient or proportionate and there are many desk-based and technological tools that can be utilised in many cases instead of a site visit being needed.

1.1.5 It is accepted that whether a site visit has been undertaken can be of concern to local residents, particularly when they have raised objections to a planning application. A published Protocol setting out clearly the occasions when a site visit will be undertaken and what officers will consider when making this assessment will give clear and consistent advice.

1.1.6 The proposed Protocol is provided at **Annex 2** to this report.

Arrangements for public speaking at planning committee:

1.1.7 As Members are aware, presently unlimited numbers of public speakers can address planning committee provided they have made representations on the relevant application in advance. Having benchmarked against other Kent authorities, this is far more extensive than any other authority. The provisions for some of TMBC's neighbouring authorities are listed below for information;

- Tunbridge Wells : up to 4 speakers "in favour" (including applicant), up to 4 objecting, plus 1 Parish rep.
- Sevenoaks: 1 for (whether applicant or otherwise), 1 against, 1 Parish
- Gravesham: up to 3 for, 3 against
- Maidstone: 1 for (whether applicant or otherwise), 1 against, 1 Parish

1.1.8 When considering efficiencies, the current TMBC model requires significant management through both the Planning and Democratic Services functions. It is also the case that all comments on an application will have been initially considered by the case officer as part of their case assessment and duly summarised in the case report.

1.1.9 As such, it is proposed to change the arrangements to limit public speaking as follows:

- Maximum of 4 speakers in support of an application
- Maximum of 4 speakers objecting to an application
- 1 representative from the Parish Council (where applicable; whilst consideration was given to how to replicate this for the non-Parished areas of the borough, due to the fact that all ward Members sit on area planning committees there is no opportunity for them to be utilised as a reasonable alternative)
- 1 representative from the applicant/agent team

- 1.1.10 Officers consider that these arrangements would still afford members of the public opportunity to make their views on an application known in a fair manner, whilst ensuring that planning committees can operate in a more efficient manner. Speakers would still need to register in advance with Democratic Services in the normal way and slots will be assigned on a first come, first served basis. Speakers will also still have needed to make representations on the relevant application to be eligible to speak.

1.2 Legal Implications

- 1.2.1 Not having a comprehensive, transparent and consistent protocol in place setting out when site visits will be undertaken could increase the risk of Council decisions being challenged both through appeal and judicial review.

1.3 Financial and Value for Money Considerations

- 1.3.1 Having comprehensive protocols in place will ensure appropriate skills and expertise are utilised in an efficient and cost-effective manner and limit exposure to costs awards being made against the Council in appeal scenarios. Mitigating this risk is a way to manage potential future costs.

1.4 Risk Assessment

- 1.4.1 Not having the strategies in place could delay effective decision making, increase the likelihood of challenges and limit the Council's ability to effectively resource key development management operations.

1.5 Policy Considerations

- 1.5.1 The recommendations align with both the emerging Climate Change Strategy and the Digital Transformation Strategy.
- 1.5.2 In seeking to look at service efficiencies, the recommendations support the Council's Savings and Transformation Strategy.

1.6 Equality Impact Assessment

- 1.6.1 No issues raised.

1.7 Recommendations

- 1.7.1 That Members **ENDORSE** the protocols at **Annexes 1 and 2** for adoption by the Council for Development Management purposes, with final approval for any changes required to the documents before publication, or any minor changes required to keep the protocols up to date with legislation, be delegated to the Director for Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning & Infrastructure.

1.7.2 That Members **APPROVE** the updated arrangements for public speaking at planning committee as set out at paragraph 1.1.9 of the report.

The DPHEH confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Emma Keefe

Annex 1: Called In Applications Protocol

Annex 2: Officer Site Visit Protocol

Eleanor Hoyle

Director of Planning Housing and Environmental Health