

## **Housing and Planning Scrutiny Select Committee**

**15 July 2025**

### **Part 1 - Public**

#### **Matters for Information**



Cabinet Member	Councillor Mike Taylor – Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle – Director of Planning, Housing & Environmental Health
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### **Procedure on Amendments to Planning including Reserved Matters Applications - Update**

#### **1 Summary and Purpose of Report**

- 1.1 The procedure for making amendments was formally implemented following Cabinet approval on 7 January 2025. As part of this process, it was agreed that an update report would be brought to the Housing and Planning Scrutiny Select Committee (HPSSC) after six months to provide an overview of progress and any emerging issues.

#### **2 Corporate Strategy Priority Area**

- 2.1 Efficient services for all our residents, maintaining an effective council.

#### **3 Recommendations**

- 3.1 This report is for noting only

#### **4 Introduction and Background**

- 4.1 Consideration was given by the Housing and Planning Scrutiny Select Committee (HPSSC) and Cabinet to the proposal to replace the existing non-amendments Policy with a new procedure for handling amendments to planning applications
- 4.2 Following the request of the HPSSC at its meeting on 3 December 2024, the Cabinet Member for Planning consulted with Officers on the proposed changes suggested at the Committee.
- 4.3 While Cabinet supported the amendments, on the basis that Planning Committees do not have the authority to compel applicants to make amendments, it was

proposed by Cllr Boughton and seconded by Cllr Taylor that the following revision be made:

*Minor amendments will be encouraged following a deferral at an Area Planning Committee, particularly where Members have articulated clear reasons for the deferral.*

- 4.4 Accordingly, subject to the updated wording revised procedures were approved for adoption.
- 4.5 The published version of when amendments can be accepted is outlined on the website at [View and comment on planning applications – Tonbridge and Malling Borough Council](#) . However, key to this report is the section on when amendments will be accepted without Planning Performance Agreement (PPA). The procedure is outlined below:
- The starting point for discussing a proposed application with the council should be via the pre-application service. This will enable full discussion of the merits of the scheme and enable detailed feedback from the council on what amendments may be required prior to submission.
  - Amendments to a submitted scheme will only be accepted by the case officer's invitation and is entirely at their discretion. The council is not obliged to accept amendments to live planning applications.
  - Amendments will only be invited if the case officer is of the opinion that the changes are minor, and will add value to the scheme, particularly in respect of design improvements, or changes that would lessen the impact of the development, including in respect of neighbouring amenity, traffic or highways, trees or other ecological designations. This list is not exhaustive and is at the discretion of the case officer.
  - Major amendments that involve a full redesign of a scheme will not be accepted. Whether an amendment is major or minor in scale is a judgement for the case officer.
  - Case officers will use their judgement to determine whether the amendments will require a further consultation.
  - When amendments are accepted this should be within the statutory time period, if possible, to allow for timely consideration and determination. Where amendments will need further time, their invitation will be conditional on the applicant agreeing to a sufficient extension of time.
  - The description of development must remain the same.
  - Only one set of amendments will be accepted per application
  - Corrections to drawings will be accepted.
  - Minor amendments will be encouraged following a deferral at an Area Planning Committee, especially on the grounds articulated by Members for a deferral.
- 4.6 **Committee use of amendment procedure:** The amended procedure has, to date, been applied at one Planning Committee meeting. During that meeting, Members considered a proposed change in external materials, from a metal roof with power coated aluminium framed windows to a brick exterior with white painted timber fenestration.

- 4.7 At the time of writing this report, the applicant has agreed to revise the design in line with Member preferences. The amended scheme is currently undergoing the required public consultation process.
- 4.8 The Planning Committee were satisfied with the overall scale of the development and its set-back from the street and confirmed that their concerns related solely to the proposed materials. Planning officers advised that the amendment could reasonably be considered minor in nature, however, formal consultation was still necessary to ensure compliance with legislation.
- 4.9 Officers also provided an explanation of the risks associated with non-determination, ensuring that Members were fully aware of the potential implications of delay in the decision-making process.
- 4.10 **Officer's view of amendment procedure:** Officers are, overall, supportive of the amended procedure, as it provides greater discretion to secure improvements to development schemes where appropriate. This flexibility enables the planning authority to work constructively with applicants to enhance the quality of proposals without requiring full resubmissions.
- 4.11 Encouragingly, there have been no reported instances to date of agents or applicants raising concerns about inconsistency in the application of the procedure. This suggests that the approach has been understood and accepted positively.
- 4.12 It is, however, too early to draw firm conclusions about the impact of the procedure on pre-application income. As Members are aware, staff capacity constraints over the past six months have affected the timely allocation and progression of pre-application requests. That said, staffing levels have now improved, allowing the Council to offer a more comprehensive and responsive pre-application service, which remains a valuable and advantageous part of the planning process.
- 4.13 Importantly, the discretionary nature of the amendment procedure means that officers are not obliged to accept all proposed changes. Significant or major amendments continue to be excluded from the process, ensuring that such proposals are appropriately channelled through formal pre-application discussions. This safeguards the role and value of the pre-application service for more complex or substantive revisions.
- 4.14 Similarly, it is too early to assess any impact on income from Planning Performance Agreements (PPAs). These typically relate to larger, strategic schemes, which often involve wide-ranging amendments that would fall outside the scope of this minor amendment procedure.
- 4.15 It remains important that the implementation of the procedure is monitored in accordance with national guidance and in light of any potential future changes to

planning policy or legislation. A further report to this Committee would only be considered necessary if there is clear evidence that the policy is not achieving its intended objectives or is generating unintended negative consequences.

## **5 Other Options**

- 5.1 There is no proposal or other options for this report as it is purely for information and noting

## **6 Financial and Value for Money Considerations**

- 6.1 None – this report is for information only

## **7 Risk Assessment**

- 7.1 None – this report is for information only

## **8 Legal Implications**

- 8.1 None – this report is for information only

## **9 Consultation and Communications**

- 9.1 None – this report is for information only

## **10 Implementation**

- 10.1 None – this report is for information only

## **11 Cross Cutting Issues**

- 11.1 Climate Change and Biodiversity

- 11.1.1 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

- 11.2 Equalities and Diversity

- 11.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

- 11.3 Other If Relevant

- None