

TANDRIDGE DISTRICT COUNCIL

PLANNING POLICY COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 19th January 2023 at 7:30pm.

PRESENT: Councillors Sayer (Chair), C.Farr (Vice-Chair), Blackwell, Booth, Gray, Jones and Prew

PRESENT (Virtually): Councillor Bloore

ALSO PRESENT: Councillors Allen, Crane, S.Farr, O'Driscoll and N.White

ALSO PRESENT (Virtually): Councillors Gillman, Moore and Pursehouse

APOLOGIES FOR ABSENCE: Councillors Botten and Steeds

208. MINUTES OF THE MEETING HELD ON THE 24TH NOVEMBER 2022

These minutes were confirmed and signed as a correct record. The Chair explained that a report regarding "Pro-forma for Planning Performance Agreements" (Minute 173) had been deferred while efforts continued to clear the backlog of planning applications resulting from the problems with the Civica system which led to several months of delayed applications.

209. LOCAL PLAN UPDATE AND GOVERNMENT POLICY CHANGES

In September 2022, the Council decided not to proceed for the time being with commissioning further work on its emerging Local Plan, pending clarification of future government planning policy. This followed a letter in July 2022 sent by the then Secretary of State at the Department for Levelling Up, Housing and Communities (DLUHC) to the Chief Executive of the Planning Inspectorate ('PINS') advising that, until further notice, PINS should not determine that local plans are unsound and / or suggest that local plans should be withdrawn. That letter introduced significant uncertainty regarding the plan making process and raised the prospect of major policy changes.

On the 5th and 6th December 2022 respectively, a letter to MPs and a Written Ministerial Statement (WMS) were issued by Michael Gove, the new Secretary of State at DLUHC, setting out proposed changes to the planning system. The WMS was followed by a consultation "*Levelling-up and Regeneration Bill: reforms to national planning policy*" which began on 22nd December 2022 and is due to close on 2nd March 2023. The Government intends to respond to the consultation by the Spring and publish associated National Planning Policy Framework revisions at the same time.

The report before the Committee acknowledged that the consultation outcome could have major planning policy implications for Tandridge, given the constraints of the green belt and the two Areas of Outstanding Natural Beauty. The report summarised the relevant statements of intent within the letter to MPs, together with key changes proposed by the national planning policy consultation and the possible introduction of national development management policies.

A subsequent addendum to the report explained that DAC/Arup (the Council's consultants) advocated progression of the emerging Local Plan within a shortened (five year) time period. DAC/Arup believes there is a short window of opportunity to progress this option and that a letter should be sent to the Local Plan Inspector as a matter of urgency to confirm the Council's intentions.

While Members acknowledged the need to have a Local Plan in place, discussion focused on whether the proposed shorter-term version should revise the previous Green Belt Assessment (GBA) and whether the Committee should have the opportunity to debate and agree the letter to the Inspector. The Chair reiterated her view that a further assessment should not be undertaken as the Inspector had already found the current GBA to be adequate. It was agreed that a special meeting be arranged to enable the letter to be determined by the Committee. The need for a more robust Infrastructure Delivery Statement and measures to protect urban areas from inappropriate development were also discussed.

RESOLVED – that:

- A. the report be noted;
- B. the Planning Policy Working Group, together with officers, be authorised to respond to the Government's consultation paper on changes to national planning policy by 2nd March 2023, with a report back to this Committee;
- C. in light of the Written Ministerial Statement from the Secretary of State and following advice from the Council's appointed consultant, DAC/Arup, a letter be sent to the Local Plan Inspector setting out how the Council intends to proceed with a shorter-term Local Plan and carry it forward to adoption;
- D. a special meeting of the Committee be convened at the earliest opportunity to agree the letter referred to in C above.

210. SEVENOAKS DISTRICT COUNCIL LOCAL PLAN - REGULATION 18 CONSULTATION RESPONSE

A report was submitted which advised Members about the Council's response to Sevenoaks DC's consultation on its emerging Local Plan. The response concluded that the Council could not offer any capacity to accommodate Sevenoaks DC's unmet housing need given:

- the development constraints of the Green Belt (94% coverage in Tandridge); the two Areas of Outstanding Natural Beauty; and significant infrastructure constraints, particularly regarding the strategic road network and Junction 6 of the M25; and
- the significant difficulties being encountered by Tandridge in meeting its own future housing need.

RESOLVED – that the report be noted.

211. PLANNING ENFORCEMENT SERVICE

A report was presented regarding the need to review the Council's planning enforcement service. This provided information regarding the mandatory and discretionary elements of a Planning Authority's enforcement function and, as far as Tandridge was concerned:

- co-operation with other agencies
- the impact of staff turnover on the service
- the current Local Enforcement Plan (agreed in September 2019)
- enforcement investigation caseloads per annum from 2018 to 2022
- a detailed analysis of the caseload for 2021/22 and performance against the KPIs for undertaking site visits and closing cases within set timeframes.

The report addressed the need to review the Council's Enforcement Plan to inform future service delivery. This was in the context of potential changes to the National Planning Policy Framework (i.e. that previous "*irresponsible planning behaviour*" could be taken into account when considering applications) and feedback from recent consultation with Members and residents about future planning enforcement objectives and priorities, including the need for:

- greater staffing resilience
- a formal regime to enable more effective 'out of hours' responses to alleged planning breaches
- expediting remedial action in response to planning breaches
- greater clarity about when enforcement action should be pursued or deferred following retrospective planning applications
- more effective use of enforcement powers
- more effective KPIs.

The report invited Members to identify any other aspects of the Council's enforcement function which should be addressed. In that respect, the following issues were raised:

- the need to ensure the installation of sustainable drainage systems in new developments
- the possibility of deploying drones to detect possible breaches of planning control, subject to legal advice regarding the Regulation of Investigatory Powers Act 2000 (which governed the use of covert surveillance by public bodies)
- the scope for making the website more user friendly in the context of reporting alleged planning breaches.

Staff management issues relating to the planning service were also discussed. The Chief Planning Officer offered to meet with individual Members to discuss specific concerns but commented that turnover levels had been stable for some time and that reliance on agency staff in the Development Management team had reduced significantly. To substantiate that point, he announced recent permanent appointments to enforcement, validation and senior planning officer posts. The Chief Planning Officer also updated the Committee on measures aimed at reducing the current backlog of planning applications.

RESOLVED – that the Planning Policy Working Group, together with Officers, be authorised to review the Council’s adopted Local Enforcement Plan 2019 with a view to improving the effectiveness, timeliness and resilience of the Council’s planning enforcement function and with a report back to this Committee.

212. PLANNING POLICY COMMITTEE - 2023/24 DRAFT GENERAL FUND BUDGET AND MEDIUM-TERM FINANCIAL STRATEGY

A proposed 2023/24 revenue budget and capital programme for the Planning Policy Committee was presented.

RESOLVED – that

- A. the Planning Policy Committee’s draft revenue budget for 2023/24 of £1.297m, as shown in Appendices A and B, taking account of pressures allocated to the committee, be agreed and it be noted that further allocations will be made to distribute an amount equal to the agreed Council pay award, subject to approval by the Strategy & Resources Committee and Council;
- B. the Planning Policy Committee’s fees and charges for 2023/24, as shown in Appendix C, be agreed;
- C. the Planning Policy Committee’s (Community Infrastructure Levy) Capital Programme for 2023/24 in the sum of £500k for 2023/24, as shown in Appendix D be agreed;
- D. the subjective revenue budgets in Appendix B, noting movements from 2022/23 to 2023/24 and an estimated movement to 2024/25, be noted.

213. PLANNING PERFORMANCE MONITORING

The Chief Planning Officer explained why it had not been possible to bring a written report on the performance of the planning service as originally intended. He confirmed that efforts were on-going to address data anomalies so that reliable performance measures could be submitted to future meetings of the committee.

Further discussion took place regarding the backlog of planning applications as a result of the problems with Civica and the extent to which this had resulted in appeals on the grounds of non-determination. The Chief Planning Officer agreed to obtain and circulate statistics regarding the proportion of appeals lodged on that basis. He also explained arrangements whereby extensions to statutory deadlines for determining applications could be negotiated with applicants.

Rising 9.14 pm

Appendix A – Planning Policy revenue budget

Summary of pressures

		2023/24 £000	2024/25 £000	Total £000
Brought forward budget		1,204	1,297	
Pressures		Pressures		
Theme	Description	2023/24 £000	2024/25 £000	Total £000
Staff costs	Staffing incremental progression, offset by a reduction in the employers national insurance rate. This does not include an allowance for a pay award, which will be held corporately until approved by Strategy & Resources committee and full Council	23	23	46
Income Pressures	Local Authorities charge income from third parties for providing Land Charges information (eg LLC1 information).Going forwards Central Government will provide LLC1 information to third parties. There will be a loss of income to TDC	30	0	30
Service demands	Allowance for planning appeals	40	0	40
Total Pressures		93	23	116
Net movement for committee budget		93	23	116
Indicative Budget Requirement		1,297	1,320	

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Appendix B – Subjective Detailed Budget Analysis

Service	Current Budget £k	2023/24 Proposed Budgets			Total £k	Movement Year-on- year £k	Estimate for 2024/25 £k
		Pay £k	Non-Pay £k	Income £k			
Policy Guidance	182	7	178	0	186	4	190
Enforcement	236	221	15	0	236	0	237
Planning Applications	659	1,347	85	(747)	684	25	699
Appeals	40	0	80	0	80	40	80
Tree Preservation & Advice	95	96	0	0	97	1	99
Community Infrastructure Levy	0	118	567	(685)	0	0	1
Land Charges	0	55	88	(121)	23	23	23
Street Naming & Numbering	(8)	0	0	(9)	(9)	(1)	(9)
Planning	1,204	1,845	1,013	(1,562)	1,297	93	1,320

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Fees and Charges - Planning Policy 2023/24

Fees and Charges	Statutory / Discretionary	Current Charges 2022/23	Proposed Charges 2023/24	Proposed Variance (inc. rounding)	Proposed Actual % Increase 2023/24 (inc. rounding)	Any VAT excluded in these figures			
						Budgeted Income 2022/23	Expected Out-turn 2022/23 (based on 6mth data)	Proposed Budget 2023/24	
						£	£	£	
Planning Fees									
Planning Application Fees (set nationally)	Statutory	Varies	Varies			634,600	815,770	646,214	
Planning Conditions (set nationally)	Statutory	97.00	97.00	0.00	0.0%	6,500	446	446	
Charges for Pre-application (written report only) Householders - existing resident	Discretionary	122.00	130.00	8.00	6.6%	25,000	11,373	13,862	
Charges for Pre-application (meeting & written report) Householders - prospective resident	Discretionary	261.00	275.00	14.00	5.4%				
Charges for Pre-application (meeting & written report) - Minor Development (1-4)	Discretionary	1,000.00	1,100.00	100.00	10.0%				
Charges for Pre-application (meeting & written report) - Minor Development (5-9)	Discretionary	2,000.00	2,200.00	200.00	10.0%				
Charges for Pre-application (meeting & written report) - Major Development (10-49)	Discretionary	3,500.00	4,250.00	750.00	21.4%				
Charges for Pre-application (meeting & written report) - Major Development (50+)	Discretionary	3,500.00	4,250.00	750.00	21.4%	64,800	64,568	85,756	
Minor/Major Development additional meeting	Discretionary	60% of original fee							
Minor/Major Development additional site visit	Discretionary	300.00	300.00	0.00	0.0%				
Tree Pre App Advice Fees - initial visit including 1 hour of officers time	Discretionary	175.00	175.00	0.00	0.0%				
Per additional hour for additional time and meetings	Discretionary	75.00	75.00	0.00	0.0%				
High Hedges	Discretionary	800.00	840.00	40.00	5.0%				
Community Infrastructure Levy (CIL)*									
Convenience Retail (per Square Meter)	Discretionary	138.91	148.54	9.63	6.9%	1,800,000	640,922	685,338	
Residential (per Square Meter)	Discretionary	166.69	178.24	11.55	6.9%				
Street Naming & Numbering									
Street Naming & Numbering	Discretionary	10.00	11.00	1.00	10.0%				
Change existing street name (accepted or not) - applicant buys sign(s) if change accepted	Discretionary	700.00	770.00	70.00	10.0%				
New property numbering - 1st property	Discretionary	100.00	110.00	10.00	10.0%				
New property numbering - additional properties	Discretionary	50.00	55.00	5.00	10.0%				
Property renumbering - 1st property	Discretionary	150.00	165.00	15.00	10.0%				
Property renumbering - additional properties	Discretionary	50.00	55.00	5.00	10.0%				
Changing a property name where there is an unchanged number	Discretionary	50.00	55.00	5.00	10.0%				
Changing a property name where there is no number - only applies to unnumbered properties.	Discretionary	100.00	110.00	10.00	10.0%				
Changing/adding a block name.	Discretionary	250.00	275.00	25.00	10.0%				
Confirmation of Property Address	Discretionary	10.00	11.00	1.00	10.0%				
New Street	Discretionary	500.00	550.00	50.00	10.0%				
Naming a footpath	Discretionary	New	500.00	N/A	0.0%				
Changing the name of a footpath	Discretionary	New	700.00	N/A	0.0%				
						8,000	6,365	9,203	
Land Charges									
LLC1	Discretionary	30.00	32.00	2.00	6.7%	27,200			
CON29	Discretionary	180.00	205.00	25.00	13.9%	115,000			
Commercial CON29	Discretionary	New	250.00	N/A	0.0%				
Additional Parcels (up to a Max of 5)	Discretionary	25.00	35.00	10.00	40.0%	1,000			
Part 2 Questions (CON 290)	Discretionary	25.00	28.40	3.40	13.6%				
Solicitors own Questions	Discretionary	65.00	65.00	0.00	0.0%				
Refresher Searches	Discretionary	60.00	66.00	6.00	10.0%		112,000	120,960	
Section 106 service (no Budget)	Discretionary	25.00	30.00	5.00	20.0%	100			
3.10 CIL questions	Discretionary	19.20	25.00	5.80	30.2%				
CIL 3.10 additional information service	Discretionary	New	30.00	N/A	0.0%				
Full Local Authority Search	Discretionary	210.00	237.00	27.00	12.9%				
Expedited Searches	Discretionary	New	32.00	N/A	0.0%				
Total Budgeted Income - Planning Policy						2,682,200	1,651,444	1,561,779	

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Appendix D – Proposed Capital Programme (CIL)

COMMITTEE SCHEMES	Current Programme 2022/23 £	Estimated Programme 2023/24 £	Estimated Programme 2024/25 £	Estimated Programme 2025/26 £	Total Programme 2022-26 £
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Planning Policy

Current Continuing Programme					
Capital Contributions from CIL	2,146,300	500,000	0		2,646,300
Total Current Continuing Programme	2,146,300	500,000	0	0	2,646,300
Revisions and New Bids					
Capital Contributions from CIL			740,500		740,500
Total Revisions and New Bids	0	0	740,500	0	740,500
Proposed Programme					
Capital Contributions from CIL	2,146,300	500,000	740,500	0	3,386,800
Total Proposed Programme	2,146,300	500,000	740,500	0	3,386,800

CAPITAL PROJECT SUMMARY - PLANNING POLICY

Title of Scheme	Capital Contributions from CIL
Description of Scheme	Contributions from Community Infrastructure Levy monies to third parties for works of a capital nature.
Key Aspects of Scheme (including benefits, contract details, key dates and reasons for revisions where applicable)	Community Infrastructure Levy monies are allocated to schemes for work of a capital nature. Schemes include Burstow Road Safety Scheme, Warlingham Green Improvement Project, Warlingham Sport Club Renovation, Blanchmans Farm all weather disabled trackway, Smallfield Flood Alleviation, Master Park Pavilion.

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