

# Housing Delivery Test Action Plan

## Consultation

### Comments and Council's Responses

Organisation	Comments	TMBC Response
Savills (on behalf of East Malling Trust (EMT))	<p>Masterplans (action 4) - It is suggested that masterplan briefs should be designed to incorporate detail on site-wide strategies e.g. access, highways and indicative layouts to provide certainty on the delivery of homes across large sites. However, masterplans should not be overly prescriptive. The masterplan document should retain sufficient flexibility to avoid it hindering the delivery of the site should there be changes in market or developer requirements.</p> <p>Pre-application discussions (action 6) – EMT welcomes and supports the opportunity to have a flexible pre-application engagement process with officers at TMBC to discuss potential development sites and work with officers to identify constraints and opportunities to form a site-wide masterplan or brief that would facilitate the delivery of the site for housing. To ensure that pre-application meetings provide the most benefit, the ability to hold meetings within suitable timeframes, receive feedback quickly and to engage with multiple stakeholders at the same meeting are important factors to consider and put in place.</p> <p>Encourage the submission of full detailed applications (action 8) - On large strategic sites it is strongly considered that a flexible approach should be adopted. On large strategic sites there is often more than one house builder delivering smaller parcels of the larger site. In some instances, like that of EMT, the land owner or promoter is not a developer. Therefore, in these cases, an outline planning permission will be sought, allowing a developer to acquire a site with the certainty that housing can be delivered at that location.</p> <p>Submitting reserved matters with 12 months of the decision (action 9) – It is suggested that flexibility is applied on conditions covering the timescales for submitting reserved matters details. This should especially be applied on larger sites or where the landowner has taken</p>	<p>Noted. It is important, in the interest of deliverability, for masterplans to provide sufficient detail on a range of matters at an early stage. This is necessary to demonstrate a clear commitment to quality place-making in a timely fashion.</p> <p>Support is noted, as are the suggestions on how this process should be conducted. These will be considered by the Council when implementing this action.</p> <p>Noted. There may be some cases where the characteristics of the development proposal and site mean that an outline application may be more appropriate. This is recognised in action 8 which states (the Council's emphasis): "...discourage the submission of outline planning applications, <u>where appropriate</u>...". Encouraging the submission of full planning applications is a positive action and a reasonable position of intent that can help boost housing delivery, certainly in the short-medium term.</p> <p>Noted. However, this a general action and it is likely to be realistically achievable in many other cases. It is a positive position to take.</p>

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	<p>on the risks of obtaining planning permission itself and then seeks a developer partner to build-out the scheme.</p> <p>Pre-commencement conditions (action 11) - EMT welcome the suggestion that trigger dates for conditions can be approached flexibly, with a reduction in the number of pre-commencement actions.</p> <p>Minor changes after development has commenced (action 12) - EMT welcome the recognition that a degree of flexibility is needed to be applied in the determination of s96A and s73 applications.</p> <p>Up-to-date monitoring of permissions and prior approvals on-demand (action 17) - The Trust note that under the NPPF Housing Delivery Test methodology, TMBC is able to demonstrate a HDT score of 91% against Central Government's targets for the period from 2017-2020 which falls marginally below the target. Whilst current delivery is relatively healthy, the annual monitoring reports and the Action Plan identify that TMBC can demonstrate a deliverable housing land supply figure of only 2.93 years, well below the required up to date five-year housing land supply that is required of every authority. Therefore, the NPPF's presumption in favour of sustainable development is afforded to new housing and the tilted balance is engaged. EMT's land between Kiln Barn Road and Hermitage Lane has the capacity to delivery around 1,250 new homes. This represents a significant contribution to meeting housing targets and supporting the supply of housing in the borough.</p>	<p>Support noted.</p> <p>Support noted.</p> <p>The purpose of this Plan is to identify actions that, generally, can help boost housing delivery in Tonbridge and Malling Borough. The focus is not on individual cases. There are other established processes in place for dealing with such matters, including pre-application discussions and the review of the Local Plan.</p>
Kent County Council (KCC)	<p>Urban Capacity Study (UCS) - Use of the Kent Transport Model/ Accessibility Modelling to identify areas with transport capacity/ good accessibility and or where mitigations might be developed and delivered to help unlock sites. Then be proactive in approaching landowners as part of any call for sites could be beneficial.</p> <p>Pre-application discussions with key stakeholders such as KCC Highways should be encouraged.</p> <p>KCC welcomes action 7 in respect of monitoring and reviewing performance associated with the determination of planning applications.</p> <p>KCC welcomes action 10 for the monitoring of section 106 agreements.</p>	<p>Noted. The focus of the UCS will be on potential for development, with the outputs feeding into the review, refresh and resubmission of the Local Plan. The Council is grateful for the offer of using the Kent Transport Model/Accessibility Modelling and will consider the most appropriate time to use such tools. The Council will be proactive in its engagement with landowners as part of the Call-for-Sites exercise.</p> <p>The Council will continue to engage with relevant stakeholders at the appropriate stages.</p> <p>Noted.</p> <p>Noted.</p>

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	<p>Reference to the Kent Design Guide could be made in respect to ensuring high quality, well designed schemes.</p> <p>Funding a transport and development planner (as some other districts do) could help to ensure a faster turnaround in responses and to help with the above transport points.</p> <p>The role of member training and engagement in the process could be considered as an action.</p>	<p>Noted. This is more of a detailed matter for consideration during the review, refresh and resubmission of the Local Plan, which is identified as action 1.</p> <p>Noted. The Council is mindful of the resource implications for the actions identified in this Plan and the review, refresh and resubmission of the Local Plan. This is something that has also been identified at the national level by the Government in the Planning White Paper. The Council will consider opportunities that may arise to address this issue.</p> <p>Member training and engagement is established at the Council. Agree that this should be identified as an on-going action.</p>
Barton Willmore (on behalf of Taylor Wimpey)	<p>At paragraph 6.2(i) there is reference to Green Belt constraints. This should be expanded upon to highlight the fact the spatial strategy in the emerging Local Plan was predicated upon a number of sustainable Green Belt releases. The evidence base is clear in that the housing requirement can only be met by this means, as there is insufficient capacity within the defined settlement boundaries.</p> <p>Paragraph 6.3, which sets out 'contextual factors', should be amended with a new point (iv) to expand upon the above and set out the need for land to come forward for housing development on sites that were identified in the submitted Local Plan to be released from the Green Belt.</p> <p>The key actions set out in Table 6 should include an amendment to actions (14) and (18) to explore the scope and merits of an interim policy document, to be relied upon as a material consideration, that sets out the housing need derived from the standard method and the merits of allowing for development on Green Belt land that was proposed to be allocated for housing in the submission version of the Local Plan (where the Inspectors recommend that the Plan is not adopted, including on account of failing the DtC).</p> <p>Table 6 action (3) is supported but as outlined above, similar steps should be taken to advance other Green Belt sites – the majority of</p>	<p>It is not necessary to expand this point. Section 6 of the Action Plan highlights the local factors that are affecting housing delivery, with para. 6.2 (i) making the point that the Local Plan remains the only process that can make changes to Green Belt boundaries. This is accurate, reflecting current national policy (NPPF).</p> <p>Disagree. The details of the emerging Local Plan have not been examined yet, so it would be premature to support the bringing forward of these sites when the exceptional circumstances have not been confirmed by an independent inspector. The Council will treat proposals when they come forward on their individual merits in accordance with relevant national policy and practice guidance available at the time decisions are taken and considering the local context and evidence.</p> <p>Disagree (see above for explanation).</p> <p>Support noted. Disagree on suggestion for advancing Green Belt sites (see above for explanation).</p>

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	<p>which will be more deliverable in the short-term – that were also identified as proposed allocations within the submitted Local Plan.</p> <p>The continued lack of housing delivery within TMBC results in a lack of a five-year supply of deliverable housing land and also fails to meet the objectives set out at paragraph 59 of the NPPF. As set out in the recent Colney Heath appeal decision (APP/B1930/W/20/3265925), housing need (market and affordable) can, on its own, represent very special circumstances to justify inappropriate development in the green belt (see NPPF paragraphs 143, 144).</p>	<p>The Council is mindful of the recent Colney Heath appeal decision and what it represents. However, as explained above, it would be premature to advance sites proposed to be removed from the Green Belt. The Council will treat proposals that come forward on their individual merits in accordance with national policy and having regard to the local context and evidence.</p>
Vincent & Gorbing (on behalf of Trenport)	<p>Proactive encouragement and grant of planning permission for smaller sites in order to ‘plug the gap’ - TMBC need to proactively encourage and permit smaller sites.</p> <p>Interim Housing Policy Statement in the form of an SPD - could identify those sites in the emerging Local Plan that TMBC consider to be relatively unconstrained by strategic infrastructure requirements. The Statement could be prepared alongside the Urban Capacity Study put forward in the HDTAP and even another Call-for-Sites. It could be updated regularly, possibly annually, on a streamlined basis whilst the emerging Local Plan is refreshed. The SPD could also address matters such as affordable housing, reflecting the reduced percentage of housing proposed in the emerging Local Plan. This would ensure that viability cases would not need to be made as part of planning applications when TMBC’s own evidence base accepts that current planning policy undermines viability and hence delivery in the north-east part of the Borough. Trenport also consider that an SPD could introduce some of the Government’s thinking on streamlining planning policy, for example digitalization through the creation of an online housing site platform.</p>	<p>Noted. The Council will take-on-board this point during the review and refresh of the Local Plan, being mindful of the need to demonstrate a supply across the plan period and providing opportunities for medium and smaller housebuilders to access the local markets. In terms of decision-taking, the Council will support the development of smaller sites providing that it is sustainable, being in accordance with relevant current policies in the adopted development plan and in accordance with national policy and guidance.</p> <p>Noted. The Council will consider the merits of producing a statement, possibly not as an SPD, explaining its position on certain housing matters. The Council is mindful that its priority is focussing resources on reviewing and refreshing the Local Plan. As highlighted in the Action Plan, a new, targeted call-for-sites exercise is being considered, in the interest of making effective use of land. The Council will keep a track of the planning reforms, including the digitisation of the Local Plan, as they are progressed and respond accordingly.</p>

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	<p>Resourcing of Planning Department - Trenport note that the HDTAP is silent on resourcing. They believe that this is a key issue that should be included within the Action Plan to ensure that planning applications are not held up through a lack of resources. There needs to be a commitment in the HDTAP from TMBC to increase staff resourcing and to use the funds from the newly introduced PPA's to fund this, if necessary.</p> <p>Urban Capacity Study - It is unclear how an Urban Capacity Study will help to boost housing supply in the short term. The Table suggests that the UCS will form part of the evidence base of a refreshed Local Plan and while the Study will provide more information of sites that could come forward for allocation in the plan, it will not actually deliver any more housing in the short term.</p> <p>Planning Performance Agreements (PPAs) - There needs to be monitoring of the way in which PPA's are helping to boost the housing supply. While it is acknowledged that the PPA policy is relatively new to TMBC, Trenport's experience to date has not suggested a speeding up of the planning application process.</p> <p>Full planning applications - The form of the planning application is often dependent upon who will submit the planning application. In general, land promoters and land-owners will submit outline planning applications, and housebuilders will submit full planning applications. Trenport are uncertain the extent to which TMBC will be able to influence the type of planning application that is submitted.</p> <p>Submission of reserved matters within 12 months. Trenport consider that 12 months may not be realistic for the submission of reserved matters on all sites and would suggest that there is flexibility in this depending upon sites, for example 24 months.</p> <p>Extra monitoring - Trenport support the proposals for additional monitoring, although TMBC will need to identify additional resources in order to carry out this extra work.</p>	<p>The support for additional resources is noted. The Government recognises this too and the Council looks forward to seeing their proposals.</p> <p>There is the potential for the UCS to identify some smaller sites that the Council could proactively bring forward to help boost supply in the short-term.</p> <p>Engaging these frameworks, which include clear timetables, milestones and agreed actions, should benefit the efficient processing of planning applications for larger developments.</p> <p>This is a positive action that the Council should pursue, where appropriate, to help boost delivery over the short-medium term.</p> <p>Noted. However, this a general action and it is likely to be realistically achievable in many other cases. It is a positive position to take.</p> <p>Support noted (see above response on resourcing).</p>
Berkeley Homes	<p>Paras. 5.4-5.7 - TMBC grant significantly less major planning applications than other neighbouring boroughs and go on to mention several factors needing to be taken into account to explain this but it is</p>	<p>Para. 5.7 does outline the broad range of factors that have a bearing on planning decisions including the constraints encountered at the application sites, the nature of the applications and local decision-taking</p>

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	<p>not discussed what these factors are. Under para 6.2 it states this needs to be looked into, but it is not addressed why fewer application are approved.</p> <p>Para. 6.2 point V - The Plan states the Council's record of 55% approvals on major schemes is not a major factor in housing supply but it is considered this is incorrect and should be addressed further in the Plan as only approving half of all major schemes will affect the supply of homes.</p> <p>Several actions relate to the adoption of the Local Plan and works setting up the larger sites to bring forward their delivery and these have been given short-medium term timings which is from 0-2 years. However as the Plan has been found unsound, it needs to be considered the Local Plan is unlikely to be adopted in this timeframe and the associated actions might not be completed. These key actions are therefore unlikely to be completed. This comment is made without the full understanding of when the Plan is proposed for adoption.</p> <p>Action 8 discourages outline applications and encouraging full submissions instead to speed up the time taken to get building on site. However with only a 55% approval rate and no action to address this, it is considered this will not necessarily help speed up delivery.</p> <p>The Plan states that the majority of points the Council are already doing and are 'ongoing'. The other items are unlikely to come forward as they are connected to the local plan. Apart from these 2 items there does not appear to be any new measures that the Council aren't already doing to</p>	<p>processes. Para. 6.2 makes the point that decision-taking is not a significant factor which is borne out by the HDT measurement for Tonbridge &amp; Malling (91%), which is one of the better measurements across Kent and Medway.</p> <p>Para. 6.2 v does not specifically state that, instead it reflects on decision-taking generally. The Council fully understands that a higher approval rate would, potentially, lead to additional housing delivery but the current record and the reasons for refusals are fully justified in terms of planning policy, both national and local, where relevant. When considering the local context, it is important to appreciate the total number of homes that have been delivered during the three-year period of the HDT 2020 measurement. 2,036 homes were delivered in Tonbridge &amp; Malling Borough during the period 2017/18 – 2019/20. This compares favourably to 1,302 homes in Sevenoaks District and 1,540 in Tunbridge Wells Borough, which both encounter similar constraints as Tonbridge &amp; Malling. A HDT measurement of 91% is comparatively good, when read alongside the measurement for other Kent districts and Medway.</p> <p>Significant progress is expected to be made on the review and refresh of the Local Plan in the short-term, i.e. within the next two years, in line with the expectations of the Government.</p> <p>Encouraging the submission of full planning applications is a positive action that can help boost supply in the short-medium term.</p> <p>It is noted that some of the actions reflect current practice. However it is helpful to crystalise these into the Action Plan so that they can be monitored and kept under review.</p>



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	boost the supply of homes. Perhaps further items could be added which are genuinely new to address the lack of supply.	