

Sevenoaks Town Council
Policies relating to Planning Application Recommendations

0. Revision History

Version	Adopted	Notes
Version 1		Presented to Planning Committee 07/02/2022
Version 2		Presented to Planning Committee 20/06/2022
Version 3	27/06/2022	Presented to and adopted by Planning Committee 27/06/2022

1. Introduction

The purpose of this document is to identify Sevenoaks Town Council's policies relating to Planning Application Recommendations to the Planning Authority (Sevenoaks District Council), and the Planning Committee's processes.

2. Planning

2.1. What do we mean by planning?

When talking about planning, this encompasses planning applications forwarded by the Local Planning Authority, Sevenoaks District Council. The Planning Committee forward recommendations as a statutory consultee to the Local Planning Authority, and therefore the final responsibility for approving or refusing an application rests with Sevenoaks District Council.

2.2. Planning System

The United Kingdom is working under a plan-led system meaning that each Local Planning Authority (LPA) must create a development plan for its area.

Sevenoaks Town Council's LPA is Sevenoaks District Council. The District Council is currently updating its Draft Local Plan which will supersede the Local Plan.

Under the National Planning Policy Framework, there is a presumption of favour of sustainable development.

2.3. Sevenoaks Town Council's Role

- i)** Town and Parish Councils have a statutory right to be consulted on planning applications within their boundaries and are important consultees on any LPA policy documents being drawn up.

- ii)** STC's Planning Committee has delegated powers to consider and make recommendations on behalf of STC regarding planning applications within its boundaries and significant applications on neighbouring boundaries well as local and regional plans.

- iii)** Sevenoaks District Council, as Sevenoaks' LPA, is ultimately responsible for all planning matters in the District as set out in **2.1** of this policy. Kent County Council however is responsible for highways and planning applications regarding their own sites such as schools and libraries as well as mineral extraction within the County.

- iv)** Communities, led by Parish and Town Councils and in partnership with local stakeholders, now have the right to create a Neighbourhood Development Plan which sets out policies on the development and use of land in the parish neighbourhood plan area. Sevenoaks Town Council is in the process of finalising such a document, and as of June 2022 has submitted the Draft Plan to the Local Planning Authority for arrangement of independent examination and finally, referendum. Once adopted, the Neighbourhood Plan becomes a Supplementary Planning Document which is viewed in conjunction with the Local Plan prepared by the LPA and will have weight in the determination of planning applications.

- v)** All planning applications are governed by the National Planning Policy Framework and local Supplementary Planning Documents, and Sevenoaks Town Council brings its own local perspective when considering planning applications with the intentions of ensuring that the needs of the town, residents and visitors remain a priority. However it should be remembered that the technical expertise lies within the LPA.

- vi)** The Local Authority is required to prepare street naming and numbering schemes, and to maintain a good standard of street nameplates. This is not currently delegated to Town Councils, with only three local councils being known to operate this function on behalf of the District Council. The Town Council's stance is that it should be policy to ensure that road numbers are shown on all house/premises in Sevenoaks Town, especially in the Town Centre.

2.4. Planning Applications

In making its considerations and recommendations on planning applications the Town Council's Planning Committee give due thought to a number of factors, including material considerations, any effects on neighbouring properties, conservation issues, any impact on wildlife, over-development, flood risks and suitability for the neighbourhood – the latter cognisant to any relevant part of the Residential Character Area Assessment.

When submitting a recommendation on an application to the Local Planning Authority (Sevenoaks District Council) this will be supported by reasons/and or suggestions for conditions where applicable with any permission granted.

Sevenoaks District Council make the decisions on planning applications, taking in to account any comments by the consultees and/or public comments. The majority of applications are determined by District Council Officers under delegated authority, and the remaining are determined by Sevenoaks District Council's Development Control Committee. These are open to the public and the Town Council is invited to elect a representative from the Planning Committee to speak on its behalf for or against the application.

Sevenoaks Town Council will be consulted on any application that has been validated by the LPA. It may be totally new, or take the form of a major or minor amendment. Whilst members may wish to and normally will take account of a prior recommendation when reviewing amendments, they are nevertheless treated as separate application and viewed as such. When an amendment has been made to an application, the Town Council is re-consulted and additional comments invited, however when an appeal is made against a decision on a planning application, this is considered by the District Council only; the Town Council is not consulted again. The District Council does not consider the appeal and the Town Council is rarely able to make additional representations.

By law every Town and Parish Council is required to comply with its Standing Orders (rules of the Council). The following is specific to reviewing amended plans and listed under 7c of Sevenoaks Town Council Standing Orders:

- “Every plan/amended plan which is validated by Sevenoaks District Council is considered by Sevenoaks Town Council on its own merits and does not recommend Approval or Refusal based on prior recommendations to previous applications and the recommendations which were provided.”

Sevenoaks Town Council will normally ask a Ward Councillor to review a planning application and provide a recommendation. Where possible, the Town Council Ward Councillor considering the planning applications will have visited the site(s) in question before making decisions.

Sevenoaks Town Council Planning Committee Policy (Adopted June 2022)

2.5. Policy Decisions

Policy no.	Sevenoaks Town Council Planning Committee Policy	Notes
e.g. STC1	e.g. policy to promote ... through objectives a) ... b) ... c) ...	e.g. when and where proposed, references to relevant planning policy from SDC, STC Emerging NDP, STC Green Community Investment Plan, date adopted by Planning Committee
PC1	<p>Planning Committee Policy 1 – Sustainable boundaries: to promote sustainable boundaries such as hedgeworks in preference to fences which create a hard barrier to wildlife</p> <p>Objectives:</p> <p>a) To provide green screens which can screen houses from roads, and from each other, as well as creating shade and absorb CO2</p> <p>b) To create boundaries which are porous to wildlife, allowing creatures to pass through where fences would stop them, as well as habitat for birds and insects</p>	<p>Proposed at Planning Committee 15-11-2021 Adopted at Planning Committee 27-06-2022</p> <p>SDC Tree Strategy 2021-2031: “to maintain a healthy, resilient tree stock, Sevenoaks District Council will aspire to plant 2 trees for every tree removed”</p> <p>SDC Core Strategy Policy SP1: “in all areas where the local environment lacks positive features new development should contribute to an improvement in the quality of the environment”</p> <p>STC Emerging NDP Objective 5: “to recognise the significant contribution that trees and hedgeworks make to the town’s character and biodiversity”</p> <p>STC Emerging NDP Policy L4: “Wherever possible, existing trees and hedgeworks must be retained and protected as part of development proposals [...] any trees of hedgeworks lost through development should be replaced”</p> <p>STC Draft Green Community Investment Plan:</p>

Sevenoaks Town Council Planning Committee Policy (Adopted June 2022)

		<p>“STC’s overall aim is to put in place affordable and practical initiatives with long term green benefits for the local community and to support and encourage residents to pursue individually. Little steps together, reducing Sevenoaks carbon consumption footprint = big changes to the planet”</p>
PC2	<p>Planning Committee Policy 2 – Porous Drives: to require planning applications to incorporate porous surfaces and/or rain collectors into their plans in order for STC to approve of the application.</p> <p>Objectives: – To allow most of the water falling on paved surfaces to pass onto the ground beneath – To avoid runoff into the street where this would increase the possibility of flooding</p>	<p>Proposed at Planning Committee 15-11-2021 Adopted at Planning Committee 27-06-2022</p> <p>SDC Core Strategy Policy SP1: “in all areas where the local environment lacks positive features new development should contribute to an improvement in the quality of the environment”</p> <p>Emerging NDP Policy L2: “new development will be expected to manage surface water to minimise flood risk and flows to watercourses. Development proposals should normally incorporate sustainable urban drainage (SuDs)”</p>
PC3	<p>Planning Committee Policy 3 – Tree Planting: to promote and require the planting of 2 replacement trees for every 1 tree that a planning application proposes to remove.</p> <p>Objectives: To mitigate the loss of air quality, biodiversity, wildlife homes and insect food caused by tree felling. To contribute to the Green Community Investment Plan’s goal of making Sevenoaks greener.</p>	<p>Proposed at Planning Committee 15-11-2021 Adopted at Planning Committee 27-06-2022</p> <p>SDC Tree Strategy 2021-2031: “to maintain a healthy, resilient tree stock, Sevenoaks District Council will aspire to plant 2 trees for every tree removed”</p> <p>Emerging NDP Objective 5: “to recognise the significant contribution that trees and hedgerows make to the town’s character and biodiversity”</p>

Sevenoaks Town Council Planning Committee Policy (Adopted June 2022)

		<p>Emerging NDP Policy L4: “Wherever possible, existing trees and hedgerows must be retained and protected as part of development proposals [...] any trees or hedgerows lost through development should be replaced”</p> <p>STC Draft Green Community Investment Plan Theme 3: “where there used to be tree lined avenues, STC will encourage the public via resident associations to plant trees in their front gardens (subject to KCC permission). STC will consider providing grants for trees to voluntary organisations and will support the Queen’s Jubilee Tree Canopy initiative.”</p>
PC4	<p>Planning Committee Policy 4 – Internally Illuminated Signs: To object to and discourage planning applications with proposals for internally illuminated signs.</p>	<p>Proposed at Planning Committee 15-11-2021 Adopted at Planning Committee 27-06-2022</p>
PC5	<p>Planning Committee Policy 5 – 1m boundary minimum: to support development where it is set back at a minimum of 1m from the boundary line.</p>	<p>Proposed at Planning Committee 15-11-2021 Adopted at Planning Committee 27-06-2022</p>
PC6	<p>Planning Committee Policy 6 – Protocol for an alternative Development Control Speakers to be booked: to outline circumstances in which an alternative Town Councillor may be registered to speak on behalf of the Planning Committee at Development Control Committee, following a Planning Committee resolution.</p> <p>Circumstances in which a resolution for a speaker may be overturned: Unexpected Councillor illness or unavailability At the discretion of the Chairman</p>	<p>Proposed at Planning Committee 07/02/2022 Adopted at Planning Committee 27-06-2022</p>

2.6. Pre-Planning Representation and Policies

As per its Planning Pre-Applications Discussions protocol, the Planning Committee welcomes, where possible, pre-planning discussions from developers, which have a number of potential benefits to the public, the developer, and the Planning Authority, and stakeholders. These benefits include possible objections or Councillor concerns being identified and addressed prior to formal application, thus removing public objections to the scheme. (For full details attached, see **Appendix A.**) The purpose of these is to allow questions and clarifications from Councillors.

2.7. Public Speaking at Planning Committee

As per the Town Council's Standing Orders and Speaking at Public Meetings Policy, members of the public will be able to make representations on each planning application, providing that they have registered to speak before 12pm the day of the meeting. This is limited to one speaker for, and one against per application whilst the meeting is suspended. No further contribution is permitted thereafter. Any correspondence received in advance of the meeting regarding an application on the agenda will be forwarded to all members of the Committee, although not necessarily discussed at the meeting. (For full details attached, see **Appendix B**)

3. Implementation

Due to the nature of this policy, the majority of the policy decisions affect the Planning Committee and Council Officers when assisting the Committee.

Any changes affecting this policy or additions to the policy itself have to be agreed by the Full Council for adoption as an amendment to the policy.

Council Officers will continue to monitor the national and local plans for any changes that affect this policy and would bring this to the attention of the Council.

APPENDX A:

Sevenoaks Town Council Planning Pre-Application Discussions Protocol

Introduction

Developers are encouraged to enter into pre-application discussion with the Planning Authority (Sevenoaks District Council) Sevenoaks Town Council, relevant stakeholders, and the general public prior to the submission of a formal planning application.

This protocol sets how Sevenoaks Town Council shall consider pre-application discussions not only to respect the interest of the developer but also to preserve and enhance the interests of its residents. It details how the Sevenoaks Town Council's views shall be communicated to the Planning Authority, stakeholders, developers, and the public.

Benefits of Pre-applications

The benefits of this process are:

- It allows all the relevant policies, guidance, local circumstances, site, and area characteristics to be considered.
- It identifies any specialist advice required e.g. conservation, listed buildings, transport, trees, archaeology, ecology, contamination etc.
- It helps to increase the understanding about the decision-making process, the role of the Planning Authority and its statutory consultees
- It can help to identify problems at an early stage, thus saving time and expenses of making a formal application that is unlikely to succeed.
- Possible objections / concerns can be raised and addressed before the application is submitted, thus potentially removing public objections to the scheme.
- The characteristics of the proposal (in terms of site, design, materials, environmental controls etc) can be amended to provide a development that could be more in keeping with its surroundings.
- It can give increased certainty as to how an application is likely to be considered by the Planning Authority and the public.
- It allows stakeholders who may ultimately be charged with the developer's ongoing maintenance and opportunity to be involved and provide guidance at an early stage on practical post – construction issues.
- It could speed up negotiations on community infrastructure requirements, thereby reducing the time between approval and commencement of the development.

Sevenoaks Town Council
Planning Pre-Application Discussions Protocol

Sevenoaks Town Council's involvement in pre-applications

As a statutory consultee in the planning process it is considered essential for Sevenoaks Town Council to be involved in the pre-application process for the following reasons:

- It has a good understanding of its area and through its Ward Members, of the communities within
- It is keen to see appropriate growth within the town, of the right type in the right location as identified in its (draft) Neighbourhood Development Plan.
- It provides an advocacy role for its residents and local organisations, effectively representing their views when they may be unable to do so.
- Much of the public open space, recreational amenity spaces, play facilities and community buildings and facilities attached to a new development may well need to be adopted and managed by Sevenoaks Town Council and as such it would wish to have an input in the development of such facilities.
- Sevenoaks Town Council for the reasons mentioned above would want to be involved in s.106 and Community Infrastructure Levy negotiations.

Forms of Pre-application Discussions

There are a several ways Sevenoaks Town Council becomes involve in the pre-application discussions:

- The developer has entered into a formal pre-application process with the Planning Authority and paid a fee for that advice. In a similar way to consultation on planning applications, Sevenoaks Town Council would expect to receive notification of the pre-application and access to the relevant documentation. This application would be considered in the same way that a planning application would, by the Sevenoaks Town Planning Committee.
- The developer contacts Sevenoaks Town Council directly to garnish the view of the Town Council as a corporate body; this being done by way of a presentation to Sevenoaks Town Council's Planning Committee.
- The developer contacts Sevenoaks Town Council directly to seek the informal opinion of either the Ward Member or Officers, seeking guidance on practical site matters and post construction issues in relation to play, open space and community infrastructure.

Sevenoaks Town Council
Planning Pre-Application Discussions Protocol

Role of the Town Council's Planning Committee

Sevenoaks Town Council's Planning Committee has delegated powers to consider planning applications on behalf of the Town Council, this power extends to pre-applications.

In the case of any consultation, where the view of the corporate body (Town Council) is sought, the matters shall be considered by the Sevenoaks Town Council's Planning Committee at one of scheduled meetings – the Planning Committee works on a 2-weekly cycle.

All matters are considered in public session, unless the matter is considered to be confidential and meets the public interest test as defined by the Freedom of Information Act, in which case the Planning Committee would resolve to exclude the public and press and consider the matter in private session – please see confidentiality section below.

Where the informal view of individual Ward Members and Officers are sought the Town Clerk shall make the necessary arrangements.

Confidentiality

Sevenoaks Town Council is appreciative of the need by some developers to seek confidential discussions with the Town Council. Sevenoaks Town Council is also mindful of its duties under the Freedom of Information Act 2000 and the need to ensure that as much information as possible is available to the public.

As a general rule, all pre-applications shall be considered by Sevenoaks Town Council's Planning Committee in the public domain unless:

- The Planning Authority, having processed the pre-application is satisfied that the applications meet the provisions of the Public Interest Test and should remain confidential, with that decision communicated to Sevenoaks Town Council
- The developer has provided a compelling argument that the application is commercially sensitive, and disclosure of information would either prejudice or adversely affect future contract negotiations / transactions.

Only in the two scenarios listed above shall the Town Council resolve to exclude members of the press and public and render the documents and any response made to the developer and Planning Authority confidential.

APPENDIX B:

SEVENOAKS TOWN COUNCIL

Speaking on Planning Applications

The Sevenoaks Town Council is NOT the local Planning Authority, but it does have an important part to play in the planning process as it is consulted on all applications in the Sevenoaks town area. The final responsibility for approving or refusing an application rests with the Sevenoaks District Council.

The Town Council offers local residents the opportunity to comment on planning applications at its Planning Committee meetings, subject to certain criteria.

How public speaking works

Registering your interest:

If you would like to speak on a particular application, you will need to register your interest by contacting the Town Council Offices (01732 459953).

You can find out if a particular application will be discussed when the agenda has been completed on the Tuesday prior to the meeting of the Planning Committee. You can then register your interest. The Planning Committee meets approximately every two weeks.

The right to speak: To make sure the Planning Committee can deal with all its business the Town Council has decided that only one speaker will be allowed to speak for, and one against, a particular application.

If you would like to speak, you need to register your interest with the Town Council by 12noon at the latest on the day of the meeting. Applications to speak will be registered on a “first come, first served” basis.

If there is more than one potential speaker in support of an application, preference will be given to the applicant or their agent.

Please note that every endeavour will be made to inform the applicant or their agent if someone registers to speak against their application.

Points to remember

Because of the volume of business at Planning Committee meetings you will only be able to speak for up to 3 minutes and this time limit will be strictly enforced.

It may help to have a note of the main points you wish to cover. You may read from a prepared text if you wish.

Try to be brief and to the point.

Make sure your comments relate to issues the Committee can take into account. These include the District Council’s Local Plan, the effect of an application on access, local amenities, neighbours or the character of the area.

Raising non-planning matters such as the impact on property values, competition with existing businesses, and private concerns such as covenants will not influence the Planning Committee’s recommendation.

Avoid derogatory or defamatory statements. There is no legal protection for comments made at meetings.

There are no facilities for audio-visual display.

Procedure at meetings: Meetings of the Town Council's Planning Committee take place in the Council Chamber, Town Council Offices, Bradbourne Vale Road, Sevenoaks. They start at 7 pm. If you have registered to speak please arrive prior to the start of the meeting and make yourself known to the Clerk.

Planning applications on which members of the public have asked to speak will be given priority in the Planning Applications section of the agenda. However, it is impossible to predict how long it will take to debate each application. It may be some time before the Committee reaches the item on which you have asked to speak.

The Chairman of the Planning Committee will announce when the application on which you wish to speak will be discussed.

Each speaker is allowed up to 3 minutes. This time will be strictly enforced and the Chairman will warn you when you have only 30 seconds left.

After you have spoken, you are welcome to sit at the rear of the Council Chamber and listen to the debate. You will not be able to take any further part in the debate and you will be asked to remain quiet.

At the end of the discussion, there will be a vote. The majority decision on the recommendation will then be forwarded to the local Planning Authority - Sevenoaks District Council – which is the final arbiter on whether planning consent is granted.