

Church Road Otham – Planning Review – Member Feedback

The survey was sent out to current Councillors who had participated in the process as committee members and to the ward Councillor.

A total of seven feedback responses were received.

- Three from Members of Planning Committee.
- Three from Policy & Resources Committee (acting as the Planning Referral Committee).
- One from a member that was on both committees.

Planning Committee Only Questions

Question: As a planning committee member what went well with how this application was processed, what could have been improved? – 3 responses.

Nothing went well with this application. It should never had to go to 3 committees before finally going to appeal. This site should never have been included in the 2017 Local Plan which was one of the reasons that it was impossible to overturn.

A lot of pressure was put on Members. Officers put too much emphasis on the Local Plan and did not take into account that a lot had happened since.

The Officers' reports were as comprehensive as ever and reflected their sincere professional advice on the planning issues concerned. The key difficulty was that Members were not prepared to accept their advice in relation to the highway implications of the application where KCC (Highways), our Statutory highway advisors, had provided advice contrary to that of our own Officers. In the light of Members' feelings on these highways issues, our Officers should have been prepared to help Members draft reasons for refusal based on the advice of KCC (Highways) rather than refusing to help by insisting that their highways advice was correct and that KCC (Highways) advice was wrong. It is for Members to decide whether to go with the advice of our own Officers or that of KCC (Highways).

Question: Do you understand your role as a planning committee member and the role of planning officers? Do you have any concerns about this? – 4 responses.

I do understand the differing roles. I do think that the planning officers need to take much more notice of local residents views when it comes to Highways issues as the residents have to deal with the eventual outcome if the decision goes against their views.

Yes; we generally work well together and there is a very good relationship. But this case felt different there was, as stated above, a lot of pressure for Members too agree this application despite the strongly held views and local knowledge of Members.

I think that I fully understand the roles of Officers and Members. I have no concerns about their roles except in relation to what I say in Q7.

Yes I understand my role and that of the planning officers.

Question: Was there sufficient support from officers throughout the process? If no at what points and how could it be improved? – 4 responses

I think that the officers should have given far more weight to the highways issues at the beginning of the planning process and liaised with KCC highways to ensure that this development did not go ahead.

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As previously stated I believe we have a good working relationship. But in this case the Officers seemed committed to getting the application approved, which meant that defending the application at appeal more difficult. The Officers seemed to be too committed to the Inspector's decision in the Local Plan and not taking into account what had taken place since as well as the position of Kent Highways.

There was insufficient support from our Officers when it became clear that Members wanted to accept the advice of KCC (Highways) and refuse the application on solely highways grounds rather than accept their advice and grant permission contrary to the advice of KCC (Highways). Our Officers should have been prepared to provide what I would call 'alternative advice' to Members on how they could proceed to refuse the application on highway grounds as recommended by KCC (Highways). At Planning Committee meetings when James Bailey sees that Members are moving towards not accepting his advice on an application, he uses the following words to provide 'alternative advice': 'If Members want to go down that route, I would recommend'. Sometimes this 'alternative advice' convinces Members that his initial advice is correct; sometimes it convinces them that it was not and they proceed to make a decision contrary to his initial advice. The key issue is that 'alternative advice' is provided and it is then up to Members to decide which advice to take. This did not happen with the Church Road application when Officers stuck rigidly to their initial advice and refused to supply 'alterative advice' to Members.

We were well supported

Referral Committee Only Questions

Question: Did you understand your role when acting as the planning referral body? - 4 responses.

Yes

Yes

yes

Yes; I am a Member of Policy and Resources Committee but as I am also a member of the Planning Committee I did not take part.

Question: Do you understand your role as a member of the planning referral body and the role of planning officers? Do you have any concerns about this? – 4 responses.

Yes

Having served on the referral committee before I feel I had the skills to inform my decision.

yes. I have no concerns. The roles are clear, distinct and separate

I am concerned at the way this is used. I believe two meetings of the Planning Committee should have been enough. The Planning Committee is a statutory committee and I believe having a referral body made up of Members who are less expert undermines its authority.

Question: Did the advice and support from Officers meet your expectations, if not please explain how

Yes

Yes

Yes. Officers are paid professionals employed by the Council. Their role is to provide members with professional, unbiased advice and to respond to any questions with honesty, factually, and in the light of their professional opinion and experience.

Not in this case, as explained above.

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Question: What went well? What could have been improved? – 4 responses

It seemed ok

Overall the process went well. Not sure how improvements could be made considering the protocols we have to work under.

The Council's processes and procedures were carried out properly. Officers were professional at all times. Members of the Planning Committee needed - their understanding of the legal status of the Local Plan improved - their obligation to adhere to / abide by the Local plan to be improved

It did not go well. The positions became rather adversarial. As explained above the Officers appeared to be too committed to decisions taken in the Local Plan which were now five years old.

Do you think the process was transparent, if no how could it have been improved? – 4 responses

Yes

Yes

Yes it was as transparent as it could be in the circumstances

Yes

Planning Committee & Referral Committee Questions

Question: Do you believe you have a good knowledge and understanding of the Local Plan and associated documents and how that applied to this application? – 7 responses

Fairly good.

Reasonable

Yes

yes

Yes

Yes.

Yes. There was also a great deal of discussion/debate during all the Planning Committee meetings held to decide this application. I also have a very well thumbed copy of the current Local Plan to which I refer for guidance.

Was there effective communication between Councillors and Officers and vice versa regarding the application? – 7 responses

I do not know the answer to this question.

Reasonable

I was happy with the communication.

Yes as far as I was concerned.

There was. a lot of discussion but Officers seemed to be committed to achieving approval.

I don't think there was effective communication between Officers and Members at Planning Committee meetings - otherwise we would not be where we are now. As I was just a Planning Committee member, I do not know what communication would have gone on 'behind the scenes'.

Yes

What did you think of the advice given by statutory consultees? -7 responses

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I think that KCC should have been far more forceful in their opinion and that more supporting evidence should have been obtained by them in order to have strong and relevant reasons for this application to be turned down by the inspector at appeal.
Biased towards approval, but not surprised
We have to expect statutory consultees opinion this professional advice
The advice given by KCC Highways was inappropriate, misleading, and inconsistent with their views when the site was first put in the Local Plan. They went off at a tangent, introducing opinions that were not strictly relevant to the actual requirements/policies stated in the Local plan
We agreed with Kent Highways who were the experts. Unfortunately the Inspector didn't.
Their advice was sound.
On the whole advice given by statutory bodies was constructive. I do think that perhaps, hindsight being a wonderful thing, we should have placed more emphasis on some of they concerns raised.

Question: Do you feel you understood the objectors concerns and that these were taken into account? – 7 responses

I understood their concerns but on the matter of Highways they were not taken into account.
Yes
I understood these concerns as I do on other matters and these are always taken into account.
Yes, I fully understood and deeply sympathised with the objectors
I totally understood the objectors' concerns but I don't think they were properly taken into account, especially by the Inspector.
I understood the objectors' concerns and considered that they were all fully taken into account.
I read all the objectors correspondence and understood their concerns and these were argued/debated thoroughly at committee.

What lessons should we learn from this application? – 7 response

Make sure that any site put into the local plan is scrutinised to the last degree and that any highways objections are really taken seriously and upheld at inspection.
Spend more time and listen
I do feel 'we' (officers & members) carried out the process the best we could and by the book. Every application such as this is very difficult for everyone to grasp including the public perception of procedures. We can only work with the tools we are given under the law as it currently stands.

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1. There was nothing wrong with the application itself. It was well thought through and fully complied with the requirements set out in the Local Plan. Unfortunately it was in the wrong location but that was not the applicants fault, it was our fault. This site should never have been put in the Local Plan in the first place. At that time, we were all under pressure to meet the housing need, Highways were being grossly unhelpful, Members were screaming not to have development in their back yard. We were lucky to get the plan adopted at full council, and some members moan to this day that they don't agree with it.
2. It is vital that sufficient care is taken with selecting sites for the Local plan, that officers work as closely and as openly as possible with members, KCC and other consultees including parishes, to make sure everyone understands their obligations and legal requirements
3. Members have to fully understand and accept the legal status of the local plan: it is the basis upon which we consider applications. You can't just change the goal posts after a couple of years. If a site is in the Plan, that is it, there is no going back. This is fundamental to planning training and is the simple principle that was ignored in consideration of this application.

We should be very sparing in the use of the Planning Referrals Committee. In fact I would ask that this is looked at again. Members of this Committee are not in a better position to contradict the views of the Planning Committee. Officers need to understand better local issues like this which are very sensitive, especially where there are clearly major traffic issues and sensitivity regarding heritage buildings.

That Officers should be prepared to provide 'alternative advice' to Members whenever their initial advice is unacceptable to them. This 'alternative advice' may convince Members that the Officers' initial advice is, in fact, correct or convince them it was not. Whatever; it is for Members to decide.

I honestly think more time could have been devoted to assimilating our evidence when the application was deferred and thereafter when it was refused. Given some of the Inspectors comments following the appeal perhaps we should have strengthened the evidence we provided to defend the Planning Committee's decision This may have resulted in a more favourable outcome for MBC and our residents

Further Comments – 3 responses

We "got into this mess" because members of the planning committee, in their ignorance and in determination to defend their locality come what may, thought they could change the provisions of the Local Plan. Future Planning Training must make it abundantly clear that unless something significant happens, the Local Plan must be adhered to. Also, material consideration must be Planning issues, and not to rely solely on Highway issues because we are not the Highway Authority. I rue the day this application got permission by the Inspector - but legally we had no leg to stand on by refusing it. This must not happen again with the Local plan Review. Let this be a stark reminder.

Both reasons for refusal used wording provided by KCC (Highways). An Appeal against this decision was allowed by the Planning Inspectorate. The Inspector disagreed with one reason for refusal but made no award of costs in relation to it. He did, however, make an award of costs in relation to the second reason of refusal due to KCC (Highways) being unable to substantiate it because it had done no traffic modelling for the application site since the preparation of the MBLP (2017) - some 4-5 years previously. It, therefore, seems to me that KCC (Highways) is morally obliged to contribute significantly to the costs that MBC has been required to pay to the applicants. btime of the c eht e s rea

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On reflection I question the suitability of including this site in the current Local Plan given its location and the ongoing problems there will be with the road network.