

## **MAIDSTONE BOROUGH COUNCIL**

### **STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 6 JULY 2021**

**Present:** Councillors Cooper (Chairman), Garten, Mrs Grigg, Kimmance, McKay, Munford, Russell, Spooner and S Webb

**Also Present:** Councillor Perry

24. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Springett and Clark.

25. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor S Webb was present as Substitute for Councillor Springett.

Councillor Kimmance was present as Substitute for Councillor Clark.

26. **URGENT ITEMS**

The Chairman stated that an urgent item on the allocation of additional funding for the Local Plan Review would be presented verbally by the Head of Planning and Development.

27. **NOTIFICATION OF VISITING MEMBERS**

Councillor Perry was present as a Visiting Member for Item 11 – Questions from Members to the Chairman.

28. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

29. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

30. **EXEMPT ITEMS**

**RESOLVED:** That all items be taken in public as proposed.

31. **MINUTES OF THE MEETING HELD ON 8 JUNE 2021**

**RESOLVED:** That the Minutes of the meeting held on 8 June 2021 be approved as a correct record and signed.

32. PRESENTATION OF PETITIONS

There were no petitions.

33. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

34. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There was one question from a Member to the Chairman.

Question from Councillor John Perry to the Chairman of the Strategic Planning and Infrastructure Committee

*'COVID-19 has put enormous pressures on local businesses just to survive; no more so than those in the hospitality sector. Many will have had to take additional measures in order to generate enough cash to pay their bills. It is recognised that some of these measures would have had to have been implemented very quickly and in some cases may have generated minor breaches of planning regulations or conditions.*

*Can the Chairman and this Committee reassure me that given the exceptional circumstances and the importance that many of these businesses hold for their local communities, the Borough Council will recognise this before considering any enforcement action?'*

The Chairman responded to the question.

Councillor Perry asked the following supplementary question:

*'Can you reassure me that the emphasis will be that any interpretation of the rules, the response will be proportionate to any conditional breach that might have occurred?'*

The Chairman responded to the supplementary question.

The full response was recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the webcast recording, please use the link below:

[Strategic Planning and Infrastructure Committee - 06/07/2021 - YouTube](#)

35. COMMITTEE WORK PROGRAMME

In response to questions, it was confirmed that an annual report detailing the use of Section 106 monies across the borough was provided by the

Head of Planning and Development in the form of the annual Infrastructure Funding Statement.

The Conservation Area Funding Opportunities report would be presented to the Committee as soon as possible.

**RESOLVED:** That the Committee Work Programme be noted.

36. URGENT ITEM - ADDITIONAL FUNDING FOR THE LOCAL PLAN REVIEW

The Head of Planning and Development addressed the Committee, reiterating the £140,000 in additional funding provided by the Policy and Resources Committee, for the development of non-spatial planning policies.

It was suggested that areas of focus for these policies be on design policy and place making, with further member engagement to be carried out on the prioritisation of the policies and the required evidence base. The structure provided by the actual monitoring indices as set out within the Council's adopted Local Plan, LPR Policy 1, and consideration of new government policies such as 'First Homes' would be included in the proposed engagement exercises. It was important that the Council's policies reflected national requirements and consultation responses, in reference to the Regulation 19 'draft for submission' documents' consultation and Regulation 20; examination by the Planning Inspectorate.

The progress made over the past 12-18 months on the LPR was reiterated. The development of further non-spatial policies would sit alongside the LPR, through a separate Development Plan Document, to retain the impetus of the LPR on focusing on key areas of growth, for example housing and employment numbers.

**RESOLVED:** That the update provided be noted.

37. REPORT OF OUTSIDE BODIES - 2021/22

The Democratic Services Officer introduced the report and stated that the nomination received for the Kent Downs AONB Joint Advisory Committee was shown at Appendix 1 to the report. The Kent Downs AONB Joint Advisory Committee were willing for the Committee to amend the current one-year term of office for the Council's representative, if the Committee wanted to.

As no nominations had been received for the Maidstone Campaign Cycle Forum or Medway Valley Line Steering Group, the Committee was asked to consider whether the number of positions on these bodies should be reduced, in line with the Outside Bodies Vacancy Protocol.

The Committee considered reducing the number of positions on these bodies, however it was felt that they should be advertised. It was also

requested that consideration be given to having a Council representative to the Kent Downs Line Group.

**RESOLVED:** That

1. Councillor Garten be appointed as the Council's Representative to the Kent Downs AONB Joint Advisory Committee for one year, from the 12 July 2021; and
2. The positions associated with the Medway Valley Line Steering Group and the Maidstone Cycle Campaign Forum, be readvertised.

38. 4TH QUARTER FINANCIAL UPDATE & PERFORMANCE MONITORING REPORT 2020/21

The Head of Finance introduced the report and noted that the outturn figures were still subject to external audit and should be viewed as provisional.

The Committee's adverse variance figure of £1.7 million was mainly due to the pandemic having caused a fall in income for parking and development control. This had been partially mitigated by the government's Sales, Fees and Charges funding scheme. The Council's overall outturn for the previous financial year was a £1.2 million underspend, which was largely due to the additional funding provided by central government. However, this funding was one-off in nature so would not strengthen the Council's underlying budget position.

The Head of Finance highlighted that of the just under £640,000 spent on the Local Plan Review, £57,000 had been financed through the corporate contingency budget. The budget would continue to be monitored.

With regard to capital, the residual budget for flood prevention works, which had been carried forward into the 2021/22 was noted.

The Senior Business Analyst introduced the performance update and stated that three of the six Key Performance Indicators (KPIs) had not reached their target. The Percentage of Priority 2 enforcement cases dealt with in time missed its target by more than 10%; achieving 76% against the 90% target. This was due to staff turnover, a team restructure and staff sickness alongside a general increase in the number of enforcement cases. Two staff Members had since been recruited.

The processing of major and minor applications had missed its target by 2%, with all of the Committee's KPIs achieving an amber or green annual status. Positive performance in the delivery of affordable homes and the processing of 'other' planning applications was highlighted.

Several Members expressed concern at the number of open enforcement cases and questioned whether further resources were needed. In response to questions, the Head of Planning and Development confirmed that the number of enforcement cases in June was 372; 26 of which were formal

monitoring cases, 38 were awaiting determination with respect to a retrospective planning application and 308 live cases. The importance of carrying out thorough investigations into any complaints of planning control breaches, which were time intensive, was highlighted, as they would be required should formal enforcement be pursued.

**RESOLVED:** That

1. The Revenue position as at the end of Quarter 4 for 2020/21, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted;
2. The Capital position at the end of Quarter 4 be noted; and
3. The Performance positions as at Quarter 4 for 2020/21, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

39. CHAIRMANSHIP OF THE MAIDSTONE JOINT TRANSPORTATION BOARD

The Democratic Services Officer introduced the report and stated that the Chairman of the Committee was automatically a Member of the Maidstone Joint Transportation Board in their capacity as a County Councillor. As it was the Council's turn to chair the Board this Municipal Year, it was recommended that the Vice-Chairman of the Committee be appointed as Chairman of the Board.

**RESOLVED:** That the Vice-Chairman of the Committee be appointed as the Chairman of the Maidstone Joint Transportation Board for the remainder of the 2021/22 Municipal Year.

40. LOCAL DEVELOPMENT SCHEME 2021-2023

The Strategic Planning Manager introduced the report, stating that significant progress had been made on the Regulation 19 'draft for submission' documents and the series of studies and topic papers that formed part of the wider evidence base.

To ensure that the Regulation 19 documents were complete, it was proposed that the Local Development Scheme (LDS) be amended. The LDS was a statutory requirement, with the revised timetable shown within Appendix 1 to the report. The revised timetable would allow the Council to ensure the Regulation 19 document and evidence base was as robust as possible, meeting the associated legal requirements and reducing the risk of failure at examination of the Local Plan Review (LPR).

Once the Regulation 19 documents had been published, various stakeholders and the public would be able to consider whether the important tests of soundness and legal compliance had been met. This would provide the Council with further information as it proceeded with the Local Plan Review. If the Council chose to undertake further evidence

collection or consultation, there would be further time, resource and cost implications.

The Strategic Planning Manager reassured the Committee that a revised LDS would minimise any period in which the 2017 adopted Local Plan would be out of date and that the policies within the Plan would remain effective. If the revised LDS timetable was agreed, the delay to adopting the LPR would be circa three months. However, the Council's LPR would have been examined by the adopted Local Plan's expiry. The current LDS timetable had been accelerated in September 2020, in response to the Government's proposal to introduce a new standard methodology that would have further increased the Council's housing targets. This was no longer the case.

The Committee sought assurances from officers that the new LDS timetable would be met and this was confirmed subject to no unforeseen events occurring.

**RESOLVED:** That Council be recommended to approve the Local Development Scheme 2021-2023, as attached at Appendix 1 to the report.

41. DURATION OF MEETING

6.30 p.m. to 7.21 p.m.