

MAIDSTONE BOROUGH COUNCIL

**MINUTES OF THE LOCAL DEVELOPMENT DOCUMENT TASK
AND FINISH SCRUTINY PANEL MEETING HELD ON TUESDAY
24 JANUARY 2012**

PRESENT: Councillor Burton (Chairman)
Councillors Ash, English, Harwood, Paine and
Springett

11. The Committee to consider whether all items on the agenda should be web-cast.

Resolved: That all items on the agenda be webcast.

12. Apologies.

Councillor Mrs Wilson sent her apologies.

13. Notification of Substitute Members

There were no Substitute Members.

14. Notification of Visiting Members

There were no Visiting Members.

15. Disclosures by Members and Officers

There were no disclosures by Members and Officers.

16. To consider whether any items should be taken in private because of the possible disclosure of exempt information.

Resolved: That all items be taken in public as proposed.

17. Minutes of the Meeting Held on 15 November 2011

Resolved: That subject to the amendment of Minute 5 Disclosures by Members and Officers to read:

"Councillor Harwood, as a Member of the Planning Committee which would be considering two specific applications referenced by the petition, left the room when item 8 – Reference from Council was considered to avoid prejudicing himself when considering those applications or any other applications that might be indirectly related to the petition."

The Minutes of the meeting held on 15 November 2011 be agreed as a correct record of the meeting and duly signed by the Chairman.

18. Feedback from Members Workshop on Integrated Transport Strategy & Progress Update

Flo Churchill, Interim Head of Core Strategy, presented the feedback from the Members' workshop on the Integrated Transport Strategy. Not all Members had attended but there had been a wide ranging discussion on the issues around transport modelling and the event had been productive. The briefing note presented to the Panel is attached at Appendix A.

The Panel made some suggestions for further information that could be looked at and considered:

- That on-street car parking be considered when reviewing the car park availability in the town centre; and
- That the Yalding Parish Council HGV survey data, that had now been funded, be asked to be shared with the Council

The Panel asked how the Air Quality Management Area (AQMA) work was being fed into the strategy and suggested that specific Air Quality hotspots needed specific work carried out. It was noted that the Policy team had representatives on the AQMA group. The point regarding the hotspots was accepted by officers but it was highlighted that the Core Strategy was a strategic level document and it was not appropriate for the Integrated Transport Strategy to get site specific on certain issues. However, as the planning system was being reviewed, and if local plans were brought back in, this would be considered. It was noted that the air quality issues were exacerbated by congestion which the Urban Traffic Management Centre could not solve but could move from place to place.

The Panel discussed the origin and destination data in relation to journeys through the town centre and were informed that the town centre was defined in the core strategy, and that the urban area and rural service centres had also been defined. Members highlighted some issues with using origin and destination data as there were multiple common routes to some locations, such as Maidstone Hospital, that could avoid the town centre or go through the town centre but represented the same origin and destination.

Concerns were raised by the Panel that the focus of the documents, and the briefing provided to the transport consultants, was heavily in favour of park and ride and the panel wanted reassurance that other options were being considered. The officer stated that the original wording on the council's preference for park and ride as a solution had been amended to ensure it reflected that it was planning policy officer's professional opinion that park and ride was the best solution, rather than the opinion of the council. The panel were assured by the officer that park and ride, whilst felt to be the best solution, was not the only solution being looked at by officers. Members requested that this borne in mind by officers as they felt it was crucial all routes and permutations were considered against a range of options to provide the best solution for the borough. This included considering options such as a strategic link road.

Members were informed that the council had a lobbying role to play in determining bus times and schedules and the Quality Bus Partnership was being revived. It was crucial that the timing of the lobbying was right to coincide with contract end dates and renewals. It was noted that the capital and running costs for bus services were expensive and the difficulties were understood.

A workshop was to be held with town centre businesses in order to capture their feedback and information on travel and transport considerations in the town centre. The panel requested that the attendees include public as well as private sector organisations as Maidstone had a large public sector.

Resolved: That the update from the workshop be noted and officers consider the issues raised by the Panel in the on-going work into the integrated transport strategy and parking strategy.

19. SCRAIP Response on the Reference from Council, Petition calling upon the Council to help protect the open countryside

Chris Garland, Leader of the Council and Rob Jarman, Head of Planning addressed the panel in order to provide more detail on their response to the SCRAIP arising from the petition. The response had stated that the benchmarking requested by the panel would not be carried out and the panel sought more information as to why this was the case.

The Leader of the Council stated that the performance in the planning enforcement section had improved significantly with a large backlog of hundreds of enforcement cases being reduced to fifty on-going cases. In particular enforcement of unauthorised gypsy and traveller cases created a lot of work with 9 out of 11 notices relating to unauthorised gypsy pitches. Gypsy and traveller issues were difficult to deal with through the planning system and created a perception amongst residents that nothing was being done. This was due to the process of no application for a site > enforcement notice issued > retrospective application received > refusal > appeal > inspectorate grants appeal due to gypsy and traveller need and no specific policies to support the council. He highlighted that the free planning peer review being undertaken in March 2012 would also encompass enforcement.

The Head of Planning, went into further detail on the improvements made to enforcement. He pointed out that not only had the backlog of cases been reduced, but 19 Audit recommendations were made in June 2009, all of which had been successfully implemented and a planning enforcement policy had been brought out in February 2010. A performance culture had been brought in to the section in line with the development control section that enforcement had joined with in 2009. This had led to a vast improvement in performance with 12 week targets for dealing with cases that had been missed being reduced to 3 weeks targets that were met. Work was underway on further integration between development control and enforcement, as the development management section, to improve

resilience and cross working with planning officers covering applications and enforcement cases.

The panel asked if other areas had the same problems as Maidstone with regard to gypsy and traveller appeals. The Head of Planning informed the panel that these were issues for all areas, though Maidstone had the highest number of gypsy sites in Kent. The reason that this was a problem was a lack of planning policy documents to support enforcement action whilst there was a residual need and other authorities also lacked the documents required, for example gypsy and traveller DPDs.

The difficulties in dealing with the issues were recognised by the panel and they supported what had been said. They also highlighted that the need for policy protection, through designation, of countryside was crucial and concerns were raised that the national planning policy framework would not provide this and could lessen protection making the situation worse. The Head of Planning suggested that the Core Strategy should have a tight landscape criterion for screening and backdrops to afford some of that protection.

The Panel highlighted that the figures for gypsy applications needed to be put in context. Out of 707 units being built 10 were permanent and 2 were named gypsy units. The panel also inquired as to why the numbers of breach of conditions notices were going up and asked if they carried weight. It was explained that there had been a need for the notices and it was right that the numbers were rising. Breach of conditions notices could not be appealed which made them expeditious. They carried teeth because new developments with breach of conditions notices on their land searches were less likely to sell and this encouraged developers to take action to resolve the breaches.

It was suggested that the Core Strategy should set large areas of green space rather than 'wedges' and it was felt appropriate that the issue of protection for green areas should be taken up with the LGA and other bodies to take action.

The subject of proportionate time and resources for small numbers of sites was discussed and it was highlighted that whilst there were not that many sites they created a lot of concerns often expressed through letters to enforcement.

Having spoken to the Leader of the Council and the Head of Planning the Panel felt that the response to the SCRAIP should be amended to include additional wording:

"However, the Council is undertaking a peer review that will include enforcement and its effectiveness without additional cost to the Council."

Resolved: That the Leader of the Council be recommended to amend the SCRAIP response with the additional wording:

“However, the Council is undertaking a peer review that will include enforcement and its effectiveness without additional cost to the Council.”

20. Future Work Programme

The Panel considered its future work programme and requested that Jonathan Morris be invited to the next meeting to provide a written update and interview on the Transport workshop.

The Panel had found the interviews conducted as part of this meeting extremely useful and felt it would be beneficial to conduct interviews related to documents they would be considering in future as part of an evidence gathering and knowledge building exercise.

Resolved: That the work programme be noted and Jonathan Morris be invited to the next meeting to provide a written update and interview on the transport workshop.

21. Duration of Meeting

6.30 p.m. to 7.58 p.m.