

MAIDSTONE BOROUGH COUNCIL

Planning, Transport and Development Overview & Scrutiny Committee

MINUTES OF THE MEETING HELD ON TUESDAY 16 DECEMBER 2014

Present: Councillor Springett (Chairman), and Councillors Chittenden, English, Mrs Gooch, Powell, Round, de Wiggondene and Willis

Also Present: Councillors Burton

109. THE COMMITTEE TO CONSIDER WHETHER ALL ITEMS ON THE AGENDA SHOULD BE WEBCAST

RESOLVED: That all time on the agenda be webcast.

110. APOLOGIES

Apologies for absence were received from Councillors Ross and Munford.

Apologies for lateness were received from Councillors Round and DeWiggondene who arrived at 18:40 and 18:44 respectively.

111. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Gooch was in attendance as substitute for Councillor Munford.

112. NOTIFICATION OF VISITING MEMBERS

Councillor Burton, Cabinet Member for Planning, Transport and Development was in attendance to support officers for items 8, 9 and 10.

113. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Springett declared an Other Significant Interest, should site H17 in the draft Local Plan be discussed in detail during this meeting. She stated, should this site be discussed in detail, she would leave the meeting and the Vice Chair take the chair until the discussion was completed.

Under item 9 of the agenda Councillor Burton declared a Disclosable Pecuniary Interest should any land south of Sutton Road, Maidstone be discussed in any detail during this meeting.

The declarations were noted, but officers advised there was no intention to discuss any sites in the draft Local Plan in detail under any item on the agenda.

114. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION

RESOLVED: That the items on the agenda be taken in public as proposed.

115. MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2014

RESOLVED: That the minutes of the meeting held on 18 November 2014 be approved as a correct record and signed by the Chairman.

116. MAIDSTONE BOROUGH LOCAL PLAN - DEVELOPMENT MANAGEMENT POLICIES

Rob Jarman, Head of Planning and Development, Darren Bridgett, Principal Officer, Spatial Policy and Adam Reynolds, Planning Officer, Spatial Policy were in attendance for this item.

Darren Bridgett presented the report and explained there were three matters for the committee to consider:

1. The responses and proposed changes to the development management policies as a result of regulation 18 consultation carried out between 21 March and 7 May 2014;
2. The responses and proposed changes to the infrastructure delivery policies as a result of regulation 18 consultation carried out between 21 March and 7 May 2014;and,
3. The proposed care home policy, due to go out for regulation 18 consultation in February 2015.

Mr Bridgett went on to explain the types of policies presented in the report included:

- Place shaping policies;
- Allocation policies;
- Infrastructure delivery policies to support new development;
- Development management policies to guide development and planning officers when making planning decisions.

Mr Bridgett informed the committee that due to the council's collegial approach to refining the local plan, the development management policies were responded to by the council's Housing and Economic Development Teams. As a result policy DM24 Affordable Housing, had not been reported due to the large number of comments received. The comments related to the cost of providing affordable housing, tenure split, the proposed geographical split and tenants who would live in the houses. Various delivery mechanisms would be explored and a report would be brought to the committee prior to policy DM24 going out for consultation in July 2015.

Mr Jarman updated the committee on the situation with Kent County Council's (KCC) transport modelling for the borough. He explained, the Vizam modelling software was used to provide a strategic model of various transport options. However, Mr Jarman stated there was no timetable available for when the modelling would be completed.

Mr Jarman expressed his concern as any suggested transport model needed to be tested, including public transport, which had not been started by KCC. Without a tested transport model the local plan would be found unsound at inspection.

Mr Jarman went on to explain the council had carried out its own detailed traffic modelling with Mott McDonald in three locations in the borough, Coxheath; Staplehurst cross roads and the Coldharbour at junction 5 of the M20.

Mr Jarman told the committee the absence of traffic modelling would have implications on planning applications as well as delay the local plan.

During discussions the committee raised the following points:

- The volume and importance of policies warranted all councillors spending more time going through them thoroughly. The intention was to agree the policies attached to the report to enable officers' time to concentrate on the more contentious policies and follow the timetable of events leading to the local plan being adopted.
- Concern was raised regarding policy DM20 – Leisure and community uses in the town centre. It was felt care should be taken not to kill off the retail offer in the town by requiring the retention of shop fronts, which were not always suitable for leisure businesses. It was also agreed businesses in High Street Ward should not clash with residential properties in the area while taking care not to drive businesses out of the town centre.
- Policy DM5 – Residential garden land included nothing on permanent development rights and any power the council may have. Mr Jarman advised against including council powers to deal with permanent development rights as it went against government policy which was extending the rights in this area. The committee agreed a motion should be made at Full Council to write to central government raising concerns in respect of certain aspects of permitted development rights.
- It was agreed the committee would review the Park and Ride Service to include parking strategies and would be discussed further under item 11 Future Work Programme.
- Policy DM 26 Gypsy, Traveller and Travelling Showpeople accommodation was discussed and concern raised that no further sites had come forward despite a second, bespoke, call for sites. The response had been poor. It was acknowledged the sites that were

being used were centred in one particular area. Without new sites coming forward in other areas it was impossible to change this. It was agreed the criteria in the policy was very good for measuring against any sites that did come forward in the future.

- Mr Bridgett confirmed that all responses received during the regulation 18 consultation period for the draft local plan were taken into account when reviewing the policies. Some responses were of a general nature and did not take a whole plan view, some were more specific and detailed. It was agreed that all people and organisations who made representations would be notified how their feed-back had been integrated into the revised policies.
- Mr Jarman confirmed he was pressing KCC for a timetable for the traffic modelling which would include options testing, cost/benefit analysis and the impact any new roads would have on the environment.
- Concern was raised as to the effectiveness of travel plans and how to ensure they were implemented and sustained. Section 106 agreements were considered a good way of ensuring delivery of effective travel plans.
- The committee discussed the impact of the cumulative effect of multiple developments in close proximity of each other and the effects on air quality. It was agreed policy DM13 needed to take this into consideration.
- It was agreed sewer systems were a serious issue in the delivery of the local plan (policy number ID1). The majority of public opposition to growth throughout the borough related to the ability of the sewer infrastructure to cope with the growth. When the draft local plan went out to consultation Southeast Water, as the statutory provider, did not object. In some areas they did suggest the upgrading of pumping stations. The state of the sewage infrastructure would not be a case for reducing the housing numbers; if Southeast Water stated they can deal with the growth the inspector would accept this.
- Policy DM18 – Retention of employment sites did not include the Springfield/Whatman site as it had not been in use as an employment site for some time. The policy is aimed at active sites. This site was being promoted as a brownfield site for high density housing. If it was included in policy DM18 it would mean the housing would need to be moved to a greenfield (low density) site.

RESOLVED:

1. That the Planning, Transport and Development Overview and Scrutiny Committee recommend to Cabinet that the development management policies are amended as per the proposals in Appendix A of the Development Management and Infrastructure Delivery Policies report of 16 December 2014 and that the policies are approved for regulation

19 consultation in July 2015 subject to consideration of the following recommendations:

- a) That the Development Management and Infrastructure Delivery Policies report be circulated to all councillors by the Head of Planning and Development and any further representations from councillors be expressed via their group's spokesperson to Cabinet at its meeting on 14 January 2015;
- b) That the Cabinet Member for Planning, Transport and Development be recommended to implement a strategy to make use of Section 106 agreements to ensure travel plans are robust and implemented by developers;
- c) That the Cabinet Member for Planning, Transport and Development be recommended to make the following amendment to point 3iii of policy DM13 to strengthen the intent:

Development proposals must:

- 3iii Demonstrate that development in, or likely to adversely affect, in particular where a number of developments are likely to result in a cumulative impact, that Air Quality Management Areas incorporate mitigation measures to reduce impact to an acceptable level, in line with the borough's air quality action plan.
- d) That the Cabinet Member for Planning, Transport and Development be recommended to make the following amendments to points 1 and 3 of policy DM29 – Leisure and community uses in the town centre:
 - 1 The development, including in combination with any similar uses in the locality, should not have a significant impact on local amenity, including as a result of noise and hours of operation.
 - 3 The wording be amended to allow for greater flexibility to maintain the vibrancy of the primary shopping area.
2. That the Head of Planning and Development be recommended to inform those who responded to the Regulation 18 consultation on the draft Local Plan, using the most cost effective method, how their responses have been included in the amendments to the draft Local Plan.
3. That the Planning, Transport and Development Overview and Scrutiny Committee recommends to Cabinet that the infrastructure delivery policies are amended as per the proposals in Appendix A of the Development Management and Infrastructure Delivery Policies report of 16 December 2014 and that the policies are approved for regulation 19 consultation subject to consideration of the following:

- a) That the Cabinet Member for Planning, Transport and Development be recommended to, should dialogue with Southeast Water fail, seriously consider the option of taking the matter up with the regulator.
4. That the Planning, Transport and Development Overview and Scrutiny Committee approved the care home policy as proposed in the Development Management and Infrastructure Delivery Policies report of 16 December 2014.

117. SHORT BREAK

RESOLVED: that the committee take a short break from 20:50 until 21:10.

118. LANDSCAPE CAPACITY STUDY

Deanne Cunningham, Team Leader, Heritage, Landscape & Design presented her report and explained the full draft report would be presented to the committee at their meeting of 20 January 2015.

Ms Cunningham went on to explain work on the report was commissioned in July 2014. It was interlinked with other areas of work providing robust evidence for the Local Plan and informed the sustainability appraisals of land allocation proposals. It also assisted Maidstone Borough Council with meeting the requirements of the National Planning Policy Framework.

Ms Cunningham informed the committee the document was not a tool to prevent development but one to inform how and where development could be sited and designed in relation to its landscape and visual impact.

Initial findings have revealed that the borough consisted largely of areas of landscape character which were considered sensitive to change.

The point was made that the Landscape Capacity Study was needed by councillors before they considered the next round of allocations for the draft Local Plan which were being presented to committee at their meeting on 20 January 2015.

RESOLVED: that:

1. The Cabinet Member for Planning, Transport and Development be recommended to circulate the final draft of the Landscape Capacity Study to all councillors at the earliest possible date in January 2015 and provide copies for the members library to facilitate a full and informed discussion of the study at the committees meeting of 20 January 2015.
2. The Planning, Transport and Development Overview and Scrutiny Committee noted the update on the Landscape

Capacity Study and agreed the draft document be brought back to committee for approval at the 20 January 2015 meeting.

119. LOCAL PLAN; AGRICULTURAL LAND CLASSIFICATION STUDY

Jillian Barr, Principal Planning Officer, Spatial Planning and Rob Jarman, Head of Planning and Development were in attendance for this item.

Ms Barr presented her report and explained its purpose and importance to the work preparing the Local Plan.

Mr Jarman confirmed that use of the Best and Most Versatile (BMV) land classifications could be used when planning applications for solar power sites in sensitive locations were considered.

It was confirmed by Ms Barr that the report did not include sites previously classified in 1994 as these were considered to still be relevant. The land included in the report was classified using the same criteria as that used in 1994. The committee agreed information of other land classification studies would be useful.

Ms Barr explained to the committee that the Agricultural Land Classification (ALC) would be used as part of the consideration of the most sustainable sites for the Local Plan.

The committee agreed it would be useful for them to have information on the number of sites classified as BMV as a percentage of all land in the borough.

RESOLVED: that

1. The Head of Planning and Development consider applying the use of Agricultural Land Classification studies to any pending sensitive solar farm planning applications.
2. The Head of Planning and Development make copies of the Agricultural Land Classification Survey and any previous studies in this area available to all members in the members library and provide any relevant email links to reports.
3. The Head of Planning and Development provide details to the committee of the percentage of land classified as Best and Most Versatile (BMV) in the borough.

120. FUTURE WORK PROGRAMME AND SCRAIP UPDATE

Mr Jarman gave the committee a brief update of the Infrastructure Delivery Plan which included the two major reports the committee had discussed at this meeting.

Mr Jarman confirmed Maidstone Borough Council (MBC) had been working closely with Kent County Council and Tonbridge and Malling Borough

Council on the Vizam modelling programme. Mr Jarman went on to say testing of the public transport model was still needed.

Mr Jarman informed the committee of the work carried out by Mott McDonald on modelling in three areas, Staplehurst; Coxheath and the Coldharbour roundabout at junction 5 of the M20. Preliminary work had been carried out on bypassing the Coldharbour roundabout.

Mr Jarman reported 26 meetings with parish councils and residents groups had taken place and it was hoped the policies that had been developed reflected what they required.

Mr Jarman explained that MBC was working with KCC on foul water drainage and sewage system capacity. A scope for the work had been agreed and would be going out for procurement in the near future. There was some information already available on this from work carried out by Amey who surveyed south east drainage capacity.

Mr Jarman explained that MBCs strategic flood risk assessment was from 2008 but due to the floods of last winter the Environment Agency were re-calibrating their flood zone model and the results would be available in March 2015.

Mr Jarman confirmed that all the studies on the infrastructure would have to come together before the draft Local Plan could go out to regulation 19 consultation.

The Chairman updated the committee on the future work programme and the committee agreed to keep the meeting of 17 February 2015 clear as an overflow for any reports delayed from the meeting of 20 January 2015.

The committee also agreed that the working group for the Transport in Maidstone – alternatives to using a car review arrange a meeting to review the evidence for the review of the Park and Ride service and report back to the committee at the meeting of 17 February 2015.

RESOLVED: that

The committee noted the update on the future work programme by the Chair and agreed the following:

1. To keep the meeting of 17 February 2015 clear as an overflow for any reports delayed from the meeting of 20 January 2015.
2. The working group for the Transport in Maidstone – alternatives to using a car review arrange a meeting to review the evidence for the review of the Park and Ride service and report back to the committee at the meeting of 17 February 2015.

That the committee noted the List of Forthcoming Decisions and the SCRAIP update.

121. DURATION OF MEETING

18:30hrs – 22:00hrs