

Should you wish to refer any decisions contained in these minutes to **Policy and Resources Committee**, please submit a Decision Referral Form, signed by **three** Councillors, to the **Head of Policy, Communications and Governance** by: **4 January 2022**.

Please note that the decision from Minute 129 has been referred to the Policy and Resources Committee for consideration on the 19 January 2022.

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 7 DECEMBER 2021

Present: Councillors Clark, Cooper(Chairman), English, Garten, Munford, M Rose, Russell, Spooner and Springett

105. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Mrs Grigg.

106. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor English was present as Substitute Member for Councillor Mrs Grigg.

107. URGENT ITEMS

There was an urgent update to Item 21 – Maidstone Authority Monitoring Report which the Chairman had accepted as it contained further information to that presented in the report.

108. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

109. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor English stated that he was a Council representative on the Medway Valley Line and the Kent Community Rail Partnership.

110. DISCLOSURES OF LOBBYING

All Committee Members had been lobbied on the following items:

- Item 20 – Local Plan Review Update
- Item 21 – Maidstone Authority Monitoring Report
- Item 22 – Infrastructure Funding Statement 2020/21

Councillor English had been lobbied on Item 18 – Fees and Charges 2022-23.

Councillor M Rose had been lobbied on Item 23 – Article 4 Direction covering the primary shopping area of Maidstone and the renewal of certain existing Article 4 Directions.

111. EXEMPT ITEMS

RESOLVED: That Item 24 – Park & Ride be taken in private due to the possible disclosure of exempt information.

112. MINUTES OF THE MEETING HELD ON 9 NOVEMBER 2021 ADJOURNED TO THE 19 NOVEMBER 2021

RESOLVED: That the minutes of the meeting held on 9 November 2021 adjourned to 19 November 2021 be approved as a correct record and signed.

113. PRESENTATION OF PETITIONS

There were no petitions.

114. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were three questions from Members of the Public.

Question from Councillor Peter Coulling to the Chairman of the Strategic Planning and Infrastructure Committee

'It is possible that the Government will amend its formula for calculating Assessed Housing Need. One possibility is that, instead of using 2014-based Housing Projections, 2018-based would be mandated and that would reduce our figure by some 2,500 homes. How would you ensure that Reg 19 could be amended to remove sufficient sites to compensate for any reduction in Assessed Housing Need as a result of Government re-think?'

The Chairman responded to the question.

Councillor Peter Coulling asked the following supplementary question:

'Do you not think that given the uncertainty, officers should be contingency thinking for the various possibilities that might arise from those re-thinks rather than the borough just ploughing ahead without any modification to Regulation 19 to enable any subsequent amendments?'

The Chairman responded to the supplementary question.

Question from Mr Duncan Edwards to the Chairman of the Strategic Planning and Infrastructure Committee

'In the last 10 years Maidstone's transport challenges have changed dramatically with the need to support 17,600 new dwellings and deliver sustainable transport solutions, and yet in the Reg 19 Local Plan Review,

Maidstone has re-published its 10-year-old integrated transport strategy and called it the Integrated Transport Strategy (September 2021). With transport and sustainability being an increasingly hot issue, is there a plan to fully update this document and the support documents including the Local Cycling and Walking Infrastructure Plan as a matter of urgency?’

The Chairman responded to the question.

Mr Duncan Edwards asked the following supplementary question:

‘The addendum is not really fulsome in its coverage as it focuses primarily on the Garden Villages and it doesn’t seem to do justice to the amount of update that is required over that period of time. Is it therefore not necessary to put some work in to at least provide an update for 2021 to cover those urgent points?’

The Chairman responded to the supplementary question.

Question from Councillor Peter Titchener to the Chairman of the Strategic Planning and Infrastructure Committee

‘Maidstone has a very disproportionate share of traveller caravans in Kent. As the need for traveller pitches in the Maidstone Local Plan 2017 appears to have been based on a historical link with agriculture, which is no longer true (DM15), have the consultants preparing their report to underpin the Gypsy, Traveller & Showpeople Development Planning Document been told to revise their assumptions of need accordingly, with consultation input from the settled community?’

The Chairman responded to the question.

Councillor Peter Titchener asked the following supplementary question:

‘As Maidstone has over 30 per cent of all traveller caravans in Kent, will Maidstone Borough Council be more rigorous in future in defining need as per its final appeals statement for the traveller application 16/503403 paragraph 4.2 which says that “personal circumstances do not outweigh the harm and conflict with policy”. In the past we have always been told that personal circumstances do appear to outweigh policy. I would like to know if this is going to be looked at more rigorously’.

The Chairman responded to the question.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website. The question-and-answer session took place between minutes 6:24 to 16:59 of the recording.

To access the webcast, please use the link below:

[Strategic Planning and Infrastructure Committee - 7 December 2021 - YouTube](#)

115. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

116. COMMITTEE WORK PROGRAMME

An update would be requested on when the KCC 20mph Speed Limit Pilot – Summary of Conclusions could be made available.

Further consideration would be given to the management and presentation of the items shown within the work programme. If necessary, the Proper Officer would be requested to organise an additional meeting of the Committee.

RESOLVED: That the Committee Work Programme be noted.

117. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

118. APPOINTMENT TO KENT DOWNS LINE

The Democratic Services Officer referenced the advertisement of the two positions for Council representatives with the Kent Downs Line.

The nomination form received from Councillor Garten had been circulated to the Committee, with any other expressions of interest to be considered by the Committee.

RESOLVED: That Councillors Garten and Spooner be appointed as the Council's representatives on the Kent Downs Line.

119. APPOINTMENT TO MAIDSTONE CYCLE CAMPAIGN FORUM

The Democratic Services Officer referenced the advertisement of the remaining vacant position for a Council representative with the Maidstone Cycle Campaign Forum.

The interest expressed by Councillors Parfitt-Reid and M Rose were considered.

RESOLVED: That Councillor Parfitt-Reid be appointed to the Maidstone Cycle Campaign Forum effective from 8 December 2021 for a period of one year.

120. APPOINTMENT TO MEDWAY VALLEY LINE STEERING GROUP

The Democratic Services Officer referenced the advertisement of the remaining vacant position for a Council representative with the Medway Valley Line, following the Committee's request that the position be readvertised following the 6 July 2021 meeting.

The verbal nomination received was considered.

RESOLVED: That Councillor M Rose be appointed to the Medway Valley Line effective from 8 December 2021.

121. 2ND QUARTER FINANCIAL UPDATE & PERFORMANCE MONITORING REPORT

The Director of Finance and Business Improvement introduced the report and stated that a £360,000 favourable variance was projected against the Committee's revenue budget. The budget allocated for parking had been reduced due to the lower income expected from the Covid-19 pandemic but performance had actually been better than expected.

There had been an overspend within the Local Plan Review (LPR) budget, however additional financial support would be provided through the corporate contingency fund for the remainder of the financial year. The future allocation of funds for the LPR would be considered as part of the budget setting process.

The Senior Business Analyst stated that two of the Key Performance Indicators (KPIs) had missed the target set but had achieved within 10% of the value. These were the 'Percentage of Priority 2 enforcement cases dealt with in time' and the 'Processing of planning application: Major applications'. The former's significantly improved performance from quarter one was noted, whilst the team responsible for the latter had been providing support to the LPR through writing the Housing Allocations Policy.

The good performance of the other KPIs was highlighted.

RESOLVED: That

1. The Revenue position as at the end of Quarter 2 for 2021/22, 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 2 be noted; and
3. The Performance position as at Quarter 2 for 2021/22, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

122. FEES AND CHARGES 2022-23

The Director of Finance and Business Improvement introduced the report which was presented to the Committee annually. The changes proposed to the discretionary fees had been considered in light of the Council's recovery to Covid-19 and included modest inflationary increases.

In response to questions, the Head of Planning and Development confirmed that the discretionary fees proposed in relation to the pre-

application advice charges for Householder Proposals and Major Development Proposals were based on the cost to the Council of providing the service, rather than income generation. A detailed review of the discretionary charges relating to planning had taken place in 2020 and the proposed charges for 2022-23 were felt to be justified.

In response to further questions, the Parking Services Manager confirmed that the fewer applications than expected had been received for the nightly 12-month season ticket despite its advertisement. This type of permit had been introduced last year to accommodate those residents living within the town centre, as opposed to the Residents Parking Scheme which was more suitable for residents living in the outskirts of the town centre where parking spaces were more readily available. The scheme would continue to be advertised. The proposed increase in season tickets were intended to reduce the disparity between the tickets price in relation to standard parking tariffs, which had arisen as the season ticket price had remained constant for several years.

The Parking Services Manager confirmed that in relation to season ticket prices, public consultation had taken place last year as part of the process in amending the Traffic Regulation Orders required. Issuing a greater number of permits than there was parking spaces was standard practice.

RESOLVED: That

1. The proposed discretionary fees and charges as set out in Appendix 1 to the report be agreed; and
2. The expected statutory fees and charges as set out in Appendix 2 to the report, be noted.

123. MEDIUM TERM FINANCIAL STRATEGY

The Director of Finance and Business Improvement introduced the report and highlighted the influence of the Council's four strategic priorities as part of the budget setting process.

The assumptions made in developing the budget were that Council Tax would be increased by two per cent and that the underlying inflation rate was also at two per cent. The inflationary assumption matched the long-term target set by the Government and the Bank of England. As the inflation rate was currently higher than the target, a £500,000 'Contingency for Future Pressures' had been included for the next financial year. It was noted that varying inflationary assumptions, with energy prices being an example, had been taken into account. The current financial assumptions provided for a surplus in the 2022/23 financial year, with a deficit to be experienced in 2023/24. This was due to issues such as the new waste contract and the loss of business rates growth.

Specific attention was drawn to the New Homes Bonus as the funding could be used as revenue expenditure towards the Local Plan, amongst other considerations. The results of the residents survey attached at

Appendix C to the report were highlighted, with the respondent's top three services being environmental enforcement, housing and homelessness and parks and open spaces.

In response to a query, the Director of Finance and Business Improvement confirmed that the report on the Medium-Term Financial Strategy that would be presented to the Committee in January 2022 would include an additional adverse inflationary scenario.

RESOLVED: That the Draft-Medium Term Financial Strategy be considered and that Committee's comments be taken into account.

124. LOCAL PLAN REVIEW UPDATE

Prior to the report's introduction, Councillor Peter Coulling addressed the Committee.

The Strategic Planning Manager introduced the report and stated that the ongoing Regulation 19 'draft for submission' documents public consultation would end on 12 December 2021. Approximately 670 representations had been received so far and the processing of the representations continued alongside the first stage of analysis. Significantly more representations were expected before the consultation's close.

The comments made within the representations included the amount of housing proposed, the proposals within the Regulation 19 document, concerns on the impact of growth on the environment, particularly in relation to the Heathlands and Lidsing Garden Communities and the provision of infrastructure.

In response to a query, the Head of Planning and Development stated that the responses received to the public consultations would be considered by the Inspector appointed by the Secretary of State.

In response to the public speaker, several Members of the committee expressed support for a reduced housing figure. However, the figure provided had been set by the Government. The importance of submitting a representation to the public consultation was highlighted.

RESOLVED: That the report be noted.

125. MAIDSTONE AUTHORITY MONITORING REPORT

The Planning Policy Officer introduced the report which covered the period 1 April 2020 to 31 March 2021. The purpose of the Authority Monitoring Report was to outline the implementation of policies within the 2017 adopted Local Plan, the engagement exercises undertaken as part of the Council's Duty to Co-operate and the progress of the Local Plan Review.

Specific attention was drawn to the Local Development Scheme 2021-2023 which was adopted by the Council in July 2021. Since 2011 a total of

9095 dwellings had been completed, with the shortfall experienced in previous years having been accounted for through a strong delivery of 1054 dwellings across the 2021 monitoring year.

Reference was made to the urgent update provided to the Committee, which outlined that there were several Maidstone Integrated Transport Package (MITP) Schemes that were at risk of being delivered outside of the time periods allocated within the Infrastructure Delivery Plan (IDP). A total of 48 schemes within the IDP had been delivered since its first iteration in 2016.

The significant effect indicators were briefly outlined, with the decrease in visits to Maidstone Borough noted although this contrasted with Kent County as a whole.

The importance of delivering the required schemes within the MITP was reiterated. The report would be displayed on the Council's website.

RESOLVED: That the Maidstone Authority Monitoring Report 2020-2021 be noted.

126. INFRASTRUCTURE FUNDING STATEMENT 2020/21

The Head of Planning and Development introduced the report which covered the period of 1 April 2020 to 31 March 2021. The Infrastructure Funding Statement attached as Appendix 1 to the report detailed the funding collected by the Council through Section 106 agreements and the Community Infrastructure Levy (CIL). The majority of the funding was provided to Kent County Council, with some directed towards the Council's services, such as Parks and Open Spaces.

The increased collection of commuted sums was highlighted, which directly contributed to the provision of affordable housing in a differing location to the original development, where the housing could not be provided for viability reasons. The Union and Brunswick Street developments had been facilitated through such means.

The Council currently held over £10 million from Section 106 legal agreements, with the funding to be retained and aggregated until suitable schemes were available for implementation. The types of survey required to implement schemes, such as junction improvements were mentioned. The Committee would be presented with a report on the CIL Bidding Prospectus in the new year.

The CIL project officer confirmed that the information concerning the Section 106 funds to be spent by the end of 2022/23 could be provided outside of the meeting.

In response to questions, the Head of Planning and Development confirmed that the traffic signalisation of the M20 Junction 7 roundabout had been included within the Infrastructure Delivery Plan since its creation. Following National Highways' objections to several developments

within that local area, three Section 106 agreements had been signed to secure a contribution from the relevant housebuilders to the scheme. The Director of Regeneration and Place provided reassurance that the Council would continue to bid for Government grants to contribute to the scheme's cost.

Several Members of the Committee expressed concern at the lack of transport infrastructure that had been provided.

RESOLVED: That the Infrastructure Funding Statement for the last financial year, 2020-2021, attached as Appendix 1 to the report, be noted.

127. ARTICLE 4 DIRECTION COVERING THE PRIMARY SHOPPING AREA OF MAIDSTONE AND THE RENEWAL OF CERTAIN EXISTING ARTICLE 4 DIRECTIONS

The Head of Planning and Development introduced the report and highlighted the recent amalgamation of various building use classes, including retail, business and leisure, into 'Use Class E' which afforded landowners with Class MA permitted development rights.

It was proposed that a non-immediate Article 4 Direction be served across the primary shopping area of the Town Centre, to restrict the exercise of permitted development rights which allowed a change of use from Class E to residential use. Property owners would be required to submit prior a planning application. Furthermore, this area included eight of the fourteen office buildings that had previously been subject to an Article 4 direction. The remaining six office buildings would be covered by the implementation of separate non-immediate Article 4 direction's, if agreed.

In relation to the quality of a building's conversion through permitted development rights, it was noted that the conditions applied, such as transport and access, were general conditions that were applied nationally rather than taking into account the requirements of a specific local area.

The direction should be served within a small geographical area and be supported by a robust evidence base. As the core primary shopping area had been included within the 2017 adopted Local Plan, it was likely that the associated evidence base would be suitable to support the direction's implementation.

The Committee expressed support for the proposal, to ensure that any conversions were of suitable quality. The importance of the Town Centre's future prosperity, particularly in relation to the Town Centre Strategy currently being developed by the Council, was highlighted.

RESOLVED: That

1. The six existing Article 4 directions be renewed by the serving of new non-immediate Article 4 directions that restrict Class MA permitted development;

2. A non-immediate Article 4 direction be served on the 'primary shopping area' as defined by the adopted Local Plan; and
3. Consideration be given to reviewing the hierarchy of development that will be in villages, starting with the smaller villages, finding the key services and considering the use of Article 4 directions for those key services within what were decided as sustainable locations.

128. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reasons specified having applied the public interest test:

Head of Schedule 12A and Brief Description

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| Park & Ride | Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
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129. PARK & RIDE SERVICE

The Parking Services Manager introduced the report and outlined the contents of and reasoning behind the proposal.

The importance of and environmental benefits associated with public transport were highlighted. However, the Committee expressed concern at the proposal and it was felt that alternatives options should be considered.

RESOLVED: That

1. No further action be taken; and
2. Officers investigate alternative uses in the short and long term, to be presented to the Committee at a later date.

130. DURATION OF MEETING

6.30 p.m. to 9.07 p.m.

Note: The Committee adjourned for a short break between 7.40 p.m. to 7.55 p.m.