

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 8 FEBRUARY 2022

Present: Councillors Clark, Cooper (Chairman), Cox, Garten, McKay, Munford, Russell, Spooner and Springett

Also Present: Councillor English

155. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Grigg.

156. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Cox was present as Substitute Member for Councillor Grigg.

157. URGENT ITEMS

The Chairman stated that he intended to take Item 24 – Article 4 Directions as an urgent item, alongside an urgent update to Item 24 – Article 4 Directions.

158. ITEMS WITHDRAWN FROM THE AGENDA

The Head of Planning and Development informed the Committee that planning permission was required to demolish a means of enclosure within a Conservation Area and was therefore an existing means of control.

RESOLVED: That Item 17 – Article 4 Direction for Bearsted Conservation Area, be withdrawn from the agenda.

159. NOTIFICATION OF VISITING MEMBERS

Councillor English was in attendance as a Visiting Member for Item 14 – Reference from the Policy and Resources Committee – Parking season Tickets – Fees and Charges 2022-23 and Item 16 – Conservation Area Appraisal and Management Plan Work Programme Update.

160. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

161. DISCLOSURES OF LOBBYING

All Members of the Committee had been lobbied on the following items:

- Item 18 – Local Plan Review Update
- Item 22 – SoCG in relation to the East Sussex, Brighton and Hove, and South Downs National Park Authority Minerals and Waste Plan
- Item 23 – Exempt Appendix 1 – Draft East Sussex, Brighton and North Downs Minerals and Waste SoCG, Item 22 SoCG in relation to the East Sussex, Brighton and Hove, and South Downs National Park Authority Minerals and Waste Plan

162. EXEMPT ITEMS

RESOLVED: That all items be taken in public, unless any Member of the Committee wished to refer to Item 23 – Exempt Appendix 1 – Draft East Sussex, Brighton and North Downs Minerals and Waste SoCG, to Item 22 – SoCG in relation to the East Sussex, Brighton and Hove, and South Downs National Park Authority Minerals and Waste Plan, in which case the Committee would enter into closed session due to the possible disclosure of exempt information.

163. MINUTES OF THE MEETING HELD ON 11 JANUARY 2022

RESOLVED: That the Minutes of the meeting held on 11 January 2022 be approved as a correct record and signed, subject to the addition of Councillor Munford’s departure time under Minute 138 – Minutes (Part I) of the Meeting held on 7 December 2021, to read:

‘Note: Councillor Munford left the meeting at 6.39 p.m.’

164. PRESENTATION OF PETITIONS

There were no petitions.

165. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were seven questions from Members of the Public.

Question from Mr John Horne to the Chairman of the Strategic Planning and Infrastructure Committee

‘The Minister of State for Housing (Rt. Hon Christopher Pincher MP) has published guidance that "Local Councils are expected to address water supply, wastewater and water quality as part of the Local Plan process". Accordingly, to ensure adequate water facilities for our Borough during the Review Period and within the drought contingency period, what evidence, if any, of suitable undertakings from relevant persons will accompany submission of the Review to the Secretary of State and concurrently achieve compliance with the Government’s 25 Year Environment Plan?’

The Chairman responded to the question.

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

'MBC recently delivered 170% against the Housing Delivery Test, the highest in Kent. That is, MBC delivered 1,599 more homes over those three years than required by the Annual Assessed Needs in the Local Plan. That is now being justified as necessary to make-good under-delivery in the early years of that Local Plan. However, that means it is unnecessary for the Trajectory in the soon-to-be-submitted version of Reg19 to depict, or give rise to, a surge in the early years. Any such surge would again risk early failure against Five Years' Housing Supply and give rise to an acceleration of population projections and an even greater Housing Needs figure when the Local Plan is again reviewed five years from now.

What additional policies will MBC add as Main Modifications to Reg19 to target a flat Trajectory and to control housing development against that Trajectory to avoid such risks?'

The Chairman responded to the question.

Mr Peter Coulling asked the following supplementary question:

'Development Plan Documents are fine, but my question was about what additional policies will be put into the main modifications; I am guessing that from your answer that it is concluded that Maidstone Borough Council will just give up on this issue and take whatever the developers deliver against the review. That does not seem right for our borough, does it?'

The Chairman responded to the supplementary question.

Question from Mr Chris Sheppard to the Chairman of the Strategic Planning and Infrastructure Committee

'Please will the Committee confirm they delivered 3,878 new homes built in the period April 2018 to March 2021, this is 1,599 new homes or 170% above target?'

The Chairman responded to the question.

Mr Sheppard asked the following supplementary question:

'Why do you still pursue the need to build the Lidsing garden development of over 2,000 plus new homes in an area of outstanding natural beauty which has no support from anybody but the developers. Please will you confirm that you're developing your proposals with the neighbouring councils, particularly Medway Unitary Authority and stakeholders and how you intend to deal with the complete lack of infrastructure including health, schools, highways, water and sewerage in this beautiful rural area?'

The Chairman responded to the supplementary question.

Question from Ms Vanessa Jones to the Chairman of the Strategic Planning and Infrastructure Committee

Of the 2,250 representations submitted, please confirm the number which relate to the Lidsing Garden Community proposal and, of those, how many are objections?

The Chairman responded to the question.

Ms Jones asked the following supplementary question:

'When processing the representations, do officers work to written guidance and if so, can this please be made public. If there is no written guidance, how does MBC ensure consistency and impartiality. In a quick poll of 'Against Lidsing' supporters yesterday, of the 190 people who submitted objections, only 57 have received a unique response ID from MBC. Does this low number concern you and by what date will everyone receive their number?

The Chairman responded to the supplementary question.

Question from Ms Kate Hammond to the Chairman of the Strategic Planning and Infrastructure Committee

At January's SPI Committee meeting, a public question asked if you were planning to submit the draft Local Plan without any significant changes. You answered by saying you didn't expect to have to make any changes that would require further consultation and that you fully intended to submit the draft plan for examination in March 2022. Given you have yet to fully analyse the nearly 3,000 Regulation 19 consultation responses and present them before this Committee, can you please explain what you think the point of public consultation is?

The Chairman responded to the question.

Ms Hammond asked the following supplementary question:

'Does this suggest you are predetermined?'

The Chairman responded to the supplementary question.

Question from Mr Steve Heeley to the Chairman of the Strategic Planning and Infrastructure Committee

The draft for submission document of your Local Plan review includes policy LPRSP4(A) Heathlands which proposes a new town east of Lenham with 5,000 homes in the middle of the Kent countryside. The Policy & Resources Committee received an update in January on Heathlands that confirmed only 30% of landowners had agreed to their land being included in the masterplan and had subsequently agreed options. Can you tell me whether you will be submitting your draft Local Plan for Examination in March without 100% of landowners having signed options in place?

The Chairman responded to the question.

Mr Heeley asked the following supplementary question:

'That doesn't really answer whether you are going to submit if you haven't got 100% of landowners. If you've got less than all of the 5 principal land owners that own the land for the Heathlands development and if they're not signed up by point that you submit your plan, will you delay submitting your plan or will you carry on regardless?'

The Chairman responded to the supplementary question.

Question from Mr John Hughes to the Chairman of the Strategic Planning and Infrastructure Committee

Covid has rapidly accelerated the growth of online shopping and therefore is likely to lead to the closure of more shops in the town centre, which could threaten its "county town" role. How does the Reg19 Plan adapt to this trend and ensure the attractiveness and viability of the whole of the town centre in the future?

The Chairman responded to the question.

Mr Hughes asked the following supplementary question:

'As you rightly say Maidstone has a great opportunity to develop the Town Centre and make more of the river Medway frontage which will attract lots of people for shopping, leisure and to visit, but there is some critical infrastructure required to do that, and that is two things; a pedestrian bridge from the shopping centre to the other side of the river, to what is in fact the riverside opportunity area and riverside walking and cycling paths, which are mostly there at the moment. I note that in the 2016 Integrated Transport Strategy there was an action, W2, which was to put in place a pedestrian bridge over the Medway and as far as I'm aware no progress seem to have been made in the last 6 years, but I would be very grateful if you could bring me up to date on that. Will the Local Plan Review strengthen the remit for the Town Centre plan to achieve a new central river pedestrian bridge and the enhancement of the riverside setting, particularly in the riverside opportunity area which it doesn't do at the moment?'

The Chairman responded to the supplementary question.

Question from Mrs Sue Harwood to the Chairman of the Strategic Planning and Infrastructure Committee

Mrs Harwood had given notice of her wish to ask a question but was unable to do so at the meeting.

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 6:08 to 32:21 of the recording.

To access the webcast, please use the link below:

[Strategic Planning and Infrastructure Committee Meeting - 8 February 2022 - YouTube](#)

166. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

167. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

168. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

169. CHANGE TO THE ORDER OF BUSINESS

The Chairman intended to take Item 18 – Local Plan Review Update, after Item 12 – Committee Work Programme to facilitate the public speaker in attendance.

170. LOCAL PLAN REVIEW UPDATE

Prior to the report's introduction, Mr Peter Titchener addressed the Committee.

The Strategic Planning Manager introduced the report and stated that the report on the main modifications arising from the Regulation 19 'draft for submission' documents public consultation would be presented to the Committee on 21 March 2022.

The processing and analysis of the representations submitted continued; the Lidsing Garden Community proposal had currently received the highest number of representations, with a large number received for the Heathlands Garden Community proposal alongside those for the Invicta Barracks site as carried forward from the 2017 adopted Local Plan (LP). The comments made within the representations, such as the effects to the local landscapes of the proposals, were outlined. Technical work continued in relation to those proposals to provide reassurance to the Inspector following the LP's submission and to ensure compliance to the Regulation 19 policies that required such work to be conducted in the production of Supplementary Planning Documents.

It was likely that additional Statements of Common Ground would be presented to the Committee prior to the LPs submission. Further transport work may also be available at the time of submission.

RESOLVED: That the report be noted.

171. REFERENCE FROM THE POLICY AND RESOURCES COMMITTEE - PARKING SEASON TICKETS - FEES AND CHARGES 2022-23

The Democratic Services Officer introduced the referenced received from the Policy and Resources Committee, following its consideration of the proposed Fees and Charges 2022-23.

The Committee expressed support for retaining the current charge level across the 2022/23 financial year, to provide further support for season ticket holders after the Park and Ride Services' end. It was highlighted that the 2022/23 fees and charges within the Committee's remit had been agreed prior to the decisions taken in relation to the Park and Ride service. It was confirmed that charges referred to were shown in Appendix 2 to the report, under the heading 'Season Tickets – Car Parks D041 RC20'.

Several Members expressed support for residents being able to use their parking permits across the car parks owned by the Council to increase the parking available. In response, the Chairman and Vice-Chairman would raise the issue with the relevant officers with a view to having a report presented to the Committee at a later date.

RESOLVED: That the parking season ticket charges remain the same as the current 2021-22 financial year.

172. SHORT TERM OPTIONS TO UTILISE PARK & RIDE SITES POST SERVICE CLOSURE

The Parking Services Manager introduced the report, which proposed a series of short-term uses for the Willington Street Park and Ride site up until 31 March 2023.

The proposals included the provision of a mobile Covid-19 testing site from February 2022, use of the site to conduct NHS Galleri Trials from May 2022 and the sites' use as an external parking facility for events held at Mote Park from June 2022. The latter would generate additional funds to offset the site's costs, alongside reducing traffic into the town centre.

In response to questions, the Parking Services Manager confirmed that the payable business rates for the Willington Street site were in the region of £35,000. There was no definitive estimation of the financial income that could be generated from the site's proposed usage, however the income generated would be used to offset costs. A future report on the long-term uses of the site would be presented to the appropriate Committee at a later date.

The Committee expressed support for the short-term actions proposed which were felt to be sensible. It was reiterated that a wide range of options should be considered within the report containing the medium and long-term options for the site's use.

RESOLVED: That Officers

1. Relocate the Covid-19 mobile testing unit to the Willington Street Site from February 2022;
2. Engage with EMS Mobile Healthcare in relation to the NHS Galleri Trials to allow use of the Willington Street site from May 2022; and
3. Promote the Willington Street car park for event parking and apply market rate charges to event organisers.

173. ADJOURNMENT OF MEETING

The Committee adjourned for a short break between 7.58 p.m. to 8.10 p.m.

174. CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN WORK PROGRAMME UPDATE

The Principal Conservation Officer introduced the report and stated that the two-year work programme previously agreed by the Committee in 2019 had ended in December 2021. Nine conservation area appraisals and management plans had been completed during the period.

The priority areas for the creation of appraisals and management plans were outlined, with a checklist to be provided to Parish Councils to assist in their development. The work's progression depended on the resources available to the Heritage, Design and Landscape Team given its significant workload which included updating the list of locally scheduled heritage assets as part of the Local Plan Review and existing case work. It was therefore anticipated that one appraisal and management plan could be completed in the next year from 2022-23, beginning with Staplehurst.

Several Members expressed disappointment at the number of areas that did not have an appraisal or management plan in place, especially as the management plan could be taken into account in planning decisions. The Head of Planning and Development confirmed that management plans were more effective than Article 4 Directions in Conservation Areas due to limited permitted development rights of listed buildings.

The importance of providing adequate resources to enable the documents to be produced in a timely manner alongside the other ongoing work, for example the Local Plan Review and the creation of Development Plan Documents, was reiterated.

RESOLVED: That

1. The report be deferred with officers requested to seek further funding opportunities and report back to the Committee; and
2. Further engagement take place with Parish Councils.

175. ARTICLE 4 DIRECTIONS

The Head of Planning and Development introduced the report, referencing the expansion of permitted development rights and the Committee's previous resolutions on the exploration of Article 4 Directions in Fant and the protection of essential services within the village development hierarchy. The initial work undertaken in Fant had not uncovered many streets where it would be appropriate to implement an Article 4 Directions on Houses of Multiple Occupation (HMO).

The proposed strategic prioritisation of the Article 4 Directions was outlined taking account of the resource intensive work currently being carried out, such as the preparation of the Design and Sustainability Development Plan Document. The prioritisation included the completion of the exploratory work in the Fant Area, the commencement of the exploratory work across the development hierarchy followed by the Conservation and Employment Protection areas. Additional resources would be required.

In response to questions, the Head of Planning and Development confirmed that Neighbourhood Plans were similar to Management Plans in that the document could influence local developments. The protection of everyday services within Conservation Areas would be considered as part of the creation of a management plan.

Whilst several Members expressed support for pursuing the Article 4 Directions as proposed, it was felt overall that there should be greater strategic priority given to the initial development of management plans in Conservation Areas, to provide the policy to support any future Article 4 Directions and ensure the quality of development within a local area.

RESOLVED: That

1. Work on prioritising Conservation Areas and getting the management plans in place be completed, before proceeding with Article 4 Directions.

176. MAIDSTONE DESIGN AND SUSTAINABILITY DEVELOPMENT PLAN DOCUMENT UPDATE

The Interim Local Plan Review Director introduced the report and referenced the previous decision taken by the Committee in September 2021.

An initial market engagement exercise had taken place in October 2021 but no submissions had been received. In response, several companies that had visited the portal were contacted and officers were advised that due to the current high demand for consultancy services combined with staffing issues, companies were reluctant to engage in pre-tender exercises. A formal tender exercise was undertaken between 15 November to 8 December 2021, followed by a further tender period

between 10 December 2021 to 14 January 2022. As a result, one bid had been received from an international multi-disciplinary built consultancy.

The company had since been interviewed and was felt to possess the range of skills and background required to complete the work. In order to secure the consultant and avoid further delay, it was recommended that the all-Member briefing take place after the consultant was appointed rather than prior to their appointment as previously agreed.

In response to questions, the Interim Local Plan Review Director confirmed that there were no immediate concerns arising from the possible prioritisation of the work required after having entered into a contract. It was reiterated that the company had a good reputation within the market.

The Committee expressed support for the company's appointment, prior to the all-Member engagement exercise to secure their availability.

RESOLVED: That

1. Officers be authorised to enter into a contract for the preparation of the Design and Sustainability Development Plan Document in advance of the all-Member briefing session required by the 21 September 2021 resolution of the Committee, subject to:
 - a. An assurance from officers that the all-Member engagement session be conducted in advance of any significant work being undertaken post contract.

177. RESPONSE TO SWALE BOROUGH COUNCIL LOCAL PLAN REVIEW 'ISSUES AND PREFERRED OPTIONS' CONSULTATION

The Strategic Planning Manager introduced the report and stated that Swale Borough Council (SBC) had repeated its Regulation 18 'Issues and Preferred Options' consultation in November 2021, as part of its Local Plan Review. Due to technical issues that had affected multiple local authorities the Council was unable to respond at that time. SBC had given agreement for the Council to submit a representation.

The contents and purpose of SBC's Regulation 18 document and preferred housing strategy were briefly outlined. Particular attention was drawn to the question within that consultation on whether neighbouring authorities should be asked to provide for SBC's unmet housing need. The proposed response, as shown in Appendix 1 to the report, included that SBC was able to accommodate its housing needs figure and that any departure from that assumption was unlikely to be successful. Additional new evidence would also be required in light of the evidence previously submitted by SBC.

In response to questions, the Strategic Planning Manager stated that SBC were conducting further transport work, which would likely be included

within the evidence base of its Regulation 19 consultation, due to take place later in 2022.

The Committee expressed support for the response as proposed, with a request made to use plain English.

RESOLVED: That

1. The consultation on the Swale Borough Council Local Plan Review Regulation 18 'Issues and Preferred Options', be noted; and
2. The response to the Swale Borough Council Local Plan Review Regulation 18 'Issues and Preferred Options' consultation, attached as Appendix 1 to the report, be agreed.

178. MBC RESPONSE TO THE KENT MINERALS AND WASTE PLAN REFRESH

The Principal Planning Officer introduced the report and stated that the Kent Minerals and Waste Plan was undergoing a refresh following the review undertaken in 2020.

The plan formed part of the Council's Development Plan Documents and was used in the assessment of planning applications. There had not been any new mineral site allocations proposed. The proposed changes related to policy amendments that would require consideration towards a circular waste economy, for example the re-use of materials. The suggested response was contained within Appendix 1 to the report.

The Committee expressed support for the expansion of the existing recycling site, alongside the additional site proposed. The Principal Planning Officer confirmed that the contents of the plan did not have any implications on the site allocations within the borough.

RESOLVED: That

1. The current consultation on the proposed refresh of the Kent Minerals and Waste Plan, be noted;
2. The proposed response to the consultation as shown at Appendix 1 to the report, be agreed; and
3. The additional household recycling site and the expansion of the existing site be welcomed.

179. SOCG IN RELATION TO THE EAST SUSSEX, BRIGHTON AND HOVE, AND SOUTH DOWNS NATIONAL PARK AUTHORITY MINERALS AND WASTE PLAN

The Principal Planning Officer introduced the report and stated that East Sussex, Brighton and Hove and South Downs National Park Authorities were undertaking a joint review of the adopted Waste and Mineral Local Plan.

A brief explanation of the Statement of Common Ground attached as exempt Appendix 1 to the report was provided, which included recognition of the historic provision of soft sand from Kent County. As such, Kent County Council (KCC) and the Council had been consulted as co-signatories to the document.

In response to questions, the Principal Planning Officer stated that KCC was the minerals planning authority and would, for example, determine any planning applications relating to minerals extraction sites.

RESOLVED: That the Statement of Common Ground, as attached at Exempt Appendix 1 to the report, between Maidstone Borough Council, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council and the South Downs National Park Authority, be agreed.

180. EXEMPT APPENDIX 1 - DRAFT EAST SUSSEX, BRIGHTON AND NORTH DOWNS MINERALS AND WASTE SOCG, ITEM 22 - SOCG IN RELATION TO THE EAST SUSSEX, BRIGHTON AND HOVE, AND SOUTH DOWNS NATIONAL PARK AUTHORITY MINERALS AND WASTE PLAN

RESOLVED: That the item be considered alongside Item 22 – SoCG in relation to the East Sussex, Brighton and Hove, and South Downs National Park Authority Minerals and Waste Plan.

181. ARTICLE 4 DIRECTION FOR BEARSTED CONSERVATION AREA

RESOLVED: See Minute 158 above.

182. DURATION OF MEETING

6.30 p.m. to 9.41 p.m.

Note: The Committee adjourned between 7.58 p.m. to 8.10 p.m. for a short break.