

## **MAIDSTONE BOROUGH COUNCIL**

### **Planning, Transport and Development Overview & Scrutiny Committee**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 20 JANUARY 2015**

**Present:** Councillor Springett (Chairman), and  
Councillors Chittenden, English, Munford, Powell,  
Ross, Round, de Wiggondene and Willis

**Also Present:** Councillors Ash, Black, Burton,  
Cuming, Daley, Mrs Gooch, Greer,  
Harper, Hogg, Mrs Joy, B Mortimer,  
D Mortimer, Newton, Paine, Perry,  
Sams, Mrs Stockell, Thick, P Watson  
and J.A. Wilson

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

**RESOLVED:** that all items on the agenda be webcast.

123. APOLOGIES

Apologies for lateness were received from:

- Councillor de Wiggondene; and,
- Councillor Ross.

Both arrived at 5:40pm

124. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Cuming substituted for Councillor de Wiggondene until he arrived.

125. NOTIFICATION OF VISITING MEMBERS

Councillors: Ash, Burton, Cuming, Daley, Harper, Hogg, B Mortimer, D Mortimer, Newton, Paine, Perry, Mrs Stockell, Thick, P Watson and J.A. Wilson were all in attendance to make statements under item 8 of the agenda.

Councillors: Black, Greer, Mrs Gooch, Mrs Sams and Mrs Joy were in attendance as observers.

126. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Springett declared an 'Other Significant Interest' by virtue of the fact that her property borders the boundary of site H1 (17) – Barty Farm, Bearsted.

Councillor Burton declared a Disclosable Pecuniary Interest in site H1 (10) – Land South of Sutton Road, Langley.

Both Councillors were to leave the room when these sites were discussed in detail.

There were no disclosures by Officers.

127. 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.

128. MINUTES OF THE MEETING HELD ON 16 DECEMBER 2014

**RESOLVED:** That the minutes of the meeting held on 16 December 2015 be approved as a correct record and signed by the Chairman.

129. URGENT ITEMS

**RESOLVED:** that the following items be taken as urgent updates to item 8:

- Appendix C, the Interim Sustainability Findings: Housing Site Options summary tables relating to agenda Item 8. Hard copies were sent to all committee members and substitute members with the courier on Friday 16 January. Hard copies were available at the meeting;
- Urgent Update – regarding H1 (10 Land South of Sutton Road, Langley and H1 (11) Springfield, Royal Engineers Road and Mill Lane, Maidstone, and Lane South of Grigg Lane, Headcorn (H1 (41)) and;
- Urgent Update – Infrastructure Update note.

130. MAIDSTONE BOROUGH LOCAL PLAN - NEW AND AMENDED SITE ALLOCATIONS

The Chairman confirmed all councillors had been lobbied on Agenda item 8, Maidstone Borough Local Plan – new and amended site allocations.

The Chairman stated the Committee would start by considering Appendix D of the report, Proposed new site allocation policies and proposed omission of H1 (48) Heath Road, Boughton Monchelsea, for approval for

Regulation 18, followed by Appendix A, Schedule of responses to the representations to the sites in Policy H1.

The Chairman introduced Rob Jarman, Head of Planning and Development, Sarah Anderton, Principal Planning Officer, Spatial Planning and Steve Clarke, Principal Planning Officer, Spatial Planning to the meeting.

Mr Jarman introduced two urgent updates for the Committee, an Infrastructure Update Note and a Schedule of Changes to Site Capacities.

Mr Jarman explained the sites in the report for this agenda item, in Appendix A and B, were the proposed amendments to existing allocations and the majority were recommended for consultation at Regulation 19 stage, with three exceptions:

- Land South of Sutton Road, Langley (H1 (10)) and Land South of Grigg Lane, Headcorn (H1 (41)) – housing numbers for both sites had been decreased, with the development area to the east being increased. These sites were recommended to go to Regulation 18 consultation again as these changes were regarded as significant, and;
- Springfields, Royal Engineers Road and Mill Lane, Maidstone, although there were no proposed changes by Officers, the yield for this site had been reduced from 950 to 500, and was recommended to go to Regulation 18 consultation again due to the significant change for this site.

Mr Jarman went on to update the Committee on the Land East of Hermitage Lane, Maidstone. This policy was not included in the papers. The site was an allocation in the adopted and draft local plans. The site was approved by Cabinet in February 2014 to go to Regulation 18 consultation from March to May 2014. Tonbridge and Malling Borough Council did not object to a country park associated with this policy allocation.

A planning application was refused for this site in Summer 2014 and was subject to an enquiry later in 2015. In terms of the public enquiry Tonbridge and Malling Borough Council had objected to a country park by a Rule 6 Statement. Maidstone Borough Council had continued on-going dialogue with Tonbridge and Malling Borough Council and hoped to resolve any issues with them. Mr Jarman pointed out this highlighted officers' commitment to the delivery of strategic open space.

Mr Jarman told the Committee the National Planning Policy Framework (NPPF) would be quoted by the inspector at the Public Examination into the Local Plan. In particular Section 7 – to Deliver a Wide Choice of Housing, paragraph 47;

“To boost significantly the supply of housing Local Plan Authorities should use their evidence base to ensure their Local Plan meets the full objectively assessed needs for market and affordable housing.”

Mr Jarman accepted Maidstone’s objectively assessed need of 18,600 was unpopular, but pointed out the inspector, at the public enquiry, would ask why there was a gap between a proposed housing figure and the objectively assessed need figure if a smaller figure was agreed.

Mr Jarman explained the transport modelling data was incomplete. However Maidstone Borough Council (MBC) had carried out a lot of its own transport modelling in 2012, in particular for Staplehurst and Coxheath. Any application of any size came with a transport assessment, which was modelling. Mr Jarman told the Committee, in his opinion, MBC had a very good evidence base, but it was incomplete.

Mr Jarman also explained MBC did not have a complete evidence base for every part of the infrastructure for Maidstone Borough. However, MBC had consulted with all infrastructure deliverers including Kent County Council and Kent County Highways. If infrastructure providers had raised concerns regarding issues that could not be mitigated on particular sites, these sites had not been recommended. Where sites had been identified as having issues that could be mitigated, the issues had been highlighted in the policy criterion.

Mr Jarman stated all sites put forward for inclusion in the draft local plan had been objectively and comprehensively assessed.

Sarah Anderton introduced her report and reminded the Committee of the process the draft Local Plan had gone through over the past year. The report was part of the draft Local Plan sequence of consideration of proposed housing site allocations. The report contained two main aspects, the representations to the 50 sites that went to Regulation 18 public consultation and responses, in preparation for Regulation 19 consultation, and; the additional sites to fill the shortfall to go to Regulation 18 consultation in February 2015.

Ms Anderton explained to the Committee the first call for sites had a shortfall. When MBC first called for sites it had a working target of 14,600, significantly less than the later objectively assessed housing need figure of 18,600.

Ms Anderton went on to explain all sites had gone through a rigorous screening process. Using the Strategic Housing Land Assessment (SHLA) common basis and pro former which involved consultation with stakeholders and infrastructure providers to establish the suitability of each site. There had been considerable opposition to the number of sites and the loss of greenfield sites. Ms Anderton reiterated MBC was obliged by the NPPF to meet the identified need.

Ms Anderton informed the Committee that cabinet had committed to a dispersed pattern of development, making best use of the best and most

sustainable sites and prioritising and maximising the development of brownfield sites. However, there was still a necessity to use greenfield sites, which had been raised as an issue in many of the public responses. The majority of responses received from the public focussed on whole scale deletion of sites rather than changes to the proposals. Common concerns raised included issues around the impact on heritage, landscape and countryside and air quality and ecology. On reflection it was felt these issues did not have the prominence needed in the draft local plan and highlighted the need for some policy redrafting at the beginning of the plan to make the policies more explicit as they covered a selection of sites.

Ms Anderton explained the NPPF required MBC to plan positively, and, with respect to landscape and countryside protection, needed to try and find solutions rather than dismissing a site because it had an issue. The Local Plan policies provide parameters for development in the borough, outlining the key issues that needed to be addressed before development could take place. It was a framework for planning application decisions and did not look at the specific detail of a site as did the planning application process.

Ms Anderton went on to point out to the Committee that one site, Heath Road, Boughton Monchelsea, allocated in the draft local plan, was being proposed for deletion as part of the Regulation 18 consultation with the new sites. This was because the site had no vehicular accessed.

The Committee agreed to focus the discussion on the details of each site and not the objectively assessed housing need figure and further agreed to look at Appendix D Proposed New Site Allocation Policies first then move to Appendix A Schedule of Responses to the Representations to the Sites in Policy H1.

### **H1 (51) – Bridge Industrial Centre, Wharf Road, Tovil**

Councillor Hogg addressed the Committee and stated he supported the inclusion of this site. However, he did have concerns with this site regarding flooding and the need for increased medical facilities and an emergency access route.

Mr Clarke confirmed the site was in the existing local plan. It was on a raised platform and a flood risk assessment and a land contamination survey would be requested with any planning application.

The chairman allowed Geraldine Brown from the Kent Association of Local Councils to address the Committee.

Ms Brown raised concerns of the parish councils she represented regarding the objective assessed housing need figure and requested MBC reworked the figure in light of NPPF permitted flexibility.

The Committee agreed it would be useful to see copies of the correspondence between Ms Brown and MBC regarding the methodology used to establish the objectively assessed housing need figure.

**H1 (52) – Dunning Hall off Fremlin Walk, Week Street, Maidstone**

The Committee agreed the development of this site was crucial to the refit of the United Reform Church and the regeneration of this town centre brown field site.

**H1 (53) – 18-21 Foster Street, Maidstone**

The Committee agreed this was an uncontroversial run down office site with a small yield but would help with achieving housing numbers.

**H1 (54) – Slencrest House, 2 Tonbridge Road, Maidstone**

Councillor Harper addressed the Committee and raised concerns regarding highway access to the site as well as the destruction of employment land in the borough.

Mr Clarke informed the Committee MBC had received an application for the conversion of this site as the owners were moving. Access to the site was via an adjacent site which was part of the draft local plan and had gone out to public consultation as part of the Regulation 18 consultation last year. It was not considered a viable employment site.

The Committee agreed sites similar to this should be used to ease the pressure of building on green field sites.

**H1 (55) The Russell Hotel, Boxley Road, Maidstone**

The Committee heard pre-development discussions were taking place for this site and it was considered no longer suitable for use as a hotel.

**H1 (56) – Land at 180-188 Union Street, Maidstone**

The Committee discussed concerns with the air quality near this site due to its proximity with the road.

**H1 (57) – Land at Former Astor of Hever Community School, Maidstone**

Councillor Harper addressed the Committee and raised concerns over the further development of the Oakwood Park site. He explained his concerns regarding highway access along very narrow roads which were used as a rat run raising the potential for accidents. The highway was used by three schools and a college making it unacceptable to add further traffic to Oakwood Road.

Mr Clarke explained to the Committee alternative access on Belmont Road had been explored and found tree preservation orders were in place. He stated the access shown was considered appropriate.

### **H1 (58) – Tovil Working Men’s Club, Tovil Hill, Tovil**

Councillor Hogg addressed the Committee and raised the issue of the access to the site via a blind corner which was close to the junction at Church Road. He went on to explain Tovil had started to develop a Community Plan and the site had been identified as a good site for houses and a medical centre with parking.

It was agreed the site access was dangerous and any improvements to it would help maintain the existing services on this site.

The Committee agreed to take sites H1 (61) next.

### **H1 (61) – Land at Cross Keys, Bearsted**

Councillor Ash addressed the Committee and explained he had serious concerns regarding this site. His concerns included historical flooding of the site being exacerbated by any development of the site; Sutton Road, a separate rural part of the village, would become joined to the village by; lack of school spaces in the two local schools with both schools reporting there was no room to expand.

Councillor Cuming addressed the Committee to express his concerns regarding over-subscribed local medical services and schools, dangerous access to and from the site and the impact on the rural Sutton Road becoming part of the urban area.

The Committee considered Section 106 agreements to provide funding towards school places were being given to schools outside of Bearsted where local children were being sent and would not be used for the benefit to Bearsted residents. The draft Infrastructure Delivery Plan presented to the Committee early in 2014 showed the nearest available school to Bearsted was six miles away with no buses from the village to these schools.

Mr Clarke informed the Committee there was an existing planning application for this site for 50 units. The application included a detailed site specific hydrology flooding assessment which dealt with existing problems outside the site. Mr Clarke also stated the rate of water discharge for any site should be no greater in its developed state than it was in its un-developed state. Further, Mr Jarman stated, the Environment Agency (the statutory consultee on flooding) had not objected to the site based on this assessment as the development was not in a flood risk zone, but had made a series of recommendations should planning permission be granted. The NHS and Kent County Council had stated they would ask for contributions towards infrastructure delivery.

Mr Jarman pointed out if the Committee were recommending this site be rejected and the Cabinet make the decision to reject it, it would mean the current planning application had a very good chance of being refused at Planning Committee. The reasons for rejecting this site needed to be made clear.

During discussion the Committee's main concerns regarding this site were the lack of school places and the severe historic flooding problems.

It was pointed out that none of the infrastructure providers had objected to the development of the site, but the parish council and several residents had.

It was also pointed out that KCC had objected to the development of 39 units on this site two years ago on the basis of a lack of school places. Concern was raised regarding KCC's inconsistency by not recently objecting to the development of 50 units on this site.

Further reference was made to the hydrology report for this site and it was pointed out that the Environment Agency had accepted the methodology used for the report and not the flood mitigation work recommended in the report. It was also questioned why the report made no reference to the Thurnham Booster, which was a South East Water pumping station in Crismill Lane, discharging water into one of the streams feeding into the Lilk stream. This raised concerns regarding the accuracy and thoroughness of the report.

### **Pre-determination**

The Committee discussed the issue of potentially pre-determining pending planning applications on sites in the list of new sites. It was explained that sites could be rejected by a Scrutiny Committee but approved at Planning Committee if the issues raised were addressed in the application. The role of this Committee was not to specifically address the planning applications but to address policy for sites. Supporting a site or not as part of this scrutiny process does not mean support for or against a specific planning application.

The Committee agreed not to discuss sites with planning applications that had gone to appeal or had been approved.

### **H1 (59) – Bearsted Station Goods Yard, Bearsted**

The Committee agreed although this site was in the same catchment area as the site previously discussed, this site was more favourable as the proposals were for a smaller development with housing of different characteristics.

### **H1 (60) – Fant Farm, Maidstone**

Councillor Paine addressed the Committee and expressed the concerns of the community regarding this site. It was considered to be best and most

versatile farming land with significant views over the Medway Valley and the town. Councillor Paine considered the site to be an important strategic gap that should not be breached to provide an infill between Barming and East Farleigh. Councillor Paine reminded the Committee that the site was recommended for preservation in the Landscape Capacity Study. All three routes to the site were constrained by traffic congestion and developing on this site would increase this. Transport assessments had already been carried out for the site and Section 106 agreements do not take into account any development of the site.

Councillor Daley addressed the Committee. His main concerns related to increased traffic and road capacity.

Councillor Harper addressed the Committee and stated Fant had taken considerable infill development in recent years and he believed there was no local support for this site. A recent highways assessment for the development of Jubilee School in the area stated there was no solution to the extra traffic the school would generate, this was without including the development of the Fant Farm site.

### **H1 (62) – Land at Boughton Lane Loose/Boughton Monchelsea**

Councillor Derek Mortimer addressed the Committee on behalf of Councillor Grigg outlining concerns regarding traffic, transport infrastructure and the loss of green space.

The Committee agreed the issues with the existing traffic infrastructure in this area would only be compounded with the development of this site.

**ADJOURNMENT:** the Committee agreed to take a break between 20:20 and 20:45PM

### **H1 (63) – Land at Boughton Mount, Boughton Lane, Boughton Monchelsea**

The Committee heard this was a neglected site. The development of this site would see the restoration of the former private gardens and parklands associated with the previous dwelling providing the parish with public open space should this site be developed.

### **H1 (70) – Land at the junction of Church Street and Heath Road, Boughton Monchelsea and**

### **H1 (71) – Lyewood Farm, Green Lane, Boughton Monchelsea**

The Committee discussed these sites together and agreed increased medical facilities were needed in this area to accommodate further development.

### **H1 (64) – Bell Farm, North East Street, Harrietsham**

The Committee discussed the concerns regarding the development of this site, which included; lack of school places; lack of medical facilities; major

traffic issues on the A20 with speeding resulting in death; unsustainable sewage infrastructure, and; the cumulative impact of development on the size, character and footprint of the village.

### **H1 (65) Lane at Lenham Road, Headcorn**

Rebecca Driver, consultant, addressed the Committee and explained the outcome of her report on behalf of Headcorn Parish Council on the sustainability of housing building in the parish. Ms Driver explained the analysis in the report suggested the maximum level of sustainable house building in the parish to 2031 would be 145 units.

Councillor Thick addressed the Committee and explained the severe issues Headcorn had with the sewage infrastructure. Other concerns raised were the road network, school capacity and medical services.

Mr Jarman explained to the Committee that Southern Water had not objected to the site and stated they can improve the capacity of the sewage system.

The Committee agreed the issues with the sewage infrastructure were existing and needed addressing before any further development could be accepted.

The Committee also agreed that all sites had transport issues and there was an urgent need for the KCC transport modelling.

### **RESOLVED: That**

1. Committee recommend Cabinet approve the new housing site allocation policies as set out in Appendix D for Regulation 18 consultation in February 2015, subject to:
  - a) Site H1 (51) – Bridge Industrial Centre, Wharf Road, Tovil being accepted subject to a specific reference being made to include community infrastructure to improve medical services in the area and emergency access route to the site.
  - b) Site H1 (52) – Dunning Hall off Fremlin Walk, Week Street, Maidstone being accepted.
  - c) Site H1 (53) – 18-21 Foster Street, Maidstone being accepted.
  - d) Site H1 (54) – Slencrest House, 2 Tonbridge Road, Maidstone being accepted.
  - e) Site H1 (55) – The Russell Hotel, Boxley Road, Maidstone being accepted.
  - f) Site H1 (56) – Land at 180-188 Union Street, Maidstone being accepted subject to a note at Point 5 Landscape – on air quality issues because of the location of the site.

- g) Site H1 (57) - Land at Former Astor of Hever Community School, Maidstone being rejected until further exploration work was carried out to find alternative access for the site and bought back to this Committee for further consideration.
- h) Site H1 (58) - Tovil Working Men's Club, Tovil Hill, Tovil being accepted subject to issues with access to the site being addressed and Point 13 to include that the site be considered for the provision of a doctors surgery.
- i) Site H1 (59) - Bearsted Station Goods Yard, Bearsted being approved.
- j) Site H1 (60) – Fant Farm, Maidstone being rejected on the grounds on the grounds that:
- Further housing in this area would have a severe impact on the already congested junctions in the area which cannot be mitigated and would erode the unique pattern of development;
  - It will have a detrimental impact on the Medway Valley landscape quality, and;
  - The land is classed as 'best and most valuable' agricultural land as defined in the National Planning Policy Framework.
- k) Site H1 (61) - Land at Cross Keys, Bearsted being rejected on the grounds that the site had a historical and continual flooding issues and school provision in the parish is at full capacity with no space to expand the existing schools.
- l) Site H1 (62) - Land at Boughton Lane Loose/Boughton Monchelsea being approved subject to the Head of Planning and Development receiving clarity from Kent County Council as to what would be appropriate improvements to Boughton Lane and the junction of Boughton Lane and A229 Loose Road and reporting back to this Committee.
- m) Site H1 (63) - Land at Boughton Mount, Boughton Lane, Boughton Monchelsea being approved.
- n) Site H1 (64) - Bell Farm, North East Street, Harrietsham being rejected on the grounds that the cumulative impact of development having a detrimental effect on the character and size of the village and community and the footprint of the village. Should Cabinet decide to include this site the Committee recommend point 2 be amended to reflect the need for public open space.
- o) Site H1 (65) being rejected on the grounds of:
- Severe highways congestion;

- Severe flood risk in the area; and,
- A lack of a sewage infrastructure capable of dealing with further development.

p) Sites H1 (70) Land at the junction of Church Street and Heath Road, Boughton Monchelsea and H1 (71) - Lyewood Farm, Green Lane, Boughton Monchelsea being accepted subject to a reference to the need for additional medical facilities under point 9.

131. ADJOURNMENT

Prior to 22:30pm, the committee considered whether to adjourn at 22:30pm or to continue until 23:00pm if necessary.

**RESOLVED:** That the meeting be adjourned at 22:20pm and reconvened at 5pm Thursday 22 January 2015 at the Town Hall.