

## **MAIDSTONE BOROUGH COUNCIL**

### **Strategic Planning, Sustainability and Transportation Committee**

#### **MINUTES OF THE MEETING HELD ON MONDAY 14 DECEMBER 2015**

**Present:** Councillor Burton (Chairman), and Councillors English, Mrs Gooch, Mrs Grigg, D Mortimer, Springett, Mrs Stockell, de Wiggondene and Mrs Wilson.

**Also Present:** Councillors Ash, Mrs Blackmore, Clark, Munford, Round, Sargeant, Thick and J.A. Wilson

164. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Paine.

165. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Stockell was substituting for Councillor Paine.

166. **NOTIFICATION OF VISITING MEMBERS**

The following Members were in attendance reserving their right to speak on the items identified:

Councillor Ash – observing  
Councillor Blackmore – all items  
Councillor Clark – items 11 and 12  
Councillor Munford – item 11  
Councillor Round – all items  
Councillor Sargeant – observing  
Councillor Thick – all items  
Councillor J Wilson – all items

167. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Burton declared an Other Significant Interest in Site H1 (10) – Land South of Sutton Road, Langley and explained he would leave the meeting for item 11 and hand over to the Vice Chairman, Councillor Mrs Grigg.

It was agreed that the order of the agenda was changed and item 12 would be taken before item 11.

There were no other declarations by Members or Officers.

168. DISCLOSURES OF LOBBYING

All members declared they had been lobbied on the inclusion of Langley in the Landscapes of Local Value and additional sites; Bydews Place and Land South of Tovil for inclusion in Regulation 19 consultation under item 11 of the agenda tonight – Maidstone Borough Local Plan: responses to the Regulation 18 consultation (October 2015).

169. EXEMPT ITEMS

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

170. MINUTES OF THE MEETING HELD ON 1 DECEMBER 2015

**RESOLVED:** That the minutes of the meeting held on 1 December 2015 be approved as a correct record and signed by the Chairman subject to the following amendments:

- Removal of the duplication of Councillor Grigg under 'Present'
- Addition of Councillor Mrs Wilson under 'Present'.

171. URGENT ITEMS

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development for items 11 – Maidstone Borough Local Plan: responses to the Regulation 18 consultation (October 2015) and item 12 – Integrated Transport Strategy should be taken as urgent items as they contained further information relating to these agenda items.

The meeting was adjourned for five minutes to allow Members to read the updates.

172. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

173. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

**Question to the Chairman from Councillor Taylor-Maggio, Langley Parish Council:**

***"Is the Borough Council aware of the excellent quality of the landscape between the Len Valley and Langley village, as evidenced in the recent Langley Parish Council report, Landscape of Local Value, dated 17 November 2015?"***

The Chairman responded as follows:

*"I think we all did receive a copy of your lobbying material and we declared that at the beginning of the meeting.*

*Yes, I can say that the Council is aware of the quality of the landscape in this area. In particular, there have been two specialist reports to provide landscape evidence for the Local Plan; the Landscape Character Assessment (2013) and the Landscape Capacity Study Sensitivity assessment (2015).*

*Representations were made to the regulation 18 consultation requesting that this area be included as a Landscape of Local Value. This is a matter before the Committee and I do not want to prejudge what the decision the Committee will yet take.*

*I would also note a crucial point to underline is that all countryside areas, that being areas outside settlement boundaries, will be protected from inappropriate development through the Local Plan. Policy SP5 specifies the limited circumstances when development will be acceptable in the countryside. Policy ENV28, the predecessor of SP5, has already been used successfully a number of times to protect the village of Langley from a number of speculative planning applications."*

**Councillor Taylor-Maggio asked the following supplementary question:**

***"Will the Borough Council, therefore, support the extension of the Landscapes of Local Value notation to include areas 30 to 1 and 30 to 9 in the Landscape Character Areas Assessment report as requested by the Parish Council."***

The Chairman responded as follows:

*"For the reasons given previously I cannot give you a direct answer, but I'm sure Members have taken on board your request to them."*

**Alan Smith, Tovil Parish Council asked the following question:**

***"On the agenda tonight, Members are being urged by officers to approve two housing sites in Tovil, for a total of 502 homes, to be submitted directly to Regulation 19 consultation. Given that there has so far been no public consultation on these proposals, and that Members have not had the opportunity of hearing the views of Tovil Parish Council or of residents on the many reasons why these two sites should not be developed, will the committee agree either to drop the proposals entirely, or to insist that a further round of Regulation 18 consultation be held, of four weeks length equal to the October Regulation 18 consultation, so that Tovil residents are not denied the democratic rights given to other parts of the borough?"***

The Chairman responded as follows:

*"The inclusion of these sites for Regulation 19 consultation is a matter for decision tonight so I cannot, at this point, anticipate what the Committee's decision will be.*

*I believe it is proper and appropriate that officers should give to us options to consider. But I will make it absolutely clear that the decision making is by the elected members of this Committee, the referral Committee above or full Council.*

*I would also note it has been our protocol throughout this process to consider sites for allocation through a Regulation 18 consultation and whether it is appropriate or otherwise to consider that again for these sites, again, is a matter for the Committee to decide. But it is clear that elected members will make that decision."*

**Alan Smith, Tovil Parish Council asked the following supplementary question:**

***"We are all keen to see the conclusion of the local plan process, but the borough will have to go through another local plan preparation at some stage in the future. In deciding whether to fast forward these applications from DHA Planning straight to a Regulation 19 consultation, will this committee consider what message this will give to other planning consultants in the future, who may have controversial allocations who would benefit from cutting out one level of public scrutiny?"***

The Chairman responded as follows:

*"I'm not aware that we have received any applications for these sites, but I am aware that as part of Regulation 18 consultation responses the sites have been submitted for consideration. I would not possibly begin to predict the manner in which the next local plan, post 2031, will be conducted and there are many possibilities that the regulations will be changed between now and then, but I do believe that this Council is committed to the fullest, highest community engagement under the planning policy framework."*

**The Chairman read the following question on behalf of Mr J Talbot:**

***"The National Planning Policy Framework provides detailed guidance to local planning authorities on plan making. In order for a plan to proceed to adoption it must be found to be "sound" by an independent Inspector appointed by the Secretary of State. The test of "soundness" requires, amongst other things, that plans should be justified. In so far as the proposed allocation of land to the south of Tovil for circa. 452 new homes is concerned how can such an allocation be justified when the Kent County Council as Highways Authority have objected in the strongest possible terms. For Members benefit the letter from Barbara Cooper, Corporate Director for Economy, Growth and Transport at the County Council to the Borough Council clearly states that the traffic and highways impact of the proposed allocation would be detrimental to local residents, the travelling public and the ability of Maidstone's economy to function effectively."***

The Chairman responded as follows:

*"Members are aware of the correspondence and numerous consultation responses and in considering this site members will take into account all representations when making their decision."*

**Paul Brailsford of Freeths (representing Tovil residents):**

***"The allocation of land south of Tovil results in a numerical oversupply of housing i.e. it is more than is actually required. Without this allocation the shortfall is only 188 homes. That shortfall reduces again to 106 homes if the planning appeal in respect of land at Ham Lane is successful. It would therefore seem reasonable to assume that level of development could be easily dispersed across other sites which would obviate the need for such a significant incursion into the open country side in a location which is wholly unacceptable in highway terms. Is it therefore possible for the Committee to direct Officers to revisit those sites which have been discounted, thus far, as identified in Appendix C of the report - and which do not appear to be subject to such severe objections from a technical and public perspective - with a view to reporting back to this Committee at a later date? Such a report should identify what alternative allocation strategy could be advanced so that Members can make an informed choice regarding the allocation of land south of Tovil."***

The Chairman responded as follows:

*"I believe what you are asking is, what are the options available to us should the final choices for allocations proceeding to Regulation 19 fall short of the objectively assessed housing need number. I believe there are a number of options available and they include reconsideration of discounted sites, reconsideration of suggested densities, a further call for sites or to proceed with a shortfall."*

*It will be a matter for members to consider this evening how they wish to proceed at this point in the plan making process."*

174. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - INTEGRATED TRANSPORT STRATEGY

Before this item was considered, the Chairman asked the legal representative to refresh Members on how to approach the decision making process at committee meetings.

The Head of Planning and Development introduced the report and referred to the urgent update for this item and briefed the Committee on the revised recommendations.

The recommendation of the Maidstone Joint Transportation Board from their meeting on 7 December 2015 was highlighted as a significant move

forward. It meant the acceleration of vital junction improvements to enable the borough to cope with congestion using LEP funding, and possible growth fund money made available in the Chancellor's budget speech in November 2015.

The Committee was also asked to consider the deletion of the reference to widening of the A274 as part of the highway improvements on page 46 in the draft Integrated Transport Strategy (ITS).

The Committee was informed that the primary purpose of the ITS was to support the Local Plan allocations and set out broad parameters. It would not be examined but would overlap with the Local Plan allocations. Each junction improvement in the ITS, including rural junctions, had been through a detailed modelling process to come up with detailed mitigation subject to Section 106 agreements. It was noted that this was work in progress and needed refinement.

The Committee was also informed of the future of the Local Plan. Should it be adopted in 2017 the Council would proceed with the development of the new plan straight away. The first part of its development would be monitoring the adopted Local Plan via transport assessments and planning applications.

Councillors Clark, Mrs Blackmore and Thick addressed the Committee as visiting members.

During discussions the Committee considered the following issues:

- Cranbourne Avenue – concerns had been raised regarding the impact on other areas of Shepway should this road be closed to help ease congestion at the Wheatsheaf A229/A274 junction. It was discussed that work should be carried out to establish and evidence the accumulative effect closing this road would have on the surrounding area before making a decision to close it.
- Leeds/Langley relief road – work was needed to look at potential routes, testing and costing to establish whether to go ahead with the project or not.
- Officers noted a request to investigate the possibility of rail services from Maidstone to Charing Cross and London Bridge.
- The Committee requested a report come to this Committee outlining the possible options for 20 MPH speed limits.

**RESOLVED:**

1. That the following resolution of the Maidstone Joint Transportation Board, made at its meeting on 7 December 2015, be agreed:

*'We agree in the absence of an agreed transport strategy and in light of the evidence presented to this Board demonstrating*

*Maidstone's significant highway capacity constraints, this Board recommends that a transport strategy be taken forward urgently by the Borough and County Councils covering the period of the Local Plan, with a further review completed in 2022.*

*The aim of this strategy will be to mitigate the transport impact of future growth, in the first instance up to 2022. The strategy should comprise of the key highway schemes and public transport improvements agreed by the Board, and further traffic modelling will be required to identify its impact. It is proposed that the £8.9 million growth fund monies identified for transport be used to accelerate the delivery of these improvements. Existing developer contributions may then be used to support further measures.*

*The agreed transport strategy should also develop the justification for a relief road between the A20 to the A274 (the Leeds and Langley Relief Road), along with a preferred route, in order to allow testing with other strategic transport options and identify all sources of potential funding to enable the schemes to be implemented at the earliest opportunity.'*

Voting:            For – 9            Against – 0            Abstentions – 0

2. That the highway improvements set out on pages 45-47 (320 to 322 for the papers) of the Draft Integrated Transport Strategy, attached as Appendix One to the committee papers, be progressed, deleting:

- a) The words "*Widening of the inbound carriage way of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road*" from the column headed "Intervention" in the section referring to the "A274 Corridor" on page 321 of the report (page 46 of the Draft Integrated Transport Strategy);
- b) The words "*Close exit to Cranbourne Avenue and potential widening to two lanes of northbound approach on A229 Loose Road*" from the column headed "Intervention" in the section referring to "A229/A274 Wheatsheaf Junction" on page 321 of the report (page 46 of the Draft Integrated Transport Strategy) and replacing with appropriate words which give clarity to the work at the Wheatsheaf junction which identify capacity improvements in the area, on the understanding that consideration of Cranbourne Avenue will be included as part of those capacity improvements.

Voting:            For – 9            Against – 0            Abstentions – 0

3. That the provision of the North-west Maidstone Bus-loop be progressed.

Voting:            For – 9            Against – 0            Abstentions – 0

4. That the improvement of a frequent bus service from Maidstone Town Centre via M20 Junction 7 and Faversham/Sittingbourne/Sheerness be progressed with the appropriate bus operator.

Voting: For – 9 Against – 0 Abstentions – 0

5. That improvements to bus facilities at identified railway stations be progressed.

Voting: For – 9 Against – 0 Abstentions – 0

6. That the refurbishment and possible re-provision of a central Maidstone Bus-station be pursued with the relevant owners and bus service operators.

Voting: For – 9 Against – 0 Abstentions – 0

7. That the use of LEP Growth Fund monies be pursued to enable the early provision of the highway improvement measures in advance of development.

Voting: For – 9 Against – 0 Abstentions – 0

175. CHANGE OF CHAIRMAN

Councillor Burton left the meeting at 7:49pm.

The Committee took a short break until 8:00pm when Councillor Grigg to the Chair.

176. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - MAIDSTONE BOROUGH LOCAL PLAN: RESPONSES TO THE REGULATION 18 CONSULTATION (OCTOBER 2015)

The Head of Planning and Development presented the report and the urgent update and explained the partial Regulation 18 consultation, which took place in October 2015, only contained certain policies and allocations which had not previously been out to consultation or had amendments. This was the fourth time the draft Local Plan or parts of it, had gone through this process. The objective being to meet the objectively assessed housing need figure of 18,560 while trying to keep to the settlement hierarchy.

The Committee's attention was drawn to the updated 20 year housing land supply, to 30 November 2015, position in the urgent update showing an unmet housing need shortfall of 79. The two further sites the Committee were considering, if included, would provide an oversupply of



423 dwellings, equalling a half year supply of housing. This would also provide a buffer should any of the sites in the draft Local Plan not be developed as expected.

Councillors Munford, Clark, Round, J Wilson, Thick and Blackmore addressed the Committee as Visiting Members.

During discussions the Committee considered the following issues:

- The two new sites – Bydews Place, Tovil and Land South of Tovil. Concerns were raised that the two sites had not gone through Regulation 18 consultation as others in the draft Local Plan had. The Committee agreed there needed to be consistency and clarity in the Local Plan process, but there was no time for another Regulation 18 consultation if the Local Plan was to be submitted to the inspector in May 2016 as planned. Kent Highways Services had raised concerns regarding additional traffic likely to be generated from the site, Land South of Tovil, and the impact on the A229 corridor. Concerns were also raised regarding the sustainability of both sites, the landscape impact of development and how development on these sites would extend the urban boundary of Maidstone into the open countryside.
- Amendments relating to landscape and landscapes of local value – representations made to include parts of Langley, Otham and Leeds in the Landscapes of Local Value policy were considered by the Committee. It was agreed that the proposed Landscapes of Local Value had been carefully considered by this Committee and, via a referral, by the Policy and Resources Committee. It was felt the Council had included all the land it could in the Landscapes of Local Value, including Langley Church, and felt the Langley, Otham and Leeds areas, as with other rural areas, would be appropriately protected through policy SP5 - Countryside.
- Housing Sites – new/deletions/amendments –
  - It was noted by Officers that the appropriate policy in the 2014 Local Plan Regulation 18 consultation would be refined to clarify the approach to receptor sites.
  - Sites H1 (71) Lyewood Farm, Green Lane, Boughton Monchelsea and H1 (77) Bentletts Yard, Laddingford – regarding increasing the yield for both sites. The Committee was reminded that the yield quoted was indicative. It was noted by officers that the final number of houses on these sites could be greater than the indicative figure quoted in the policies.
  - Site H1 (70) Land at junction of Church Street and Heath Road, Boughton Monchelsea – it was noted by officers that Kent County Highways had raised a concern about the proposed access and that the allocation policy for the site would be reviewed for the Regulation 19 version of the Local Plan.

- Site H1 (10) Land South of Sutton Road, Langley – the Committee was reminded that it was agreed the yield for this site had been reduced from 930 to a maximum of 800 units and there would be no development east of the public right of way. To reduce the yield and size of the site would mean housing would have to be found elsewhere. The Committee was informed that ongoing discussions were underway between Officers and Kent Highways on the location of the pedestrian and cycle crossings on the A274.
- Gypsy and Traveller sites – the Committee heard that the change in the definition of a Gypsy and Travellers (G&T) issued on 31 August may mean that actual needs were slightly below that identified in the 2012 Gypsy and Traveller and Travelling Showpeople Accommodation Assessment. The difference is expected to be modest because the 2012 Assessment did take account of respondents’ travelling habits. For reasons set out in the report it was not considered appropriate to undertake a new assessment at this stage but to use the existing G&T assessment as the best assessment of need at this point.
- Open Space Allocations – the Committee heard there was a particular need for semi-natural and natural open space. Concern was raised regarding how this would be provided through developments.

Councillor Stockell left the meeting at 9:58pm and was not present to vote from resolution 2e).

**RESOLVED:**

1. That the site allocation policies for “Land at Bydews Place” and “Land South of Tovil” in Appendix F of the committee report, and the amendments to those policies recommended in the urgent update, not be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan due to their unsustainable location and the unacceptable extension of the urban boundary of Maidstone into the open countryside.

Voting:            For – 8            Against – 0            Abstentions – 0

2. That the schedule of policies and amendments in Appendix B of the report and the further amendments recommended in the urgent update (as identified), be approved as follows:

- a) The sections headed “Introduction to the public consultation” and “Amendments relating to landscape and landscapes of local value” (pages 191-192 of the report) be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan.

Voting:            For – 4            Against – 1            Abstentions – 2

Councillor Stockell requested that her dissent be noted.

- b) The sections relating to Housing Site Allocations – proposed new/for deletion/for amendment (pages 192-194 of the report) – together with the further amendments to policy H1(10) as set out in the urgent update, be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan.

Voting: For – 7 Against – 1 Abstentions – 0

- c) The section relating to the Proposed New Employment Site Allocation (pages 194-195 of the report) be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan.

Voting: For – 6 Against – 2 Abstentions – 0

- d) The section relating to Gypsy and Traveller Site Allocations (pages 195-196 of the report) be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan.

Voting: For – 7 Against – 0 Abstentions – 1

- e) The sections relating to "Proposed New Open Space Allocations":

- Amendments on pages 196-201 of the report;
- Amendments headed "...recommended for other H1 policies where it is possible to identify a minimum or approximate quantum of open space provision and/or contributions" on pages 201-204 of the report;
- Amendments headed "For a number of sites there remains some uncertainty whether open space can be delivered..." and "Open Space and Recreation" on pages 204 to 205 of the report, together with the further amendments to policy DM11 set out in the urgent update;

Be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan with an amendment to the policy wording to clarify that open space provision should be provided on site (save for in exceptional circumstances), and that where only off-site provision is possible in the exceptional circumstances, provision and/or contributions are agreed to be allocated or spent (as appropriate) only on suitable and deliverable site(s) within the vicinity of the development.

Voting: For – 7 Against – 0 Abstentions – 0

f) The section relating to "Nursing and Care Homes" be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan.

Voting: For – 7 Against – 0 Abstentions – 0

g) The sections relation to "Park and Ride site allocations proposed for deletion" and "Park and Ride" (page 207 of the report), together with the further amendments to policy DM15 as set out in the urgent update, be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan.

Voting: For – 7 Against – 0 Abstentions – 0

3. That the officers' responses to the representations submitted during the public consultations on the draft Maidstone Borough Local Plan (Regulation 18 consultation) in Appendix A of the report to Committee be noted.

Voting: For – 7 Against – 0 Abstentions – 0

4. That the amendment to Policy DM4 - Design principles set out in paragraph 4.76 of the report to Committee be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan.

Voting: For – 7 Against – 0 Abstentions – 0

177. DURATION OF MEETING

6:30pm to 10:11pm