

MAIDSTONE BOROUGH COUNCIL

Strategic Planning, Sustainability and Transportation Committee

MINUTES OF THE MEETING HELD ON MONDAY 18 APRIL 2016

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

Also Present: Councillors Brice, Butler, Chittenden,
Clark, Greer, Perry, J Sams and Willis

20. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor De Wiggondene.

21. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Stockell was in attendance as substitute for Councillor De Wiggondene.

22. **URGENT ITEMS**

The Chairman pointed out the Amended Agenda which had been circulated earlier to include Item 13, a report on the Neighbourhood Plan Process revising the protocol and internal decision making framework for neighbourhood planning.

The Chairman stated that, in his opinion, the Urgent Update dated 18 April 2016, should be taken as an urgent item as it contained further information relating to agenda item 11.

23. **NOTIFICATION OF VISITING MEMBERS**

It was noted that the following Councillors were in attendance for the items indicated:

Councillor Brice – item 11
Councillor Butler – observing
Councillor Chittenden – item 11
Councillor Clark – item 11
Councillor Greer – observing
Councillor Perry – items 12 and 13
Councillor J Sams – item 11
Councillor Willis – observing

24. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

25. DISCLOSURES OF LOBBYING

It was noted that all members had been lobbied on item 11.

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

The Chairman stated that it may be necessary to move into Part II depending on how the discussion went for agenda item 11 and 12 on the agenda due to the possible disclosure of exempt information having applied the public interested test.

27. MINUTES OF THE MEETING HELD ON 8 MARCH 2016

RESOLVED:

That the minutes of the meeting held on 8 March 2016 be approved as a correct record and signed by the Chairman subject to the inclusion of:

- The words "and the very basic level of consultation" to paragraph 3 of minute 13; and,
- The inclusion of the South Maidstone Action for Roads and Transport to be included in the list at point 4 of the resolution under minute 17.

28. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

29. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Mr Sean Carter asked the Chairman the following question:

"The North Loose Residents Association note that some changes have been made to the MBC Local Plan regarding the New Line Learning site in Boughton Lane. As Kent Highways are objecting to the Local Plan regarding traffic on the A229, and state that there are no mitigation measures available at the Boughton Lane/Cripple Street/Loose Road junction, which is already at capacity, or at the Wheatsheaf. As the MBC Planning Committee originally rejected the original planning application and now a Planning Inspector, backed by the Secretary of State describes it as having a "severe adverse effect" and in the Inspectors words "the situation in Boughton Lane would be likely to come close to being intolerable" surely all Boughton Lane allocations should be withdrawn from the Local Plan, or do Maidstone Borough Council no longer listen to the experts or the views of the residents of South Maidstone."

The Chairman's response:

"As you are aware, by significant majority of full Council, the decision to submit the Local Plan to the Inspector has already been taken. It is for the appointed Inspector to consider and recommend changes to the Local Plan if considered appropriate to do so. In any event, the recommendation of the appeal inspector/decision of the Secretary of State on the New Line Learning appeal was based on the fact that there was no currently identified scheme of mitigation. The appeal was not dismissed on the grounds that a suitable mitigation scheme could not yet be found."

Supplementary question from Mr Carter:

"As Maidstone Borough Council are determined to build 18,560 houses does this mean that the MBC Planning Committee will just be rubber stamping all future planning applications which are in the allocated sites or can we be assured that each planning application will be considered on its own individual merits even if a refusal reduces the overall housing numbers?"

The Chairman's response:

"Yes, I think quite simply we could give you that assurance. Each application is judged upon its merits. If, for example, the case you just mentioned, a further application was submitted that was still not considered suitable, the same process would apply. The Planning Committee determine each application on its own individual merits."

Mrs Cheryl Taylor-Maggio asked the Chairman the following question:

"Given that the draft Local Plan is about to be submitted to the Inspector, is it worth Parishes putting any effort into new Neighbourhood Plans?"

The Chairman's response:

"It is a decision for each individual parish council or neighbourhood forum whether it considers there is merit in preparing a neighbourhood plan for its area. A neighbourhood plan is an important tool for any community which is keen to plan positively for new development and to shape the details of that development. A neighbourhood plan is not a tool for resisting new development; those plans which object to the content of the emerging Local Plan, and who have made representations at the Regulation 19 stage, will have the opportunity to make their case for changes to the Local Plan at the Local Plan Examination."

Supplementary question from Mrs Taylor Maggio

"Does that mean that the Local Plan, even when adopted, would then be varied to give effect to the number and locations of housing and traveller pitches in a future neighbourhood plan provided it is compatible with the strategic, but not those detailed requirements of the local plan?"

The Chairman's response:

"If I follow your question accurately, again, I think the answer is yes."

Mr Peter Coulling asked the Chairman the following question:

"Is the Local Plan, as it stands at the moment, compatible with all approved or emerging Neighbourhood Plans?"

The Chairman's response:

"Account has been taken of the 'made' and emerging neighbourhood plans as the Local Plan has been prepared and in considering proposed changes to the Local Plan as set out in the report which is before the Committee this evening. This point is reaffirmed in the Urgent Update.

It is not the case that the emerging Local Plan aligns with all emerging neighbourhood plans. Indeed, it would be impossible for it to do so as the neighbourhood plans are themselves in the process of being prepared and will be subject to change.

Generally, the emerging neighbourhood plans provide for less new housing than the emerging Local Plan. There is one 'made' neighbourhood plan which is the North Loose Neighbourhood Development Plan, which includes no housing site allocations. In the face of the NPPF requirement to meet the full objectively assessed need for housing, the Council has made some difficult decisions about where to allocate new development. This has been done in the knowledge that having an up to date Local Plan which secures a 5 year housing land supply will put the Council in the strongest position to resist development on unsuitable sites".

Supplementary question from Mr Coulling:

"In that case, would each relevant parish agree that substantially the detailed number of locations of housing and traveller pitches in its neighbourhood plan have been taken as the definition of those elements of the Local Plan for their parish or is there a wide variation?"

The Chairman's response:

"I don't know off the top of my head the individual comparison to be able to give you an accurate answer. I will find an answer for you and give that to you in writing."

Ms Geraldine Brown asked the Chairman the following question:

"Would you agree with the sentiments expressed by some Members at last Wednesday's Council meeting that, in effect, the views of our MPs on the Local Plan should carry little or no weight, because they have not got relevant planning experience and have insufficient informed focus on local issues, rather than national issues?"

The Chairman's response:

"I would not know what relevant planning knowledge MPs have, so I cannot comment. For the avoidance of any doubt, the Local Plan was agreed for submission by the Council on 25th January. The Local Plan will be submitted in May, as will all the 'duly made' representations which were received at Regulation 19 stage. It will be for the Inspector to decide what importance to give the matters raised in the individual representations."

Supplementary question from Ms Brown:

"Bearing in mind that our two MPs were at a public meeting recently and bearing in mind the comments that were made by some of the Council Members at the meeting, do you think that Maidstone Borough Council should respond to the MPs with the concerns that constraints should be applied, that there seems to be a gap between what the MPs are saying and what the Members are saying, and should there be more correspondence between them?"

The Chairman's response:

"I'm certainly aware that there is, in actual fact, correspondence. I suspect that the gap is actually between what the NPPF requires us to do, what MPs who pass the legislation think and the reality at the very sharp end as the district planning authority and your elected members locally have to bring forward."

30. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - MAIDSTONE BOROUGH LOCAL PLAN: MAIN OUTCOMES OF THE REGULATION 19 CONSULTATION AND PROPOSED CHANGES

The Head of Planning and Development introduced the report and explained the suggested changes resulting from the Regulation 19 consultation were attached as Appendix A to the report. These changes, once agreed, would be submitted with the Local Plan to the Secretary of State for independent examination.

The Committee were informed that Highways England had objected to the Local Plan. A meeting was held on 12 April 2016 between Maidstone Borough Council, Kent County Council (KCC) and Highways England. Highways England had significant concerns regarding the adequacy of the VISUM modelling on the motorway network. However, it had been agreed that micro assimilation work on the four main junctions of the M20 in the Maidstone borough would be carried out as a way forward.

Councillors Chittenden, Clark, Sams and Brice addressed the Committee as visiting members.

In response to concerns raised by visiting Members the Head of Planning and Development explained that detailed master planning was being

undertaken regarding Lenham, with Lenham Parish Council and other stakeholders in the area being involved. He explained there was still an opportunity to shape the housing layouts and accesses etc.

He went on to state he was unaware of the Marley site in Lenham coming forward as land available for housing. In the adopted Local Plan this site was allocated as protected employment land, however, this could change.

Regarding land south of the railway line in Lenham, the Head of Planning and Development went on to say, this was possible, but other settlements, such as Marden and Staplehurst for example, would have to be taken into account. He stated the line, in terms of where growth should stop, had to be drawn somewhere. The site mentioned by the visiting Member was a brownfield site which was considered the exception to the rule.

With reference to the Housing and Planning Bill, the Head of Planning and Development explained it would become an important and material consideration in the Local Plan. Depending on the time it became an Act, it was likely to be before the Inspector at the examination stage of the Local Plan. Until that time the detail was unavailable.

The Principal Planning Officer (Spatial Planning) confirmed that legal advice had been taken throughout the Local Plan preparation process.

She went on to explain that the Gypsy and Traveller Accommodation Assessment (GTAA) was an assessment of the need for sites in the Borough. Changes in the guidance for the provision of Gypsy and Traveller sites, strictly limiting sites to the countryside, related to how that need was met and the GTAA and planning guidance were two distinct and separate things.

Concern was raised regarding the redrawing of urban boundaries and the possible conflict between Policy DM12 and the individual site policies and which policy would take precedence when making planning decisions on the density of developments. It was explained that the site policies would take precedence. It was agreed to keep the urban boundary as it was and withdraw the proposed modifications set out in Appendix A of the report.

The Committee were informed, regarding the broad location policies, if a neighbourhood plan was adopted after the adoption of the Local Plan, the neighbourhood plan policies would take precedence over the Local Plan policies provided the neighbourhood plan was in general conformity with the Local Plan.

A question was raised regarding the removal of Policy ID1(4) Infrastructure Delivery rankings, where there were competing demands for contributions towards the delivery of infrastructure through section 106 agreements due to a lack of evidence to justify the policy. It was agreed this policy should remain in the Local Plan and the necessary evidence gathered to support it should go before the Inspector.

It was confirmed, regarding site H1(29), land at Boughton lane, that should a planning application come forward that did not provide adequate mitigation to protect the ancient woodland on the site and provide for changes to the junction at the Wheatsheaf, it would be unlikely to be granted planning permission. It was also confirmed that the site criteria for site EMP1(5), Woodcut Farm, was very stringent and if a planning application came forward showing larger buildings than in the policy, it would be refused. The Council was not required to support the Regulation 19 consultation feedback received regarding increasing the height of the buildings on this site.

The Head of Planning and Development confirmed the evidence base to show the Council had fulfilled its duty to co-operate with KCC was robust.

The Committee noted the guidance given in relation to Lenham and broad locations.

RESOLVED:

That the Schedule of Proposed Changes to the Maidstone Borough Local Plan set out in Appendix A of the report to the Committee dated 18 April 2016 be agreed for submission to the Secretary of State for Communities and Local Government with the Maidstone Local Plan 2016 which was agreed by Council on 25 January 2016 with the:

- Exclusion from the Schedule the boundary modification reference PC/5, Policy SP1 Maidstone Urban Area, shown on page 46 of the agenda;
- Exclusion from the Schedule of the Proposed Change PC/57, Policy ID1 Infrastructure Delivery; and,
- The inclusion in the Schedule of the additional and amended Proposed Changes shown on the Urgent Update dated 18 April 2016 regarding polices:
 - H1(5) – Langley Park, Sutton Road
 - H2(2) – Invicta Park
 - H2(3) – Lenham
 - EMP(1) – Mote Road, Maidstone

Voting: For – 7 Against – 0 Abstentions – 2

31. **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT -
INFRASTRUCTURE DELIVERY PLAN (APRIL 2016)**

The Principal Planning Officer introduced his report on the Infrastructure Delivery Plan (IDP) for the Committee to consider its submission to the Secretary of State for Communities and Local Government as supporting evidence for the Maidstone Borough Local Plan. The Committee were also asked to consider giving delegated authority to the Head of Planning and Development to update the Infrastructure Delivery Plan prior to submission, recognising that it was a 'living document'.

The Committee approved the updated version of the IDP to be published as supporting evidence to the Local Plan at their meeting of 13 January 2016. The IDP had been further updated and the Committee were reminded that the IDP was a key evidence base document and infrastructure planning tool which would support the examination and implementation of the Local Plan.

Councillor Perry and Councillor Brice addressed the Committee as visiting Members.

The Head of Planning and Development confirmed that work was being carried out to try and find a solution to improve the key junction of the A229, Headcorn Road, Station Road and Marden Road which would need to pass the Stage 1 and 2 Safety Audit. However, solutions were constrained to the highway due to land ownership. It was confirmed that officers were pursuing discussions with Kent County Council (KCC), as the highways authority, the use of compulsory purchasing of land to facilitate junction improvements in the Local Plan.

It was confirmed that Southern Water had maintained their position throughout the Local Plan process, that provided current situations were not exacerbated and mitigation was put in place, as a minimum, through the planning process, they would not object to new developments.

Highways concerns raised regarding highway improvements in Headcorn were noted.

Concern was raised regarding the 'risk to delivery' of the Provision of Open Space (GB25 page 146 of the agenda) showing as 'high' and how this may be perceived by the Inspector. It was agreed this would be changed to 'moderate'.

Concern was also raised regarding the sources of income for infrastructure delivery just showing as Section 106 or the Community Infrastructure Levy (CIL). There was no mention of other sources of income such as New Homes Bonus, Local Enterprise Partnership funding etc. The Committee were informed that more information on the CIL would come back to Committee at a later date. It was requested that the Committee be fully involved with the changes made to the IDP.

It was noted that a future amendment would include further provision of waste disposal facilities in liaison with Kent County Council.

RESOLVED:

1. That the Infrastructure Delivery Plan be approved for submission to the Secretary of State for Communities and Local Government as supporting evidence to the Maidstone Borough Local Plan with 'risk to delivery' for item reference GB25, Provision of Open Space, amended to 'moderate'.

2. That delegated authority be given to the Head of Planning and Development to update the Infrastructure Delivery Plan prior to submission, recognising it is a 'living document' and reporting back to this Committee at the earliest opportunity on the changes made.

Voting: For – 9 Against – 0 Abstentions – 0

32. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT -
NEIGHBOURHOOD PLANNING PROCESS

The Local Plan Project manager presented the report and explained the purpose of the report.

The existing Neighbourhood Plan process was updated and agreed by this Committee at an earlier meeting. A number of neighbourhood plans had gone through the process and had highlighted issues with the process.

The Housing and Planning Bill was receiving its final reading and the existing Neighbourhood Plan process would not fit with the new regulatory timetable outlined in the mandate from central Government.

The Committee heard it was difficult to apply timescales to the process as each neighbourhood plan was different and would present different issues at different points of the process.

RESOLVED:

That the revised protocol for Neighbourhood Planning set out in Appendix A of the Urgent report to the Committee dated 18 April 2016, notably in regard to the revised decision making arrangements at Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 be approved.

Voting: For – 9 Against – 0 Abstentions – 0

33. DURATION OF MEETING

6:30pm to 8:40pm