

## **MAIDSTONE BOROUGH COUNCIL**

### **STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 7 NOVEMBER 2017 ADJOURNED TO 13 NOVEMBER 2017**

**Present on 7 November 2017:** Councillor D Burton (Chairman) and Councillors Cox, English, Mrs Gooch, Prendergast, Springett, de Wiggondene-Sheppard, Wilby and Willis

**Also Present:** Councillors Perry, Round and Spooner

62. APOLOGIES FOR ABSENCE

It was noted that apologies had been received from Councillor Munford.

63. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Mrs Gooch was present as a Substitute for Councillor Munford.

64. URGENT ITEMS

The Chairman agreed to take the following urgent updates which were unavailable at the time that the agenda was published and had been circulated to Members prior to the meeting:

- Agenda Item 18 – Air Quality Planning Guidance – updated recommendation; and
- Agenda Item 20 – Government Consultation: Planning for the right homes in the right places – updated consultation response.

65. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Round was present as a Visiting Member and indicated that he wished to speak on Agenda Item 23 – Planning Review Update Report and its associated Exempt Appendix (Agenda Item 24).

It was noted that Councillor Perry was present as a Visiting Member and indicated that he wished to speak on Agenda Item 13 – Reference from Policy and Resources Committee – Budget Monitoring 2017/18 – Development Control Appeals and Agenda Item 17 – 2nd Quarter Budget Monitoring Report.

It was noted that Councillor Spooner was present as a Visiting Member and wished to observe.

66. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

67. DISCLOSURES OF LOBBYING

Councillor English stated that he had been lobbied on Agenda Item 12 – Outside Bodies – Members Verbal Updates and Agenda Item 23 – Planning Review Update Report.

68. EXEMPT INFORMATION

**RESOLVED:** That the Exempt Appendix, relating to Agenda Item 23 – Planning Review Update Report, be taken in private due to the possible disclosure of exempt information.

69. MINUTES OF THE MEETING HELD ON 12 SEPTEMBER 2017

**RESOLVED:** That the minutes of the meeting held on 12 September 2017 be approved as a correct record and signed.

Note: It was drawn to Members attention that, since the meeting of this Committee held on 12 September 2017, the date of implementation for Maidstone’s Community Infrastructure Levy (CIL) Charging Schedule was amended to 1 October 2018, due to the meeting of the Council (the final decision maker on this item) being postponed and to avoid any clash with the school holidays when implementing the CIL Charging Schedule. Members were consulted on this prior to the Council meeting and nobody had indicated any objection to the change.

70. PRESENTATION OF PETITIONS

There were no petitions.

71. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

72. COMMITTEE WORK PROGRAMME

The Committee considered the work programme for 2017/18.

**RESOLVED:** That the Committee Work Programme be noted.

73. OUTSIDE BODIES - MEMBERS VERBAL UPDATES

Councillor Willis informed the Committee that he had attended the annual meeting of the Medway Valley Community Rail Partnership.

74. PLANNING PERFORMANCE AGREEMENTS

The Head of Planning and Development presented the report regarding Planning Performance Agreements (PPAs) to the Committee.

It was noted that:

- A successful Member workshop had taken place in June 2017 to discuss the wider national context of PPAs and how they differed from pre-application advice.
- PPAs were introduced into the Planning System in April 2008 and paragraph 195 of the National Planning Policy Framework (2012) stated that "Applicants and local planning authorities should consider the potential of entering into PPAs, where this might achieve a faster and more effective application process".
- In effect the PPAs would provide certainty regarding time frames, which were essential to good project management. PPAs allowed the local planning authority to set its benchmarks in terms of quality standards. Both of these aspects were of benefit to the Council.
- A Technical Officer would be employed to have responsibility of the administration and management of the PPAs.

In response to a question from the Committee, the Head of Planning and Development emphasised that a PPA was not a guarantee, nor an indication of likelihood that the application would be approved. It related to the process of considering development proposals and not to the decision itself.

The Committee were keen to receive a report which reviewed PPAs in a year's time to affirm whether the process worked and whether the fees were appropriate.

**RESOLVED:**

1. That the introduction of PPAs and the associated proposed fees in the report be approved.
2. That a report be presented to this Committee in a year's time to review Planning Performance Agreements.

Voting: For – 7                  Against – 1                  Abstention – 1

75. KEY PERFORMANCE INDICATOR UPDATE QUARTER 2 17/18

The Policy and Information Manager presented the Key Performance Indicator Update Report to the Committee and it was noted that, for this quarter:

- 75% (3) of the Committee's targeted Key Performance Indicators (KPIs) achieved their target.

- Performance had not improved for any KPIs compared to the same quarter last year, where previous data was available for comparison.
- Both of the KPIs relating to the processing of major planning applications and of minor applications had demonstrated decrease in performance compared to the first quarter of this year.
- The KPI relating to the processing of minor applications had not achieved its target for this quarter. This was due to fewer resources being available because of changes as a result of the Planning Review.

**RESOLVED:** That the summary of performance for Quarter 2 of 2017/18 for Key Performance Indicators (KPIs) be noted.

Voting: Unanimous

76. REFERENCE FROM POLICY AND RESOURCES COMMITTEE - BUDGET MONITORING 2017/18 - DEVELOPMENT CONTROL APPEALS

The Committee agreed to take the reference in conjunction with Agenda Item 17 – 2nd Quarter Budget Monitoring Report, as the items were related. Therefore, the discussion of the reference can be found in Agenda Item 17.

Councillor Perry addressed the Committee on this item.

**RESOLVED:** That the reference be noted.

77. 2ND QUARTER BUDGET MONITORING REPORT

The Head of Finance gave a presentation to the Committee relating to capital and revenue budgets and outturn within the Committee's remit for the second quarter of 2017/18. The Committee used the debate to discuss the reference from Policy and Resources Committee (Agenda Item 13).

Councillor Perry addressed the Committee on this item.

It was noted that:

- Pay and display car parks continued to perform overall above budgeted income and projected a positive year end variance of £241,000 for 2017/18.
- A £200,000 adverse variance was projected for development control appeals for 2017/18. There were several inquiries that were expected to take place this year, which could lead to the authority incurring significant costs. As the appeals were likely to continue into the next financial year significant costs could be incurred then too.

- The projected overspend on development control appeal costs was reported to the Policy and Resources Committee at its meeting held on 20 September 2017. At that meeting, the Policy and Resources Committee requested that both this Committee and the Planning Committee consider how they could manage these costs.
- Both this Committee and the Planning Committee had a role in managing the cost of planning appeals. Firstly, to reduce the risk of appeals, this Committee's role was to set a coherent and robust framework for planning decisions. Secondly, this Committee could ensure that the process of dealing with appeals was carried out in a cost effective manner, by overseeing development management and enforcement.

The Committee were concerned that:

- There was not enough detail about the development control appeals budget; and
- Development control appeals had been under budgeted in previous years.

Therefore, it was requested that a report be brought back to this Committee outlining the current and projected appeal costs in detail and historical data for the last five years, in order that the Committee could fully understand underlying causes and trends.

The Committee considered Member engagement in pre-application discussions and requested that a full report outlining the process be brought back to this Committee, as concerns had been raised that this process was not being adhered to.

**RESOLVED:**

1. That the revenue position at the end of the second quarter and the actions being taken or proposed to improve the position where significant variances have been identified be noted.
2. That the position with the capital programme be noted.
3. That the risk of future costs arising from development control appeals be noted.

Voting: Unanimous

4. That a report be prepared setting out the current and projected appeal costs in detail so that the Committee can fully understand and appreciate the underlying causes and trends including historical data for the last five years.

Voting: Unanimous

5. That a report be brought back to this Committee outlining the process for Member engagement in pre application discussions and a summary of how this was currently being adhered to.

Voting: Unanimous

Note: Councillor Wilby left the room before the voting of resolution number 5, but returned before the consideration of the next item.

## 78. AIR QUALITY PLANNING GUIDANCE

The Principal Planning Officer (Strategic Planning) presented this report to the Committee and reminded Members that the first recommendation had been updated since the agenda had been published.

It was highlighted to the Committee that:

- Maidstone has had a designated Air Quality Management Area for a number of years supported by an Air Quality Action Plan, which was being updated by means of a draft Low Emissions Strategy.
- Policy DM6 in the Maidstone Borough Local Plan ensured that adverse air quality impacts which resulted from developments were mitigated.
- The Local Plan, the Integrated Transport Strategy and the Walking and Cycling Strategy contained positive actions to deliver sustainable transport measures, which would in turn have positive impacts for air quality.
- At the April meeting of this Committee, officers were instructed to adapt the Kent and Medway Air Quality Partnership's model Air Quality Planning Guidance for Maidstone's purposes so that the Committee could approve it for the development management process. The Guidance could be influential in achieving actual mitigation measures to address air quality impacts.
- At the next meeting of this Committee an Air Quality DPD Scoping document would be presented for consideration.

In response to a question from the Committee, the Principal Planning Officer stated that the reason for the 1 January 2018 implementation date was because it meant that applications which were currently at the pre-application stage could include the guidance and build mitigation measures into their design.

### **RESOLVED:**

1. That the Air Quality Planning Guidance for Maidstone in Appendix 1 be approved so that it may be used as a material consideration for

planning purposes and implemented for planning applications validated from 1st January 2018 onwards.

2. That the presentational finalisation of the Guidance be delegated to the Head of Planning & Development.

Voting: Unanimous

#### 79. CIL ADMINISTRATIVE AND GOVERNANCE ARRANGEMENTS

The Principal Planning Officer (Strategic Planning) presented this report to the Committee.

It was noted that:

- The Maidstone Borough Community Infrastructure Levy (CIL) Charging Schedule was approved for implementation on 1 October 2018 at the Full Council meeting of 25 October 2017.
- The administration of CIL related to the collection of CIL receipts and would be required from the date of CIL implementation.
- The governance of CIL related to the spending of monies and decisions on spend would only be required once a pot of monies was available for collection.
- Given the complexity and urgency required for the issues under consideration, it was officers' advice to progress the administrative arrangements as a priority. This was because the systems and resources required to facilitate the effective collection of CIL must be developed, agreed by Council, and implemented, with any associated recruitment and training completed in time to facilitate the transition to the CIL system on 1 October 2018.
- CIL implementation would have significant implications for many stakeholders and it was imperative that effective stakeholder engagement formed a key part of the process. Therefore, a further report would be brought to this Committee outlining the scope and timing of stakeholder engagement.

The Committee urged officers to engage with stakeholders at the earliest opportunity and involve the relative bodies from the beginning of the process.

#### **RESOLVED:**

1. That officers be instructed to commence preparatory work for the development and delivery of the administrative arrangements.
2. That a subsequent report be brought to this Committee which sets out the scope and timing of the stakeholder engagement.

Voting: For – 8 Against – 0 Abstentions – 1

80. GOVERNMENT CONSULTATION: PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES

The Principal Planning Officer (Strategic Planning) presented this report to the Committee and reminded Members that further updates to the consultation response had been circulated to the Committee prior to the meeting.

It was noted that:

- The 'Planning for the right homes in the right places' Government consultation contained a number of proposals first signalled in the Housing White Paper in February 2017; which were:
  - A proposed standardised methodology for calculating the housing need figure for local plans;
  - Improvements to the way local authorities worked together to plan for housing and other needs using Statements of Common Ground;
  - Helping local authorities plan for specific housing needs and support neighbourhood planning;
  - Simplifying the use of viability assessments in planning; and
  - Potential increases to planning application fees.
- An informal Members briefing was held on 10 October 2017, which provided early insight and consideration of the Government's proposals.

The Committee requested that the following points be added into the consultation response:

- The proposed new methodology would result in limited new housebuilding in the northern parts of the country compared with the south. This could undermine efforts to regenerate parts of the north, including through the 'Northern Powerhouse' initiative, and could increase the north-south divide.
- Deliverability of the increased housing numbers will be limited by capacity issues and skills shortages within the construction sector.
- There should be penalties on landowners/developers who 'land bank' sites, failing to implement planning permissions promptly. This may need to include fiscal measures.
- In the case of a Local Plan Review, the Government should confirm that the new housing needs figure should not apply until the review had been adopted.



- The Council should be able to recoup in planning application fees the actual amount its costs to consider and determine planning applications.

**RESOLVED:**

That the response included in Appendix 1 be agreed as Maidstone Borough Council's submission to the Government consultation 'Planning for the right homes in the right places'.

Voting: Unanimous

81. DURATION OF MEETING

6.30 p.m. to 9.43 p.m.

82. ADJOURNMENT OF MEETING

At 9.43 p.m., the Committee:

**RESOLVED:** That the meeting be adjourned until 6.30 p.m. on Monday 13 November 2017 when the remaining items on the agenda will be discussed.