

## **MAIDSTONE BOROUGH COUNCIL**

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

#### **MINUTES OF THE MEETING HELD ON THURSDAY 22 JANUARY 2015 ADJOURNED FROM 20 JANUARY 2015**

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

**Also Present:** Councillors Ash, Mrs Blackmore, Burton, Greer, Hogg, McKay, D Mortimer, Newton, Perry, Mrs Ring, Sams, Mrs Stockell, Thick, P Watson and J.A. Wilson

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

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

134. APOLOGIES

Apologies for lateness were received from Councillors:

- De Wiggondene, arrived at 6:45pm; and,
- Willis, arrived at 6:20pm.

135. NOTIFICATION OF SUBSTITUTE MEMBERS

- Councillor Cuming was substituting for Councillor de Wiggondene; and.
- Councillor Brian Mortimer substituting for Councillor Willis.

136. NOTIFICATION OF VISITING MEMBERS

Councillors Ash, Hogg, D Mortimer, Newton, Perry, Sams, Mrs Stockell, Thick, P Watson and J.A. Wilson were in attendance for agenda item 7.

Councillors Mrs Blackmore, Burton, Greer, McKay and Mrs Ring were in attendance as observers reserving their right to speak on agenda item 7.

137. 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 during discussion of these sites.

There were no disclosures by Officers.

138. 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.

139. URGENT ITEMS

**RESOLVED:** that the following items be taken as urgent updates to item 7:

- An amended plan for site allocation H1 (40) – Grigg Lane and Lenham Road, Headcorn, which correctly indicates the revised site area for development, and;
- A letter received from Barbara Cooper, Corporate Director of Growth, Environment and Transport at Kent County Council (KCC) and Maidstone Borough Council's response.

The Chairman explained there was no intention to discuss the contents of the letter from KCC unless it related to any of the sites discussed at this meeting.

140. MAIDSTONE BOROUGH LOCAL PLAN - NEW AND AMENDED SITE ALLOCATIONS (ITEM 8 OF AGENDA FOR 20 JANUARY 2015)

The Chairman confirmed all Councillors had been lobbied on Agenda item 7 – Maidstone Borough Local Plan – new and amended site allocations.

The Chairman explained she was accepting representations from all Borough Councillors for sites they have an interest in and Parish Councillors and Neighbourhood Plan Groups for sites in their Parish. Representations from the public were not being accepted as they had been consulted and there was a substantial volume of work to get through. Representations from developers were not being accepted to ensure fairness of the process.

The Chairman welcomed 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.

The Chairman invited Mr Jarman to update the Committee before progressing with the scrutiny of the sites in Appendix A and D of the agenda.

Mr Jarman explained to the Committee there had been a number of detailed objections to particular sites. The general theme was that the infrastructure, in particular highways and foul water, were at capacity and could not take any more development.

Mr Jarman went on to point out that many questions had been raised as to how sites can be recommended if there was not complete information on the infrastructure.

Mr Jarman stated it was the planning officers' role to provide objective planning advice and that plan making was a continuous, iterative process of engagement. The final point being when there were policies in place to provide land and infrastructure to support the current and projected housing need allocations. Input from infrastructure providers was part of the process and decisions needed to be made on sites before the infrastructure providers could give a firm response on the implications. This could not be done until it was known how many and what type of housing was needed. Mr Jarman said we were not at this stage, which was the planning application stage.

Mr Jarman went on to state identifying draft housing allocation sites was not premature and was a stage in a continuous process towards the adopted policies. Maidstone Borough Council was at Regulation 18 stage, which was the first stage of the process.

Mr Jarman informed the Committee that a high volume of planning applications had been received out of the 50 sites in the draft local plan and were at various stages of the planning process. There had also been other applications outside of this process. With all planning applications there had to be a transport assessment submitted, part of which was detailed highway modelling for the surrounding area, not just for the site. This was why planning officers were confident the sites taken forward in the draft local plan had enough information to be recommended.

The Committee went on to continue discussions on the new site allocations in Appendix D of the Agenda dated 20 January 2015 from page 192 (206);

## **H1 (66) – Land south of The Parsonage, Goudhurst Road, Marden**

Councillor English raised concerns regarding Point 11 – Open Space. He explained to the Committee that Maidstone Borough Council (MBC) Parks Department had stated they were not in a position to take ownership of sites for open space. If this was the case it would create serious issues for this, and many other sites, in the draft Local Plan with allocations for protection and prevent urban sprawl.

Mr Jarman responded by stating he was unable to comment on the plans of the Parks Department. However, Planners would be recommending relatively large areas of open space under the next iteration of the strategic policy for most rural villages.

Concern was raised regarding over development of the area but it was considered this area did not have the issues other sites had.

Councillor Burton addressed the Committee and presented the view of Marden Parish Council. Marden Parish Council did not support this site as there were concerns with highways, sewage systems and school capacity. The parish council were also concerned with Section 106 provision for open spaces from developers already on site. The parish council considered that community facilities that were needed more than open spaces.

Mr Jarman explained if the site was rejected planning applications would still come in for consideration. If the site was accepted the planning application may highlight capacity issues which would be examined and if at capacity, infrastructure providers would object. It was agreed the wording for infrastructure provision should be strengthened.

Mr Clarke notified the Committee all sites shown had been discussed with infrastructure providers in detail. It had been indicated there was sufficient space to expand the school paid for by developers.

The Committee agreed contributions towards community infrastructure from developers would be of particular importance for this site.

**H1 (67) – Land to the south of Marden Road, Staplehurst;  
H1 (68) – Land to the north of Henhurst Farm, Staplehurst, and;  
H1 (69) – Land at Lodge Road, Staplehurst.**

Councillor Perry addressed the Committee and stated the parish council objected to the housing numbers planned for Staplehurst. He went on to state that improvements to transport, sewage and surface water drainage infrastructures were crucial. These points were reiterated by Councillor Watson who went on to request that site H1 (67) be recommended for removal.

Mr Clarke informed the Committee highways modelling was underway on behalf of Maidstone Borough Council (MBC) on A229, Headcorn and the Marden Road Staplehurst. This would identify the impact of potential traffic resulting in the development of the sites, and assist in identifying what mitigation was necessary in Staplehurst.

Mr Jarman explained to the Committee a way to ensure infrastructure work was carried out was to enter into Section 106 agreements with developers to upgrade the sewage and surface water pumping systems by a certain date during the development of a site.

The Committee agreed historical infrastructure issues should be mitigated before the development of sites H1 (67) - Land to the south of Marden Road, Staplehurst and H1 (68) – Land to the north of Henhurst Farm, Staplehurst. The Committee discussed the need to remove one of the three sites from the local plan.

Regarding site H1 (69) – Land at Lodge Road, Staplehurst the Committee heard the sewage issues were the same for this site as for others in Staplehurst.

Mr Clarke pointed out to the Committee that the policy steered the criteria for each site not the detail. All sites would need a detailed flood risk assessment and developers would need to work with infrastructure deliverers to assess the problems identified.

Parish Councillor Joan Buller addressed the Committee. She stated the Staplehurst parish disagreed with the housing numbers for Staplehurst due to the cumulative effect on the parish and surrounding parishes. Councillor Buller stated the Staplehurst Neighbourhood Plan had attempted to overcome the parishes infrastructure shortcomings which were unable to cope with the proposed growth. Staplehurst Parish Council wanted to work with MBC to come up with a sustainable housing number. None of the sites put before the Committee were in the Neighbourhood Plan with the exception of sites H1 (36) and H1 (37).

The Committee was informed site H1 (69) – Land at Lodge Road, Staplehurst was subject to a material planning consideration with planning permission granted some time ago, which had been renewed several times.

The Committee agreed that site H1 (67) – Land to the south of Marden Road, Staplehurst and site H1 (68) – Land to the north of Henhurst Farm, Staplehurst were not in compliance with the parish footprint and the foul water infrastructure was an issue.

### **H1 (72) – Land adj. The Windmill PH, Eyhorne Street, Hollingbourne**

The Committee agreed as there had been no lobbying for this site and no parish councillors had asked to address the Committee it was an uncontroversial site.

### **H1 (73) – Land at Brandy's Bay, South Lane, Sutton Valence**

Mr Clarke informed the Committee there was a full planning application being processed for this site and the Committee was looking at the site not the planning application.

Councillor Mrs Stockell addressed the Committee and explained the site was on the greensand ridge. In her opinion it was too large and would

potentially double the size of the village. Councillor Stockell requested the site be removed as the surgery and schools in the area were at capacity and there were parking issues. She went on to explain the exit on to the A274 was dangerous.

Mr Jarman explained the policy would seek to protect the greensand ridge and this policy would not set precedence to development in the area. He went on to explain this was well contained and well landscaped. It was the only acceptable site in Sutton Valence after 11 sites came forward through the call for sites.

### **H1 (74) – Land at Wren’s Cross, Upper Stone Street, Maidstone**

The Committee discussed the protection of the Grade II listed building on this site. MBC had a statutory duty to preserve listed buildings and would have to have very strong justification to de-listing and demolishing it. The Committee was concerned the retention of the building would hinder attracting a developer, who would have to produce an imaginative solution if the building were retained.

Air quality in this area was also a concern of the Committee and they agreed the policy would need to set the footprint of the development back from the road and plant trees in front of and within the site.

The Committee agreed the area needed regenerating and this site should be included in a wider regeneration project for the area.

**ADJOURNMENT:** the Committee took a break between 19:40 and 20:05 hrs.

The Committee proceeded to consider Appendix A and B of the agenda – Schedule of responses to the representations to the sites in policy H1 at Regulation 18 consultation.

Mr Clarke informed the Committee 30 out of the 50 sites either had planning permission or were waiting a decision. Of those 30, 17 had been approved planning permission or there was a Section 106 agreement pending.

The Committee agreed not to discuss sites where there was planning permission granted or where an application was at the appeal stage. Sites with a pending planning application would be discussed. Councillors who were either on or a substitute for the Planning Committee were advised to exercise caution when discussing these sites and give no indication of pre-determination.

Mr Jarman explained the sites in Appendix A and B had already been to Regulation 18 consultation as part of the Draft Local Plan and the Committee was asked to consider the changes made to the policies as a result of this consultation.

The Chairman stated the Committee will go through and discuss each site and discuss and note any changes made or not made. She also stated the Committee would need to have a sound reason for recommending a site be removed.

The Chairman went on to explain the Committee would begin with sites in Coxheath (sites 43, 44 and 45) and then go to sites 1 in Appendix A and continue from there.

**H1 (43) – Linden Farm, Stockett Lane, Coxheath**

**H1 (44) – Heathfield, Heath Road, Coxheath**

**H1 (45) – Forstal Lane, Coxheath**

Parish Councillor John Hughes addressed the Committee and outlined the concerns of Coxheath Parish Council. These were; the amount of development being proposed in Coxheath, a lack of school places to support the development, and the closeness of Coxheath to Linton, Loose and East Farleigh.

Councillor Hughes stated the Parish Council supported the amended numbers for Linden Farm (H1 (44)) as it matched what was in the Coxheath Neighbourhood Plan.

Councillor Hughes informed the Committee of the Parish Council's concerns with the Heathfield, Heath Road site (H1 (45)), which were its coalescence with the Maidstone area, with one field remaining between Coxheath and Maidstone and that the housing numbers for Coxheath were too high. Councillor Hughes asked the Committee to recommend the site for rejection or for a green buffer to be included as part of the policy to mitigate coalescence with Maidstone.

The Parish Council's concerns with the Forstal Road (H1 (45)) site were the access to and from the site, housing numbers, the effect on wildlife, and, the agricultural grade of the land.

Councillor John Wilson addressed the Committee and expressed concerns that the Local Plan was not taking the Coxheath Neighbourhood Plan into consideration. The two plans were not in accordance with each other, both carried equal statutory weight and requested the Committee recommend that the Heath Road and Forstal Road sites be taken out to reflect the Coxheath Neighbourhood Plan.

Councillor Brian Mortimer addressed the Committee and stated that Coxheath had been down-graded from a Rural Service Centre to a Larger Village, with limited housing. But given the amount of development being proposed it was not clear this was being taken into account. He also considered that the Section 106 funds raised from the development of the Linden Farm site should be ring fenced for schools in Coxheath; the petition presented to the Cabinet with 1300 signatures was not mentioned in the report, and; the Forstal Lane site should be rejected due to the single lane access to the site.

Mr Jarman informed the Committee that Neighbourhood Plans were a material planning consideration. Officers have held 26 meetings with parish councils and Neighbourhood Plans have been given careful consideration. The Borough had been looked at as a whole and it was established there was a need for a significant increase in affordable housing. A viability exercise carried out with Swale Borough Council demonstrated, in terms of viability, developers could provide 40% affordable housing in rural areas, including Coxheath. Mr Jarman stated Coxheath had no affordable housing allocation in their Neighbourhood Plan.

Mr Clarke informed the Committee that lengthy discussions had taken place with Kent County Council (KCC) who had stated that Coxheath had room to expand in terms of education.

Councillor Blackmore addressed the Committee and informed them there was a meeting planned with KCC education planning officers to discuss the future needs for school places taking into account the Local Plan.

During lengthy discussion regarding the access to the Forstal Lane site the Committee agreed, despite KCC not raising any concerns, the issue could not be adequately addressed at this stage.

The Committee agreed not to discuss the following sites as they were subject to either a planning appeal or a resolution to grant planning permission subject to Section 106 agreements:

- H1 (1) – Bridge Nursery, London Road, Maidstone;
- H1 (2) – East of Hermitage Lane, Maidstone, and;
- H1 (3) - West of Hermitage Lane, Maidstone.

#### **H1 (4) – Oakapple Lane, Barming**

Councillor Willis raised concerns that this was the last piece of green field land on Hermitage Lane in the Maidstone Borough, if planning permission was granted on sites H1 (1-3), with Hermitage Lane already busy and congested.

Mr Jarman informed the Committee that Duty to Co-operate meetings were arranged with Tonbridge and Malling Borough Council (TMBC) regarding all junctions close to the sites on Hermitage Lane. MBC would also be negotiating with TMBC for a solution for a country park as per the draft policy for the land east of Hermitage Lane. Mr Jarman went on to explain that TMBC's core strategy, 2007, does provide for a strategic gap to stop Maidstone borough merging with Aylesford, this could be provided by way of a country park. Following discussion the Committee agreed to recommend that an anti-coalescence band of land should be explicitly mentioned in this policy to establish a country park in negotiation with TMBC.



The Committee heard Officers were in negotiations with TMBC to agree a solution to the Coldharbour roundabout junction which would be funded by Section 106 agreements with developers.

The Committee agreed site H1 (5) – Langley Park, Sutton Road, Boughton Monchelsea go forward to Regulation 19 consultation.

The Committee agreed site H1 (6) – North of Sutton Road, Otham go forward to Regulation 19 consultation.

The Committee went on to consider sites H1 (7) North of Bicknor Wood, Gore Court Road, Otham; H1 (8) West of Church Road, Otham, and; H1 (9) Bicknor Farm, Sutton Road, Otham.

Councillor Newton addressed the Committee and expressed his concerns regarding development in the Otham parish as he considered it would ruin the character of the village. Councillor Newton stated further development in the village would impact on the 28 listed buildings in the parish; the one car width country lanes would not cope with the increase in traffic; a lack of a wildlife corridor to the ancient wood would destroy the habitat, and; a lack of school places in the area. He requested that the Committee recommend sites H1 (7) and H1 (8) be removed.

Mr Jarman explained to the Committee that for sites H1 (7) and H1 (9) there was provision for a 15 meter landscape buffer between the ancient wood and the development site within the site boundary.

The Committee discussed the possibility of this buffer being extended to 30-40 meters with measures to ensure it was not used as a footpath or a cycleway.

Mr Clarke informed the Committee that Criteria 7 of the policy included a Phase 1 Ecology Assessment that should estimate what wildlife species would need protection. This would be required of any developer to carry out and include with a planning application. There were also safeguards in the policy to guide developers in the protection of the area and provide mitigation.

Mr Clarke went on to explain the highways criteria in the policies H1 (7, 8 and 9) set out the need to widen Gore Court Road.

During lengthy discussion the Committee discussed the possible options to protect the ecology and character of Otham. Possible options discussed included reducing housing numbers on the sites; removing sites; changing the site boundaries. The Committee also discussed including site H1 (10) south of Sutton Road, Langley when discussing the options for the Otham sites.

**RESOLVED:** That

1. A cross party group from the Committee meet with Planning Officers before the next adjourned meeting of the Planning, Transport and

Development Overview and Scrutiny Committee (28 January 2015 at 3pm) to discuss the development criteria and parameters for sites H1 (7, 8 and 9).

2. The Committee recommend that Cabinet approve the new housing site allocation policies as set out in Appendix D for Regulation 18 consultation in February 2015, subject to:

**a) H1 (66) – Land south of The Parsonage, Goudhurst Road, Marden**

Being accepted subject to the addition of the words 'In particular' at the beginning of the sentence under point 10.

Recorded votes:

- For – 3 plus casting vote from Chairman = 4
- Against – 3
- Abstain – 2

Councillor Round asked for his decent to be noted.

**b) H1 (67) - Land to the south of Marden Road, Staplehurst and H1 (68) – Lane to the north of Henhurst Farm, Staplehurst**

Both sites being removed as they are not in compliance with the parish footprint and the foul water infrastructure cannot be resolved by sites of this size.

Recorded vote to accept these sites:

- For – 0
- Against – 5
- Abstain – 4

**c) H1 (69) – Land at Lodge Road, Staplehurst**

Being accepted.

Recorded votes:

- For – 7
- Against – 2
- Abstain – 0

**d) H1 (72) – Land adj. The Windmill PH, Eyehorne Street, Hollingbourne**

Being accepted.

**e) H1 (73) - Land at Brandy's Bay, South Lane, Sutton Valence**

Being accepted.

**f) H1 (74) – Land at Wren's Cross, Upper Stone Street, Maidstone**

Being accepted subject to the site being part of a wider regeneration of the area.

3. The Committee recommend that Cabinet approve the amendments to Policy H1 set out in Appendix B for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan, subject to detailed transport and infrastructure modelling be in place beforehand and subject to:

**a) H1 (43) – Linden Farm, Stockett Lane, Coxheath**

Being accepted subject to a reconsideration of the Section 106 contributions being used for the provision of local schools and subject to the necessary highway works being carried out.

**b) H1 (44) – Heathfield, Heath Road, Coxheath**

Being accepted subject to an additional green buffer and the parish's proposed easy access walk be provided to preserve the line of the parish council as detailed in the Coxheath Neighbourhood Plan.

**c) H1 (45) – Forstal Lane, Coxheath**

Being rejected because highways and access to the site cannot be adequately addressed.

Recorded vote:

- For – 9
- Against – 0
- Abstain – 0

**d) H1 (1) – Bridge Nursery, London Road, Maidstone**

Not being discussed as resolution to grant planning permission subject to S106.

**e) H1 (2) – East of Hermitage Lane, Maidstone**

Not being discussed as this site is subject to a planning appeal.

**f) H1 (3) – West of Hermitage Lane, Maidstone**

Not being discussed as resolution to grant planning permission subject to S106.

**g) H1 (4) – Oakapple Lane, Barming**

Being accepted subject to the site being developed in pace and alongside the establishment of a country park.

**h) H1 (5) – Langley Park, Sutton Road, Boughton Monchelsea**

Being accepted.

**i) H1 (6) – North of Sutton Road, Otham**

Being accepted.

141. LONG MEETING

Prior to 10:30pm, during consideration of Maidstone Borough Local Plan – new and amended site allocations, the Committee considered whether to adjourn the meeting at 10:30pm or continue until 11:00pm if necessary.

**RESOLVED:** That the meeting continue until 11:00pm, if necessary.

142. ADJOURNMENT

Prior to 23:00pm, the committee considered whether to adjourn at 23:00pm and reconvened at a time to be confirmed.

**RESOLVED:** That the meeting be adjourned at 23:00pm and reconvened at a time to be confirmed.