MAIDSTONE BOROUGH COUNCIL

Planning, Transport and Development Overview & Scrutiny Committee

MINUTES OF THE MEETING HELD ON MONDAY 2 MARCH 2015

Present: **Councillor Springett (Chairman), and Councillors Ash, Collins, Mrs Gooch, Harwood, B Mortimer, Powell, Round and Mrs Wilson**

Also Present: **Councillors Mrs Blackmore, Burton, Greer, Mrs Grigg, McKay, McLoughlin, D Mortimer, Newton, Perry, Mrs Ring, Sargeant and J.A. Wilson**

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

RESOLVED: that all items on the agenda be webcast.

155. APOLOGIES

Apologies were received from:

- Councillor Ross
- Councillor de Wiggondene
- Councillor Chittenden
- Councillor Willis

Councillor English was absent.

156. NOTIFICATION OF SUBSTITUTE MEMBERS

- Councillor Ash substituted for Councillor de Wiggondene;
- Councillor Collins substituted for Councillor Ross;
- Councillor Harwood substituted for Councillor Willis;
- Councillor B Mortimer substituted for Councillor Chittenden;
- Councillor Fran Wilson substituted for Councillor English.

157. NOTIFICATION OF VISITING MEMBERS

Councillors Blackmore, Burton and Newton were in attendance as witnesses for item 7.

Councillors: Grigg, Mckay, Derek Moritmer, Perry, Ring and John Wilson were in attendance reserving their right to address the Committee.

Councillors: Greer and Sargeant were in attendance as observers.

158. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Burton declared an Other Significant Interest regarding site H1 (10) – Land South of Sutton Road, Langley, should it be discussed at the meeting.

Councillor Springett declared an Other Significant Interest regarding site H1 (17) – Barty Farm Bearsted, should it be discussed at the meeting.

159. 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.

160. CALL-IN: MAIDSTONE BOROUGH LOCAL PLAN - NEW AND AMENDED SITE ALLOCATIONS.

The Chairman welcomed the visiting public and Members to the meeting and explained the meeting had been called as a result of a Call-in of the Cabinet Decisions dated 4 February 2015.

The Chairman introduced Councillor Fran Wilson, Councillor Gordon Newton and Councillor Eddie Powell to the meeting as the three signatories of the Call-in.

Councillor Wilson presented her reasons for calling in the Cabinet Decision and explained it was not her intention to re-open the entire debate on the new and amended sites for the draft Local Plan.

Councillor Wilson went on to say her concern was a lack of consistency by Cabinet in the weight and reasons given for their decisions. She felt the Planning, Transport and Development Overview and Scrutiny Committee (PTD OSC) had taken a consistent approach with their recommendations which included explanations for their recommendations.

Councillor Wilson was concerned the lack of consistency in the reasons for the Cabinet's decisions could have made the Local Plan unsound and open to challenge. Of particular concern was the decision on site H1(10) South of Sutton Road, where Councillor Wilson suggested the PTD OSC recommend Cabinet removed point (e) of this decision as a reason to reject this site:

> *'that development here would not command the consent of local people as reflected in the consultation response'*

Councillor Wilson went on to point out that Cabinet had rejected the recommendation from PTD OSC on site H1(20) Postley Road, Tovil and did not give a reason for their decision. Councillor Wilson felt, for consistency, if Cabinet rejected a recommendation from the Committee they should provide a reason for doing so, as they had with other sites.

Councillor Wilson continued to explain that points (a), (b) and (c) of the decision to reject site H1(10) which state:

a) *'in the opinion of the Cabinet the eastern boundary of site H1(5) forms a natural boundary to the edge of the urban area of Maidstone;*
b) *'there should be no further encroachment of residential development into the countryside which would result in the loss of green space and a leisure facility;*
c) *'there would be an unacceptable cumulative impact on traffic generations in the Sutton Road corridor'.*

Should apply to 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. She went on to state that reasons for refusal should apply to sites on the north and the south sides of the Sutton Road or the points be removed from the decision for H1(10) or a strong explanation for rejecting one site and not others provided.

Councillor Wilson then continued to explain that sites such as H1(25) Tongs Meadow, which have receptor sites, should be protected from development. She considered that an independent organisation, such as Kent Wildlife, should be involved from the design stage of any development of the site.

Councillor Newton explained his reasons for Calling-in the Cabinet decision from 4 February 2015. He was concerned that site H1(10) had been rejected by Cabinet for the reasons sites H1(7), (8) and (9) should have been rejected. He felt this would have a significant impact on the village of Otham if the decision was not reconsidered.

Councillor Newton went on to explain he had a copy of a letter from Kent County Council (KCC) stating they would oppose any proposals to widen Sutton Road stating a preference for a Leeds/Langley bypass. Councillor Newton stated a strategic transport assessment for each development was needed in consultation with KCC.

Councillor Newton asked Committee to recommend Cabinet reconsider their decision for H1(7) and either reduce the housing numbers on the site or take it out of the Local Plan. He went on to state H1(8) should be taken out of the Local Plan because development of this site would increase traffic onto Church Lane.

Councillor Powell explained his reason for Calling-in the Cabinet decisions was because he felt Cabinet did not take into account the weight of submissions received.

Councillor Powell stated he considered receptor sites such as site H1(25) Tongs Meadow should not be used for development. He went on to state that information provided to PTD OSC at their meetings in January was not made available to Cabinet at their meeting of 4 February 2015. He felt the ecologists report on the state of Tongs Meadow was misleading and

inaccurate and did not mention the need for a European licence for receptor sites.

Councillor Powell raised concerns that a policy on receptor sites had not been created.

Site H1 (25) Tong Meadow

Focussing on Tongs Meadow, Rob Jarman, Head of Planning and Development explained one of the functions of a site policy was to highlight the issues developers had to overcome before planning permission was granted, for example the protection of a receptor site.

Councillor Blackmore, Leader of the Council and Councillor Burton, Cabinet Member for Planning and Development responded to the concerns raised.

Councillor Burton stated that all Cabinet members had studied, in detail, all the relevant information for the draft Local Plan for a long period of time and although documents had not been provided at their meetings it did not mean Cabinet were not aware of them.

Councillor Blackmore accepted there was not policy in place for receptor sites but there was the Green Blue Infrastructure Strategy.

Councillor Blackmore asked if a receptor site should have greater status than the original site the wildlife had been moved from. Councillor Blackmore considered the Tongs Meadow site was large enough to develop and protect the receptor site.

Steve Clarke, Principal Planning Officer circulated revised criteria for the Tongs Meadow site. He stated the revised criteria would be used to determine whether a planning application for this site would meet the criteria to protect the wildlife on the site. If it was considered it would not, permission would be refused.

Councillor Blackmore raised concerns that the discussion was focussed on the detail rather than the strategic development of the Local Plan. She went on to point out Policy DM10 – Historic and Natural Environment, pages 77 and 78 of the Draft Local Plan published in March 2014, point 1 (iv), stated:

> *'Enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented Ancient Woodland; support opportunities for the creation of new Biodiversity Action Plan priority habitats; create, enhance, restore and connect other habitats, including links to habitats outside Maidstone Borough, where opportunities arise.'*

Councillor Blackmore explained this was a strategic level policy which protected receptor sites.

Councillor Wilson stated there was still a need for a Borough wide policy that protected wildlife on development sites.

The point was raised that Tongs Meadow was included in the Harrietsham Neighbourhood Plan by the Parish Council. It was stated that the site had been put in the Neighbourhood Plan without the majority of support from Harrietsham parishioners.

Site H1 (10) South of Sutton Road, Langley and;
H1 (7)Land North of Bicknor Wood, Otham
H1 (8) Land West of Church Road, Otham
H1 (9) Bicknor Farm, Sutton Road

18:15 hrs Councillor Burton left the meeting.

Councillor Newton stated sites H1(7) and H1(8) should be taken out of the Local Plan on the same basis as site H1(10) was taken out.

Councillor Wilson stated that point (c) of the decision for site H1(10) should with be removed or added to the decisions for sites H1(7), H1(8) and H1(9). Or the point made under the decisions for sites H1(7), H1(8) and (9) –

> *'strategic transport requirements, adding in point vii:*
>
> *Strategic road infrastructure to significantly relieve traffic congestion on Sutton Road and Willingdon Street'.*

Councillor Wilson went on to state that all traffic from the proposed Otham sites would exit on to the Sutton Road and should be treated equally. She considered the draft Local Plan could not go to Regulation 19 consultation with inconsistencies.

Councillor Blackmore explained the Cabinet decision for site H1(10) was based on the same principle as the Fant Farm site, to avoid urban sprawl.

Mr Clarke explained that correspondence from KCC did not state the highway infrastructure could not cope or could not be developed, there are other potential accesses for the sites in this area.

Mr Jarman stated the development of the Local Plan was a formal process and all sites should be treated in the same way. The Regulation 19 consultation stage would provide another opportunity for all to have their say on the sites put forward. Mr Jarman said this was the stage were all infrastructure providers would put forward their concerns with any of the sites.

Councillor McKay addressed the Committee and stated the decisions on all Sutton Road sites H1(5) to H1(9) should be revisited and looked at together. He considered there would be a different outcome as the sites were not suitable for housing and unable to create a community.

Councillor John Wilson addressed the Committee and stated the decision on site H1(45) Forstal Road, Coxheath was inconsistent. He considered the reason for rejecting site H1(10) would apply equally to site H1 (45). He suggested site H1(10) be put back into the Local Plan and go to Regulation 19 consultation.

ADJOURNMENT: The Committee agreed to take a break between 19:55 and 20:10 hours.

Councillor Burton re-joined the meeting.

The Chairman asked if Members had any further sites they wished to discuss which fitted the reason for the Cabinet Decision Call-in.

Several sites were discussed but it was agreed they did not fit the reason for the Call-in. Any issues with these sites could be raised during the Regulation 19 consultation process.

Councillor Derek Mortimer addressed the Committee and raised concerns regarding site H1(20) Postley Road, Tovil. He stated this site was identical to a site in the same area which had been rejected after the first call for sites. Councillor Mortimer considered site H1(20) should have been rejected for the same reasons.

Councillor Mortimer went on to say there had been up to 4,000 objections against this site, taking into account a petition presented to Cabinet in December 2014. The Cabinet had given no reason for rejecting the recommendation from the PTD OSC to reject the site from the draft Local Plan.

Councillor Blackmore explained that Cabinet had been given advise to give two or more reasons when rejecting sites and this complied with the National Planning Policy Framework. When sites are recommended to go forward to Regulation 19 consultation there was no requirement to provide a reason. Councillor Blackmore went on to state the Cabinet considered the policy for site H1(20) was adequate.

The Committee agreed when sites were rejected or accepted there should be a reason for the decision provided.

RESOLVED that the Committee recommend Cabinet:

a) Reconsider their decision on site H1(25) Tongs Meadow, West Street, Harrietsham and reject the site, and for it to be taken back to Regulation 18 for deletion on the basis that it is a receptor site.

b) If during their reconsideration Cabinet decide to keep site H1(25) in the Local Plan that the Revised Criterion for Design and Layout and Ecology be included in the policy with the inclusion of the requirement that an independent organisation, such as Natural England, Kent Wildlife Trust or Kent County Council Ecology, be commissioned from the design stage of any development on the

site to report whether the design of the development will adequately protect the species that are on the site.

c) That Cabinet remove point (e) of their decision – '*that development here would not command the consent of local people as reflected in the consultation response'* from site H1(10) south of Sutton Road, Langley, from reasons for rejection.

d) Reconsider their decision on site H1(10) South of Sutton Road, Langley and put it forward for Regulation 19 consultation for approval.

e) It was the Committees view that as all four sites, H1(7)Land North of Bicknor Wood, Otham, H1(8) Land West of Church Road, Otham and H1(9) Bicknor Farm, Sutton Road and H1(10) South of Sutton Road come on to the Sutton Road that all comments regarding traffic management must be the same. The Committee therefore request Cabinet, either to give H1 (7), (8) and (9) the same wording as H1 10, i.e. point (c) '*there would be an unacceptable cumulative impact on traffic generation in the Sutton Road corridor'*. In which case that may require cabinet to further decide sites H1(7), (8) and (9) should be rejected in the same way as H1 (10). Or alternatively they can remove point (c) from H1(10) and instead, under criteria, insert the same wording used for H1(7), (8) and (9) i.e. *'strategic road infrastructure to significantly relieve traffic congestion on Sutton Road and Willingdon Street'*. This may not necessarily mean the status of H1 (10) changing because there would still be three reasons for rejection of this site, (a), (d) and (e).

f) Note the disappointment of the Planning, Transport and Development Overview and Scrutiny Committees' that Cabinet have not given a reason for recommending site H1(20) – Postley Road, Tovil go forward for Regulation 19 consultation and ask that Cabinet provide a reason why the Committee's recommendation was overturned and incorporate this reason in the Decision Notice.

161. MEETING DURATION

17:00hrs to 21:07hrs