

## **MAIDSTONE BOROUGH COUNCIL**

### **STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 7 JULY 2020**

**Present:** Councillors D Burton (Chairman), Clark, English, Garten, Mrs Grigg, McKay, Munford, Parfitt-Reid and de Wiggondene-Sheppard

**Also Present:** Councillor Mortimer

154. APOLOGIES FOR ABSENCE

There were no apologies for absence.

155. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

156. URGENT ITEMS

The Committee agreed to take an urgent item for information purposes concerning the introduction of the Building Control Out of Hours Service. The update would be provided by Rob Jarman, the Head of Planning and Development.

There were two updates, one to Item 14 – Maidstone Affordable and Local Needs Housing Supplementary Planning Document as a typographical update that the officer would provide during the item’s presentation. The second update was to Item 16 – Neighbourhood Planning Protocol Update, in the form of an amendment to Appendix 1 that had been circulated to the Committee prior to the meeting. The officer would explain the amendment during the item’s introduction.

157. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Mortimer was present as a Visiting Member and indicated the wish to speak on Item 14 – Maidstone Affordable and Local Needs Housing Supplementary Planning Document.

158. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

159. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

160. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed.

161. MINUTES OF THE MEETING HELD ON 9 JUNE 2020

**RESOLVED:** That the Minutes of the meeting held on 9 June 2020 be approved as a correct record and signed at a later date, subject to the following amendments:

To include the original request for an amendment to Item 12 – Committee Work Programme. The request was for the addition of a note that a member item request was made regarding a 20mph speed limit on Hayle Road. The amendment was not made as it was noted that this request was already included in the Minutes of the meeting held 10 March 2020. In addition, the Minute that contained that there were no reports of outside bodies be removed as a verbal update was provided by a Member of the Committee.

162. PRESENTATION OF PETITIONS

There were no petitions.

163. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

164. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

165. COMMITTEE WORK PROGRAMME

Specific reference was made to the Committee's request for a report which examined the impact of the Covid-19 pandemic on the financial implications of parking and the suspension of regulations, as under the remit of the Committee, made on 9 June 2020. It was requested that the previous instruction of the Committee to alter parking charges be taken into consideration within the report.

The Committee requested that the report be provided in addition to the first quarter budget and performance monitoring report for the 8 September 2020 meeting of the Committee.

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

166. REPORTS OF OUTSIDE BODIES

Councillor English provided a verbal update to inform the Committee that a successful bid had been made by the community rail partnership that runs the Medway Valley and Swale line partnerships to secure £150,000 for a new partnership between Kemsing and Charing. The partnership

would operate through Maidstone and stop at all stations within the borough on the Maidstone East Line.

A written statement from South Eastern Railways and the Community Rail Partnership would likely be provided for the next meeting of the Committee.

It was requested that as the Council's representative to South Eastern Railways, Councillor English request that the merits of the aforementioned funding be made available to the Committee.

**RESOLVED:** That the verbal update provided be noted.

167. MAIDSTONE AFFORDABLE AND LOCAL NEEDS HOUSING SUPPLEMENTARY PLANNING DOCUMENT

The Strategic Planning Manager introduced the report and stated that government guidance allows for the production of a Supplementary Planning Document (SPD) to build upon and provide further detailed advice and/or guidance on policies within an adopted local plan. Policies 19 and 20 of the Council's adopted local plan refer to the production of an SPD. The SPD would not introduce new policies into the local plan. The Council would need to comply with the adopted Statement of Community Involvement.

The Strategic Planning Manager highlighted that Adams Integra had been commissions to take forward the SPD, with pre-consultation engagement having taken place during the drafting of the document. This involved developers, registered providers and a working group of Members. A statutory six-week public consultation was undertaken, with changes made to the SPD in line with the pre-consultation engagement and the consultation itself. The SPD would have various purposes that included the facilitation of negotiations with, and to provide certainty to, landowners, lenders, housebuilders and registered providers, with regard to the Council's expectations for affordable and local needs housing within specific development schemes.

The report included a summary of the content of the SPD, with the SPD shown in Appendix 1. It was noted that there was a correction to be made to paragraph 2.9 of the report, whereby 2015 would be replaced with 2011.

Particular attention was drawn to the national and local context provided, with paragraph 1.11 of the report having made reference to the 67% of need across the borough is for social or affordable rent tenures, with 33% for intermediate housing. Individual site requirements were also included within the SPD that included the desire to keep affordable units when a resident leaves the property, specific requirements for housing for the elderly, to include extra care and specialist housing. The provision of affordable housing being delivered on site of specific developments was covered, with a high land price outlined as insufficient justification for the under provision of affordable housing.

Councillor Mortimer address the Committee as a visiting member, in his capacity as Chair of the Communities, Housing and Environment Committee. An expression of support for the SPD was given, with specific reference made to the importance of the provision of affordable housing.

In response to questions, the Strategic Planning Manager confirmed that the proportion of affordable homes needed would not be addressed through the SPD, but through the SP20 policy of the adopted local plan. To change the proportions required the adopted local plan would need to be reviewed. With regard to the effects of the Covid-19 pandemic, viability studies and a strategic market assessment would be conducted in order that the evidence produced be considered in the creation of future policy, as part of the non-spatial plan making that would commence in early 2021.

The Committee felt that further consideration regarding accessibility requirements was required. The Housing Delivery Manager confirmed that the demand for wheelchair accessible homes on the housing register was low and that pre-application discussions with developers encourage development to standard M42 – the adaptable accessible standard.

**RESOLVED:** That

1. Subject to the amendment of paragraphs 2.9 and 11.4 within Appendix 1, the adoption of the Affordable and Local Needs Housing Supplementary Planning Document, for use in decision making be agreed;
2. The Consultation Statement shown at Appendix 2 be noted; and
3. As part of the Council's ongoing emergency housing strategy, work be undertaken to ensure that the issues of accessibility and appropriateness of a home for lifetime live-in be assessed within the general housing issue, be agreed.

#### 168. LOCAL PLAN REVIEW UPDATE

The Strategic Planning Manager introduced the report and noted the Committee's previous resolution that a written update concerning any slippage and/or progress on the delivery of the Local Plan Review within the agreed timescale, be brought to each meeting of the Committee.

As the Local Planning Authority, the council remained on schedule to undertake a public consultation in October 2020 on its preferred approaches to addressing key areas of growth in the borough, that included housing, employment and retail growth amongst other factors.

The Strategic Planning Manager reminded the Committee that a further public consultation would occur in February 2021. Included within the report was a summary of the key specialist evidence studies that would inform the member engagement exercises and October 2020 public

consultation. These areas would include the Economic Development Needs Study, Strategic Flood Risk Assessment, Sustainability Appraisals and Strategic Environmental Assessment, Strategic Land Availability Assessment, Garden Communities Assessment, Maidstone Transport and Air Quality Modelling Project, Integrated Transport Strategy, Gypsy & Traveller and Travelling Showpeople Accommodation Assessment, Sports Facilities Strategy and Playing Pitch Strategy and Heritage Strategy.

In response to questions, the Strategic Planning Manager confirmed that the strategic flood risk assessment would likely be received this month. The Interim Local Plan Review Director confirmed that two workshops for the Committee, would be held across August and September with an all Member session planned to occur in August. During these activities, Members would be addressed with regard to the evidence base and how it would influence spatial strategy. A Local Plan Review Update report would then be brought to the Committee that summarised the evidence base.

The Committee expressed significant doubt that having the evidence base summarised within a report would allow for proper public scrutiny and transparency throughout the process. As the Committee had previously agreed to the Member Engagement sessions, it was desired that the examination of the evidence should occur in a public forum. It was suggested that a more suitable alternative would be to have a summary report presented to the Committee as planned, with the evidence based attached as appendices in order that the public would be able to view the evidence and the Committee's discussion on the item. It was suggested that adjourned meeting dates be made available if necessary.

It was agreed that the Chair and Vice-Chair would engage with the relevant officers to ensure that this be achieved for the September meeting of the Committee.

**RESOLVED**: That the content of the report be noted.

169. NEIGHBOURHOOD PLANNING PROTOCOL UPDATE

The Planning Policy Officer introduced the report and highlighted that the Neighbourhood Planning Protocol was last approved in July 2018 with the update now requested as a result of changes to the Council's practices in processing neighbourhood plans. It was noted that the protocol must comply with the Statement of Community Involvement (SCI) as approved by the Committee in June 2020. A reference to the SCI had been included made within the proposed updated protocol.

The Planning Policy Officer made specific reference to the urgent update that was circulated prior to the meeting, to note that the outcome of stage 17A would now read:

'post-examination draft neighbourhood plan (as modified by the Examiner) becomes a material consideration in decisions on planning applications'.

The Committee was reminded that paragraph 1.13 of the report indicated that the Lenham Neighbourhood Plan was at examination, with the examiners report having been received on 30 June 2020 which recommended that the plan move to referendum subject to modification. As such, the plan would now obtain some material consideration with a report for decision to be presented to the September meeting of the Committee.

In response to questions, the Strategic Planning Manager confirmed that whilst the amended SCI would be a temporary measure, the proposed update to the protocol would result in a permanent change.

The Committee felt that the wording of the protocol that related to the weight given to a post-examination neighbourhood plan was unclear. The Planning Team Leader for Mid Kent Legal clarified the legal position to be that a neighbourhood plan would obtain the same legal status as a local plan once it had been approved through a referendum. Alternative wording for the outcome of Regulatory Stage 17A as shown within Appendix 1 was proposed.

**RESOLVED:** That the revised Neighbourhood Planning Protocol be approved, subject to additional wording to read:

'Note: post-examination draft neighbourhood plan (as modified by the Examiner) becomes a significant material consideration in decisions on planning applications but will receive full weight post-successful referendum'.

170. URGENT ITEM - BUILDING CONTROL OUT OF HOURS SERVICE

The Head of Planning informed the Committee of the newly introduced Out of Hours Service, that would be provided by the Building Control Team. The Council had a statutory duty to ensure that dangerous structures do not pose a public safety risk. The Out of Hours Service will operate 24/7 and will allow surveyors to be contacted if there is a dangerous structure, to assess the building and mitigate any harm or risk that would arise from the structure.

The Head of Planning confirmed that the service had not been introduced in response to an incident, but rather that the resources to do so had become available. The aim of the service would be to improve the way in which the Council discharges its statutory duties.

**RESOLVED:** That the verbal update provided be noted.

171. DURATION OF MEETING

6.30 p.m. to 8.17 p.m.