

MAIDSTONE BOROUGH COUNCIL

LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

MINUTES OF THE MEETING HELD ON TUESDAY 18 APRIL 2023

Attendees:

Lead Member:	Councillor Cooper, Lead Member for Planning and Infrastructure
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33. URGENT ITEMS

An urgent update to Item 7 – Design and Sustainability DPD Regulation 18b was accepted, which included the draft minute of the item’s consideration at the Planning and Infrastructure Policy Advisory Committee Meeting held on 5 April 2023, for consideration prior to the decision.

34. EXEMPT ITEMS

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

35. MINUTES OF THE MEETING HELD ON 23 JANUARY 2023

RESOLVED: That the Minutes of the Meeting held on 23 January 2023 be approved as a correct record and signed.

36. MINUTES OF THE MEETING HELD ON 20 FEBRUARY 2023

RESOLVED: That the Minutes of the Meeting held on 20 February 2023 be approved as a correct record and signed.

37. MINUTES OF THE MEETING HELD ON 22 FEBRUARY 2023

RESOLVED: That the Minutes of the Meeting held on 22 February 2023 be approved as a correct record and signed.

38. REFERENCE FROM PLANNING COMMITTEE - HOUSING MIX POLICIES

The Lead Member for Planning and Infrastructure considered the reference received, stating that they would discuss the matter further with the Council’s Strategic Planning team.

RESOLVED: That the referenced be noted.

39. DESIGN AND SUSTAINABILITY DPD REGULATION 18B

RESOLVED: That

1. The Maidstone Design and Sustainability DPD Regulation 18 preferred Approaches document attached at Appendix 1 to the report and the Sustainability Appraisal of the DPD attached at Appendix 2 to the report be

agreed for public consultation starting at 4.00pm on Friday 28th April to run for six weeks to 5.00pm on 12th June.

2. The evidence base documents at appendix 3-5 of the report be noted.

(see Record of Decision)

40. SHOP FRONTS PLANNING GUIDANCE

RESOLVED: That

1. The proposed guidance document, attached at Appendix 1 to the report, be agreed as a material planning consideration; and
2. The guidance be promoted for inclusion in the forthcoming Design and Sustainability DPD.

(see Record of Decision)

41. DECLARATION OF LOCAL NATURE RESERVES

RESOLVED: That

1. The three sites, Allington Millenium Green, Fant Wildlife Site and the combined site of Weaving Heath, Five Acre and Wents Wood, be officially declared as Local Nature Reserves; and
2. The two sites, Hayle Park and Spot Lane, be officially declared as Local Nature Reserves following assent from Natural England.

(see Record of Decision)

42. DURATION OF MEETING

9.00 p.m. to 9.13 p.m.

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

Decision Made: 18 April 2023

Design and Sustainability DPD Regulation 18b

Issue for Decision

The second stage Regulation 18b Design and Sustainability Development Plan Document (DPD) for public consultation. The consultation document appended to the report provide information on what the Local Planning Authority envisages to be the draft policies for the Development Plan Document. In addition to the draft DPD, a Sustainability Appraisal has considered the impact of the policies within the document.

The public consultations on the DPD and a separate consultation on the associated Sustainability Appraisal are scheduled for six weeks starting on 28 April 2023.

Decision Made

RESOLVED: That

1. The Maidstone Design and Sustainability DPD Regulation 18 preferred Approaches document attached at Appendix 1 to the report and the Sustainability Appraisal of the DPD attached at Appendix 2 to the report be agreed for public consultation starting at 4.00pm on Friday 28th April to run for six weeks to 5.00pm on 12th June.
2. The evidence base documents at appendix 3-5 of the report be noted

Reasons for Decision

At its meeting in September 2021 the Strategic Planning and Infrastructure Committee agreed to undertake work to strengthen the Council's 'non-spatial' planning policy framework in order to achieve higher quality and more sustainable design across the Borough, reinforce Development Management decisions, and provide a stronger defence to planning appeals. Since that resolution, the council has commissioned consultants Arup to work with officers to undertake the production of the Design and Sustainability Development Plan Document ("DPD").

The DPD will form part of the Development Plan for the Borough, and will sit alongside and build upon the contents of the forthcoming Local Plan Review. The appended document explains the background to the DPD, its relationship with the Local Plan and Local Plan Review. The DPD is required to be in compliance with the National Planning Policy Framework including the tests of soundness, and will need also to comply with appropriate legal obligations such as the Duty to Cooperate. It will need to respond to, and help deliver, the relevant aspects of

other associated strategies and action plans adopted by the Council, such as the Strategic Plan and Biodiversity and Climate Change Action Plan.

It is a non-spatial policy document, that is it does not seek to allocate new sites or define a strategic direction for growth in the borough. Rather, the policies, which will be informed by the necessary evidence base and detail required to promote policies to support the negotiation of high-quality design, greater levels of biodiversity and more sustainable development. It responds to the greater emphasis being placed at national policy level to require a higher standard of design and greater sustainability in new development.

Content and Structure of the Consultation Document

The Council consulted on the Regulation 18a Scoping, Themes and Issues document from October to December 2022. Feedback from that consultation has been fed into the draft policies contained within this version of the DPD.

The council received a range of comments on the Regulation 18a, primarily from statutory consultees and stakeholders. In addition to the formal consultation, the Council also ran a mapping exercise to enable the public to drop pins on areas of the borough and make comment about their specific likes and dislikes about the built environment. Whilst not formally part of the planning consultation, this exercise added important contextual information from which Arup could shape the DPD document.

During that consultation, the council also undertook a series of meetings with prescribed bodies in accordance with its obligations under the Duty to Cooperate. This provided valuable feedback from those bodies with a particular interest in design and sustainability issues, for example Kent County Council.

Comments received at consultation were broadly supportive of the aims of the DPD, key themes to emerge from the comments related to:

- Identification of ways that the document can contribute to wider biodiversity networks that might extend beyond the borough's boundaries.
- The DPD needs to ensure sustainable and walkable communities.
- Historic environment and its context should be embedded in new development.
- New development should seek to bring benefits to existing communities.
- The need for off street parking in new development.
- Consideration of waste generation in the development phase of new build.
- The DPD should take a holistic and integrated approach to tackling climate change.
- Landscape setting in rural areas should be an important consideration for new development.

Following consideration of consultation comments received against the Regulation 18a, in addition to the emerging evidence base, in February and March 2023 a draft of this Regulation 18b document was presented for discussion across a range of stakeholders. These included the Development Management team, the Biodiversity and Climate Change Manager, Heritage Conservation officers and other council teams such as Housing and Environmental Health, the Planning Committee members, and finally an all-member workshop was held on the 8 March 2023.

These workshops and discussions provided substantial, detailed and invaluable feedback to the consultants, and comments and suggestions made have been incorporated into the document where feasible.

Turning to the layout of the document, the DPD opens with a forward and introduction. Chapter 2 then sets out the approach to design and sustainability in Maidstone and how this is framed by national guidance and existing evidence. Chapter 3 then provides a characterisation of the places in Maidstone, from the town centre, through garden settlements, to the villages. These characterisations define the high-level setting and key features that define the character of these location, in order to inform proposals that will come forward.

Chapter 4 starts by setting sets the Overarching Design & Sustainability Principles for the borough. It then goes on to set out the specific policies contained within the DPD. These are arranged under the following headings:

- Placemaking
- Streets and Buildings
- Open Space and Nature
- Movement
- Sustainable Buildings
- Design Quality

Policies on Placemaking set out the requirements for the way in which new development should seek to create an environment that fosters high quality places that occupants and visitors enjoy living and working in. These policies set out overarching principles of design, in addition to addressing specific placemaking requirements of the town centre.

The section on Streets and Buildings addresses how buildings in new development should seek to create environments with a sense of place and which encourage, and which contribute to well-being and sustainable transport. It has policies addressing on street parking and refuse, as well as distinctiveness and streetscene.

Open Spaces and Nature policies concern matters of natural and built landscape, including vegetation, topography, building materials. This section contains policies that seek to set in place how development should respond to landscape and townscape characteristics.

Policies within the Movement section seek to align matters relating to the built environment and people/vehicle movement. It requires new development to promote social interaction and active travel through the use of route and building layout.

Sustainable Buildings deals with the specific design of buildings and how these can incorporate measures to reduce carbon emissions in both construction and operation. Policies in this section require buildings to be constructed in a way that adopts the fabric first approach, uses passive design, minimises waste, and makes provision for renewable energy production.

Finally, the Design section provides a design code at borough level for development to be considered against. These policies require new development to adopt a design-led approach. It contains specific requirements regarding how

major development proposals should be masterplanned using design codes, maintenance of design quality through the lifetime of the build, incorporation of local distinctiveness, materials and overall standards. It also addresses design expectations for smaller developments.

The table below provides a list of policies contained within the draft DPD.

Chapter	Policy
Placemaking	PM1: Placemaking
Placemaking	PM2: Maidstone Town Centre
Streets and Buildings	S1: Built Form
Streets and Buildings	S2: Tall Buildings
Streets and Buildings	S3: Optimising Density
Streets and Buildings	S4: Mixed Uses and Local Centres
Streets and Buildings	S5: High Quality Public Realm and Streetscene
Streets and Buildings	S6: Off-Street Parking
Streets and Buildings	S7: On-Street Parking
Streets and Buildings	S8: Settlement Edges
Streets and Buildings	S9: Servicing layout and access
Streets and Buildings	S10: Integrating refuse and recycling storage
Open space and nature	ON1: Landscape and the Setting of Places
Open space and nature	ON2: Open Spaces
Open space and nature	ON3: Biodiversity, Geodiversity and Nature Recovery
Open space and nature	ON4: Biodiversity Net Gain
Open space and nature	ON5: Sustainable Drainage Systems (SuDs)
Open space and nature	ON6: Green Infrastructure
Open space and nature	ON7: Protection of Dark Skies
Open space and nature	ON8: Building on Sloping sites
Open space and nature	ON9: Providing External Amenity Space for All Homes
Movement	MO1: Layout and Movement
Movement	MO2: Design for All
Movement	MO3: Plan for cyclists
Sustainable Buildings	SB1: Sustainable Design and Construction
Sustainable Buildings	SB2: Minimising Greenhouse Gas emissions in New Development
Sustainable Buildings	SB3: Passive Design of Buildings
Design Quality	DQ1: Design led approach
Design Quality	DQ2: Masterplanning
Design Quality	DQ3: Form Based Design Codes
Design Quality	DQ4: Maintaining Design Quality
Design Quality	DQ5: Materials and Detailing
Design Quality	DQ6: Modern Methods of Construction
Design Quality	DQ7: Houses in Multiple Occupation
Design Quality	DQ8: Mixed Communities

Sustainability Appraisal

Local plans should be informed throughout their preparation by a Sustainability Appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant

adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).

The Sustainability Appraisal (which incorporates a Strategic Environmental Assessment) of the DPD seeks to inform and support the conclusions in the DPD at each main stage for the duration of the process.

The Regulation 18b Sustainability Appraisal assesses this stage of the draft plan against the Sustainability Appraisal objectives.

Where the sustainability of the strategy, individual policies or site allocations could be improved then the Sustainability Appraisal makes recommendations to achieve this. There is a Sustainability Appraisal consultation that is intended to run concurrently with the Regulation 18b documents consultation. The purpose of this consultation will be to seek views on the 'Sustainability Appraisal of the DPD: Regulation 18b' document. This is attached to the report as Appendix 2.

Evidence Base

The DPD is informed by a robust evidence base, including studies and strategies that have already been published both within the authority and elsewhere, as well as additional topic papers and an Equalities Impact Assessment. The Council is no longer required to undertake Equality Impact Assessments (EqIAs). However, we do assess and analyse the effect of our policies and practices in this regard, as well as how we further the equality aims – EqIAs still provide a useful method to do this.

The EqIA will be undertaken throughout the production of the DPD, having particular regard to the main consultation milestones. The DPD will be assessed at each consultation stage, prior to and following public consultations to take into consideration those with protected characteristics.

The appended EqIA considers the impact of policies in the draft plan and consultations that have taken place so far on those with protected characteristics.

Two additional topic papers have informed the evidence base. The first is a technical note exploring possible approaches for the scope of policy DPD in setting requirements on Biodiversity Net Gain. The second topic paper explores possible approaches for the scope of policy in the Design and Sustainability DPD in setting requirements on climate change and sustainable buildings. These topic papers are appended to the report.

The evidence base documents will be published alongside the DPD so that they can be referred to.

Public Consultation

Public consultation is programmed to commence at 4.00pm on Friday 28th April and will run for six weeks to 5.00pm on 12th June, in accordance with Regulatory requirements and the adopted Local Development Scheme.

We are working closely with the Council's Communications Team to prepare for the consultation and associated publicity. The consultation arrangements will

comply with the Council's adopted Statement of Community Involvement and legal requirements and will include:

- publication of Regulation 18b draft documents on Maidstone Borough Council's website, along with the evidence base documents
- consultation portal for the submission of on-line comments
- notifying statutory bodies, stakeholders and everyone on our consultation database
- public notice in the local newspaper
- press release/s
- use of social media to publicise the consultation.
- Copies of the documents will be placed in libraries and key council offices.

Following consultation and associated analysis, the Council will consider comments made and revise the DPD in preparation for consultation on the pre-submission draft (Regulation 19).

In summary, the Design and Sustainability DPD will help to embed the Council's commitment to achieving high quality design and sustainability in new development. This iteration of the document presents the first draft of the policies for consultation, with feedback later informing the submission draft of the DPD.

Alternatives considered and why rejected

Recommendation 1:

Option 1A – **(Agreed option)** Proceed with consultation on the draft Regulation 18b Design and Sustainability DPD and Sustainability Appraisal starting at 4.00pm on Friday 28th April to run for six weeks to 5.00pm on 12th June. This will meet requirements of Local Development Scheme ("LDS"), and the SCI and Regulatory requirements. This is the preferred option.

Option 1B – Agree the consultation but request significant changes to policy components of the DPD prior to consultation starting at 4.00pm on Friday 28th April to run for six weeks to 5.00pm on 12th June. Whilst minor changes would be dealt with through an update/addendum to the document, where significant changes are proposed (for example to policy), there may be a potential delay to the process, including commencement of the consultation. This will have a knock-on effect for the LDS, meaning a new LDS would have to be produced in order to address changes. The consultation would then take place in accordance with the new timetable as approved by full council.

Option 1C – Do not consult The council has committed to undertaking a consultation at this stage of the documents production by way of the LDS. Should members choose to not go ahead with the consultation, this would be contrary to the current LDS requirements. In this scenario, proposals will then need to be established for the production of this DPD which would allow engagement with relevant bodies or persons to take place at appropriate stages, in order to meet regulatory requirements. This would also require a new LDS to be created. A new SCI would also need to be produced to accommodate the changes in engagement process.

Background Papers

None.

I have read and approved the above decision for the reasons
(including possible alternative options rejected) as set out above.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned in the center of the signature box.

Signed: _____
Lead Member for Planning and Infrastructure

Full details of both the report for the decision taken above and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#)

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm on Tuesday 25 April 2023.**

Minute Item 40

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

Decision Made: 18 April 2023

Shop Fronts Planning Guidance

Issue for Decision

Historically MBC had a Design Guide for shop fronts (c.1990s) in the form of supplementary planning guidance (SPG) but no current guidance exists. The proposed guidance provides an understanding of the development of shop fronts and introduces the elements that make a good shop front with a heritage setting, it also provides initial guidance on the other factors that require consideration, such as planning, building control and licensing authorisations.

The reason for the guidance is to aide shop owners/ occupiers to provide high-quality, suitable design shop fronts, and to offer design support for case officers when dealing with planning applications. The guidance could be adopted in the Council's DPD for "Design & Sustainability" and the Town Centre Strategy.

Decision Made

RESOLVED: That

1. The proposed guidance document, attached at Appendix 1 to the report, be agreed as a material planning consideration; and
2. The guidance be promoted for inclusion in the forthcoming Design and Sustainability DPD.

Reasons for Decision

The reason for the guidance is to aid shop owners/ occupiers to provide high-quality, suitable design shop fronts, and to offer design support for Case Officers when dealing with planning applications. The guidance will therefore form a benchmark for future applications within the borough's retail areas.

Officers are looking for the guidance to ultimately be adopted in the Councils emerging DPD for "Design & Quality" and be fundamental to the Town Centre Strategy. It is the intention of the Economic Development Team to use the guidance with the roll out of a shop front grants scheme for the Town Centre, subject to the approval of the Economic Regeneration and Leisure PACs and subsequent approval by the Executive.

The document is designed to support the planning process and help improve the retail frontages within Maidstone Town Centre, and the smaller areas.

Whilst this is not, and cannot be used as a policy, it will provide guidance for

owners/ occupiers and for Case Officers to ensure good quality, suitable shop fronts (and associated advertising, etc) to our retail areas to encourage footfall by creating attractive places to visit.

By creating attractive areas, it is envisaged to encourage public to visit and spend time (dwell time) within the Town Centre, and the other retail areas within the Borough. By creating the guidance, this will give assistance to both the public and case officers on best practice to encourage a high level of quality and design.

Alternatives considered and why rejected

Option 1 – That the recommendations set out in the report be agreed.

Option 2 – That the recommendations set out in the report are not agreed.

It is not recommended that the guidance be rejected, as its approval would provide a clear steer on design for shopfronts to those making applications to change shop fronts as well as providing a valuable tool for officers in assessing such proposals. There is currently a policy vacuum on what is an important matter. There will also be benefits to wider projects run by the Economic Development Team and as part of the Town Centre Strategy.

Background Papers

None.

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.



Signed: _____
Lead Member for Planning and Infrastructure

Full details of both the report for the decision taken above and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#)

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm on Tuesday 25 April 2023**

Minute Item 41

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

Decision Made: 18 April 2023

Declaration of Local Nature Reserves

Issue for Decision

An update had been provided to the progress to declare Local Nature Reserves within the Borough. Five have now progressed, with three ready to be declared and the other two to follow once Natural England's assent has been received. Approval is sought to approval to make the official declaration for all five sites.

Decision Made

RESOLVED: That

1. The three sites, Allington Millenium Green, Fant Wildlife Site and the combined site of Weaving Heath, Five Acre and Wents Wood, be officially declared as Local Nature Reserves; and
2. The two sites, Hayle Park and Spot Lane, be officially declared as Local Nature Reserves following assent from Natural England.

Reasons for Decision

Local Nature Reserves (LNR) are a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local authorities. They are places with wildlife or geological features that are of special 388 interest locally and are a natural resource which makes an important contribution to England's biodiversity.

There are currently three formally adopted LNRs in the Borough: Vinters Valley Park (declared 1 April 1993) Boxley Warren (declared 27 April 2005) and River Len (declared 29 October 2014).

In 2018, the Heritage, Culture and Leisure Committee resolved that a detailed evaluation and feasibility assessment of LNRs be carried out. The outcome of this was presented to the Communities, Housing and Environment in December 2019 and it was agreed to progress a programme of new LNRs. Progress against this was reported to the Committee in April 2021, confirming that the following six sites would be declared:

- Fant Wildlife Area
- Allington Millennium Green
- Weaving Heath
- Five Acre and Wents Wood
- Hayle Park
- Spot Lane

As set out in the original feasibility study, there is a comprehensive list of requirements for establishing and declaring a LNR:

1. A legal agreement with the landowner to be secured if not a Council owned site
2. Management plan to be reviewed or drafted and approved by the Council.
3. Council to authorise declaration to make a LNR.
4. Draft documents submitted to Natural England with consultation
5. Representations considered and Council to make final declaration of LNR
6. Declaration to be sent to Natural England. LNR announced in local paper and copy of documents to be made available for public inspection and site added to website.
7. LNR officially opened.
8. For third party owned sites with existing community groups in place, Management Committee to be set up and maintained. For Council sites with no existing Friends group, engagement with the community will be needed, potentially through the formation of a Friends group, plus a Management Committee.
9. If required, byelaws to be drafted and formally approved by the Secretary of State. Council officers will be responsible for enforcement.

Since 2021, significant work has been undertaken to progress the six sites including site surveys, the preparation of management plans, development of community support, definition of land boundaries and the preparation of legal paperwork, including draft declarations and public notices.

Two of the proposed LNRs discussed in 2021 , Weaving Heath and Five Acre and Wents Wood, have also now been combined as one nature reserve.

The draft management plans for three LNRs (Fant, Allington Millenium Green and the combined site of Weaving Heath, Five Acre and Wents Wood) have been submitted to the Government's Advisors on Nature, Natural England. Letters of Assent were received in February 2023 from Natural England enabling the Council to make the formal declarations and publish notices.

Hayle Park and Spot Lane are more complex sites requiring additional work and their management plans are now being finalised to be sent to Natural England for assent.

Alternatives considered and why rejected

Option 1: That the five proposed LNRs are declared upon receipt of Natural England's assent, public notices are issued and they are officially opened.

Option 2: No further action is taken and the declarations are not made.

Option 3: The three sites that have received Natural England's assent (Fant, Allington Millenium Green and Weaving Heath, Five Acre and Wents Wood) are declared as LNRs, but the other two sites are not progressed.

The three sites that have already been given Natural England's assent should be

declared immediately and then the other sites are declared following receipt of Natural England's assent.

Given the previous committee support, the approval from Natural England and the benefit this will create for the identified open spaces, and it is not recommended that this work is now abandoned and therefore options 2 and 3 should not be considered.

Background Papers

Communities, Housing and Environment Report – Local Nature Reserves Feasibility Study – 16 December 2019

Communities, Housing and Environment Report – Declaration of Local Nature Reserves – 6 April 2021

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.



Signed: _____
Lead Member for Planning and Infrastructure

Full details of both the report for the decision taken above and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#)

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm on Tuesday 25 April 2023**