

MAIDSTONE BOROUGH COUNCIL

SPATIAL PLANNING STRATEGY ADVISORY GROUP

MINUTES OF THE MEETING HELD ON 5 MARCH 2013

Present: Councillor Lusty (Chairman) and
Councillors Burton, Mrs Gooch, Harwood, Moss and
Mrs Wilson

Also Present: Councillors Newton, Paine and Paterson

35. APOLOGIES FOR ABSENCE

There were no apologies for absence.

36. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

37. URGENT ITEMS

The Chairman stated that, in his opinion, the update report of the Head of Planning should be taken as an urgent item as it contained proposed changes to the amended Maidstone Borough Local Plan policies set out in Appendix B to the report of the Director of Change, Planning and the Environment relating to the Maidstone Borough Local Plan 2011-2031.

38. NOTIFICATION OF VISITING MEMBERS

Councillor Paine indicated his possible wish to speak on all items on the agenda.

Councillor Paterson indicated her wish to speak on the report of the Director of Change, Planning and the Environment relating to the Maidstone Borough Local Plan 2011-2031.

Councillor Newton was in attendance.

39. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

40. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied.

41. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

42. MINUTES OF THE MEETING HELD ON 22 JANUARY 2013

RESOLVED: That the Minutes of the meeting held on 22 January 2013 be approved as a correct record and signed subject to the addition of the following paragraph to Minute 33 relating to the Landscape Character Assessment 2012 to emphasise Members' concerns about the document:-

Members were concerned that despite understanding how the Landscape Character Assessment was meant to be used, there was room for misinterpretation by other people. The National Planning Policy Framework, for example, puts great emphasis on landscape scale policies, whereas the Landscape Character Assessment deals on a site by site basis, which negates that aspect of landscape planning.

43. LOCAL DEVELOPMENT SCHEME 2013-2015

The Group considered the report of the Director of Change, Planning and the Environment concerning the revision of the Local Development Scheme 2013-2015 to take account of the Cabinet's decision to delay the Core Strategy programme to enable the Officers to undertake further work on the evidence base. It was noted that the revision afforded the opportunity to merge the Core Strategy and Development Delivery documents into one document, bringing forward the adoption date of Development Delivery without causing further delay to the Core Strategy timetable.

The Group supported the recommendations set out in the report, accepting that there were no advantages to continuing with the production of two local plans for the Core Strategy and Development Delivery rather than a single Maidstone Borough Local Plan, and that the retention of the current plan period to 2026 would most likely lead to the need for an early review of the Maidstone Borough Local Plan following examination.

RESOLVED to RECOMMEND to the CABINET:

1. That the amalgamation of the Core Strategy Local Plan and the Development Delivery Local Plan, to be called the Maidstone Borough Local Plan, be approved.
2. That the plan period for the Maidstone Borough Local Plan 2011 to 2031 be approved.
3. That the Local Development Scheme 2013-2015, attached at Appendix A to the report of the Director of Change, Planning and the Environment, be adopted to come into effect from the date of adoption.

44. MAIDSTONE BOROUGH LOCAL PLAN 2011-2031

The Group considered the report of the Director of Change, Planning and the Environment concerning the Maidstone Borough Local Plan 2011-2031. Specific consideration was given to:-

- The initial draft results of updated consultants' reports that identified the Borough's housing and employment needs, and the setting of a working housing target.
- The key issues arising from the public consultations in relation to the policies covered by the report, the Officers' responses to these issues and amended Local Plan policies; the adoption of strategic site allocation policies for development management decisions; and the retention of junction 8 of the M20 motorway as a strategic development location until the work on employment demand and supply is completed.
- Proposed changes to the affordable housing requirement for new development as a result of viability work and updated targets for Gypsy and Traveller and Travelling Showpeople accommodation as a result of the rolling forward of the Local Plan period.
- The infrastructure priorities for development, secured through planning conditions and legal agreements.

The Officers circulated an update report setting out proposed changes to the amended Maidstone Borough Local Plan policies set out in Appendix B to the report (copy attached as Appendix A to these Minutes).

The Group gave detailed consideration to the recommendations set out in the report.

With regard to recommendation (ii), and in response to comments by Members, the Head of Planning undertook to make available to the Cabinet the five year housing land supply position for a target of 11,080 dwellings should strategic sites be adopted.

With regard to recommendation (iii), and in response to comments by Members, the Head of Planning circulated a breakdown (by policy) of the number of people who had responded to the public consultations in relation to the policies which were the subject of the report, and undertook to make this information available to the Cabinet together with further details of the representations made. However, in so doing, the Head of Planning sounded a note of caution as to the weight to be attached to representations where no reasons had been given. In relation to policy SS1, issue 1 of the consultation statement, and in response to comments by Members, the Head of Planning undertook to amend the statement to make reference to quality of life issues and the impact on the wider community.

With regard to recommendations (iv) and (v), and in response to concerns expressed by Members, the Head of Planning undertook to make available to the Cabinet a more accurate plan showing clearly the areas allocated to medical facilities, retail redevelopment and structural landscaping at Newnham Park (policy SS4).

With regard to policy CS10 (Affordable Housing), the Head of Planning advised the Group that due to viability concerns and administrative issues, he wished to amend his recommendation (vii) to increase the threshold at which affordable housing is required from one unit to ten units.

During the discussion, and in response to questions by Members, the Officers explained the process for identifying the improvements to local transport infrastructure required to support housing and employment growth, and to mitigate existing deficiencies, and outlined potential funding sources, including Section 106 contributions depending on the applications put forward.

The Group also wished to make a recommendation to the Cabinet relating to the proposed deletion from policy CS6 (Sustainable Construction Standards) of the planned step up in requirements to Code for Sustainable Homes Level 5 from 2016.

RESOLVED to RECOMMEND to the CABINET:

1. That approval be given to a working target of 14,800 dwellings for the Maidstone Borough Local Plan period 2011 to 2031 until such time as the work identifying the Borough's housing land supply and the identification of environmental constraints is completed.

Note: The Group noted that it is anticipated that the SHLAA process will reduce this figure. A "call for sites" exercise was undertaken recently and 160 residential sites have come forward. Transport modelling work will be carried out in relation to some of these sites.

2. That the Council be recommended to revoke the moratorium on the release of greenfield housing sites allocated in the Maidstone Borough-Wide Local Plan 2000 because the reasons for the moratorium no longer apply.

Note: In making this recommendation, the Group wished to place on record its concern that policy support for regeneration of previously developed sites still requires additional work.

3. That the key public consultation issues relating to the policies that are the subject of the report of the Director of Change, Planning and the Environment be noted.

However, since the Group considers that the Officer analysis of the submissions is partial and gives undue weight to developers and statutory consultees over local residents, and cannot agree the recommended changes to the policies set out in the schedule attached as Appendix A to the report at this time because it does not have enough detail to enable it to do so, the Cabinet should review each policy change individually.

As an example,

Policy CS7, Issue 6 of the Consultation Statement - The plan change to increase the walking and cycling target to 22.5% by 2031 is queried as being excessive with significant implications for transport modelling.

4. That amended policies CS5 to CS13 and SS1, SS1b, SS1c, SS2, SS2a, SS2b, SS2c and SS4 (attached at Appendix B to the report of the Director of Change, Planning and the Environment and as amended by the update report) be approved for public consultation at the publication stage of the Local Plan process (Regulation 19) subject to the following:-

Policy SS1c – Off Site – Add new paragraph 11 – Contribute to the enhancement of the natural network between Fullingpits Wood and Oaken Wood/Ditton Common to the west.

Policy SS2c – 40 metre width is queried at this location because structural landscaping is more important than open space.

Policy SS4

1. Following paragraph 5.12, add:-

Detailed plans for the structural landscape elements of the development, together with a mechanism for the future protection and long term management of the landscape scheme, must accompany any planning application(s) in order to ensure that structural landscape boundaries are not eroded and that the focus on enhancement of biodiversity and local landscape protection is maintained. Detailed landscape plans must include the location of new wetlands and planting, and show the linkages between structural landscape areas. The impact of infrastructure, including lighting, drainage and internal roads, on biodiversity and landscape must be addressed through mitigation measures.

2. Following policy SS4 (11), add:-

Detailed plans for the structural landscape elements of the development, together with a mechanism for their future protection and management, are to be submitted with any planning application(s).

3. Make specific provision for replacement landscaping on the Bearsted Road frontage and enhancement of landscaping on the western boundary of the Newnham Park site to soften the impact of development on the AONB.
4. Paragraph 5.16, amend to clarify existing retail site floor space.

5. Amend the plan on page 153 of the agenda to show clearly the areas allocated to medical facilities, retail redevelopment and structural landscaping at Newnham Park.

Strategic Site Allocation Policies – Off site infrastructure improvements should not necessarily be restricted to the measures set out in the policies.

Note: Since Counsel's opinion in relation to the Bridge Nursery site is awaited, the Group did not wish to make a judgement on the allocation of the site for residential development at this time (policy SS1a).

5. That strategic site allocation policies SS1, SS1b, SS1c, SS2, SS2a, SS2b, SS2c and SS4 (attached at Appendix B to the report of the Director of Change, Planning and the Environment and as amended by the update report) be adopted for development management decisions subject to the further amendments set out in recommendation 4 above.

6. That until such time as the new Strategic Economic Development Land Availability Assessment is available, land at junction 8 of the M20 motorway should not be retained as a strategic development location for employment (policy SS3).

7. That notwithstanding recommendation 4 above, the following amendments to policy CS10 (Affordable Housing) be approved:-

A 15% affordable housing provision on previously developed land within the urban area;

A 30% affordable housing provision on greenfield sites in the urban area and at the urban periphery;

A 40% affordable housing provision in the rural area and at rural settlements;

The threshold at which affordable housing is required be increased to ten units; and

The deletion of the reference to Gypsy and Traveller accommodation contribution within this policy.

8. That to reflect the extension of the new Local Plan period to 2031, the following amended targets for Gypsy, Traveller and Travelling Showpeople accommodation in policy CS12 be approved:-

Gypsy and Traveller Accommodation – 187 pitches
Travelling Showpeople Accommodation – 11 plots

9. That subject to "public realm" being ranked higher as number 4, with the re-numbering of the other priorities for residential development,

and regard being had to site specific needs, the infrastructure priority list as set out in paragraph 1.12.5 of the report of the Director of Change, Planning and the Environment be approved, and that amended policy CS14, attached at Appendix B to the report, as amended, be approved for public consultation (Regulation 18) in October 2013.

10. That the Officers be requested to research the evidence base to ascertain whether a Code for Sustainable Homes Level 5 can be achieved from 2016.

45. LONG MEETING

Prior to 10.30 p.m., before consideration of the report of the Director of Change, Planning and the Environment regarding the pro formas to be used for the assessment of potential development sites for housing, economic development and Gypsy, Traveller and Travelling Showpeople accommodation, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

46. PRO FORMAS FOR THE ASSESSMENT OF POTENTIAL DEVELOPMENT SITES

The Group considered the report of the Director of Change, Planning and the Environment on the pro formas to be used for the assessment of potential development sites for housing, economic development and Gypsy, Traveller and Travelling Showpeople accommodation. It was noted that a separate pro forma would be used to assess sites for housing, economic development and Gypsy, Traveller and Travelling Showpeople accommodation, but all pro formas would have the same criteria to ensure sites were assessed in a transparent and consistent manner. The pro formas closely followed the protocol prepared by the Kent Planning Policy Forum for undertaking SHLAAs in Kent, but were tailored, where appropriate, to local circumstances.

The Chairman advised the Group that at a meeting he had attended the previous day with Officers and Parish Councillors representing rural service centres, it had been suggested that the impact on schools and transport should be included on the pro formas. In this regard, the Officers explained that schools formed part of infrastructure assessments and the final conclusions for sites. However, it was agreed that the pro formas could be strengthened in how they assessed transport by the inclusion of the following in a further bullet point in the Access (Highways) section:-

Impact of development on the wider highway network

The Group supported the adoption of the proposed criteria for the assessment of potential development sites for housing, economic development and Gypsy, Traveller and Travelling Showpeople

accommodation subject to a review of the pro formas to ensure consistency across the documents and the inclusion of the following bullet point in the Access (Highways) section on all three pro formas:-

Impact of development on the wider highway network

RESOLVED to RECOMMEND to the CABINET MEMBER FOR PLANNING, TRANSPORT AND DEVELOPMENT: That the proposed criteria for the assessment of potential development sites for housing, economic development and Gypsy, Traveller and Travelling Showpeople accommodation, as set out in the pro formas attached at Appendix A to the report of the Director of Change, Planning and the Environment, be approved subject to a review of the pro formas to ensure consistency across the documents and the inclusion of the following bullet point in the Access (Highways) section on all three pro formas:-

Impact of development on the wider highway network

47. DURATION OF MEETING

6.00 p.m. to 10.35 p.m.

Spatial Planning Strategy Advisory Group – 5 March 2013

Report of Director of Change, Planning and the Environment
Maidstone Borough Local Plan 2011-2031

Recommendation (iv) – Proposed changes to policy

Officer proposed amendments

Policy SS1, Par. 3.11, SPSAG report page 118.

Second sentence:

After "nearby" add "**open**".

Add new final sentence:

"In particular this will apply to the necessary provision of formal play space for children, which the council will expect to be provided in appropriate locations, the details of which will be agreed in the development briefs."

Policy SS1a, Par. 3.13, SPSAG report page 120.

First sentence:

After "2000" add "**for housing and open space**".

Second sentence:

After "will" add "**now be developed primarily for housing and**".

Policy SS1a, Par. 3.14, SPSAG report page 120.

First sentence:

Replace "allocated" with "**identified**".

Policy SS1a, Par. 3.18, SPSAG report page 120.

Final sentence:

Replace "language" with "**approach**".

Policy SS2, Par. 4.7, SPSAG report page 134.

Final sentence:

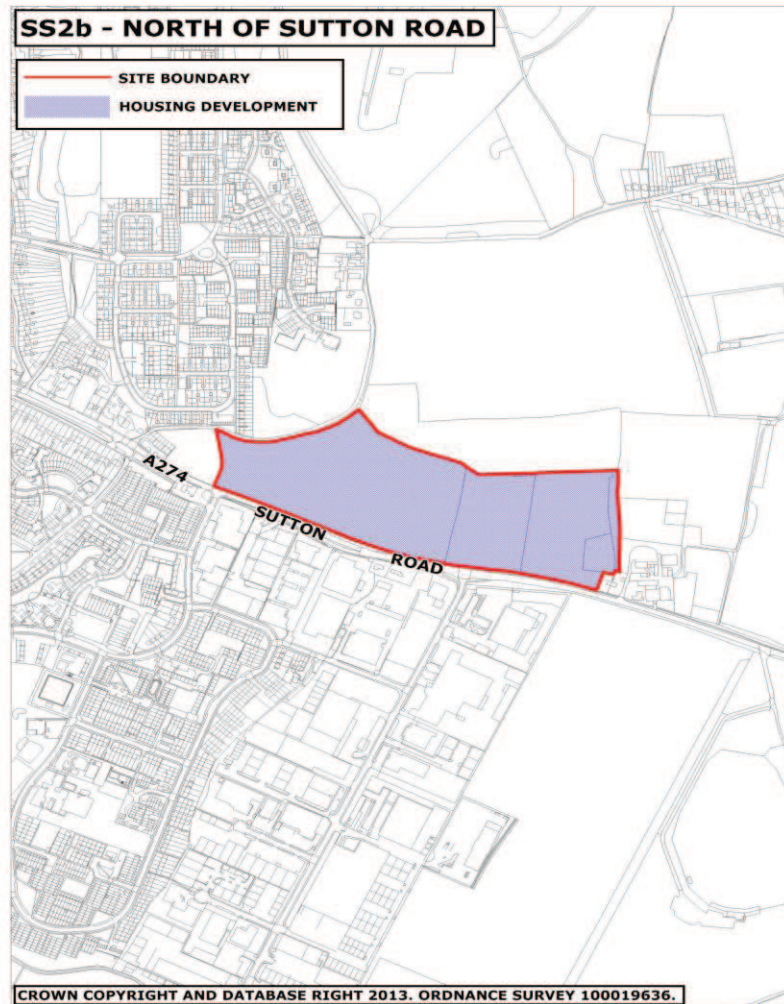
After "new provision" **replace comma with full stop. Delete remainder of sentence.**

Add new final sentence:

"In particular this will apply to the necessary provision of formal play space for children, which the council will expect to be provided in appropriate locations, the details of which will be agreed in the development briefs."

SS2b allocation, Land North of Sutton Road, proposed amendment to site boundary, page 142

Amend the site boundary for Land North of Sutton Road to align with the site boundary for the local plan allocation (2000) as follows:



Policy SS2c, Par. 4.22, SPSAG report page 143.

First sentence:

Before "Bicknor Wood" add "**The ancient woodland at**".

Second sentence:

After "to meet" add "**the ancient woodland at**".

After "which is" add "**immediately north of**" and delete "~~adjacent to~~".

Policy SS2c, Par. 4.23, SPSAG report page 143.

Final sentence:

At start of sentence, add **"It is important to ensure that appropriate open space is provided on site and that"**. Amend "dwellings will be" to "dwellings are".

Policy SS2c(ii), SPSAG report page 144.

After "woodland belt" delete "~~of at least~~" and add **"ranging from a minimum of 40 metres to"**

Policy SS2c(5), SPSAG report page 144.

After "woodland belt" add **"ranging from"** and delete "of".

After "metres" add **"to 80 metres"**.

Policy SS4, Par. 5.16, SPSAG report page 148.

Move sentence "In order to assess the impact of the proposals on the town centre, a retail impact assessment will be required for both comparison and convenience goods" to new paragraph 5.16a and add:

"In determining the overall impact of the retail proposals, a measured adverse impact of more than 3% on town centre turnover is unlikely to be acceptable."

Policy SS4, Par. 5.16, SPSAG report page 148.

Replace "criterion" with **"threshold"**.

Policy SS4(7), SPSAG report page 150.

Amend to read:

"The cumulative quantum of retail floorspace will be restricted to the provision of up to 300m² above that which already exists. Any additional retail floorspace above this limit must be **of an out of town format that is** complementary to town centre uses and, by means of a sequential sites assessment, demonstrably require an out of town location.

Policy SS4(8), SPSAG report page 150.

Amend to read:

"Submission of a retail impact assessment for both comparison and convenience goods, to be approved by the Borough Council, ~~in order to assess the impact of retail area proposals~~ **which clearly demonstrates that the retail development has no significant adverse impact** on the town centre.