

**Strategic Planning  
Sustainability & Transport  
Committee**

**1<sup>st</sup> December  
2015**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

**Broomfield and Kingswood Submission  
Neighbourhood Plan**

<b>Final Decision-Maker</b>	Strategic Planning Sustainability & Transport Committee
<b>Lead Director or Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Chris Berry, Interim Team Leader, Spatial Policy
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	Harrietsham and Lenham; Headcorn; Leeds; North Downs; Sutton Valence and Langley;

**This report makes the following recommendations to the final decision-maker:**

1. That the Committee approves this report as the basis for formal representations on the Broomfield and Kingswood Submission Neighbourhood Plan (October 2015) according to Regulation 16 of the Neighbourhood Planning Regulations 2012; and
2. That the Committee agrees the Council's consultation responses to the Broomfield and Kingswood Submission Neighbourhood Plan (October 2015) in paragraph 3 below which are described in more detail in paragraphs 2.15 to 2.24 this report.
3. That the Broomfield and Kingswood Submission Neighbourhood Development Plan (October 2015):
  - a) is in general conformity with the strategic policies of the adopted Maidstone Borough-Wide Local Plan 2000 except with regard to the allocation of a significant development proposal of twenty (20) units outside the village boundary of Kingswood;
  - b) has been assessed, at this stage, to not require Strategic Environmental Assessment or Habitats Regulations Assessment;
  - c) is in general conformity with the adopted policies of the Maidstone Borough Wide Local Plan 2000 apart from the following specific policies of the Local Plan:
    - Local Plan Policy ENV28 - Development in the Countryside: NP Policy VG1- Village Green and Enabling Development - in that the

Neighbourhood Plan allocates a site which includes 20 dwellings in the countryside. The village envelope would necessarily extend beyond the settlement boundary defined on the Local Plan Proposals Map in order to accommodate new proposals for the village which extend to 2031. The Submission Neighbourhood Plan is not in general conformity with this adopted Local Plan policy as a proposal for market housing development encroaches into the countryside.

- The Neighbourhood Plan and the level of community engagement identified attempt to explain the development of housing in this location but there is no evidence base which justifies this scale of development. NP Policy VG1 also notes that: "The proposal may also include a mixed-use community building" which does not bind the provision to the housing proposed, so community benefits may not be achieved.
- Local Plan Policy H1 – Housing Land Allocations: None of the housing allocations in the Local Plan are located in Broomfield and Kingswood but the Submission Neighbourhood Plan allocates a site which includes 20 dwellings for the period to 2031 and is thus technically not in general conformity with this adopted Local Plan policy as substantial (more than ten units) market housing development is proposed outside the settlements in which the Local Plan allocates housing development.
- Local Plan Policy H27 – Rural Settlements (Minor Development): The adopted Local Plan identifies Kingswood as appropriate only for minor development, which includes limited infill development. The Submission Neighbourhood Plan is not in general conformity with this adopted Local Plan policy as it allocates a site which represents more than minor development outside the village boundary of Kingswood.
- The Submission Neighbourhood Plan and the level of community engagement identified provide an explanation for the development of housing but there is no evidence base similar to that used in the Local Plan which clearly justifies the scale of development in this location. As noted in para. 2.17, the Submission Neighbourhood Plan notes that a mixed use building may be provided but this is not included in the proposal.
- Local Plan Policy T21 – Accessibility of New Development: NP Policy VG1 seeks a single point of access and a footpath linking Gravelly Bottom Road within the site to the landscape strip to the south. The access point has been amended during the evolution of this plan and no evidence is presented that the current proposal is acceptable to the Local Highway Authority and the Neighbourhood Plan may not be in general conformity with the Local Plan in this respect.
- Local Plan Policy T23 – Need for Highway/Public Transport Improvements: NP Policy VG1 no longer seeks off-site proposals related to traffic calming and three pedestrian crossings and no evidence is presented that the current proposal is acceptable to the Local Highway Authority and the Submission Neighbourhood Plan may not be in general conformity in this respect.
- Adopted Open Space DPD Policy OS1: NP Policy VG1 allocates a site which includes at least one hectare of public open space (which must

include a children's play area) to serve 20 dwellings. In quantitative terms, this would more than meet the adopted standard of open space for a development of this size.

- The local standards refer to a range of open space types, some of which may be incorporated into the village green. The standards refer to equipped play areas and the insertion of the word 'equipped' would ensure conformity with DPD Policy OS1.
- Adopted Affordable Housing DPD Policy AH1: NP Policy VG1 allocates a site of 20 dwellings, eight of which are for affordable homes to meet the need of the local community of Broomfield and Kingswood. This wording should be checked with the Housing Service to assess its appropriateness and the Submission Neighbourhood Plan may not be in general conformity with the Local Plan in this respect.

**This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all.
- Securing a successful economy for Maidstone Borough Council.

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Strategic Planning, Sustainability and Transportation Committee	1 December 2015

# Broomfield and Kingswood Submission Neighbourhood Plan

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report constitutes the formal response of the Borough Council to the Consultation on the Broomfield and Kingswood Submission Neighbourhood Plan (October 2015) (for the purposes of this report, herein after referred to as the Neighbourhood Plan) according to Regulation 16 of the Neighbourhood Planning Regulations 2012 ("the 2012 Regulations"). The Parish of Broomfield and Kingswood was agreed as a designated Neighbourhood Plan Area on 15<sup>th</sup> October 2012 and the Neighbourhood Plan has been prepared.
- 1.2 An initial draft was prepared in accordance with Regulation 14 in May 2014 and this was consulted upon and informal comments made by council officers in July 2015. The draft was amended in the light of representations made and the Submission Neighbourhood Plan was submitted to the Borough Council for public consultation as required by Regulation 15 on 21 October 2015.
- 1.3 The Borough Council is responsible for the conduct of the public consultation which is required by Regulation 16, and can also make its own representations on the Neighbourhood Plan as part of the consultation process. Comments may be made with regard to the extent to which the Council believes the Neighbourhood Plan has satisfied the basic conditions (see para. 2.7 below) of the Neighbourhood Planning Regulations and these are then passed to the independent Examiner at the next stage of the process.
- 1.4 The following representations are made with regard to the Neighbourhood Plan.
- 1.5 The Neighbourhood Plan:
  - a) is in general conformity with the strategic policies of the adopted Maidstone Borough-Wide Local Plan 2000 ("the Local Plan 2000"), apart from the proposal for 20 units outside the village boundary;
  - b) has been assessed, at this stage, to not require Strategic Environmental Assessment or Habitats Regulations Assessment;
  - c) is in general conformity with the adopted policies of the Local Plan 2000 apart from the following specific policies of the Local Plan:
    - Local Plan Policy ENV28 - Development in the Countryside .
    - Local Plan Policies H1, H27
    - Local Policy Policies T21, T23
    - Open Space DPD Policy OS1
    - Affordable Housing DPD Policy AH1,

in relation to the proposal for 20 dwellings outside the village boundary.

- 1.6 If approved, the representations made at paragraph 3 of the Recommendations Section of this report will be forwarded with the record of any subsequent discussion by Members of this committee, without further processing, for consideration by the Examiner. After consideration of these and all other representations from consultees, the Examiner will prepare a report and make a recommendation regarding a referendum.

## **2 INTRODUCTION AND BACKGROUND**

- 2.1 Maidstone Borough Council has supported Broomfield and Kingswood Parish Council in preparing its Neighbourhood Plan by offering advice and guidance to ensure the Neighbourhood Plan meets the necessary regulations and legal criteria, as well as providing practical advice about how to achieve the overall aims and objectives of the Neighbourhood Plan. The Town and Country Planning Act 1990 (as updated by the Localism Act 2011) and the Neighbourhood Planning Regulations set out the formal stages which a Neighbourhood Development Plan must proceed through before it is made (adopted). Once made, the Neighbourhood Plan will form part of the development plan for Maidstone Borough.
- 2.2 Following the formal submission of the Neighbourhood Plan according to Regulation 15 of the Neighbourhood Planning Regulations, Maidstone Borough Council has a statutory responsibility for a number of stages, both in terms of organisation and cost. These formal stages may be generalised as:
- consultation, (Regulation 16)
  - examination,
  - referendum and
  - formally making the Neighbourhood Plan.
- 2.3 The statutory (Regulation 16) consultation on the Neighbourhood Plan referred to in paragraph 1.1 above began on Friday 6<sup>th</sup> November 2015 and will be completed on Friday 18<sup>th</sup> December 2015. Preparation of the Neighbourhood Plan began in September 2012, when the Neighbourhood Plan Area was agreed, and has been developed by Broomfield and Kingswood Parish Council with support from community volunteers, Maidstone Borough Council and consultants, Designscape Consultancy Ltd.
- 2.4 The final draft of the Neighbourhood Plan was submitted for consultation in October 2015. It aims to reflect community-wide views, concerns and wishes about the future of the area and must be in general conformity with national policies set out in the National Planning Policy Framework (NPPF) and the policies in the adopted Local Plan. The Neighbourhood Plan will progress to Examination following the Regulation 16 Consultation and when made, the plan period will run alongside the emerging Maidstone Borough Local Plan which is currently going through its own statutory consultation period towards its Examination in Public and adoption thereafter, with a plan period running to 2031.

2.5 The Neighbourhood Plan has six main sections: Introduction; Background: Vision Statement, Aims and Objectives; Constraints and Opportunities; Neighbourhood plan Policies; and Delivery. Officers have assessed the Neighbourhood Plan against the legal, procedural and technical criteria for its preparation, and are satisfied that it should proceed to examination.

#### Policy Proposal

2.6 The only policy proposal in the Submission Neighborhood Plan is "Policy VG1: Kingswood Village Green and the provision of new housing." This policy states that "permission will be granted for a Village Green and twenty (20) new dwellings in land enclosed by Gravelly Bottom Road, Duck Pond Lane and Chartway Street", and further notes that the village green will be publicly available and of at least one hectare. Twelve (12) "market houses" are proposed together with eight (8) "affordable houses suitable to meet the needs of the local community of Broomfield and Kingswood".

2.7 The housing is proposed immediately south of Kingswood village and is outside the village boundary. The affordable housing proposed is 40% of the total and is for local community needs.

2.8 After the consultation is closed, the Neighbourhood Plan, together with supporting documents and comments received during the consultation, will be submitted to the Examiner for independent examination. The Examiner's role is to test whether or not the Neighbourhood Plan meets the basic conditions set out in the Neighbourhood Planning Regulations and further matters set out in the planning legislation.

2.9 The 'basic conditions' may be summarised as; whether the Neighbourhood Plan:

- a) has regard to national policy and guidance;
- b) contributes to the achievement of sustainable development;
- c) is in general conformity with the strategic policies of the development plan for the area or any part of that area; and
- d) does not breach or is otherwise compatible with EU obligations, including the Strategic Environmental Assessment Directive 2001/42/EC and Habitats Directive 92/43/EEC.

2.10 The further requirements of the Examiner, as defined in the Regulations, will include considering whether the Neighbourhood Plan complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by a Neighbourhood Development Plan; and whether the draft plan is compatible with the Human Rights Convention. The Examiner may also make recommendations on whether the Neighbourhood Plan Area for referendum should extend beyond the Neighbourhood Plan boundaries and whether the Neighbourhood Plan meets a set of 'basic conditions'.

2.11 The current consultation gives the Borough Council an opportunity to comment on whether it considers the Neighbourhood Plan meets the "basic conditions". The consultation response set out in this report will inform the

Examiner of areas of particular concern to the Borough Council During the preparation of the Neighbourhood Plan, meetings were held between council officers and the authors of the Neighbourhood Plan to discuss the basic conditions and other related items.

- 2.12 The following points are the Borough Council's proposed responses to the consultation and are summarised in the recommendations to this report at 1.1 above.

#### National Planning Policy Framework

- 2.13 The Neighbourhood Plan makes limited reference to the general requirements of the NPPF in terms of planning positively and supporting policies for housing and economic development. Neither the existing Local Plan 2000 nor the emerging Local Plan proposes new development in Broomfield and Kingswood and as such the Neighbourhood Plan area makes no contribution to the Borough Council's objectively assessed need in terms of allocated sites.
- 2.14 The Neighbourhood Plan notes that: "the NPPF supports the retention and development of local services and community facilities in villages, including local shops, meeting places, sports venues and public houses." The Neighbourhood Plan also notes that: "In rural areas housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided."

#### Conformity with Adopted Local Plan Policy

- 2.15 A basic condition for the Neighbourhood Plan is that it must be in general conformity with the 'saved' strategic policies of the adopted Maidstone Borough-Wide Local Plan 2000, that is, the high level strategic elements in the Local Plan 2000 that are essential to delivering the overall planning and development strategy for the Neighbourhood Plan area.
- 2.16 For the purposes of decision-taking, saved local plan policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF. However, from March 2013, due weight should be given to saved policies in existing plans according to their consistency with the NPPF, and the adopted policies have been assessed for their consistency with the NPPF and the emerging Local Plan.
- 2.17 Neighbourhood plans should thus only be expected to be in conformity with those strategic policies of the adopted Local Plan which are consistent with the NPPF. Policies in the Neighbourhood Plan have been tested for their general conformity and the following comments are made with regard to their consistency with Local Plan saved policies.

#### Consistent policies

- 2.18 Local Plan policies where the Neighbourhood Plan is either consistent or reliant on existing policy, comprise:
- Policies ENV 22, 23, 24, 27, 32, 34, 41, 44

- Policy ED1, 2
- Policy T17, 18,
- Policy R11,
- Policies CF1, 2, 3, 8

#### Inconsistent policies

- 2.19 Local Plan Policy ENV28 - Development in the Countryside: Neighbourhood Plan Policy VG1- Village Green and Enabling Development allocates a site which includes twenty (20) dwellings in the countryside. The village envelope would necessarily extend beyond the settlement boundary defined on the Local Plan Proposals Map in order to accommodate new proposals for the village which extend to 2031. The Neighbourhood Plan is not in general conformity with this adopted Local Plan policy as a proposal for market housing development encroaches into the countryside.
- 2.20 The Neighbourhood Plan and level of community engagement indicated attempt to explain the development of housing in this location but there is no evidence base which justifies this scale of development. NP Policy VG1 also notes that: "The proposal may also include a mixed-use community building" which does not bind the provision to the housing proposed, so community benefits may not be achieved.
- 2.21 Local Plan Policy H1 – Housing Land Allocations: None of the housing allocations in the Local Plan are located in Broomfield and Kingswood but the Neighbourhood Plan allocates a site which includes twenty (20) dwellings for the period to 2031 and is thus technically not in general conformity with this adopted Local Plan policy as substantial (more than ten units) market housing development is proposed outside the settlements in which the Local Plan allocates housing development.
- 2.22 Local Plan Policy H27 – Rural Settlements (Minor Development): The adopted Local Plan identifies Kingswood as appropriate only for minor development, which includes limited infill development. The Neighbourhood Plan is not in general conformity with this adopted Local Plan policy as it allocates a site which represents more than minor development outside the village boundary of Kingswood.
- 2.23 The Neighbourhood Plan and level of community engagement indicated provide an explanation for the development of housing but there is no evidence base similar to that used in the Local Plan which clearly justifies the scale of development in this location. As noted in paragraph 2.17 above, the Neighbourhood Plan notes that a mixed use building may be provided but this is not included in the proposal.
- 2.24 Local Plan Policy T21 – Accessibility of New Development: NP Policy VG1 seeks a single point of access and a footpath linking Gravelly Bottom Road within the site to the landscape strip to the south. The access point has been amended during the evolution of the Neighbourhood Plan and no evidence is presented that the current proposals is acceptable to the Local Highway Authority and the Neighbourhood Plan may not be in general conformity with the Local Plan in this respect.



- 2.25 Local Plan Policy T23 – Need for Highway/Public Transport Improvements: NP Policy VG1 no longer seeks off site proposals related to traffic calming and three pedestrian crossings and no evidence is presented that the current proposal is acceptable to the Local Highway Authority and the Neighbourhood Plan may not be in general conformity in this respect.
- 2.26 Adopted Open Space DPD Policy OS1: NP Policy VG1 allocates a site which includes at least one hectare of public open space (which must include a children’s play area) to serve twenty (20) dwellings. In quantitative terms, this would more than meet the adopted standard of open space for a development of this size.
2. 274The local standards refer to a range of open space types, some of which may be incorporated into the village green. The standards refer to equipped play areas and the insertion of the word ‘equipped’ would ensure conformity with DPD Policy OS1.
- 2.28 Adopted Affordable Housing DPD Policy AH1: NP Policy VG1 allocates a site of twenty (20) dwellings, eight (8) of which are for affordable homes to meet the needs of the local community of Broomfield and Kingswood and the Neighbourhood Plan is in general conformity with the Local Plan in this respect.

#### Strategic Environmental Assessment and Habitats Regulations Assessment

- 2.29 The Borough Council has carried out its duty to screen the Neighbourhood Plan for the need for a Strategic Environmental Assessment (SEA) or Habitats Regulation Assessment (HRA) and received responses from statutory consultees as required by the legislation. At this stage the Borough Council is satisfied that there are no requirements for an SEA or HRA.

#### Conformity with emerging Local Plan Policy

- 2.30Whilst it is not a direct requirement for a neighbourhood plan to be in conformity with an emerging plan, it is clear that the emerging strategic policies and priorities, and importantly the substantial evidence which underpin them, are relevant and that any planning at any level should take account of the NPPF. The Neighbourhood Plan has been assessed for its consistency with the Borough Council’s emerging Local Plan and although it is regarded as broadly in line with the vision of the emerging Local Plan with regard to the role of minor settlements, it is not in line with the spatial objectives in respect of the scale of housing development that is proposed being greater than a minor development and outside the village boundary.
- 2.31 The Neighbourhood Plan seeks the retention and development of local services and community facilities and regards itself as being in line with the NPPF requirements of existing services, the addition of new infrastructure to locate housing where it will enhance or maintain the vitality of rural communities and the avoidance of new isolated homes in the countryside.
-

### 3. AVAILABLE OPTIONS

- 3.1 Once the Neighbourhood Plan is made, it becomes part of the Borough Council's development plan and is used for development management decision making. If the Borough Council does not respond to the consultation draft, it will have missed an opportunity to submit formal comments to the examination. There are therefore two options to consider:
- 3.2 Option A: To approve this report as the basis for the Borough Council's comment on the Broomfield and Kingswood Neighbourhood Plan.
- 3.3 Option B: To recommend additional or amended comments on the Broomfield and Kingswood Neighbourhood Plan.
- 3.4 Option C: To not agree the above representations.

### 4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Councillors are recommended to adopt Option A.

---

### 5 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	When the Neighbourhood Plan is 'made' it will form part of the development plan for Maidstone. This will assist in the delivery of the Council's objectives, notably 'Keeping Maidstone Borough an attractive place for all'. The action areas supporting the priorities will also be addressed through the development plan.	Head of Planning and Development
<b>Risk Management</b>	This consultation is being run to ensure that the plan maintains the requirements of government legislation.	Head of Planning and Development
<b>Financial</b>	Initial financial implications in terms of staffing resources will be mitigated by future Neighbourhood Plan Grant.	Section 151 Officer and Finance Team
<b>Staffing</b>	Staff resources have been required to assist in the planning and running of the consultation including support from the Communications and Web teams. This has been managed within existing resources.	Head of Planning and Development
<b>Legal</b>	The Neighbourhood Plan has been completed in accordance with the statutory requirements relating to Neighbourhood plans and their preparation	Team Leader (Planning), Mid-Kent Legal Services

<b>Equality Impact Needs Assessment</b>	The needs of all interested parties have been considered as part of the consultations. Alternate formats of documents will be made available on request.	Policy and Information Manager
<b>Environmental/Sustainable Development</b>	The plans has been the subject of both Strategic Environmental Assessment and Habitat Regulations Assessment.	Head of Planning and Development
<b>Community Safety</b>	There are no implications for Community Safety	Head of Planning and Development
<b>Human Rights Act</b>	There are no implications for the Human Rights Act	Head of Planning and Development
<b>Procurement</b>	When the current consultation is complete, the plan will proceed to Examination. The Examiner will be appointed with due consideration to procurement requirements of the Council's Purchasing Guide and Contract Procedure Rules	Head of Planning and Development; Section 151 Officer;
<b>Asset Management</b>	There are no implications for asset management	Head of Planning and Development

## 6 REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Broomfield and Kingswood Neighbourhood Plan
- Appendix 2: Sites Assessment Report

---

## BACKGROUND PAPERS

None