

STRATEGIC PLANNING & INFRASTRUCTURE COMMITTEE

**21 September
2021**

Maidstone Design and Sustainability Development Plan Document

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Philip Coyne Interim Director: Local Plan Review
Lead Officer and Report Author	Philip Coyne Interim Director: Local Plan Review
Classification	Public
Wards affected	All

Executive Summary

At its meeting in June 2021 the Policy and Resources Committee agreed a budget of £140,000 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. This report seeks approval to commission external consultants to undertake work on a Design and Sustainability Development Plan Document (DPD). This DPD's overall scope and production timetable will be contained in an updated Local Development Scheme and the DPD will sit alongside the Local Plan (currently under review) to provide the basis for Development Management decision making. Specifically, the DPD will be focussed around matters pertaining to the achievement of high quality development which contributes to sustainability at a number of levels and makes a significant contribution to the biodiversity and climate change agenda. When completed, the DPD will be brought to this Committee for adoption under the normal process.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That the Committee authorises Officers to procure and contract for the preparation of a Design and Sustainability Development Plan Document to be adopted as part of the Development Plan.

Timetable

Meeting	Date
Strategic Planning and Infrastructure Committee	21 st September 2021

Maidstone Design and Sustainability Development Plan Document

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Design and Sustainability DPD will contribute directly to the Homes and Communities and Safe, Green and Clean priorities through the provision of policies which will enable the Council to require higher quality developments in a manner which will maximise design, sustainability and the establishment of new communities with access to high quality formal and informal open spaces.	PC
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>A specific focus of the DPD proposed in this report will be the achievement of improved levels of bio-diversity net gain, with better quality natural and semi-natural open spaces. The provision of better quality open spaces within new developments and open spaces linking developments will contribute to reduction of health inequalities through encouragement of walking and cycling.</p>	PC
Risk Management	The commissioning of the DPD will go through the Council's normal procurement processes and a management framework will be agreed at the outset of the commission which will ensure that risk levels are maintained within the range normally acceptable to the Council.	PC
Financial	The Policy & Resources Committee made £140k available for this project at its June meeting. This Report describes how this budget will be used to compile an evidence	Section 151 Officer & Finance Team

	base and prepare the DPD. It is noted that there are further costs for examination, which will need to be funded separately.	
Staffing	This project will be managed by the Interim Director for the Local Plan Review whose costs are currently provided for within the Local Plan Review budget. Project management and other support will be contained within existing staffing budgets.	PC
Legal	Acting on the recommendations is within the Council's powers as set out within the Planning Acts. Any necessary agreements or contracts entered into must be in accordance with the Council's Contract Procedure Rules and should be in a form approved by the Legal Services Manager.	Russell Fitzpatrick (MKLS (Planning))
Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.	Policy and Information Team
Equalities	We recognise the content of the DPD may have varying impacts on different communities within Maidstone. Therefore, the DPD will have associated equalities impact assessment.	Equalities and Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	The proposed DPD will be focused in significant part upon good design, which will incorporate measures to reduce crime and increase public safety.	PC
Procurement	On accepting the recommendations, the Council will then follow a procurement exercise for commissioning the DPD work. We will complete those exercises in line with financial procedure rules.	[Head of Service & Section 151 Officer]
Biodiversity and Climate Change	A specific role of the proposed DPD will be an increase in biodiversity net gain and the promotion of development principles which	Biodiversity and Climate Change Manger

	maximise sustainability and contribute positively to the climate change agenda.	
--	---	--

2. INTRODUCTION AND BACKGROUND

- 2.1 At its meeting in June 2021, the Policy and Resources Committee approved a figure of £140,000 to commission work to strengthen the “non-spatial” policy base within the local planning framework. The objective of this policy update is to provide the basis for the negotiation of higher quality design and greater sustainability as part of the development management process, and to reinforce development management policies at both planning application stage and as part of the defence to subsequent planning appeals.
- 2.2 In updating these policies, a key objective will be to provide the necessary evidence base and detail to support the negotiation of high-quality design, greater levels of biodiversity and more sustainable development.
- 2.3 To give these policies maximum strength, it is proposed that they be incorporated into a new Development Plan Document (DPD). The DPD will need to go through the same processes as the Local Plan Review in terms of justification by appropriate evidence, public consultation exercises, examination by a government inspector and formal adoption into the council’s Development Plan – at this point, the DPD policies will carry the same weight as those policies contained within the Local Plan.
- 2.4 It is proposed that the DPD will be called the Maidstone Design and Sustainability Development Plan Document. To ensure that the policies contained within the document have the maximum lifespan, the document will focus upon those areas of design and sustainability which are least likely to become outdated or be superseded by changes to government policy in the form of new planning, building or environmental guidance or legislation.
- 2.5 The DPD will need to meet the test of soundness set out within the government’s National Planning Policy Framework and also comply with legal obligations. It will need to respond to, and help deliver, the relevant aspects of the Council’s Strategic Plan and will need to reflect on the content of other relevant strategies and action plans. The associated Sustainability Appraisal will also help ensure appropriate consideration of environmental matters in this regard. An additional consideration will be the potential for joint planning with adjoining authorities, but in any event, the Duty to Cooperate will apply and Statements of Common Ground will need to be produced.
- 2.6 To ensure that this document is prepared as quickly as possible and can align with the current Local Plan Review in good time, it is proposed that the work will be commissioned out to a multi-disciplinary built environment consultancy, using the council’s normal procurement process.
- 2.7 The key factors that the DPD will focus upon are:

- A set of landscape principles drawing from existing landscape character assessment data, acknowledging / responding to differential landscape form / feature in various parts of the borough and providing guidance on what will be required in the future.
- A high-level borough wide biodiversity study.
- A high-level Borough Wide Design Code (in line with national advice) to establish the design principles for the town centre, urban, suburban and rural locations and responding to the protection / enhancement of particular high value landscapes such as the North Downs AONB, Low Weald and areas of Local Landscape Value. This will provide the basis for more detailed guidance via Supplementary Planning Documents or other guidance as appropriate. This guidance will need to take into account any large-scale Garden Community or other developments emerging from the Local Plan Review and be capable of working with them as detailed proposals are developed over the coming years.
- Advice on generic design features (Design Code) which should include:
 - Materials
 - Densities
 - Building heights
 - The orientation of development
 - The environmental performance of buildings/places to contribute to net zero targets
 - Building typologies
 - Block types
 - Car Parking
 - Architectural features
 - Building separation
 - Building lines
 - Provision of private space
 - The scope for green roofs/walls
- Standards around the achievement of onsite open space provision with a mix of semi-natural / natural open space and areas of usable play space, allotments and sports pitches. This work will need to consider the merits of open space provision within developments, between developments, and as a shared asset where this might achieve higher quantums and quality.
- The use of sustainable drainage systems (SuDS) as appropriate to particular locations and scales of development.
- The maximisation of net biodiversity gain within developments, between developments as shared assets and as a feature to link urban, suburban and rural locations.
- Policies to capture and maximise the principles of sustainable connectivity through the provision of coherent and legible walking and cycling routes which respond effectively to interaction between

settlements and likely desire lines towards specific destinations.

- The use of building heights, orientation, and materials to maximise the capture of solar energy but to also manage effectively issues resulting from solar gain.
- Advice around the suitability of sustainable technologies such as ground source heat, solar, battery storage etc. in particular circumstances or at specific locations.
- Options for the incorporation of increased numbers of trees along new highways, estate roads and as part of public realm and shared space features.
- Provision of appropriate lighting which respects the character of localities and protects areas where “dark skies” are / should be a feature.
- The achievement of parking standards which provide the correct balance between encouraging the use of sustainable modes of transport and the realistic levels of car ownership in new developments.
- Building use - including factors such as, mix of uses within area/ type.

- 2.8 The above components may alter or become amended during the tender process as a result of discussions with potential consultants.
- 2.9 This DPD's overall scope and production timetable will be contained in an updated Local Development Scheme, which will be considered by this committee at a subsequent meeting, prior to subsequent determination by Full Council.
-

3. AVAILABLE OPTIONS

- 3.1 Option one: to prepare the revisions to Maidstone's design and sustainability focussed planning policies in the form of a development plan document which will form part of the council's Development Plan.
- 3.2 Option two: to prepare the revisions to Maidstone's design and sustainability focussed planning policies as part of a Supplementary Planning Document (SPD) which could potentially achieve completion of the document more quickly but not contain new policies and would be restricted to providing clarity and further guidance around the existing policy framework and thus carry less planning ‘weight’.
- 3.3 Option three: not to review Maidstone's design and sustainability focussed planning policies at this point, and instead wait until there is further clarity on new planning legislation and incorporate them into the first Local Plan prepared under a new system.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is option one as this will provide a set of policies which hold maximum strength as part of both the negotiation of development proposals and the defence of planning appeals. Whilst an SPD could be completed more quickly and at less cost, it carries only limited weight, and to wait until the next Local Plan under a new system will result in an indeterminate length of time without a strong design and sustainability planning policy base.
-

5. RISK

- 5.1 The risk of not undertaking the design and sustainability development plan document, is that the council fails to maximise the quality and potential sustainability benefits of new development and has less strength at planning appeals when defending refusals on the basis of poor design and sustainability standards.
- 5.2 Any risks arising from the commissioning of the development plan document will be contained within the council's normal risk appetite through the procurement process, which in this instance will be carried out in two stages to give increased cost certainty, and the agreement of detailed project management and monitoring throughout preparation, examination and adoption of the DPD.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Whilst a detailed timeline for the commission will need to be agreed at the outset of the contract, it is envisaged that the new DPD will be brought to the council for adoption in early 2024. However, this committee will be updated at key points during the process. Specifically, the contract documentation will stipulate that the statutory public consultation exercises attached to all statutory planning documents will be managed directly by the council, and this committee's approval will be required in order to commence these processes.
-

7. REPORT APPENDICES

None.
