

# **MAIDSTONE BOROUGH COUNCIL**

## **CABINET**

**TUESDAY 22 OCTOBER 2013**

### **REPORT OF HEAD OF PLANNING AND DEVELOPMENT**

**Report prepared by Michael Murphy**

#### **1. MAIDSTONE BOROUGH LOCAL PLAN PUBLIC CONSULTATION DRAFT – GROUP 1 DEVELOPMENT MANAGEMENT POLICIES**

##### **1.1 Issue for Decision**

1.1.1 To consider the draft development management policies for the Maidstone Borough Local Plan attached at Appendix A, which have been to Scrutiny committee on 20 August 2013. Officers are seeking Cabinet's approval on this suite of policies (Group 1), which provide part of the policy framework to assist with decisions on planning applications. These policies include some 'core' policies from the core strategy which were approved by Cabinet on 13 March 2013 and will be taken forward to the local plan for public consultation.

##### **1.2 Recommendation of Head of Planning and Development**

1.2.1 That Cabinet approves the first group of development management policies for the Maidstone Borough Local Plan (attached at Appendix A) for public consultation at the Preparation stage of the local plan process (Regulation 18).

##### **1.3 Reasons for Recommendation**

1.3.1 The draft core strategy 2011 set a broad policy framework for planning decisions, and the core policies within the document were the key development management policies within that framework. On 13 March 2013 Cabinet approved a revision to the council's Local Development Scheme. As a result, a single Maidstone Borough Local Plan is to be prepared for the period 2011 to 2031, and much of the work to date on the core strategy will be carried forward to the new plan. The local plan will retain the broad policy framework from 2011, together with the strategic site allocations that were subject to public consultation in 2012, but it will also include additional detailed policies for development management, together with the balance of site allocation policies.

1.3.2 The Maidstone Borough Local Plan will have a similar format to the former core strategy:

- An introduction setting out the purpose of the document and the local plan process, with an explanation of how the public can submit their comments on the draft policies and draft site allocations;
- An explanation of which documents the council must have regard to in preparing their local plans, such as the National Planning Policy Framework and local evidence;
- A spatial portrait of the borough, which highlights key local issues for the council;
- The spatial vision and objectives for the local plan, which are influenced by the council's higher tier policies and strategies;
- The spatial strategy for the borough, which will set targets for housing and economic development and define where new development will be focused;
- The inclusion of spatial policies for the town centre, urban area, rural service centres and other larger village settlements, and the countryside;
- Detailed development management policies (including the core policies);
- An explanation of how the strategy will be delivered, including the delivery of (and priorities for) supporting infrastructure; and
- Site allocation policies, which will set out the what, where, when and how allocated development sites will be delivered.

1.3.3 Through the iterations of the core strategy, Members have previously given consideration at various stages of plan production to the spatial strategy and spatial policies, core policies, development delivery and strategic site allocations. Core policies, development delivery policies and strategic site allocations to the north west and south east of the urban area and at Newnham Park, all of which had been subject to sustainability appraisal and amended through public consultation, were approved by Cabinet in March 2013 for the next round of public consultation. Some of these policies will require updating as a result of additional information received since they were last considered by Members, and redrafted in some instances to ensure consistency of format for a single local plan.

1.3.4 Public consultation (known as "preparation" or Regulation 18<sup>1</sup> consultation) is an informal stage of public engagement and is expected to commence in early 2014. Following consideration of the comments received during this consultation, the local plan will be appropriately amended, and Member approval will be sought to

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<sup>1</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

undertake the more formal second round of public consultation next year (known as "publication" or Regulation 19<sup>2</sup>).

- 1.3.5 Policies in the Maidstone Borough Local Plan have been designed to avoid repetition, so the local plan should be read as a whole when determining planning applications. A table of policies is included at Appendix B
- 1.3.6 The Local Development Scheme, agreed at Cabinet in March 2013, indicated that Reg. 18 (Preparation) public consultation on land allocations and policies would take place in October/November 2013. Two key workstreams were highlighted as critical to ensuring a robust evidence base would support the local plan at public consultation, namely; the Strategic Housing and Economic Development Land Availability Assessments (SHLAA/SEDLAA) and Strategic Housing Market Assessment (SHMA)
- 1.3.7 The SHLAA and SEDLAA assess the supply of land for housing and employment development respectively in the borough and determine the most sustainable and deliverable sites to take forward for consideration as land allocations. This project is nearing completion but cannot be finalised until the SHMA, which informs the council of its housing needs, is at a similar stage. At present there is a further piece of work required to assist in sensitivity testing the SHMA objectively assessed housing need for Maidstone.
- 1.3.8 The decision to undertake economic futures analysis for the SHMA stems from draft guidance set out in the recent National Planning Practice Guidance (2013), and will assist the council in understanding the deliverability of its objectively assessed needs. Consultants have been commissioned to undertake this analysis and a draft consultants' report is expected in mid November. Once this analysis is complete the council will be in a position to finalise the local plan in draft form for public consultation.
- 1.3.9 With further work required to finalise housing need and supply, it is not possible at this time to accurately determine housing targets, the spatial distribution of development and land allocations. It therefore follows that key parts of the local plan evidence base, like the Integrated Transport Strategy (ITS) and the Infrastructure Delivery Plan (IDP) cannot be completed at this time. This has a knock-on effect on the policies that can be brought forward for consideration at October Cabinet. For example, certain development management policies are intrinsically linked to the wider spatial policies for the

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<sup>2</sup> At Regulation 19 the council will be consulting on the penultimate draft of the local plan before submitting the document to the Secretary of State for examination. It is important to note that the council would need to take a step back and re-consult the public on any major changes to the local plan following Regulation 19 consultation.

borough (e.g. DM14 Park and Ride – linked to ITS and Spatial Strategy SS1) and it would be difficult for Cabinet to properly consider these policies in isolation.

1.3.10 It is therefore intended to bring policies to the forthcoming Scrutiny and Cabinet meetings in groups, with the first group (attached at Appendix A and listed below) consisting of policies that are not affected by the SHLAA or SHMA process, any of the overarching spatial policies for the borough, or the Integrated Transport Strategy. The policies included in the first group have been through Planning, Transport and Development Overview and Scrutiny committee on 20 August 2013. This group mainly comprises design policies for all development and management policies for the town centre. For your reference, Appendix B includes a table showing all the policies that will form the local plan.

1.3.11 This report focuses on Group 1 development management policies for consideration by Cabinet. This list of Group 1 policies is as follows:

Group 1	
Development Management Policies for Maidstone Borough	
DM1	Sustainable design and development (CS6)
DM2	Renewable and low carbon energy schemes
DM3	Principles of good design
DM4	Residential garden land
DM5	External Lighting
DM6	Signage and shop fronts
DM7	Residential extensions, conversions and redevelopment
DM8	Non-conforming uses
DM17	Town centre uses
DM18	District centres, local centres and local shops and facilities
DM19	Residential premises above shops and businesses
DM20	Mooring facilities and boat yards
Development Management Policies for the Town Centre	
DM25	Primary shopping frontages
DM26	Secondary shopping frontages
DM27	Leisure and community uses in the town centre

1.3.12 Of the 15 policies presented to Cabinet for approval in group 1, only one policy was approved at March Cabinet (DM1 – Sustainable Design and Development). This policy (previously policy CS6) has now been split into 2 separate policies. The new policy (DM2) addresses the emerging issue of ensuring that renewable and low carbon energy schemes are carefully considered and meet strict criteria protecting landscape, heritage, residential amenity, ecology and biodiversity.

- 1.3.13 A further new policy (DM8) addresses non-conforming uses in the borough, which typically don't fit satisfactorily in densely populated areas. This policy has been developed based on advice from officers and responds to a previous policy vacuum in determining planning applications that may impact negatively on residential amenity, landscape or ecology because of noise, noxious odours, or increased traffic, particularly in rural locations.
- 1.3.14 Although a number of minor points were made with respect to some of the policies being considered, the main thrust of Scrutiny comments focused on the need for further new policies to address live/work units and the expansion of existing businesses in the countryside, both of which will form part of a second group of policies that will go to Scrutiny committee (19 November) and Cabinet (27 November) for Member approval.
- 1.3.15 Minor amendments to certain Group 1 policies have also been made following further officer-level consultation. The following points summarise the amendments made:
- Policy DM1 (Sustainable Design Standards) - includes an amendment to criterion 4 which strengthens the policy to ensure that a minimum water efficiency standard equivalent to Code for Sustainable Homes Level 4 is reached that is not negotiable
  - Policy DM2 (Renewable and Low Carbon Energy Schemes) – new policy addressing development such as wind turbines and solar farms
  - Policy DM3 (Principles of Good Design) – includes an amendment to the supporting text which highlights the importance of protecting on site biodiversity and geodiversity through good design and appropriate densities. The policy is also strengthened with the inclusion of a new criterion which aims to maximise the opportunity for sustainable elements to be incorporated into new development where appropriate, through the siting of development
  - Policy DM5 (External Lighting) – this policy is strengthened by the addition of a criterion which ensures that the relevant lighting standards as set out in the Code for Sustainable Homes and BREEAM are met
- 1.3.16 Policies DM25 and DM26 relate to the primary and secondary shopping frontages in the town centre. For clarity plans which illustrate the location of these frontages are included in Appendix C. These frontages will be identified on the consultation layer of the policies map when the local plan is published for Regulation 18 consultation.

1.3.17 Once the three groups of development management policies have been presented to Cabinet over the coming months the local will be presented to Cabinet, via Scrutiny, as a whole.

#### 1.4 Alternative Action and why not Recommended

1.4.1 The new development management policies (attached at Appendix A as group 1) are considered ready for approval to form part of the consultation draft of the Maidstone Borough Local Plan. Approval of the policies at this point gives them more weight and shows confidence in taking them forward in the local plan at public consultation when other workstreams are complete. Members will have the opportunity to consider the local plan as a whole prior to Reg. 18 public consultation.

#### 1.5 Impact on Corporate Objectives

1.5.1 The Maidstone Borough Local Plan will assist in delivering the spatial objectives of the Community Strategy and the Strategic Plan over the plan period. It will also have regard to objectives set out in other Council documents, such as the Economic Development Strategy and the Housing Strategy. The local plan will support the council's priorities for Maidstone to have a growing economy and to be a decent place to live, and the consultation processes will strive to meet corporate and customer excellence.

#### 1.6 Risk Management

1.6.1 The council still has a local planning policy framework that comprises adopted development plan documents and supplementary planning documents, endorsed guidance, and saved policies from the Maidstone Borough Wide Local Plan 2000. These policies are still relevant and carry weight in the decision making processes provided there is no conflict with the National Planning Policy Framework (NPPF).

1.6.2 However, the council has a duty to maintain an up-to-date policy framework, and current policies are increasingly becoming outdated or are in conflict with the NPPF. The policies that are the subject of this report, together with other policies of the Maidstone Borough Local Plan, will provide a robust framework for the development management process and will reduce the risk of inappropriate development.

#### 1.7 Other Implications

1.7.1

1. Financial



2. Staffing	
3. Legal	X
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	X
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.7.2 Legal: Legal services offer advice on document content and processes to ensure the Maidstone Borough Local Plan is found sound at examination. A number of meetings have been held with Counsel and regular meetings have been set up with the Head of Legal Services. These services can be managed within the existing budget for local plan production.

1.7.3 Environmental/Sustainable Development: A sustainability appraisal, incorporating a strategic environmental assessment is required for all local plan policies<sup>3</sup>, including site allocations. Consultants have been appointed to undertake this technical exercise, and costs can be managed within the existing budget for local plan production. The sustainability appraisal is an iterative process, and the policies that are the subject of this report have undergone initial appraisal and have been amendment as a result.

1.8 Relevant Documents

None.

1.8.1 Appendices

Appendix A: Draft Maidstone Borough Local Plan Development Management Policies 2013 – Group 1.

Appendix B: Local Plan Policies List

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<sup>3</sup> **SEA Directive:** European Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'. Transposed into UK law via The Environmental Assessment of Plans and Programmes Regulations 2004.

Appendix C: Plans of the primary and secondary shopping frontages  
(Policies DM25 & DM26)

1.8.2 Background Documents

None.

<b><u>IS THIS A KEY DECISION REPORT?</u></b>		<b><u>THIS BOX MUST BE COMPLETED</u></b>	
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
This is a Key Decision because it affects all wards and parishes.			
Wards/Parishes affected: All.			