



Maidstone Local Plan Examination

Response to Inspector's Session 9 Questions: Retail & Mixed Development

Prepared on behalf of

**Harvestore Systems
(Holdings) Ltd**

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DHA/11105**

1 Introduction

1.1 Overview

- 1.1.1 This additional evidence is submitted on behalf of Harvestore Systems (Holdings) Ltd, which controls land forming the proposed Kent Medical Campus and the existing Newnham Court Shopping Village at M20 Junction 7.
- 1.1.2 This Written Statement expands upon the evidence previously submitted, specifically in response to the Inspector's questions in relation to session 9, where relevant to Harvestore's previous representations, in order to assist the Examination.

2 Response to the Inspector's Questions

2.1 RMX1(1) Newnham Park

Qn9.5: Having regard to the Framework provisions, does an out of centre retail or office development:

- ***require evidence of a sequential test prior to allocation;***

2.1.1 In contrast to the approach set out in relation to the flood risk sequential test, the Framework does not contain any explicit requirement for a sequential test for town centre uses to be carried out prior to allocation.

- ***require an impact assessment either before or after allocation?***

2.1.2 The Framework does not contain any specific requirement for an impact assessment before allocation. Paragraph 26 requires an impact assessment at the application stage where a scheme does not comply with an up-to-date Local Plan and where a 2,500m² or alternative locally-set floorspace threshold is exceeded. There is nothing in the Framework that would prevent a Local Plan policy requiring an impact assessment for retail proposals on an out-of-centre site where retail development would be supported.

Qn9.7: What comment does MBC have concerning the timing of the Jct5 improvements and their implications for the development?

2.1.3 Whilst this question is for MBC to answer, this is also relevant to our submission that the J5 improvements should not be a requirement of the policy.

2.1.4 Up-to-date Transport Assessment work for a new application to effectively renew the Kent Medical Campus permission shows that the medical campus element would increase vehicle flows through M2 J5 by no more than 1.0% during the morning and evening peak hours in 2031. This is an insignificant increase, which is unlikely to result in measurable impacts in terms of traffic capacity or delay. Indeed, it is likely that daily variation in junction flow would account for a greater percentage of flow change.

2.1.5 With respect to impacts on any one arm of the junction, the greatest development increase would be in the PM peak hour on the A249 (south) arm, recording a 2.6% uplift in traffic flow during the 2031 scenario. The flow on this arm is expected to be evenly spread across the approach lanes, thus reducing the impact of queuing in any one lane.

2.1.6 On the basis of this assessment, the development impacts on M2 Junction 5 cannot be termed "severe" as defined by the NPPF; therefore there should not be any requirement to undertake interventions at the junction. Notwithstanding this stance, the medical campus development will contribute to significant improvements to M20 Junction 7, which would also benefit vehicles travelling south from M2 Junction 5. Therefore, since no financial assistance for M20 Junction 7 improvements is being given by developments in Swale, the medical campus mitigation should not extend to M2 Junction 5.

Qn9.8: Does MBC now agree or dispute the Harvestore figure for existing floorspace and should the policy be modified in that regard?

- 2.1.7 Harvestore first provided the relevant floorspace figures to the Council in 2010. To date, they have not been provided with any explanation for why the Council disagrees with them.
- 2.1.8 In total, 5,501 m² of built floorspace is occupied by retail uses at Newnham Court Shopping Village. In addition, Notcutts Garden Centre includes 1,250 m² of covered, external retail floorspace, plus a further 7,478 m² of uncovered external retail floorspace.
- 2.1.9 Planning permission has also been granted to allow retail sales on a further 7,020 m² of open land between the existing garden centre and the A249.¹ The relevant permission has been part implemented and is therefore extant. As a result, the total area in retail use is around 21,249 m². All of the A1 retail floorspace on the existing site is “open A1” and is not restricted to certain types of goods.

Qn9.9: Having regard to national policy should a sequential test and a retail impact assessment precede or follow any allocation for additional retail floorspace?

- 2.1.10 The Framework requires authorities, in drawing up Local Plans, to pursue policies to support the vitality and viability of town centres. Maidstone’s draft Local Plan includes policies to achieve this, including draft allocation RMX1(2) at Maidstone East/Royal Mail Sorting Office in the town centre (as proposed to be extended) and RMX1(3) at King Street Car Park.
- 2.1.11 The proposed retail allocation at Newnham Court should be seen in context. This is an existing and popular retail complex which has been developed in a piecemeal fashion over several years. The site is located at an important gateway to Maidstone and, especially in the context of the new medical campus development and developments at the adjacent Eclipse Park, there would be significant planning benefits in a comprehensive redevelopment of the site.
- 2.1.12 As set out in our representations, any redevelopment to achieve these planning benefits needs to be viable, otherwise it simply will not happen. No developer is going to redevelop the site when the potential benefit to them is an increase of floorspace of just 700 m².
- 2.1.13 There are clear, sound planning benefits for allowing an increase in retail floorspace at Newnham Court in addition to the improvements planned in the town centre. As stated in the response to Qn9.5 above, there is no specific Framework requirement for a sequential or impact assessment to be carried out prior to allocation. In our view, the Local Plan clearly pursues policies to enhance the town centre, but also recognises the planning benefits of comprehensive retail development at Newnham Court.
- 2.1.14 It is of course important that any development at Newnham Court does not harm existing or planned investment in the town centre, and this can be addressed through an impact assessment submitted at the time of any planning application, if the increase in floorspace is greater than 2,500 m². Since there is no firm proposal for the retail redevelopment at this stage, and it is not yet known when during the plan period any such proposal would be delivered, it is perfectly appropriate that any impacts of additional floorspace should be

¹ MBC application references 91/1668, renewed by 96/1631

considered at that time, to ensure that Maidstone and other town centres are adequately protected.

Qn9.10: In the absence of a retail impact assessment and of any low threshold for the requirement for such a test, how is the figure of 700sqm as a maximum floorspace increase justified?

- 2.1.15 As stated in previous representations, the Council has not provided any evidence to justify this limit, which appears to have been plucked out of the air, contrary to the evidence-based approach to plan-making required by the Framework.

Qn9.11: Would Proposed Change PC/43 suitably address potential effects on the AONB?

PC/43: Amend criterion 11 to read “submission of a full landscape assessment which includes assessment of the impact of the development on views to and from the Kent Downs AONB”

- 2.1.16 Condition 2 of the outline planning permission for the medical campus restricts building heights to four storeys and requires that no building shall protrude above the tree canopy. This condition was imposed by the Council on the basis of a Landscape & Visual Impact Assessment, which included consideration of views to and from the AONB.
- 2.1.17 The changes to the height criterion requested by Harvestore are simply to ensure that the policy is consistent with the outline planning permission. The Council has not produced any evidence to justify the restrictions set out in the draft policy.
- 2.1.18 It would be peculiar if a landscape assessment for this site did not assess views to and from the AONB, therefore Harvestore has no objection to the proposed change to criterion 11.

Qn9.12: Is Boxley PC’s requested modification to soundness or could it be adequately addressed through the Travel Plan approval process?

- 2.1.19 Boxley Parish Council requested that items 13 (cycle/pedestrian links) and 23 (bus links) of the policy should include reference to transport links to Bearsted and to Bearsted train station.
- 2.1.20 Harvestore’s stated position is that whilst transport mitigation is likely to be necessary, the list of required enhancements in the policy is unnecessarily prescriptive. Any mitigation should be based on a proper assessment of requirements in a Transport Assessment. Indeed, the detailed requirements listed in the policy were not all applied to the medical campus outline permission, and that permission contained no specific requirements for links to either Bearsted or the railway station there. Public transport improvements instead concentrated on links to Maidstone town centre.
- 2.1.21 On that basis, Boxley’s requested modification is not necessary for soundness since there is no justification for further extending a prescriptive list of requirements.

Qn9.13: What is the reason for PC/44 and is that change necessary to soundness?

PC/44: Amend criterion 12 to read "Vehicular access to the site from the New Cut roundabout with bus and emergency access from the A249 Sittingbourne Road if required"

- 2.1.22 This change was requested by Harvestore and is referred to in their Regulation 19 response. It would be unreasonable for the policy to require bus and emergency vehicle access from the A249 when this may not be necessary or appropriate depending on the proposal being developed. For example, a bus/emergency access to the A249 was not proposed or considered necessary when granting outline planning permission for the medical campus. Similarly, whilst it was considered during the design stage, it was not considered necessary or desirable for the Land Securities retail scheme at Newnham Court Shopping Village.
- 2.1.23 Harvestore has no objection to such an access being provided, should it be agreed to be necessary for any particular scheme but to date that scenario has not arisen. For that reason, Harvestore considers the proposed change to be necessary for soundness.