

MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION

<http://www.maidstone.gov.uk/residents/planning/local-plan/examination>

SESSION 9 – RETAIL AND MIXED DEVELOPMENT

Hearing Statements: *Please refer to the Inspector's Procedural Guidance Notes for information on the provision of hearing statements.*

Deadline: *One electronic copy in pdf format and three hard copies to be sent to the PO by 6.00pm on 20th October.*

Inspector's Agenda with Matters, Issues, and Questions

1. TOWN CENTRE HIERARCHY AND THE IMPACTS OF DEVELOPMENT FOR MAIN TOWN CENTRE USES OUTSIDE DESIGNATED CENTRES

Issue (i) Whether the Local Plan policies for town centre uses are justified and effective and consistent with national policy

- 1.1. The National Planning Policy Framework provides amongst other things at Section 2 that local planning authorities should define a network and hierarchy of centres and also define the extent of town centres and primary shopping areas (based on a clear definition of primary and secondary shopping frontages in designated centres). They should then apply a sequential approach to the location of 'main town centre uses' (which are defined in the Glossary, as is edge of centre development). However this approach is not to be applied for applications for small scale rural offices or other small scale rural development.
- 1.2. Outside of town centres an impact assessment for retail, office and leisure developments should be required when they are not in accordance with an up to date local plan. A locally set threshold should exclude smaller developments from that requirement and, in the absence of such a local threshold, the default is 2,500sqm of floorspace.
- 1.3. A plan defining the boundaries of Maidstone Town centre is provided on page 34 of the plan. The primary shopping area is shown on page 38. Policy DM31 states that primary shopping frontages are shown on the policies map.

- 1.4. MBC has issued an Employment and Retail Topic Paper 2016 [Document SUB 003].
- 1.5. Policy DM17 - Town Centre Uses seeks to apply a sequential approach to the location of 'main town centre uses'. There is no provision in the policy to exempt small scale rural offices or other development. Policy DM17 also requires an impact assessment for retail, office or leisure proposals outside of an existing centre. However no local threshold is included. Additional accessibility criteria are included for edge of centre or out of centre development.
- 1.6. Policy DM18 identifies existing and proposed district and local centres where the retail functions and supporting community uses are to be maintained and enhanced. It also provides criteria concerning proposals for the loss of specified shops and facilities located outside such centres in circumstances where planning permission is required.
- 1.7. Representation R19588 seeks the modification of Policy DM18 to distinguish more clearly between the roles of district centres and local centres.
- 1.8. RM19588 also points to inconsistencies in the identification of such centres on the policies map where district centres in the rural service centres are shown as local centres, contrary to Policy DM18. The Council has proposed changes to the Policies Map to reflect the policy wording, which in any event would take precedence in cases of conflict.

Qn9.1 For clarity as to what may be permitted, should policies DM17 include either a local threshold for the sequential test or refer to the Framework default threshold?

Qn9.2 Should small scale rural offices or other small scale rural development be explicitly exempted from the impact test for consistency with the Framework and, if so, would the scale of such development need to be defined in this or other plan polices?

Qn9.3 Is the suggested modification to Policy DM18 suggested by R19588 necessary to soundness and what would be its impact in practice?

1.9. The objections of Representation R19439 (on behalf of the owners of the Fremlin Walk Shopping Centre) that the Plan is unsound include that:

- the spatial objectives, Policy SP4 and reasoned justification elsewhere in the Plan should be modified to strengthen the priority in Policy DM17 to development in the town centre
- the Maidstone Retail Capacity Study (2013) is out of date
- the retail floorspace allocation of 26,400sqm in Policies RM1(1) to RMX1(4) has not been objectively assessed [that total includes the replacement of 14,300sqm of existing floorspace at Newnham Park resulting in a net increase of 12,100sqm gross retail floorspace]
- no sequential assessment has been undertaken before making an out of centre retail allocation at RMX1(1) Newnham Park [+700sqm] and an edge of centre allocation at RMX1(2) Maidstone East.
- there is no clear definition of primary and secondary shopping frontages as required by the Framework paragraph 23

Qn9.4 Does Policy 31 and the Policies Map provide an adequate definition of primary and secondary shopping frontages to satisfy the requirements of the Framework?

1.10. Other issues relevant to this representations are addressed below.

2. RMX1(1) NEWNHAM PARK

Issue (ii) Having regard to national policy for retail development, whether adequate consideration has been given to cross-border retail impacts

- 2.1. Policy RMX1(1) proposes a mixed use allocation at Newnham Park adjacent to M20 Junction 7 to include a 100,000sqm medical campus and a replacement retail centre of up to 15,000sqm. This would replace what MBC says are existing retail premises of 14,300 sqm (gross) and thus add 700 sqm of floorspace; with restrictions on the goods to be sold.
- 2.2. Swale BC (R19240) seeks the modification of the wording of Policy RMX1(1) to make it clear that an assessment of retail impact would also need to consider town centres and local centre which may be located outside Maidstone Borough. MBC has proposed change PC/42 which would amend RMX1(1)(8) in that regard.
- 2.3. Swale BC is also concerned at the concentration of new employment and commercial activity at Newnham Court (M20/J7) at the southern end of the A249 corridor. This corridor is said to be already subject to severe congestion southbound at peak times and coupled with the scheduled improvements to M2/J5 that are due to commence in 2019-2020, Swale query whether deliverability is feasible within the timescales.

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

Qn9.6 Would a sequential test threshold that excluded smaller proposals (whether under 2,500sqm or another figure) apply so as to exclude net increases in floorspace of less than the threshold (as for example the 700sqm increase proposed for allocation at Newnham Park)?

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

- 2.4. Representation R19159 is on behalf of Harvestore Systems (Holdings) Ltd who are promoting the Newnham Court Shopping Village and the adjacent Kent Medical Campus. Outline planning permission has already been granted for the medical campus. In October 2013 planning permission was

granted for a Next store on an out of centre site on adjacent land. In June 2014 planning permission was refused for a development proposed by Land Securities for a development at Newnham Court including 43,389sqm of retail floorspace including a department store and a large foodstore (Waitrose). There is a current planning application for a Waitrose store on the former park and ride car park at Eclipse Park but that is not a proposal in the submitted Local Plan.

- 2.5. Whilst R19159 supports the Medical Campus allocation and concludes that this is deliverable, but seeks a modification of Criterion 6 which relates to the sequence of development.
- 2.6. However R19159 considers that the retail scheme allocation is unviable and undeliverable since it would require the closure of the existing shopping centre during the redevelopment if confined to its existing footprint. The policy is therefore considered ineffective and unsound. Moreover the Representor assesses the existing retail floorspace at 21,249sqm rather than 14,300sqm as described in the policy. There is objection to the limitation to an additional 700sqm of gross retail floorspace which is said to be arbitrary and unrelated to any impact assessment. The Representor claims that there is sufficient capacity in the market for more floorspace but did not provide any assessment.
- 2.7. A revised scheme and policy wording is suggested by the Representor to include provision for 21,249sqm gross retail floorspace as a replacement for the existing space together with an unspecified amount of additional retail floorspace to be determined on the basis of a retail impact assessment to show that there would not be unacceptable harm to the vitality and viability of 'nearby town centres'.
- 2.8. A number of other modifications to the policy criteria are also proposed including a relaxation of the maximum height criteria. Conversely the Kent Downs AONB Unit in representation R19450 objects to any building higher than the existing 2 storey garden centre and considers that development of the higher ground in the north east corner of the site should also be excluded owing to the effect on the setting of the AONB in views from the AONB. The Unit also seeks the strengthening of the landscape criterion and reference to consideration of whether any junction improvement works at Junctions 5 and 7 within the AONB would conserve or enhance the AONB. MBC has proposed a change (PC/43) which would more generally require an

assessment of the impact of the development on views to and from the AONB.

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

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?

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?

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

2.9. Criteria 12-14 set out access criteria including a requirement for a 'Travel Plan, to include a car park travel plan'. Boxley PC (Representation R1953) seek a specific reference to links to Bearsted and Bearsted train station.

2.10. MBC has proposed a change (PC/44) to criterion 12 such that bus and emergency access from the A249 would only be provided 'if required'.

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

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

3. RMX1(2) MAIDSTONE EAST AND FORMER ROYAL MAIL SORTING OFFICE, SANDLING ROAD, MAIDSTONE

Issue (iii) Whether the RMX1(2) allocation is justified and consistent with national policy

3.1. According to Document SUB 003 a planning application (MA/14/500483OUT) was submitted for a mixed use development on this site to include an 8,296sqm foodstore but is in abeyance. Representation R19143 comments that the application lacked a necessary retail impact assessment. According to press reports MBC is in the process of acquiring land at the site.

- 3.2. Representation R19143 includes objection to any allocation for convenience retail on this site owing to the potential consequences for the conservation of listed buildings at Baltic Wharf where there is an extant permission for retail development (see below).

Qn9.14 Would MBC please provide an update as to the ownership and planning status of this site and any implications for the Local Plan?

Qn9.15 Does this site qualify as in centre, edge of centre, or out of centre for retail and for other main town centre uses?

Qn9.16 Should it be subject to a sequential test and/or a retail impact assessment prior to allocation?

4. RMX1(3) KING STREET CAR PARK AND FORMER AMF BOWKIN SITE

Issue(iv) Whether the RMX1(3) retail development is deliverable on the car park site

- 4.1. Document SUB 003 includes the comment that MBC owns the car park on this site but as it is well used the site is not being actively marketed for development.

Qn9.17 In what circumstances would MBC release the site for retail development?

5. RMX1(4) FORMER SYNGENTA WORKS, HAMPSTEAD LANE, YALDING

- 5.1. To be considered at Session 10A.

6. ALTERNATIVE SITE – BALTIC WHARF, MAIDSTONE TOWN CENTRE

Issue(v) Whether the desirability of preserving a listed building and associated viability considerations would justify a modification of the Local Plan

- 6.1. This site includes a listed building. The owners have secured certificates of lawfulness and planning permission for open A1 retail use of 2,600sqm of the sheds on the site. In April 2014 the site was the subject of a successful

appeal against the non-determination of a planning application for mixed development including a 7,430sqm GIA foodstore.

6.2. In Representation R19143, Baltic Wharf (Maidstone) Ltd points out that the Inspector concluded amongst other things that retail development was the only viable use for the listed building. He also pointed to a 'policy vacuum' surrounding this site as compared to the proposals for comparison and convenience retailing at the RMX1(2) location. The Representor seeks:

- a site specific allocation for retail development
- the site's inclusion in Policy SP4 and
- a statement that other retail development in Maidstone that would undermine implementation of the Baltic Wharf foodstore permission would not be permitted.

6.3. In the Topic Paper at paragraph A12 it is stated: that there is a requirement for 3,700sqm of convenience floorspace; that there are existing commitments for 6,754sqm of such space including a consent for 3,716sqm at the Baltic Wharf site. There would appear to be overprovision of 3,054sqm against the assessed capacity. This is before the current planning application for the proposed Waitrose store of 3,901sqm (4,105 GEA) at Eclipse Park is taken into account. The sequential assessment for the Waitrose development excluded the Baltic Wharf site for various reasons including that it would be an out of centre site as it is more than 300m from the primary shopping area and thus not edge of centre in terms of the Framework Glossary definition.

Qn9.18 Does this site qualify as in centre, edge of centre, or out of centre for retail and for other main town centre uses?

Qn9.19 What effect may permission for a Waitrose store at Eclipse Park have on the implementation of the Baltic Wharf retail development and/or the Maidstone East retail development?

Qn9.20 Is there any evidence that the viability of different forms of development of the Baltic Wharf site has changed since the 2014 appeal?

Qn9.21 Would MBC please comment on the specific policy changes sought by R19143 to SP4 and the requested additional allocation?

Qn9.22 Does MBC's estimate of the housing to be delivered in the Policy H2 Town Centre Broad Location include any dwellings on the Baltic Wharf site?