

**MAIDSTONE BOROUGH COUNCIL**

**CABINET**

**WEDNESDAY 4 DECEMBER 2013**

**REPORT OF HEAD OF PLANNING AND DEVELOPMENT**

**Report prepared by Michael Murphy and Sarah Anderton**

**1. MAIDSTONE BOROUGH LOCAL PLAN PUBLIC CONSULTATION  
DRAFT – GROUP 2 POLICIES**

1.1 Issue for Decision

1.1.1 To approve the second group of draft local plan policies for Maidstone Borough (attached at Appendix A). These policies will be incorporated in a full draft of the local plan to be published for Regulation 18 (Preparation) public consultation. This group of policies comprises a number of spatial policies, which are the key overarching policies for the Borough, and also development management policies which add more detail to the spatial policies.

1.1.2 The majority of the spatial policies have been the subject of public consultation in 2011 and have undergone some amendments following representations made during the consultation. The development management policies have already been to Scrutiny committee on 20 August 2013 and have been amended following recommendations made by this committee.

1.1.3 In addition a proposed site allocation policy for the Maidstone East and Royal Mail Sorting Office site and a revised policy for the Newnham Park site are included in this group.

1.2 Recommendation of Head of Planning and Development

1.2.1 That Cabinet approves the proposed policies and associated plans of the Maidstone Borough Local Plan (attached at Appendix A, C, D and E), for public consultation.

1.2.2 That Cabinet approves the proposed site allocation policy for Maidstone East and the Royal Mail Sorting Office site attached at Appendix B for public consultation.

1.2.3 That Cabinet approves the proposed site allocation policy for Newnham Park attached at Appendix B for public consultation and adopts the policy for development management purposes

1.3 Reasons for Recommendation

1.3.1 The Cabinet report of 22 October 2013 explains that with further work required to finalise housing need and supply, it is not possible at this time to bring the local plan as a whole for consideration by Scrutiny Committee and Cabinet. The decision has therefore been made to take policies unaffected by the spatial strategy and housing target to the forthcoming Scrutiny and Cabinet meetings in three groups, with the first group having already been approved by Cabinet on 22 October.

1.3.2 This report focuses on the second group of local plan policies being put forward for approval by Cabinet. The list of Group 2 policies is included in the table below.

<b>Group 2 Policies</b>	
<b>Spatial Policies</b>	
SP1	Maidstone Town Centre (CS2)
SP2	Maidstone Urban Area (CS3)
SP3	Rural Service Centres (CS4)
SP4	Rural Settlements
SP5	Countryside (CS5)
<b>Development Management Policies (borough wide)</b>	
DM9	Historic and Natural Environment (CS13)
DM10	Open Space and Recreation
DM11	Community Facilities
DM15	Economic Development (CS8)
DM16	Retention of Employment Sites
DM20	Mooring Facilities and Boat Yards
DM21	Housing Mix (CS9)
DM22	Affordable Housing (CS10)
DM23	Local Needs Housing (CS11)
<b>Development Management Policies for the Countryside</b>	
DM28	Design Principles in the Countryside
DM29	New Agricultural Buildings and Structures
DM30	Conversion of Rural Buildings in the Countryside
DM31	Rebuilding and Extending Dwellings in the Countryside
DM32	Change of Use of Agricultural Land to Domestic Garden Land
DM33	Accommodation for Agriculture and Forestry Workers
DM34	Live-Work Units
DM35	Expansion of Existing Businesses in Rural Areas
DM36	Holiday Caravan and Camp Sites
DM37	Caravan Storage in the Countryside

DM38	Retail Units in the Countryside
DM39	Equestrian Development
<b>Delivery Framework</b>	
ID1	Infrastructure Delivery ( <i>CS14</i> )
ID2	Electronic Communications
<b>Retail and Mixed Use Land Allocation</b>	
	Maidstone East/Royal Mail Sorting Office (will form part of Policy RMX1)
	Newnham Court (will form part of Policy RMX1)

- 1.3.3 Of the 30 Group 2 policies listed above, several of the policies include amended core policies from the previous iteration of the Core Strategy (included in italics in table). A number of these policies have not been seen by Members since public consultation on the Core Strategy in 2011, whereas others were approved by Cabinet in March 2013 to form part of the new local plan at the forthcoming public consultation in 2014. Where a significant amendment has been made to any of these policies, or a new policy has been proposed, it is summarised below.
- 1.3.4 SP1 - Maidstone Town Centre - previously CS2 (2011)  
Policy SP1 is the overarching spatial policy for the town centre. Its last iteration (CS2) formed part of the Core Strategy public consultation draft in 2011. Policy SP1, included in Appendix A, has had a number of significant amendments since 2011 in response to the public consultation and in particular, the Town Centre Assessment (2013) and Retail Capacity Study (2013), both undertaken by the consultants DTZ.
- 1.3.5 The supporting text includes a town centre Vision which has been carried forward from the 2011 version of the core strategy. The Vision sets out what the town centre will be like by the end of the plan period. It acknowledges that to achieve a 'first class traditional town centre' the Local Plan needs to make provision for appropriate development in the town centre to accommodate future needs and to support this with both environmental and accessibility improvements. The policy also highlights that development must demonstrate a particular quality of design and, where appropriate, have specific regard to the setting of the riverside.
- 1.3.6 In view of the key role that retail will play in sustaining the health of the town centre, Policy SP1 proposes that the Maidstone East site, in conjunction with the adjacent Royal Mail Sorting Office site, be allocated in the Local Plan as a key site for new retail development in the town centre for the early part of the plan period. This site has an existing allocation in the adopted Maidstone borough-wide Local Plan (2000) for mixed use development including retail (bulky goods), offices and housing. It is proposed that the site now be prioritised for a

combination of comparison and convenience retail development. An element of residential development would also be appropriate. The proposed site allocation policy which provides the more detailed development criteria for this site is included in Appendix B. This policy will form part of Retail and Mixed Use site allocations policy (Policy RMX1) when the complete draft local plan is presented to Members. The details for this site are being brought to Members now because the local plan's approach to retail development in the town centre is relevant to the proposals for Newnham Park, which are also considered as part of this report.

- 1.3.7 Evidence in the Retail Capacity Study (2013) projects that there will be further growth in retailing over the later phases of the plan, additional to that which could be accommodated on the Maidstone East/Sorting Office site. The objective is that this need should be met in, or close to, the retailing core of the town centre as the best way to help sustain and expand its shopping function. The longer term redevelopment of the area centred on The Mall is considered to represent an opportunity to both upgrade this key shopping centre and to provide additional floorspace for which there will be a need. This is a substantial proposal which will take time to come to fruition.
- 1.3.8 Policy SP1 identifies the Mall area of the town centre as a broad location for future retail growth (see Appendix E for a plan showing the broad location). This brings clarity about the Council's view of where longer term retail growth in the town centre should be delivered. This will help to underpin the early discussions and negotiations needed for a scheme to progress. A detailed allocation for the site would be brought forward in a subsequent review of the Local Plan.
- 1.3.9 A number of respondents to the 2011 consultation queried how the over supply of poorer quality office stock was to be addressed. The town centre is and will continue to be a focus for office-based employment. There is however an acknowledged over-supply of poorer quality office stock in the centre<sup>1</sup> which has the overall effect of suppressing rental values and thereby inhibiting the supply of new, modern floorspace either through new development or refurbishment. It is proposed that the approach should be to seek to retain the best quality stock in the town centre where possible as part of the designated Economic Development Areas (Policy DM16) whilst allowing for the redevelopment of the poorer quality stock for alternative uses. The poorer quality stock is generally located in older premises, which are inflexible to adjust to meet evolving business needs and have limited or no dedicated car parking.

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<sup>1</sup> Employment Land Forecast (March 2013)

- 1.3.10 The role of residential development is a further matter on which respondents to the 2011 consultation sought clarification. Policy SP1 (vii) specifies that there will be scope for additional residential development as part of the overall mix of uses in the town centre. This may be delivered either as an element within mixed use schemes or through smaller scale redevelopment where the commercial role of the town centre will not be undermined. Specific sites will be allocated in the Local Plan. Residential will be the key alternative use for the poorer quality office stock referred to above. The delivery of housing on these sites will be contingent on;
- The value of the office stock reducing to a level where redevelopment becomes viable
  - Leases on individual premises coming to an end
  - The return of the market for town centre apartments
- 1.3.11 The text of the town centre policy in the 2011 Core Strategy defined town centre quarters to provide a framework for the more detailed site allocations to follow in a subsequent plan document. As a comprehensive local plan is being prepared, which includes site allocations, the value of the quarters approach has lessened and these have not been carried forward into the current policy.
- 1.3.12 The Maidstone Borough-wide Local Plan (2000) does not define a specific boundary for the town centre. A proposed town centre boundary to be included in the new Local Plan is shown in Appendix C. This is the area to which Policy SP1 will apply and represents that area where 'town centre uses' (retail, offices, leisure/entertainment and arts/culture/tourism) are currently concentrated and where new provision should be focussed, based on assessment of character and function. In the 2011 Core Strategy the boundary was drawn quite expansively to include the Springfield area. The prospect was that a large scale office/education campus could be established there.
- 1.3.13 Subject to Members' views when the full suite of site allocation policies are considered at a subsequent meeting, it is considered that this area could have a greater role in delivering new residential development and at this point it is therefore recommended that it is excluded from the town centre boundary. The Haynes site is not currently in a 'town centre use' and is in a more peripheral location, removed from the core of the town centre. Again, subject to Members' final decisions, this site could have a role in delivering additional housing and is excluded from the town centre boundary at this time.
- 1.3.14 The plan in Appendix D shows the primary shopping area (PSA) within the town centre, drawing on analysis in the Town Centre Assessment (2013). The PSA is relevant for the application of the sequential test; retail sites within the PSA are defined as 'in centre' sites, sites within

300m walking distance of the PSA are 'edge of centre' sites and those beyond this 300m distance are 'out of centre'.

- 1.3.15 SP3 – Rural Service Centres - previously CS4 (2011)  
The planned development and maintenance of sustainable communities underpins the council's approach to rural areas where the primary aim is to direct development towards rural settlements that can best act as service centres for their local population and surrounding rural communities. Rural service centres (RSC) form part of the settlement hierarchy for the borough and are seen as the most sustainable locations for growth outside of the town centre and urban area
- 1.3.16 Comments received at public consultation on what was then Policy CS4 in the Core Strategy (2011) called for the designation of Coxheath as a rural service centre and questioned the inclusion of Harrietsham in the policy because of its proximity to Lenham and a perceived lack of services and facilities. Based on a recent review of services and facilities in Maidstone's rural villages, Policy SP3 now designates an additional two villages as RSC, namely Coxheath and Yalding, while also continuing to retain Harrietsham's designation. The villages referred to above have a number of the key services and facilities expected of a RSC, serve a wider community and are considered sustainable locations for future growth.
- 1.3.17 SP4 – Larger Villages (New Policy)  
A recent review of services and facilities in the rural villages has identified the larger villages of Boughton Monchelsea, Hollingbourne and Sutton Valence as settlements that have a more limited range of services than the RSCs but still offer some services that meet the day-to-day needs of their local communities.
- 1.3.18 Policy SP4 designates Boughton Monchelsea, Hollingbourne and Sutton Valence as Larger Villages because each village has a number of services and facilities that meet local needs and make the villages more sustainable settlements than most other rural settlements outside of the RSCs. These Larger Villages are considered suitable locations to accommodate additional housing development, subject to the availability of acceptable sites, but the overall scale of development that will be acceptable in these settlements will generally be less than in the RSCs as they are less sustainable locations for meeting the development needs of the borough as a whole.
- 1.3.19 SP5 – Countryside – previously CS5 (March 2013)  
The supporting text of Policy SP5 has been amended to define what the term "countryside" means for development management purposes and the policy itself has been strengthened to ensure development in the countryside meets strict design standards.

1.3.20 RMX1 (part) Retail and Mixed Use Land Allocations: Newnham Park Previously Strategic Site Policy SS4 (March 2013)

The policy for the strategic employment site at Junction 7 (Newnham Park) was approved by Cabinet in March for public consultation. The policy allocates the site for a medical campus, a replacement retail centre and a nature reserve. Cabinet also approved the policy, along with the other strategic site allocations, for development management purposes.

1.3.21 Since this decision, the Town Centre Assessment (2013) has been completed as part of the evidence base for the Local Plan. This study underlines the particular importance of retail to the health of the town centre. The presence of significant numbers of the largest national retailers and the role of anchor stores is crucial in sustaining the attractiveness of the town centre to shoppers into the longer term. The Retail Capacity Study (2013) has also clarified the scale of new retail floorspace that will be needed to accommodate projected growth in retail expenditure. Under a sequential approach, this additional floorspace should be directed to the town centre as a first preference. The recent approval of the Next store at Eclipse Park is a further reason to take stock and re-clarify the approach that should be taken to additional retail development at Newnham Park. This is being brought to Members now because a planning application for a retail scheme at the Newnham Park site is likely to be submitted in the near future.

1.3.22 As set out earlier in this report, in addition to the allocation of the Maidstone East/Sorting Office site, it is proposed that The Mall be identified as a longer term location for retail development to provide upgraded and additional shopping floorspace suited to modern retailers' requirements in a town centre location.

1.3.23 In view of the priority to be afforded to retail growth in the town centre, it is considered that the Newnham Park policy text and policies map should be amended to:

- Confirm that development should primarily provide for the replacement of the existing garden centre and existing shops (some 14,300sqm of A1 floorspace)
- Confirm that the additional retail floorspace above this quantum be limited to some 700sqm
- State that the additional floorspace should not be used for the sale of clothing, footwear, accessories, jewellery and watches, in order to control the diversion of trade from the town centre.
- Confirm that building heights should be controlled across the whole site. Large scale retail warehouse style buildings will not

be acceptable in this prime gateway location within the setting of the Kent Downs AONB.

- (On the policies map) show the retail redevelopment to be focused on the existing retail footprint and show the area to the east of the existing retail area to be for medical use, rather than for medical **or** retail use as is in March 2013 version of the policy.

1.3.24 The Newnham Park policy specifies that development proposals should have no significant adverse impact on the town centre. The judgement of what constitutes a significant adverse impact will be based on the facts at the time, including the health of the town centre and the nature of the impact that is forecast. This is considered to be a more robust approach than specifying the percentage impact threshold in the policy text.

1.3.25 The revised version of the Newnham Park policy is included in Appendix B. Where the text preceding the policy was purely descriptive, it has been abridged so that it will be consistent with the other site allocation policies when the complete draft Local Plan is published. This policy will form part of Retail and Mixed Use Policy RMX1 when the complete draft local plan is presented to Members.

Cabinet will be requested to approve the revised Newnham Park policy for development management purposes.

1.3.26 DM9 – Historic and Natural Environment – previously CS13 (March 2013)

This policy did not draw any significant comments during Regulation 18 public consultation on the (then) Core Strategy in 2011. However, since the policy was approved by Cabinet in March 2013, the supporting text of DM9 has now been amended to highlight that the borough can be broadly divided into 7 distinct landscape types as opposed to 4 types in the previous iteration of the policy. The policy has also been amended and now includes an extra criterion (iii) which ensures that new development does not have a negative impact on ground and surface water and ground source protection zones.

1.3.27 DM15 (Economic Development) – previously CS8 (March 2013)

Policy DM15 sets out the overall planning approach to economic development. The rural conversion policy (Policy DM30) prioritises business uses over residential uses and, for completeness, reference to this preference has been added in Policy DM15. In addition, Policy DM15 does not now set out the sequential sites test for town centre uses as this is now more fully covered in Policy DM17.

1.3.28 A number of the development management policies that comprise part of Group 2 have already been to Scrutiny Committee in August 2013.



Although some minor points were raised by Scrutiny with respect to the policies, the main thrust of 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 these policies have now been developed and are included in the Group 2 policies attached at appendix A.

- 1.3.29 The supporting text of the first of these policies (DM34: Live-Work Units) defines the term live-work and ensures that such development will only be acceptable where it meets detailed criteria, which excludes development of new build live-work units in the countryside and stipulates that the workspace element of a live-work unit should comprise at least 30% of the total floorspace.
- 1.3.30 Policy DM35 (Expansion of Existing Businesses in Rural Areas) addresses the importance of balancing the advantages of job creation in the rural economy with the adverse impact this can sometimes have on the rural environment. The policy sets out a number of detailed criteria to ensure that for a planning permission to be granted, the new development is appropriate in scale for the location and can be satisfactorily integrated into the local landscape.
- 1.3.31 A further new policy, DM28, (Design Principles in the Countryside) has been developed through consultation with officers. This policy aims to ensure a consistent level of high quality design in rural areas for both new proposals and extensions or alterations to existing buildings. The new policy should be read in conjunction with Policy DM3 (Principles of Good Design).
- 1.3.32 Minor amendments to certain Group 2 policies have also been made following officer-level consultation. The following points summarise the amendments made:
- Policy DM10 (Publicly Accessible Open Space and Recreation) - includes an amendment to criterion 4 which strengthens the policy to ensure that for development on existing open spaces, proposals will have to consider the contribution that the existing site makes to the character, amenity and biodiversity of the area. The policy also provides a reference to the Green and Blue Infrastructure SPD.
  - Policy DM16 (Retention of Employment Sites) – Criterion 5 sets out the approach to non-employment generating redevelopment proposals on existing employment sites in Maidstone and the RSCs (outside the designated Economic Development Areas). The supporting text (para 12.99) has been amended to require a viability report to demonstrate that there is no realistic prospect of the site being retained in economic use.

- Policy DM20 (Mooring Facilities and Boat Yards) – includes an amendment to policy criterion 1 to make the policy less restrictive for the development of small scale and short term mooring facilities at existing locations within the context of other plan policies that address design and landscaping.
- Policy DM22 (Affordable Housing) – includes additional paragraphs to the supporting text to explain how the council will apply either the 15% or 30% affordable housing target on previously developed land depending on how the viability of the proposed development is likely to be affected.
- Policy DM31 (Rebuilding and Extending Dwellings) – includes an additional criterion to ensure that new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to the host dwelling.
- Policy DM39 (Equestrian Development) – has been amended for applications for small private stables. Previously, the policy stated that permission would only be granted if the owner of the horses lived adjacent to, or opposite, the proposed site. However this restriction has now been removed. For applications for commercial stables (10 or more), the restriction still applies.
- Policy ID2 (Electronic Communications) – includes an additional paragraph to the supporting text which encourages new development to include provision of utilities infrastructure to accommodate high speed broadband and where possible, to include facilities supporting mobile broadband and Wi-Fi. This is also supported in the policy text of ID2.

1.3.33 Policies in the new 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 all local plan policies is included at Appendix F. Once the three groups of policies have been presented to Members over the coming months, the local plan will be presented to Cabinet, via Scrutiny Committee, as a whole in advance of Regulation 18 public consultation early in 2014. This will give Members the opportunity to see the local plan as a single document and to see how certain policies are connected.

#### 1.4 Alternative Action and why not Recommended

1.4.1 The policies (attached at Appendix A as Group 2) could have been presented to Cabinet for consideration as part of the new Maidstone Borough Local Plan as a whole. However, deliberation of these policies, some of which have not been seen by Members since October 2011, at

this point offers the opportunity for early debate, and the chance to identify new local issues that have not been addressed through these and/or other policies that will be carried forward to the local plan.

1.5 Impact on Corporate Objectives

1.5.1 The new 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>2</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 Policies 2013 – Group 2.

Appendix B: Allocation Policies for Maidstone East and Newnham Court (including plans)

Appendix C: Proposed Town Centre Boundary

Appendix D: Proposed Primary Shopping Area

Appendix E: The Mall: Broad Location for Future Retail Growth

Appendix F: List of All Local Plan Policies

### 1.8.2 Background Documents

None.

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<sup>2</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.

**IS THIS A KEY DECISION REPORT?**

**THIS BOX MUST BE COMPLETED**

Yes

No

This is a Key Decision because it affects all wards and parishes.

Wards/Parishes affected: All.