

APPLICATION: MA/13/1931 Date: 8 November 2013 Received: 8 November 2013

APPLICANT: Land Securities Plc

LOCATION: NEWNHAM COURT SHOPPING VILLAGE, BEARSTED ROAD,
WEAVERING, KENT

PARISH: Boxley, Detling

PROPOSAL: Demolition of existing buildings and redevelopment of site to provide new retail development comprising food store (A1), general A1 retail units, A3 cafes/restaurants and A3 conversion of existing oasthouse with associated highway works, closing up of existing site access, formation of new access via New Cut Roundabout and Newnham Park spine road, associated earthworks, parking and landscaping as shown on drawing no.s BDP-(90)LP001 & LP002; BDP-CH-(20)A-011; CH-(20)A-012; CH-(20)A-21; CH-(20)A-022; CH-(20)A-031; CH-(20)A-036; BDP-DH -(20)A- 011 Rev C; DH - (20)A-012 Rev C; DH -(20)A-012 Rev D; DH -(20)A- 013 Rev C; DH-(20)A- 014; DH -(20)A-021 Rev A; DH -(20)A-031 Rev A; DH - (20)A-036 Rev A; GC -(20)A-011; GC -(20)A-012; GC -(20)A-013; GC -(20)A-021; DH-(21)A-031; DH-(21)A-036; HS-(20)A-011; HS-(20)A-012; HS-(20)A-021; HS-(21)A-031; HS-(21)A-032; HS-(21)A-036; RT-(20)A-011; RT-(20)A-012; RT-(20)A-021; RT-(20)A-022; RT-(21)A-031; RT-(21)A-036; SA-(00)A-001; SA-(00)A-002; SA-(00)A-005; SA-(00)A-006; SA-(00)A-007; SA-(00)A-008; SA-(00)A-011; SA-(00)A-012; SA-(00)A-013; SA-(90)A-021; SA-(90)A-022; SA-(90)A-031; WR-(20)A-011 Rev A; WR-(20)A-012 Rev A; WR-(20)A-013; WR-(20)A-021 Rev A; WR-(21)A-031 Rev A; WR-(21)A-036 and as set out in the following documents - DHA Planning Statement November 2013; BDP Design & Access Statement; DHA Environmental Statement; DHA ES Non-Technical Summary; ES Technical Appendices (Transport Assessment; Noise Terminology; Landscape & Visual Impact Assessment; LVIA Scope of Views; Ecology Surveys; Archaeological Assessment); Savills Retail Impact Assessment; URS Environmental Sustainability Statement; URS BREEAM Pre-Assessment Report; URS Building Compliance Report; Borad Oak Tree Consultants Tree Survey; URS Lighting Assessment; Community Connect Ltd Statement of Community Involvement.

AGENDA DATE: 12th June 2014

CASE OFFICER: Amanda Marks

The recommendation for this application is being reported to Committee for decision because:

- it is a departure from the Development Plan

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV21, ENV27, ENV31, ENV32, ENV33, ENV34, ENV41, ENV49, R1, R2, R3, T1, T2, T3, T13, T21, T23, CF16
- Government Policy: National Planning Policy Framework 2012 and National Planning Practice Guide 2014
- Maidstone Borough Local Plan Regulation 18 Consultation Draft 2014: SS1, SP1, SP2, DM2, DM3, DM4, DM10, DM13, DM16, DM17, DM19, DM20, RMX1.

1. HISTORY

There is a detailed planning history relating to the existing site, the most *relevant* planning history is as follows:

MA/13/2147 Newnham Court Shopping Village, Bearsted Road. Change of use and conversion of existing building to Class D1 day nursery with outdoor play space. **Approved 10/4/14**

MA/13/1163 Land south of Kent Institute of Medicine and Surgery, Newnham Park, Maidstone. Outline application for the development of a medical campus comprising up to 98,000sqm of additional floor space (including additional hospital facilities, clinics, consultation rooms) **Approved 23/4/14**

MA/13/0300 Newnham Court Shopping Village, Bearsted Road. Request for a screening opinion as to whether the proposed comprehensive redevelopment of the Newnham Court Shopping Village with only the existing pub and oast buildings retained requires an Environmental Statement. **ES Required 22/3/13**

MA/08/0747 Notcutts Garden Centre, Bearsted Road. Change of use of land for the temporary siting of 54 tents for retail display purposes for a temporary period of three months. **Approved 3/6/08**

MA/07/0382 Proposed Kent Clinic (Institute), Newnham Park, Bearsted Road. Tertiary Medical Centre comprising a complex of eight buildings ranging

from two to four storeys, car parking, landscaping, access road and associated highway improvements. **Approved 1/8/08**

MA/01/0908 Newnham Court Farm, Junction of Bearsted Road with New Cut. Creation of a new access to Newnham Court Farm, including the provision of a four leg roundabout at the existing junction of Bearsted Road and New Cut. **Refused 15/8/02**

MA/95/1253 Newnham Court Farm, Bearsted Road. A full application for the change of use of the land from agriculture to mixed use for the purposes of agriculture and a farm visitor centre. **Refused 23/2/96**

MA/91/1668 Newnham Court Farm, Bearsted Road. Change of use of land from agriculture to use for additional open retail display areas together with construction of car park extension. **Approved 30/4/93**

MA/91/0830 Newnham Court Farm, Bearsted Road. Outline application for 350 space park and ride facility, petrol filling and service station, exhibition hall, extension to garden centre and car parking. **Withdrawn 26/1/94**

MA/86/1842 Newnham Court Farmhouse, Bearsted Road. Change of use of dwelling to restaurant and public house. **Approved 09/01/87**

MA/86/0982 Newnham Court Farm, Bearsted Road. Erection of two retail display sales kiosks. **Approved 26/8/86**

MA/84/0136 Newnham Court Farm, Bearsted Road. Extension of glass house for sale of pets. **Approved 27/3/84**

MA/84/0726 Land bounded between M20 and access slip road, Sittingbourne Road and Bearsted Road. Outline application for a mixed use development including a superstore, 3 retail warehouse units, high technology units, an hotel, touring caravan site, sports centre, an aviary and butterfly farm. **Refused 17/12/84**

MA/81/1717 Newnham Court Farm, Bearsted Road. Construction of facilities for use as a garden centre. **Approved 6/4/82**

2. CONSULTATIONS

2.1 **Boxley Parish Council:** After consideration members' unanimously agreed.

'The parish council wishes to see part of the application refused and reported to the Planning Committee.

The parish council recognises that the Nottcutts site will be developed and that large stores will be attracted to the location and although it has grave concerns about the traffic and implications for the surrounding area it has no objections to the designs of the three larger units of Waitrose, Debenhams and Nottcutts.

The council strongly objects to the inclusion and design of the smaller retail provision adjacent to Bearsted Road and the spine road. These units will be built on a steep bank and thus will be very prominent from Weaving Heath and other areas of Grove Green and Vinters Park. The solid single roof line and lack of any relief to break the monotony of the metal cladding design makes the development look like a prison. It is felt that the design is contrary to NPPF section 7 Requiring good design as it is not visually attractive, is poor architecture and cannot be softened or mitigated by landscaping. The unrelenting metal wall has no bearing with local character or history and is of such poor design that it is contrary to NPPF 7/64. If MBC is minded to approve this application then it should require a redesign of these retail units to include variable roof heights (even cosmetic structures if necessary), sympathetic cladding (to supply texture and relief), air gaps so that the current imposing structure has views through to the centre of the development.

The inclusion of the smaller retail units is contrary to the NPPF section 2 Ensuring the vitality of town centres as such units can easily be accommodated within the numerous empty shops that currently exist in Maidstone town centre. The Town Centre Management Unit recorded 67 vacant units in its November 2013 audit. By allowing such retail opportunity at this site MBC will effectively be encouraging small retail away from the town centre which is contrary to its current and developing local plans. It is noted that the number of small retail units (17) proposed at the site exceeds the number of small businesses located within Nottcutts (7) and so would attract more shops than currently at the site. The 10 year impact requirements of NPPF section 2/26 (second bullet point) should be considered by MBC. The fact that Section 106 funding is being requested for the town centre shows that MBC has recognised that there will be an adverse impact but rather than require a payment it should fight to attract and retain shops.

Newnham Court Shopping village currently has 400 car parking spaces and the proposed development will supply 901 car parking spaces and it is considered that this will be inadequate resulting in parking in residential areas that are already struggling to cope with parking problems caused by the Eclipse site and events at Maidstone Studios. Again MBC's request for Section 106 contribution towards residential parking issues indicates that it considers that this will be an issue and if MBC is minded to approve this application then this sum should be ring fenced for Grove Green and Vinters Park.

Whilst the extension of the park and ride service into the site is welcomed it does however raise a potential issue of abuse. The cost of using the park and ride service is £1.50 (free if you are of pensionable age) which will be considerably less than the car parking fees that will be incurred at the proposed retail area. It is anticipated that employees and visitors will therefore park at the park and ride area and then catch the bus to Newnham Court. This would drastically reduce the number of car parking spaces available for commuters and shoppers wishing to go to Maidstone Town Centre.

The parish council has grave concerns about the lack of supportive infrastructure as a whole but particularly the poor local highway infrastructure. The recent KIMS development resulted in a new roundabout which is now insufficient for the proposed development. KCCH&T has failed to investigate the local transport infrastructure needs beyond the Bearsted Road and A249/M20 corridor. New Cut Road and Grove Green roads experience heavy delays and congestion which can only be exacerbated by the additional traffic that will be attracted to the area by KIMS, Newnham Park Medical Campus and this proposed development. The parish council asks that sufficient S106 funds are obtained to improve the Grove Green roundabout and for the possible introduction of a mini roundabout at Grovewood Drive South/New Cut Road.

NPPF section 12 Conserving and enhancing the historic environment. The parish council has concerns that the proposed development will totally swamp the listed public house which will effectively be an island in the middle of a car park.

If MBC is minded to approve the application then the parish council would like to see the following conditions included:

- Restrictions to delivery times for all the units. It has been recognised in the traffic information that there is congestion at peak times and so set times should be agreed and enforced so that no delivery vehicles enter or leave the site during the identified peak traffic periods.
- During construction a dedicated complaints line should be available to allow prompt action to deal with issues like mud on the road.
- MBC approval of the 'no poaching' document that Land Securities states will be in place to ensure that no retail company relocates from the town centre to the proposed development.

The parish council also requests that a monitoring/discussion panel is set up and asks that it is part of this panel.

3.2 **Detling Parish Council:** 'has considered the above planning application and I am writing to inform you that the Parish Council wishes to register its strong objections to the proposals for a retail development at this site.

This Parish Council feels that this development is unnecessary and will only lead to further vacant retail units within Maidstone Town Centre.

The area around the proposed site is already a problem for excessive traffic and this problem will escalate should further development be allowed. There will also be an increase in traffic in and around Detling, the village is already used as a rat run and this development will intensify the current problems.

Detling Parish Council therefore raises its strong objections to this application and request that this is reported to the Planning Committee.'

3.3 **MBC Heritage Officer:** OBJECTS to the application on heritage grounds for reasons set out below.

This large development site lies within the setting of the Grade II listed Newnham Court Inn (formerly Newnham Court Farmhouse); indeed, it totally surrounds it. This 15th Century building historically occupied an isolated site together with its group of farmstead buildings (some of which, including an oast house, remain within the "shopping village" development). Historically this building, which was associated with one of the manor houses of Boxley and was originally in the ownership of Boxley Abbey, enjoyed a view across much of the land for which it acted as farmhouse and it would have been prominent on the ridge here when seen from most directions, its relative isolation having been a major contributing factor to its original setting. The ex-farmhouse and oasts are still prominently sited on the ridge when viewed from the east, particularly from the roundabout at the junction of Bearsted Road and New Cut Road.

Unfortunately, late 20th century developments to the immediate west and north west of the listed building, including the Newnham Court Shopping Village, have significantly eroded this isolated setting; however, the listed building retains commanding views to the east where the land drops away from the building before rising to a series of wooded areas in the distance - these views demonstrate clearly the building's historic setting and the visual relationship between the building and the surrounding countryside is considered to contribute positively to its significance as a heritage asset.

It is unfortunate that this view to the east has now been compromised by the recent grant of permission for a large expansion of the Kent Institute of Medicine and Surgery. However, given the erosion of the setting which has already taken place to the west and north west and that which is now likely to take place to the east, the protection of the remaining open setting of the listed building is particularly important as its loss would remove all historic contextual

setting for the listed building, to the detriment of its significance. English Heritage has produced guidance on the setting of heritage assets and in Section 2.4 of this document it states:-

“Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting ... consideration still needs to be given to whether additional change will further detract from ... the significance of the asset. Negative change could include severing the last link between an asset and its original setting ...”

This is exactly what would occur if the currently proposed development were to go ahead. It is proposed to erect extensive retail buildings to the west, south and east of the listed building. The result will be to reduce the listed building and the retained oast house to museum pieces isolated within a sea of car parking and surrounded by retail sheds. All landscape context and setting will be completely lost. Views of the listed house and its accompanying oast house from outside the site to the south east and east would be totally lost. I therefore consider that this proposal would cause considerable harm to the setting of the listed Newnham Court Inn resulting in substantial harm to its significance. I do not agree with the Heritage Statement submitted that impact on the heritage asset is likely to be minimal because of former and planned developments within its setting or that the impact of the proposed development will not be significant. Section 13 of the Environmental Statement is closer to the mark when it states that the proposed development “could effectively eliminate what remains of its setting”.

The development will have a similarly adverse impact on the setting of the converted oast which should be considered as a non-designated heritage asset. Although partially rebuilt and extended, this building retains its original character and represents a former agricultural building which has existed since at least 1849 and which itself forms an important component of the setting of the listed ex-farmhouse. There is also the question of the small courtyard of buildings which currently lie to the immediate south of the oast house. Although partially rebuilt and altered, these are still recognisably the remnants of the historic farmyard. The largest barn-like building forming the western side of this courtyard seems to appear on the 1804 Boxley Estate Map, as does the smaller building forming the north side of the courtyard; the building forming the eastern side of the courtyard appears to originally have been built in the late 19th Century. It is proposed to entirely demolish this courtyard of buildings, thus removing all evidence of the farmstead originally associated with Newnham Court Farmhouse except for the oast house. This will further damage its significance.

The historic approach to the farmhouse from the south will also be lost in these proposals. It is likely that this constitutes the original access to the site as Bearsted Road forms part of a historic major route leading eastwards from the Medway crossing at Aylesford. The approach has certainly been in this location since 1804.

- 3.4 **MBC Landscape Officer:** There are two TPOs protecting trees on this site; TPO No. 1 of 2002 which protects a group of Sycamore trees and 3 individuals (one Horse Chestnut and two Hollies) adjacent to the existing access and TPO No. 13 of 2011 which protects a Pine tree in the centre of the site and a number of woodlands north of the veterinary clinic. There are also areas of semi natural ancient woodland to the northeast of the site.

The Report on Tree Inspections produced by Broad Oak Tree Consultants Limited is generally considered acceptable in principle. However, there is no evidence to support the view that Ash trees should be downgraded because of Ash Dieback. It is expected that some trees will be more resistant to the disease and could therefore have a safe useful life expectancy in excess of 40 years. Therefore the categorisation given to Ash trees within the report is not accepted.

I am concerned to see that the eight protected trees (2 of which are categorised as A grade and 6 of which are a B grade) have not been considered as a constraint to this development proposal, contrary to BS5837:2012, and all 8 are shown to be removed.

The landscape and visual assessment produced by DHA Environment is acceptable in principle, as is the landscape strategy.

The site is located within landscape character area 14-1, Weaving Fringes; the relevant generic guidelines for the Gault Clay Vale landscape type are:

- Conserve the undeveloped foreground and rural setting of the Kent Downs AONB
- Conserve the species rich hedgerow boundaries and promote enhanced species diversity within hedgerows where this has been weakened
- Avoid the use of single species hedgerows and shelterbelts within this landscape, where species rich hedgerows are so prevalent
- Where possible, woodland habitats should be increased and the historic hedgerow network should be reinstated. Woodlands should be linked through replacing post and wire fences with species rich hedgerows
- Consider views towards any proposals from the elevated North Downs scarp

The relevant summary of actions for the detailed landscape area are:

- Improve and reinforce the more distinctive and characteristic elements, e.g. ancient woodland, streams, traditional buildings and open landscape at Newnham Court Farm, which strengthen the setting of the Kent Downs AONB
- Avoid significant encroachment of the urban edge where it would detract from the open foreground to the Kent Downs AONB

It should be noted that the approved strategic landscape details for the adjacent KIMS site (application MA/11/1763) includes an area of native landscaping adjacent to Bearsted Road to mitigate the loss of Poplar trees, to help the KIMS development to fit better into the landscape and to optimise connectivity in biodiversity terms. This appears to have been embedded in the s106 relating to the application with an agreement for the area to be transferred to the Council for long term management. The western part of this strategic planting area is shown as part of the current planning proposal for Newnham Court and I am clearly concerned that this will frustrate what has already been agreed for the KIMS proposal.

The scale and urbanising nature of this proposal does not reflect the above landscape character advice and nor does it respect the constraints of the existing trees/landscaping on the site. I therefore raise objection on grounds of arboriculture/landscape detail.

3.5 **MBC Environmental Health:**

Original Comments: This is a major application which plans to redevelop the existing Newnham Court complex of buildings. There are obviously major EH issues for a development of this scale, compounded by this particular site having had a complex planning history and existing noise and air quality issues. As would be expected, extensive documentation has been supplied in the form of an Environmental Statement.

Noise (Section 8)

The study covers the three major noise sources - construction, traffic and from fixed plant.

An assessment of background ambient noise and then comparing this with effect of existing traffic has been undertaken, but that from construction and fixed-plant has not. Four long-term monitoring positions were chosen as representing the nearest noise sensitive receptors and measurements taken over a 6 day period. I would challenge this assertion by firstly stating that position L1 is not where it is claimed to be, i.e. in front of Newnham Court, but at one corner of it. This may seem trivial but it will have consequences for the

readings obtained, as the readings are likely to be higher the closer the front of this residence is approached, due to the influence of existing traffic from the adjacent M20. This will result in a greater difference between the two sets of readings.

There are closer residential properties to position L2, even though this is representative of the Grove Green Estate of which it is a part. No recognition has taken place of Gidds Pond Cottages on Bearsted Road. I accept that there has been a lot of construction activity relating to the Kent Institute of Medical Sciences which is at the rear of these residences, but further monitoring must be made near these localities. Position L3 is likely to be lesser affected by noise from this site as it is further away.

The report carries on to consider other noise-related issues and the methodology chosen to justify the approach taken. I do not dispute what has been carried out or even why, but would challenge the choice of receptors and thus the conclusions drawn from these readings.

The report claims that there will be insignificant noise impact from the large car park when it is completed; that may be so for most receptors, but certainly not for the residents of Newnham Court who are situated close by the development. However, it is also fair to say that they have been significantly affected for many years by noise from the M20.

Traffic flows are presented in table 8.12 together with a percentage change in flows now and after the development has been completed. I am surprised to note that the author considers a +38% change on Bearsted Road – new cut to M20 link as insignificant – it would appear the opposite to me.

A section on mitigation measures is then presented. All measures are common sense techniques and beyond dispute. They relate primarily to plant noise during construction and will include plant noise when the development has been completed.

Overall this is a relatively acceptable report as it stands, but there are some major issues not explained more fully, and at the author's admission, more measurements to take place. My position is therefore one of accepting what has taken place so far, but awaiting further monitoring to take place. As such, therefore this report would be insufficient to discharge a condition which I will impose on this application.

Air Quality (Section 9)

This report is submitted in a similar style to the noise assessment discussed above. It sets out both the local and national air quality factors together with any relevant policies.

The report basically divides air pollution from this development into two types – fugitive dust emissions from construction and vehicular activities and purely

emission changes from vehicular sources. I am far more concerned about the latter and consequently take as read the sections concerned with dust and fugitive emissions, even though no doubt this section and any mitigation measures suggested has been thoroughly covered.

The most important part of this report is that related to Nitrogen Oxides (NOx) and in particular Nitrogen Dioxide levels from vehicular sources. Section 9.4 quotes MBC Local Air Quality Management (LAQM) and the existing situation regarding existing monitoring and reports. Section 9.4.8 quotes the 2011 progress report as the most recent; this might have been correct when the report was written, but there is a more recent report (October 2013) now available.

My major issue with this report concerns the choice of 12 existing representative receptors and the process involved in their selection, especially the large number of positions in and around Sittingbourne Road – a significant distance from the site, and already being measured by MBC. The conclusion from the various scenarios 'do minimum' 'do something' are that the effect of this site on existing pollution levels are negligible at worst and imperceptible at best. I do not think there is enough evidence to come to this conclusion from the evidence presented, despite the choice of methodology.

There seems to be lesser importance on the numbers of extra vehicles that this site would undoubtedly generate and the consequent increase in NO2 levels, plus predictions as to the patterns of where these extra vehicles are coming from and going to. This has been proved vitally important at other previous large-scale applications involving large numbers of traffic movements near to the M20 motorway.

There is a downplaying on the effect of extra air pollution on the closest receptors, (R8 & R9) i.e. those at Newnham Court and especially those vulnerable youngsters at the Pennies Nursery.

Overall, this assessment is too brief and concise for a site and development such as this. I accept that the methodology chosen is the most appropriate, but there are too many generalisations to make the report acceptable in its current form. There is also an incorrect statement at the end of the report in quoting that this development is unlikely to contravene the MBC air quality planning policy – there is no such policy/strategy as such. We follow the government air quality strategy and tailor it to local circumstances in our AQMA and Air Quality Action Plan.

Contaminated Land

This important issue is not covered at all in the Environmental Statement. This represents a major omission. An assessment of existing site contamination should be carried out for a development of this size, no matter what the end use is.

Lighting

The lighting report is not sufficiently detailed and would need to be subject to a condition if approval is given.

Updated comments: In response to the above comments discussions took place between URS (consultants on behalf of the applicant) and matters were clarified.

The EHO still considers that whilst the sensitive location of the children's nursery has been moved away from this development, it is now closer to an even greater source of air pollution – the M20.

Whilst it may be true nationally that background concentrations of air pollutants are decreasing, it is also true to say that local levels may not obey this trend and therefore the difference between measured levels and background becomes greater.

Recommendations:

'I am satisfied that most of my earlier issues principally concerning noise and air quality have been discussed and a compromise solution obtained. Conditions can be imposed to secure final details of the issues raised.'

3.6 **MBC Economic Development Manager:**

'Ensuring the vitality and viability of Maidstone Town Centre has been and continues to be a key priority for Maidstone's economic development activity.

The top priority in the council's Economic Development Strategy 2008 is to strengthen the town centre by creating a higher quality retail and leisure offer to attract and retain more expenditure.

The council has been responsible for many major improvements in the town centre to deliver this priority over the last 15 years. This includes using its compulsory purchase order powers to bring about the £100m redevelopment of the former brewery site to create Fremlin Walk, a 32,515 sqm retail centre. The council's focus on good design and the integration of old and new, resulted in a Gold Award in the British Council of Shopping Centres Awards in 2005.

A programme of improvement schemes has upgraded the town centre, starting with High Street, Bank Street, Middle Row and parts of King Street. £4m has been spent transforming the area with high quality granite stone, seating, lighting and planting. New open spaces have been created to hold events to

attract and retain shoppers and visitors, and encourage people to stay longer in the town centre.

An independent assessment carried out by Colin Buchanan estimated that the scheme would result in an extra 72 daytime jobs and £4.5m additional sales per year. An extra 19 jobs would be created in the evening economy, with additional evening sales of £0.37m.

The High Street scheme has seen a reduction in ground floor shop vacancies from 10 units to 2, demonstrating the success of the scheme. Phase 3, 4 and 5 include proposals for Gabriel's Hill, Earl Street and the north end of Week Street. Public consultation has taken place on draft designs for all three areas.

The council established a Town Team in partnership with Town Centre Management to capture the enthusiasm and commitment from businesses, residents, voluntary and community organisations, and faith based groups to reinvigorate the town centre, following the Mary Portas Review of High Streets. Sub groups tackle issues of regeneration, marketing and events. The structure and activities of the Town Team were recently commended by a Peer Review of the council.

Maidstone Borough Council works closely with Town Centre Management and others including Kent Police to ensure the town centre is safe, clean and attractive to shoppers and visitors.

Looking to the future the economic development and planning teams have been working on other sites to regenerate and strengthen the town centre.

The council has been working with the owners of the Mall Shopping Centre, Capital and Regional, over the past 18 months to encourage both short and long term investment in their property. These discussions have culminated in an initial £4m refurbishment starting this year. Phased redevelopment and expansion of the Mall will include more retail, leisure and residential uses estimated at £100m.

The council has also been working with Solum Regeneration (a joint venture between Network Rail and Kier Group) to bring about the comprehensive redevelopment of Maidstone East Station and the adjacent Royal Mail sorting office. This important gateway into Maidstone suffers from partial dereliction and poor quality buildings. Discussions have been taking place over 18 months, covering issues of land assembly, land uses, design, public realm and town centre connectivity. Network Rail is in advanced negotiations to buy the sorting office. The two sites present a major opportunity to strengthen the retail offer at the north end of Week Street, improve the railway station,

connectivity with the town centre, and the setting around the important Sessions House, County Hall.

Both these sites are identified in the Local Plan Regulation 18 Consultation Draft as sites for future retail uses for the reasons stated above.

Economic development objects to the Land Securities development on the grounds that it would prejudice the council's preferred strategy (as set out in the draft Local Plan) for the delivery of comparison and convenience goods floor space which is directed to the sequentially preferable sites at the Maidstone East/former Royal Mail site and the Mall within the town centre. The Land Securities proposal fails the sequential test in the NPPF.

Moreover the council's retail advisors DTZ consider that the Land Securities proposal "would have a serious adverse impact on existing and planned investment in the town centre; which would be severe enough to preclude any significant new town centre retail development for many years." It is quite clear from discussions with Capital and Regional that the long term investment in the Mall Shopping Centre will not go ahead if retail demand in Maidstone is diverted to an out of town development and this applies to Solum Regeneration too.

Employment Need

The applicant has set out the socio-economic statistics relating to the Maidstone area. Maidstone suffers from having a relatively low skilled, low wage economy with many residents commuting elsewhere for higher skilled better paid jobs. Employment rates are high and the Job Seeker Claimant count is very low at 1.7% (1685 people) (NOMIS April 2014). The unemployment rate is 6.1% (5100 people.)

The council's economic development strategy aims to tackle the local wage, low skilled economy by attracting new businesses in knowledge intensive sectors. The average salary for retail sales or retail assistant is £14,136 (EMSI 2014). The average workplace salary in Maidstone is currently £24,728 SHMA (2014, fig 31, p87). However it should be recognised that retail employment is sought after by many residents in Maidstone and a range of jobs with a range of skills is needed to ensure prosperity for all. Retail employment offers progression in to higher paid occupations in the sector and enables employees to develop transferable customer service skills. Maidstone has also seen a reduction in the number of private sector jobs over the last 10 years. Between 2003 and 2008 the number of private sector jobs available in the borough fell by 5% (source: Location metrics for Regional Growth Fund 4) with employment growth largely coming from the public sector. Between 2008 and 2010 the number of all employees in the

borough fell by a further 3000 jobs (source: Kent County Council, Research & Evaluation, Business Strategy & Support, Business Register and Employment Survey).

The applicant states that a total of between 932 and 1,815 FTE positions will be provided by the development. This is a difference of between 674 and 1,561 compared to the current level of employment at Newnham Court. If successful the applicant would wish to see the development open by 2016.

Maidstone's Job Centre Plus has 661 claimants seeking retail work (Nov 2013), as one of their top three preferred occupations. The application generates a disproportionate number of retail jobs which will result in a continuation of the low skilled low wage employment in Maidstone's local economy.

At the upper end of the job creation range the number of retail jobs will exceed the needs of the local labour pool requiring retailers to attract employees from neighbouring areas such as the Medway Towns. This will lead to greater commuting and competition for staff between town centre retailers and new out of town retailers.

Town Centre Public Realm

Land Securities have offered £600,000 for public realm improvements in Gabriel's Hill or Earl Street or Week Street.

The Maidstone Centre Conservation Appraisal describes Gabriel's Hill as "one of the most characterful streets in the Maidstone Town Centre Conservation Area" due to its narrowness; its topography, the continuously built-up frontages and not least the high concentration of surviving historic buildings. Gabriel's Hill was partially pedestrianised in the 1990s and this has enhanced its attractiveness for shoppers and browsers. The draft public realm designs for Gabriel's Hill will replace the tarmac carriageway and concrete paving with high quality granite blocks. There are no proposals to change the existing traffic regulation orders. There are currently 5 empty/vacant properties in Gabriel's Hill out of 46 representing a vacancy rate of just under 11%, against an average identified by DTZ in the Town Centre Assessment of around 12%. Most of these units are fairly small and attract mainly independent retailers.

There are 30 properties in Earl Street, which has become a focus for restaurants, café's, pubs and entertainment including music venues and the Theatre. The street has recently been strengthened by the addition of Wagamama and a new Thai restaurant is due to open in 2014. Vacancy rates are low but the quality of the environment is poor and could be strengthened to create a visitor destination both during the day and evening. Restrictions on

vehicular movements through the area are proposed to improve the pedestrian experience together with new planting, lighting, street furniture and granite setts.

The north end of Week Street falls within the primary shopping frontage but the public space is poor from the entrance to Fremlin Walk up to Maidstone East Railway Station. The retail offer varies considerably with both independents and multiples. There are 5 vacant units along this stretch of road (May 2014). The designs include new granite setts, planting and seating.

The cost for the delivery of the proposed public realm works has been estimated at:

Earl Street	£971,616.60
Gabriels Hill	£1,178,143.80
Week Street	£1,318,957.80

Clearly £600,000 is a fraction of the sum required. The success of public realm investment can be measured by comparing the outputs, or benefits, it delivers against the costs of implementation. An economic assessment of the public realm proposals has not been carried out yet. However, when considering the methodology set out by Colin Buchanan, it is clear that a £600,000 investment in Gabriel's Hill would not mitigate against the detrimental impact of the Land Securities proposal as set out by the Council's retail advisers.

The proposals for the north end of Week Street would need to take place alongside the redevelopment of Maidstone East which would act as a retail anchor at this end of town and help improve footfall for the benefit of all retailers along this road. Should the applicant's proposals be successful the Maidstone East development would be put at risk which would seriously undermine the impact any public realm scheme could achieve along this stretch of road.

Local Enterprise Partnerships

The government established Local Enterprise Partnerships (LEPs), between local authorities and businesses, to replace Regional Development Agencies. They decide what the priorities should be for investment in roads, buildings and facilities in the LEP area. The NPPF states that Local Authorities should work closely with LEPs to understand existing business needs and likely changes in the market. The South East LEP's Strategic Economic Plan and Growth Deal submitted to Government on the 31 March sets out the SELEP's priorities for Maidstone. It recognizes the borough council's intention to work proactively with the private sector to bring forward town centre sites for retail and leisure uses, and proposes to allocate single local growth funds to support this objective.

Conclusion

Maidstone Borough Council has set out its preferred strategy to the delivery of retail floorspace in the town centre which will have significant regeneration benefits for the town. The council has a proven track record working with the private sector to deliver major redevelopment projects in retail. Through the draft Local Plan and work with the SELEP it has set out its appetite to ensure the town centre remains vibrant and attractive. The Land Securities proposal threatens this work, fails to meet the sequential test set out in the NPPF, will have a significant adverse impact on the town centre and the mitigation measures offered are unlikely to make a material difference. For these reasons economic development objects to the application.'

3.7 **Highways Agency:** After an initial holding objecting they raise no objection to the application. The highways agency has been aware of this proposal and others within the vicinity, they have considered the implications and the necessary improvements/mitigation to the local road network which would be necessary. Technical work has been undertaken with regard to infrastructure design.

3.8 **Kent Highways:** The application proposes the development of up to 41,495 square metres of retail floorspace, including a redeveloped garden centre, a non-food anchor store and a foodstore. It is envisaged that the development would be delivered in two phases; the first comprising the relocation of the existing garden centre and the formation of a new vehicular access to the site from the Kent Institute of Medicine and Surgery (KIMS) spine road; and the second comprising the redevelopment of the existing retail site. It is anticipated that Phase 1 would be complete by the end of 2015 and that Phase 2 would be complete during the latter half of 2016.

Personal Injury Accident (PIA) data has been sourced from Kent County Council (KCC) for the local highway network surrounding the site. This covers the three year period to 31st March 2013. A total of 61 accidents were recorded during this period, of which 58 were classified as 'slight', three as 'serious' and none as 'fatal'. The majority of these incidents (72%) occurred in the area surrounding M20 Junction 7, with a further 23% in the area surrounding the A249 Bearsted Road and Chiltern Hundreds Roundabouts and the remaining 5% on Bearsted Road (East) or New Cut Road. Following a detailed review of the accident record, the Transport Assessment concludes that the data for the local road network directly surrounding the proposal site does not indicate an identifiable highway safety problem. Most of the accidents that occurred at M20 Junction 7 involved rear end shunts and vehicles changing lanes and it is stated that the

proposed scheme of mitigation for this junction would reduce the number of incidents of this type by introducing traffic signal control. **KCC Highways and Transportation is in agreement with this assessment.**

It is proposed that on-site car parking would be increased from the current provision of approximately 400 spaces to a total of 901 spaces, which would be charged using a 'pay and display' mechanism. The trips generated by the existing Newnham Court Shopping Village have been quantified using a combination of manual traffic surveys at the site access and within the site, and a shoppers questionnaire survey at the main entrance to the complex; the content of which was previously agreed with KCC Highways and Transportation and the Highways Agency. The purpose of these surveys was to ascertain the retail trips currently made to the site, to disaggregate them from those associated with the veterinary practice and nursery that would remain on the site following the redevelopment of the retail elements, and to remove them from the baseline traffic counts undertaken on the local highway network. Respondents to the questionnaire survey were also asked for their home postcode, which has informed the trip distribution aspect of the Transport Assessment.

Weekday and weekend peak trip attraction forecasts for each of the retail uses have been determined using the TRICS database, based on a methodology agreed with KCC Highways and Transportation and the Highways Agency at pre-application stage. The assumptions made regarding the relative proportions of linked, pass-by and transferred trips have also been agreed with both highway authorities. Trip distribution has been informed by the retail assessment accompanying the planning application, which includes an analysis of trade draw and home origin location for the primary and secondary shopper groups. The results of this analysis show that 50% of food store trips and 60% of non-food retail trips would route via M20 Junction 7, the majority of which would approach and depart from the west. KCC Highways and Transportation is in agreement with this assessment.

Weekday peak hour fully classified turning count traffic surveys and queue observations were undertaken in June 2011 at M20 Junction 7, the Bearsted Road Roundabout, the Chiltern Hundreds Roundabout, the New Cut Roundabout and the Newnham Court left-in, left-out priority junction. Weekend traffic surveys were undertaken at the same junctions and in the same format in November 2012. Further surveys of the A20 Ashford Road / New Cut Road junction were carried out in March 2013 at the request of KCC Highways and Transportation.

The resulting survey data has been growthed to the agreed assessment years of 2016 and 2023 using local growth factors derived from the TEMPRO and

National Transport Model datasets and the trips assumed to be generated by the nearby committed developments at Eclipse Park, Maidstone Studios and the KIMS hospital and Medical Campus have been added. Capacity modelling has been undertaken for each of the above junctions for each of the agreed assessment years. The results of this analysis were shared with KCC Highways and Transportation and the Highways Agency at pre-application stage and mitigation measures were agreed in principle for the M20 Junction 7, the Bearsted Road Roundabout and the New Cut Roundabout. These measures would be required to be implemented by the completion of Phase 2 of the development, which is anticipated during the latter half of 2016, and would involve the partial signalisation of the M20 Junction 7 gyratory and related modifications to the slip roads, the full signalisation of the Bearsted Road Roundabout, the enlargement and full signalisation of the New Cut Roundabout and the introduction of a 40mph speed restriction covering M20 Junction 7 and the link road to the Bearsted Road Roundabout.

The proposed signal junctions would incorporate controlled pedestrian and cycle crossing phases and upgrades to local walking and cycling routes are proposed, including the provision of a foot/cycleway on the northern side and a footway on the southern side of Bearsted Road between the Bearsted Road and New Cut Road Roundabouts.

The parking standards prescribed in the Kent and Medway Structure Plan Supplementary Planning Guidance 4 (SPG4) have been applied to the proposed development to ascertain the maximum quantum of on site parking permissible, which is calculated to be 1,190 spaces. It is notable that this exercise excludes the proposed mezzanine floor areas and ancillary catering/cafe facilities, on the basis that the former may not be accessible to customers and that the latter would not generate a significant level of standalone trips. KCC Highways and Transportation disputes this assessment in relation to the catering/cafe facilities, as the local area is relatively poorly served by such uses and it is considered that they would therefore generate an appreciable level of standalone trips. It is proposed that 901 spaces would be provided, which is some 289 spaces lower than the maximum provision calculated by the applicant in relation to the SPG4 standards. However, it is noted in the Transport Assessment that SPG4 does not give consideration to whether or not parking is charged for.

A car parking accumulation assessment has been undertaken, based on the TRICS trip attraction data used elsewhere within the Transport Assessment. This exercise indicates that a maximum car parking demand of 553 spaces on weekdays and 637 spaces at weekends would be expected to occur. It is argued that the provision of the proposed quantum of 901 spaces would therefore leave adequate spare capacity to cater for the majority of busy

periods (e.g. Christmas) without resulting in parking overspill into the surrounding residential areas. Having included a further allowance for the charging regime and catering/cafe facilities discussed above, and in view of the sustainable transport improvements associated with the application, KCC Highways and Transportation is content with the total parking provision proposed in this case. However, it is strongly recommended that a Car Parking Management Plan should be conditioned should Maidstone Borough Council feel minded to grant planning permission.

A Draft Framework Travel Plan has been submitted with the planning application, which includes details of the sustainable transport interventions that are proposed to be implemented by the applicant and the associated monitoring, reporting and review regimes. Following consultation with KCC's Sustainable Transport Team, it was agreed that the Travel Plan should adopt a 10% single occupancy vehicle reduction target and that the feasibility of introducing a car club for on-site employees, together with those on the neighbouring KIMS/Medical Campus site, should be investigated.

On the advice of KCC Highways and Transportation, discussions have been held with Arriva which have confirmed that the Sittingbourne Road Park and Ride bus service could be extended to the site without any impact on the existing level of service between the Park and Ride site and Maidstone Town Centre. This would maintain the 10-12 minute peak time and 15 minute off-peak frequency until 6pm, when a new half-hourly evening service would commence until 10pm on Mondays to Saturdays. A new Sunday service would also be introduced between 9.30am and 5pm. KCC Highways and Transportation is fully supportive of this approach, which would offer significant benefits to employees and visitors to the site, as well as existing and new Park and Ride service users and the evening and weekend economy of Maidstone Town Centre. It is considered that the applicant should also implement improvements to the nearby bus stops on Hampton Road, including the provision of new shelters and raised kerbs where necessary, for the benefit of the users of Routes 333/334 to and from Sittingbourne, Sheerness and Faversham.

On this basis, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1. The provision, by way of a Section 278 agreement between the applicant and KCC Highways and Transportation, of the off-site highway mitigation works including pedestrian and cycle improvements to:
 - the M20 Junction 7 as identified in the Transport Assessment and in accordance with the design drawings in Appendix Y;

- the Bearstead Road roundabout as identified in the Transport Assessment and in accordance with the design drawings in Appendix X;
- to the Bearstead Road dualing as identified in the Transport Assessment and in accordance with the design drawings in Appendix W;
- to the New Cut Roundabout as identified in the Transport Assessment and design drawings in Appendix W.
- The provision of the off-site bus priority signal upgrades at the junctions of New Cut Road / A20 Ashford Road and the A20 Ashford Road / Signal Hill / the east side of the Haines gyratory. The improvements will include SCOOT implementation, outstation transmission unit and associated coms.

The trigger point for the highway mitigation works will need to be agreed with the Local Planning and Highways Authorities and the Highways Agency.

2. The provision of an extension to the Sittingbourne Road Park and Ride bus service to serve the site, at a trigger point to be agreed with the Local Planning and Highway Authorities. As a minimum, the service should provide a 10-12 minute peak time and 15 minute off-peak frequency between the site and Maidstone Town Centre until 6pm and an hourly frequency between 6pm and 10pm on Mondays to Saturdays. A minimum 30 minute service frequency should operate on Sundays.
3. The provision, by way of a Section 278 Agreement between the applicant and KCC Highways and Transportation, of accessibility improvements to the northbound and southbound bus stops located closest to the site on Hampton Road, at a trigger point to be agreed with the Local Planning and Highway Authorities. These should include the provision of raised kerbs to permit level boarding and shelters.
4. The preparation and submission of a site-wide Car Parking Management Plan for approval by the Local Planning and Highway Authorities.
5. The preparation and submission of a site-wide Framework Travel Plan for approval by the Local Planning and Highway Authorities, together with a Travel Plan Monitoring Fee of £10,000.
6. The preparation and submission of a Construction Environmental Management Plan for approval by the Local Planning and Highway Authorities.
7. Provision of measures to prevent the discharge of surface water onto the highway.

8. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
9. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
10. Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
11. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
12. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

3.9 **Kent County Council Heritage:** Raise no objections. The site lies within an area which has revealed prehistoric activity. An Iron Age occupation site was identified to the north and associated remains may extend into the application site. Medieval remains were located towards the Bearsted Road and associated remains may survive within the application site.

This application is supported by an Environment Statement. Heritage is covered in Chapter 13 with a full Deskbased Assessment as Appendix 13.1. Further reference to heritage is within section 17 of the Planning Statement and a small section in the Non Technical Summary. The main assessment of heritage is reasonably detailed and provides sufficient information and assessment of cultural heritage. I have no special comments and in general agree with the assessment. The Non Technical Summary is slightly mis-leading in its statements on heritage and the potential of the site to contain important buried archaeology should not be underestimated.

3.10 **Kent County Council Ecology:** Raise no objections subject to conditions. They have reviewed the ecological information and are satisfied with the content and require no additional information to be submitted prior to determination of the application.

The bat emergence and activity surveys recorded limited bat activity due to the high levels of lighting within the site. They are supportive of proposals to reduce the lighting as detailed within the Environmental Statement.

They would require conditions to ensure that the ecological enhancements detailed within the ES are incorporated within the site and recommend a management plan for the landscaped area surrounding the site is produced to ensure that the area is managed to benefit biodiversity.

3.11 **Natural England:** No comment, suggest that advice is sought from the Kent Downs AONB Unit.

3.12 **Kent Downs AONB Unit:** Raise no objections with regard to the visual impact on the AONB.

They recommend exceptional regard to be taken to both design quality and sustainability in such a major development.

3.13 **Kent Wildlife Trust:** Raise objections to the application on the grounds that it would harm local biodiversity.

They state that 'the application involves a significant urban expansion (with buildings and a major access road) into the countryside at a critical point in the town's strategic green network. The extensive area of grassland in the eastern part of the site, together with the stream and more grassland habitat to the east and woodland to the north, forms part of an invaluable green lung and wildlife corridor that connects the Ancient Woodland (Horish Wood) to the north, through Vinters Valley Nature Reserve and into Mote Park (Local Wildlife Site) to the south. Building over this grassland will, in combination with the recently constructed Kent Institute of Medicine, narrow appreciably this green corridor. This will pose a significant threat to the strength and vitality of species populations currently supported by the whole corridor by isolating them from the wider countryside to the north. The loss of biodiversity in this sector of the town could, as a result, be devastating.

The proposed ecological enhancements measures are both modest and isolated in a narrow corridor trapped between principal highways and a massive building complex. The suggestion of green roofs is unspecific. In any event, none of the enhancements address the wider biodiversity risk associated with narrowing the green corridor to the east and sacrificing part of the town's strategic green infrastructure.'

They object to the development of this site for the following reasons (neither of which are on ecological grounds):

- The site is within a Strategic Gap and a Special Landscape Area. It is outside the defined urban area of Maidstone. It is contrary to (saved

Local Plan policies ENV 31 (Strategic Gap), ENV 34 (Special Landscape Area) and, especially, ENV 28 (Development in the Countryside).

- The development fails to meet the requirements of the National Planning Policy Framework (Paragraphs 7, 8 and 109) and, by sacrificing a key element of the town's green infrastructure, puts at risk the local biodiversity of a large sector of the town.

3.14 **Environment Agency:** No objections subject to conditions relating to a SUDS scheme; drainage details and contamination.

3.15 **Southern Water:** Provide a plan of the sewer records and state that it may be possible to divert this provided there would be no loss of hydraulic capacity and the work is undertaken at the developers cost under the relevant statutory provisions. They state that drainage apparatus would need to be protected throughout the development. Initial investigations indicate that Southern Water can provide foul sewage disposal to service the development.

In terms of proposed surface water drainage this is via a watercourse. Southern Water state the acceptability of this should be considered by the Council's technical staff and the relevant authority for land drainage consent. They recommend a condition on SUDS which also ensure lifetime management and maintenance.

3.16 **UK Power Networks:** No objections

3.17 **Southern Gas:** No objections

3.18 **Medway Council:** Raise 5 objections which are summarised as follows:

1. The proposed development would be contrary to the NPPF in that the impact on Chatham Town Centre and other Primary retail centres has not been addressed through an up to date sequential test. The development would potentially adversely impact on the vitality and viability of other primary and secondary retail centres.
1. The proposal would result in a significant increase in retail provision at the NCSV. It would be a departure from the adopted local plan. Without an adequate sequential assessment it should be refused as contrary to para 29 of the NPPF.
2. The proposal would adversely impact on the strategic policies of adjoining local authorities in the absence of up to date sequential assessments. The applicant has failed to engage with Medway Council concerning the

potential impacts of the development on its jurisdiction in line with para 178 of the NPPF.

3. The proposals would be harmful to the functioning of major strategic highway route and cause unacceptable levels of congestion around junction 7 of the M20.
4. Traffic from Medway will be attracted to the development via Boxley Road which is unsuited to such a role and would detract from the Kent Downs AONB.

3.19 **Tonbridge & Malling Borough Council:** No response

3.20 **Swale Borough Council:** No response

4.0 REPRESENTATIONS

4.1 **Kent County Council Strategic:** In regards to A1 Use, the National Planning Policy Framework para 24 states that '*Local planning authorities should apply a sequential test to planning applications for main town centre that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered*'.

NPPF Para 27 states that: '*Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused*'.

Interim Local Plan Policies

SS4 Newnham Park - Identifies Newnham Park for replacement retail facilities as part of a wider development with medical facilities and nature reserve.

DM17: Town Centre Uses Proposals for main town centre uses should be located in an existing centre unless a sequential assessment demonstrates that the development cannot be accommodated in an existing centre or edge of centre. Proposals located at the edge of an existing centre or out of centre should ensure the provision of specific measures which will improve the quality and function of sustainable connections to the centre, in particular walking and cycling routes and public transport links and specific measures which will mitigate the impact of the proposal on the identified centre or centres. The nature, extent and permanence of the measures will be directly related to the scale of the proposal.

Maidstone Borough Council Local Plan – Preparation (Regulation 18) – Proposed Allocations (2014)

Policy SP1 - Maidstone town centre – Defines the regeneration of Maidstone town centre as a priority. This will be achieved by:

- i. Retaining and enhancing a variety of well integrated attractions for all ages including shopping, service sector-based businesses, leisure and cultural facilities;
- ii. The retail-led redevelopment of Maidstone East/Royal Mail Sorting Office site;
- iii. For the medium to longer term, promoting a comprehensive retail redevelopment centred on The Mall;
- iv. The retention of the best quality office stock whilst allowing for the redevelopment of lower quality offices;
- v. The protection and consolidation of retail uses in the primary shopping frontages;
- vi. Outside the primary shopping frontages, allowing for wider range of supporting uses including those that contribute to the night time economy;
- vii. Select opportunities for residential redevelopment;
- viii. The retention of the best environmental features, including the riverside, and delivery of the public realm improvements as identified in the Infrastructure Delivery Plan; and
- ix. Achieving improved accessibility to the town centre through the measures in the draft Integrated Transport Strategy.

Maidstone East and Maidstone Sorting Office - KCC notes that MBC Local Plan (Preparation) Regulation 18 – Proposed Allocations – 2014 states that Planning Permission will be granted on the site if the following criteria are met:

1. The provision of up to 10,000sqm of comparison and convenience shopping floorspace and some 210 dwellings.
2. The provision of a more prominent station entrance fronting onto Sessions House Square/Week Street.

The policy goes on to state that 'Maidstone East is a long standing development site located close to the heart of Maidstone town centre. Combined with the adjacent Royal Mail Sorting Office site, which has more recently become available, there is the opportunity to achieve a substantial Retailled redevelopment here which will help to regenerate this part of the town centre. The site is in a key gateway location, prominent in views from the station, from the Medway valley to the west and, to a lesser degree, from Fairmeadow. The

prompt delivery of a successful retail-led mixed use scheme here will do much to upgrade the quality and attractiveness of this northern entrance to the town centre'.

KCC's Response to the consultation:

KCC note that the potential for allocation/re-development of the Newnham Court locality has been dealt with a number of times over the past 12 months, including the various considerations for emerging Local Plan policies and site allocations by Maidstone Borough Council throughout 2012 and 2013.

During September 2012 the Maidstone Borough Council consulted on '*Strategic Site Allocations*' which included a proposal to allocate land and Newnham Court for employment uses.

At that time, the County Council supported the allocation of the land for employment uses on the basis that a number of criteria were met, including dealing with highway, public transport and walking/cycling provision as well as on the basis that particular attention was paid to design and landscape considerations (given the location of the site within the setting of the Kent Downs AONB). Further, and perhaps most importantly, it is the view of KCC that any development (or allocation) of the land must not significantly increase floor areas or have an adverse impact on the Maidstone Town Centre.

It appears that Maidstone Borough Council agrees with this view, and will continue to promote the 'sequential test' as required by National Planning Policy Framework in order to ensure the viability of the Maidstone town centre.

KCC further note that Maidstone Borough Council considered emerging Local Plan policies at its Cabinet meeting of December 4, 2013. At that meeting, the potential allocation of the subject land was considered, with the Cabinet report stating 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*'

And that 'The Newnham Park policy specifies that development proposals should have no *significant adverse impact on the town centre*'

It is the view of KCC that any proposal on the subject land should complement, rather than compete with, the Maidstone Town Centre.

Highways & Transportation

KCC Highways & Transport have supplied Maidstone Borough Council with more detailed views separate to this response (letter dated 29th November 2013). In summary, should this application be granted planning permission, KCC

Highways & Transportation would require the following requirements to be secured by condition or planning obligation: (see KCC Highways 3.8 above)

Landscape Impact

KCC's Landscape Advice Service is concerned that the developer has missed opportunities to seek improvements in the landscape of the locality through more careful design and appropriate mitigation. KCC Landscape team are concerned that the Landscape & Visual Impact Assessment (LVIA) has some significant omissions, for example:

- There is little evidence that landscape (i.e. heritage, historic landscape, biodiversity and built form of the surroundings) has informed the scheme design.
- The site remains unrelated to the wider landscape as a result. 'Green edges' alone do *not* help developments to blend into the landscape. They might visually soften a built development, but it remains that the scheme design is not reflective of the wider landscape character.

In KCC's view, the LVIA is inadequate for such a scheme and the proposal should be seeking landscape enhancements through major development proposals such as this and the neighbouring KIMS site.

4.2 **Interested Parties**

A number of detailed representations have been made on the application. Below is a summary; Appendix 1 provides copies of these in full.

Town Centre Management

Raise objection for the following reasons:

- Visual appearance and impact on the locale;
- Density of proposed buildings;
- Adverse impact on traffic flows especially when considered in conjunction with other major sites;
- Deviation from the NPPF 'Town Centre First';
- Insufficient consideration of other town centre sites;
- Adverse impact on town centre;
- Lack of parking.

The Mall

Objection on the basis of the application being contrary to adopted and emerging policy; failure to comply with the sequential test; significant adverse

impact on planned investment into the town; significant adverse impact on the health of the town. Detailed comments are made to support these objections.

The Mall has its own plans to refurbish, reconfigure and extend and these will be of benefit to the town centre. It is stated that the scheme will offer clear and deliverable benefits by providing a new anchor Department Store, a new supermarket, new retail and leisure units, flats and a new Bus Interchange. Once delivered, the scheme will underpin the health of this part of the town and contribute to the vitality and attraction to the area.

Solum Regeneration (Maidstone East)

State why this site is available, suitable and viable. Solum is actively working to bring forward a development including a viable foodstore on the site. It is stated that if the development at Newnham Court proceeds Solum are unlikely to secure a food retailer. They consider this application fails the sequential test and will impact on planned town centre investment.

Nathanial Litchfield (Fremlin & Broadway Shopping Centres)

Very detailed comments. Object for the following reasons:

- The applicant has not demonstrated that the proposals comply with the sequential test approach;
- Have not considered impact on existing, committed and planned public and private investment;
- Underestimated trade diversion from Maidstone town centre.

Len House, Mill Street (Peugeot Citroen)

The representation states why the site is available, suitable and viable and strong objections to the application are raised on this basis.

Baltic Wharf

Objection on the grounds that the proposal is contrary to adopted and emerging policy; considers Baltic Wharf should have been considered in the sequential assessment.

GL Hearn (Hempstead Valley)

Concerned over the impact on Hempstead Valley Shopping Centre. Considers turnover of the development underestimated by Savills. Sequential test doesn't refer to sites outside Maidstone Borough.

The Halpern Trust

Own a number of commercial properties in Maidstone including Granada House. NCSV will undermine the rejuvenation plans for the town.

Haynes

Consider their site should have been included in the sequential test as it is available short to medium term and could accommodate a disaggregated element of the proposal.

Federation of Small Businesses

Reiterate the points raised by KCC and Maidstone Town Centre Management. Proposal does not conform with the Town Centre First approach. The proposal will impact on deliverability of other key sites; cause harm to the AONB; visually harmful impact of 'sheds'; add to congestion. The extension of the Park & Ride will not solve problems.

Kent Invicta Chamber of Commerce

Concerned over the size of non-food retail proposed and the highways impact.

Brachers - Pet Emergency Services

Loss of income already incurred from KIMS infrastructure work – this will be worse and more costly due to disruption; generally comments relating to the disturbance of the practice staff, car parking issues, loss of rights of access, noise and air pollution.

The Portable Business School

Make observations with regard to 1) danger of allowing reduced area retail units; 2) the right mix of business; 3) the right kind of development partner.

4.3 **Neighbours**

4.3.1 18 letters of objection were received as follows:

- Breach of planning promises that the motorway and high speed railway would not provide a new urban boundary;
- Breach of Special Landscape Area and Strategic Gap; Contrary to ENV28;

- Damage/threaten life of town centre, town is slowly dying because of out of centres;
- Unplanned piecemeal development -would set a precedent for junction 8;
- Contravenes 'town centre first', unsuitable location;
- Extra pollution due to increase in traffic would give rise to medical problems;
- Weaken the importance of the town centre in the public's eyes;
- The proposal has caused the cancellation of a £7million refurbishment of the Mall;
- Nationally 22,000 shops lie vacant and government is offering tax breaks in a bid to stop the blight on high streets – this proposal goes against that;
- Contrary to NPPF;
- Disrespectful to crematorium – extra noise and increased cars, difficult for hearses to access site;
- Shoppers will be enticed from the town with free parking;
- Area already congested with commuters and this together with KIMS will cause delays throughout the day -traffic lights at junction 7 are not the answer; traffic will back up on the motorway causing accidents;
- Where will employees park?
 - Brownfield sites should be maximised first; the Mall should be revitalised;
 - Already badly parked cars will block pavements – this will get worse;
 - Destruction of pollution busting vegetation;
 - Car park charges should be the same level as the town;
- Widening of Bearsted Road will give rise to a damaged landscape, loss of important tree-shrouded banks; increase in pollution, light and noise next to semi-natural ancient woodland, residential areas and crematorium;
- No ecological survey work has been carried out;
- Harmful impact of linear development along southern boundary in to landscape;
- Character of area urbanised; harmful to Lower Fullingpits Wood and Vinters Valley LNR;
- Totally car dependent;
- Negative impact on AONB, unlike existing low rise and/or converted buildings at Newnham Court;
- Harm to key access into the town – scale excessive;
- Incremental growth in the area must be stopped;
- Use the empty units in the town first; do not build on the countryside anymore;
- More traffic on the M20 means more pollution will cause harm to the hospital residents and school children in Sandling Road;
- Will compromise the work undertaken at great cost in the town centre;
- Dispute findings of noise monitoring and locations where undertaken;

- Loss of residential amenity from noise of construction and delivery vehicles and loading bay to the north of the site; noise from fixed plant on ground and roof mounted;
- Light pollution to residential property; hours of use should be controlled;
- Loss of green space; environmental harm; increased likelihood of localised flooding;
- There will be a significant negative effect on centrally located businesses;
- The proposal will be as bad as all the problems experienced with congestion at North Farm Estate, Tunbridge-Wells (out of town retail park);
- Vinters Park residents already suffer and this proposal will exacerbate the problems; no more development until the parking issues on the estate are sorted out;
- Too soon to permit – traffic problems should be sorted out first;
- Criticisms of misleading plans showing inaccurate illustrations i.e. of woodland obscuring views;
- The land should be used by the Medical Campus; no consideration given to how the proposal impacts on the extant permission for Pennies Day Nursery;
- The proposal in conjunction with internet shopping will damage the fragile recovering town centre – lower footfall will impact on the café culture;

4.3.2 10 letters of support were received making the following comments:

- The proposal will create a significant number of new jobs together with the Medical Campus;
- This will put Maidstone on the map with Next and MMC;
- Maidstone will be enhanced, attract more visitors – the proposal should not be viewed in a negative light;
- People will visit from further afield and undertake linked trips;
- The proposal will divert people from going to Bluewater, Lakeside and Hempstead Valley;
- This opportunity should not be lost, this would be a great economic benefit and investors will go elsewhere if not here;
- Highway benefits, more opportunity, Maidstone will thrive;
- Maidstone needs a prestige development and this will compliment the area;
- The development would have good links to the motorway, ideal location – no harm to the AONB;
- This would bring a good range of facilities, we should be forward looking;
- This is a great use of underused land and a tired out of date site, in a safe convenient location with easy access and parking;
- A welcome proposal which will provide employment;
- It looks good – a footbridge to the Hilton would be a good idea;

- Development next to motorway junctions should be encouraged;
- Easy walking distance from houses;
- The town centre is incapable of accommodating such a development;
- The town centre is congested with small hard to find car parks;
- The Mall is out of date and neglected.

4.3.3 A letter of representation was also received from the CPRE, in summary they raise objection for the following reasons: contrary to the NPPF; poor design; harm to the AONB.

5.0 CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is 10.46 hectares in total and comprises the existing Notcutts Garden Centre and Newnham Court Shopping Village (brownfield land) together with adjacent Greenfield land to the east. The entire site is designated as Strategic Gap and Special Landscape Area in the adopted MBWLP 2000 and in Policy terms is open countryside. The site is situated to the south-east of Junction 7 of the M20 on the northern edge of Maidstone. The proposed site extends in an east and west direction from the existing access off Bearsted Road. The site is broadly rectangular in shape.
- 5.1.2 The site is both prominent and elevated from the street scene. The ground level falls from approximately 69.5m AOD at the highest point in the north, to circa 61m in the south east. The topography is steeper in the eastern half of the application site with the land becoming flatter around the existing shopping village; this being said the shopping village is still set above the level of Bearsted Road by 8m.
- 5.1.3 As can be seen from the planning history, Notcutts Garden Centre was developed in 1983 and has incrementally been added to creating the Newnham Court Shopping Village (NCSV). The uses within the site now include the garden centre along with shops, restaurants and café, offices, public house, hairdressers, day nursery and veterinary clinic.
- 5.1.4 Within the centre of the application site is Newnham Court Inn. This Grade II former farmhouse was converted to a restaurant and Public House in the late 1980's. To the west of this is a converted oast house which is in use as offices.
- 5.1.5 The majority of parking is situated in the southern part of the site, with additional parking to the rear of the more modern retail units to the east. Newnham Court Inn has it's own parking at the front (south) and slightly east

of the establishment. It should be noted that the Public House falls outside the application site and in effect is an Island on it's own in the middle of the proposed development.

- 5.1.6 To the west of Notcutts is a strip of land approximately 500m x 2200m which runs along the length of the garden centre. This piece of land has been subject to temporary permissions for tent/camping displays and is occasionally used for a travelling circus. The land is two-thirds grassed and the remainder gravel.
- 5.1.7 The current site access is located off Bearsted Road; it has a steady incline until reaching the shopping village approximately 8m above Bearsted Road. Notcutts is located to the west of the access road and the NCSV is straight ahead as is the day nursery and offices. The veterinary clinic is to the north beyond the modern retail buildings and is not included within the application site. The Public House is to the east of the access.
- 5.1.8 The application site varies significantly in characteristics. The eastern half of the site is predominantly open grassland which slopes from north-west to south-east. Adjacent to the eastern boundary is the newly created access road to Kent Institute of Medicine and Surgery (KIMS). This road falls within the application site as it forms part of the proposed new access to the development.
- 5.1.9 The western half of the application site is predominantly brownfield and contains the uses listed above in 5.1.3.
- 5.1.10 To the north of the application site is the private residence of Newnham Court. This is accessed off the A249 to the west. The site is largely screened from view from NCSV by woodland and beyond this is the M20. To the north of the motorway the land rises as it becomes the North Downs escarpment; this is designated as an AONB.
- 5.1.11 Further west on the opposite side of the A249 is the Eclipse Business Park and the Sittingbourne Road Park & Ride. The recently approved stand alone 'Next at Home' retail development is currently under construction in the south east corner of this business park.
- 5.1.12 To the south of the site is the Bearsted Road which contains the Vinters Park Crematorium on it's southern side and the Vinters Park housing estate further south and to the west.
- 5.1.13 As previously mentioned the KIMS development is being undertaken to the far east of the site. More immediately to the east is land subject to a resolution to

grant planning permission subject to a S106 Agreement for the Maidstone Medical Campus.

5.2 Proposal

5.2.1 The application is a full application and seeks permission for the redevelopment of the existing NCSV including Notcutts on a larger scale. The existing site area is approximately 6,642 sqm and the proposed development area is 28,102 sqm.

5.2.2 In summary the proposal (with estimated net retail sales areas¹) is as follows:

- **Waitrose Foodstore (A1)** – A flagship supermarket in the north west of the site (2,195 sq m convenience goods and 549 sq m comparison goods sales);
- **Debenhams Department Store (A1)** – an anchor store in the south west corner of the site (5,584sqm comparison goods sales);
- **Replacement Notcutts Garden Centre (A1)** – A garden centre building (4,513 sq m sales) with ancillary café terrace and external covered and uncovered display areas and green wall design, located in the north-east corner of the site;
- **New and Replacement A1 Retail Units** – Completing the southern and eastern internal site frontages with glazed entrance features, green roofs and an allowance for potential first floor mezzanine floorspace (17 units in total comprising 16,128 sq m sales);
- **A3 Hub Buildings** – located centrally within the site adjacent to the retained oast house and public house, providing small A3 units to serve customers of the park;
- **Converted Oast House (A3)** – Existing oast house retained and becoming a key feature of the development within the centre of the site;
- **Retained Public House** – Falling outside of the application site, the listed public house is to be retained.
- **Car parking for 900 cars** – this would incur a charge as set out in the Transport Assessment.

5.2.3 The proposed development would see the demolition of all the existing modern buildings on the site together with the garden centre. Newnham Court Inn would remain as would the oast houses. It is then proposed to redevelop the site around these buildings. The three anchor stores would occupy three of the four corners of the site. Waitrose and Debenhams would be sited adjacent to

¹ Based on the applicant's proposed condition limiting the extent of mezzanine floorspace.

the A249 on the western side of the site. Notcutts would be situated in the north eastern corner adjacent to the new access road to KIMS. The new and replacement retail units would run along the southern edge of the site from the Debenhams store and then form an 'L' shape extending north from the south east corner and meeting the new Notcutts. Seven of the units would be to serve the existing retailers at NCSV (Cotswold Outdoor, Cotton Traders, Edinburgh Woollen Mill, Sweatshop Sports Shop, Ark Pets & Aquatics, Invicta Crafts, and Model World) and 10 would be available for newcomers. There would be a central hub of A3 uses comprising the converted oast to A3, new buildings and the retained Newnham Court Inn. Car parking would be contained centrally within the development.

- 5.2.4 The applicant's accompanying Retail Impact Assessment states that the redevelopment of the site provides for 40,430 sqm gross of retail (class A1) floorspace and 1,456 sqm for catering (class A3) consisting of garden centre 5,641 sqm, food store 3,919 sqm, anchor retailer 6,930 sqm, additional retail 16,762 sqm and restaurant/café 1,456 sqm.
- 5.2.5 Access to the site is proposed from the newly constructed New Cut roundabout. A second roundabout would then serve the development with traffic being separated at this point to access KIMS and the Maidstone Medical Centre. Sections have been provided throughout the site with the proposed development illustrated. A Design and Access Statement sets out the materials palette, floor space and design ethos for the development.
- 5.2.6 The proposed Waitrose Store would be located in the northwest corner of the site. It would be broadly square in shape, dimensions being 66m x 54m. It would occupy 3,918 sqm of the site area. The supermarket would be located on one level with two storey elements such as the glazed entrance canopy. It would be predominantly clad in brick with an element of stone cladding, protruding detailing, to compliment the existing and adjacent oast buildings, but with corner detailing consisting of a contemporary brick quoin.
- 5.2.7 The Debenhams store would be rectangular in shape, dimensions being 42m x 86m. The greater length of this building would run parallel to the A249. The store would be set over two levels and occupy 3,579 sqm of the site area. The façade would be tri-coloured in a three-tiered aluminium cladding. A significant amount of glazing would also feature on this building. Debenhams will be the main anchor store located in the south west corner, and will have soft curvilinear forms on the outer edges, and hard angular forms on the inner edges.

- 5.2.8 The replacement Notcutts site is rectangular in shape (108m x 64m). The actual building footprint however, is a square 64m x 64m. This is due to the area of outdoor retail which forms part of the garden centre (polytunnels). The building will include a mezzanine level. This store occupies 3,715 sqm of the site area. The façade of this building has been designed to emulate the Debenhams store by the use of tri-colour aluminium set over a stone base. Glazing is used at the mezzanine level and the western elevation features a living wall. Notcutts will remain as the main garden centre building with ancillary café terrace, and will have external covered and uncovered display areas and green wall design. It will be located in the north east corner and form the entry gateway to the site.
- 5.2.9 The retail terrace comprises two components; one section for the replacement units (7 in total) for the existing retailers at NCSV (known as the HSH block) and running into this is a further section of 10 units for other retailers. The HSH block is approximately 105m x 57m and forms an 'L' shape with the Retail Terrace. The building varies in depth from 19.6m to 57m and is one level with the possibility of mezzanine fit out by the tenant. The applicant has proposed a condition to limit the amount of additional floorspace that could be created through the use of mezzanine floors. This HSH block occupies 3,729 sqm of the site area. The Design and Access Statement explains the design rationale behind the materials and block; it talks of the green roof proposed along the entire retail terrace and the woodland edge to be created.
- 5.2.10 The retail terrace completes the 'L' shape and is approximately 200m x 49m. The depth of the building varies from 32m to 49m. This is also a single level building but again of sufficient height to allow internal fit out with mezzanine floors. This part of the development occupies 8,714 sqm of the site area. In a similar vein to the HSH units, it is proposed that the blocks be finished with a green roof and have a centralised shop front entry to retain unity between each retail unit.
- 5.2.11 The A3 hub would be 'L' shaped in plan and formed around the south west corner of the existing Oast House which is to remain. The building would be 40 x 24m with a varying depth of 12m to 24m. This building would be on one level and will occupy approximately 713 sqm of the site area. The Design and Access Statement sets out how these rectilinear blocks have been designed to address the pub and oast house. The A3 hub has been deliberately designed not to compete architecturally with other elements of the proposed scheme. In terms of materials it is proposed to imitate the oast in terms of minimalist brick cladding and minimalist glass openings. The oast house itself will be converted to provide for two A3 units within.
- 5.2.12 A detailed Landscape Masterplan has been submitted and within this includes a strong emphasis on perimeter planting. The Design and Access Statement

sets out how the development proposes three landscape characters to the development from a Woodland Edge, to Rural Core to Contemporary Hub with landscaping becoming more formal as it penetrates the development. Landscaping shall be explored later in the report.

- 5.2.13 It is indicated in the application that approximately 1,561 (F.T.E.) jobs could be created by the development (although this could be partly offset by job losses elsewhere as a result of impacts). It is also proposed that the development would seek to achieve a BREEAM Very Good rating in terms of its construction and efficiency.
- 5.2.14 The application is accompanied by proposed draft Heads of Terms for a s106 agreement should permission be granted. These are set out at the end of this report.
- 5.2.15 The application is accompanied by a Planning Statement, Design and Access Statement, Environmental Statement (ES), ES Non-Technical Summary, ES Technical Appendices, including: Transport Assessment, Noise Terminology, Landscape & Visual Impact Assessment Photomontages, LVIA Scope of Views, Ecology Surveys and an Archaeological Assessment. Also submitted was a Retail Impact Assessment, Environmental Sustainability Statement, BREEAM Pre-Assessment Report, Building Compliance Report, Tree Survey, Lighting Assessment, and Statement of Community Involvement.

5.3 Principle of Development

- 5.3.1 The NPPF aims to ensure the vitality of town centres (Paragraphs 23-27). The NPPF requires the sequential test to be undertaken on retail development of a certain size and following on from this, a retail impact assessment. The precise requirements are set out later in this report.
- 5.3.2 The NPPG also provides for the protection of town centres by undertaking the relevant tests and states that *'It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.'*
- 5.3.3 Policy R2 of the adopted Local Plan requires a sequential analysis to be undertaken for retail development outside the Town Centre – along a similar line to the NPPF. This matter is set out below, but should any applicant for development of this scale be unable to demonstrate that they have met this requirement, the NPPF states that the proposal would fail to accord with this

policy. Detailed consideration is set out below as to whether or not the proposal is considered to comply with Policy R2 and paragraph 24 of the NPPF.

- 5.3.4 The site lies in the open countryside (Policy ENV28 as below) and is identified in the MBWLP 2000 as Strategic Gap and Special Landscape Area. This is therefore a location where you would not expect to see new development. That being said, there is an existing shopping village/garden centre on part of the application site and it would be reasonable to expect that this may be refurbished/enhanced at some point. However, it is clear that the current application is not seeking refurbishment/enhancement but a completely different scale and nature of retail development.

Maidstone Local Plan Policy ENV28 (2000, saved) states that "In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to (1) That which is reasonably necessary for the purposes of agriculture and forestry; or (2) ... the winning of minerals; or (3) open air recreation and ancillary buildings providing operational uses only; or (4) the provision of public or institutional uses for which a rural location is justified; or (5) such other exceptions as indicated by policies elsewhere in this Plan.

- 5.3.5 The Council accepts that the site has an established unrestricted A1 use, but for a substantially smaller amount of floorspace. It is also the case that Policy RMX1 of the Regulation 18 Consultation Draft of the Council's new Local Plan allocates the site, together with neighbouring land, for a medical campus, a replacement retail centre and a nature reserve. The emerging policy has limited weight, as it has yet to be subject to independent examination; however, the emerging policy demonstrates the direction in which the Council is heading in terms of an appropriate level of redevelopment of the existing site. Furthermore, emerging policy has previously been subject to a Regulation 18 stage of consultation when the Council consulted on strategic sites in August/September 2012. The consideration of the representations received in response to that consultation draft was considered by the Council's Cabinet in March 2013 and some amendments were made to the draft policy.
- 5.3.6 It should be noted that in March 2013 Cabinet adopted the Strategic Sites Policies (including that for Newnham Court then called SS4) for the purposes of development management decisions. In December 2013, Cabinet agreed the renamed policy RMX1(1) for inclusion in the draft Local Plan. This is the most recent approved site allocation policy for development management purposes.
- 5.3.7 The analysis of the responses to the draft Maidstone Borough Local Plan (Regulation 18 consultation) is at an early stage. An initial review suggests

that there have been in the order of 43 representations to the retail elements of the proposed Newnham Court allocation policy (Policy RMX1(1)), with some reference also made to the Maidstone Medical Campus proposal. Approximately 11% of these are in broad support of the policy (including those suggesting minor amendments) with approaching 80% objecting to the policy. Those objecting include a mix of residents, developers/landowners, and Parish and Ward Members as well as local service providers. Those in broad support include residents. The principal issues raised in the objections are:

- Impact on / detriment to the Town Centre (and other local centres, e.g., Sittingbourne, Medway Towns)
- Traffic impacts on local roads (both main and feeder routes) and pollution
- Impact on the local area, given its siting in the foreground to the AONB, adjacent to woodland and the stream, and the already developed nature of the area
- The replacement retail scheme proposed in the policy would be unviable and undeliverable
- The exclusion of all Non-A1 uses is too restrictive

5.3.8 Broadly speaking, the emerging policy proposes allocation of Newnham Park for a medical campus, a replacement retail centre and a nature reserve. Criteria are then set out for any forthcoming development to meet. The criteria relevant to this application are key and state as follows:

- '2. Provision of a replacement garden centre and replacement retail premises of up to 14,300 sqm gross retail floorspace which is not to be used for the sale of clothing, footwear, accessories, jewellery and watches. All replacement and additional retail floorspace shall be confined to the vicinity of the existing footprint of the current retail area as shown on the policies map. New additional non-A1 floorspace will not be appropriate. The retail development should include the provision of a bus interchange and a car park management plan.'
- '7. The additional retail floorspace must be of an out of town format that is complementary to town centre uses, and by means of a sequential sites assessment, demonstrably require an out of town location. Large scale retail warehousing style buildings will not be acceptable in this sensitive landscape location.'
- '8. Submission of a retail impact assessment which clearly demonstrates that the retail development has no significant adverse impact on the town centre.'

In addition to the three criteria cited above, others also apply relating to provision of green roofs where practicable, high quality design, mitigation on the AONB, access, archaeology and ecology.

- 5.3.9 As stated earlier, whilst not an adopted policy, RMX1(1) does indicate what the Council considers would be an acceptable use for the site. I consider that a limited level of weight should be attributed to this emerging policy in formulating a decision on this application.

5.4 Assessment

- 5.4.1 In the planning statement, reference is made to the fact that since its opening in 1983 the site has developed in a piecemeal fashion and the applicant states 'that this has resulted in a disjointed and unclear retail development that suffers from a lack of rational masterplanning and compliance regarding current building regulations. Consequently all buildings on the site will be demolished with the exception of the Oast House and Grade II listed pub.'

Applicant's Case

- 5.4.2 Below is a summary as provided by the applicant's retail advisors (Savills) on the merits of the scheme.
- 5.4.3 'The proposed development at Newnham Court needs to be seen in the context of the future of Maidstone and Kent as a whole. A combination of population growth and a significant increase in consumer spending means that retail expenditure will grow very significantly in the next 10 years. That spending has to go somewhere and, put simply, if Maidstone doesn't compete for a share of that growth, other destinations such as Bluewater will continue to increase their market share at the town's expense.

Using agreed published data at today's prices (discounting inflation), we can see that expenditure in the central Kent sub region will grow by almost **£300 million** by 2018 and by over **£700 million** in 2023. To put that in context, all of the non-food shops in Maidstone (taken together) currently turn over just under **£350 million**, so there is a need for two new 'Maidstones' in the region in the next 10 years. This can be seen below:

Expenditure growth



These growth figures have been agreed with the Council's consultants, DTZ; "We consider Savills assumptions to be reasonable in regards to population and expenditure data (including growth rates)" (DTZ, 18 November 2013).

The owners of Bluewater have already recognised the need to expand in readiness for this growth, as has the owners of the Ashford designer outlet; both of these have published ambitious plans to expand their existing facilities in anticipation.

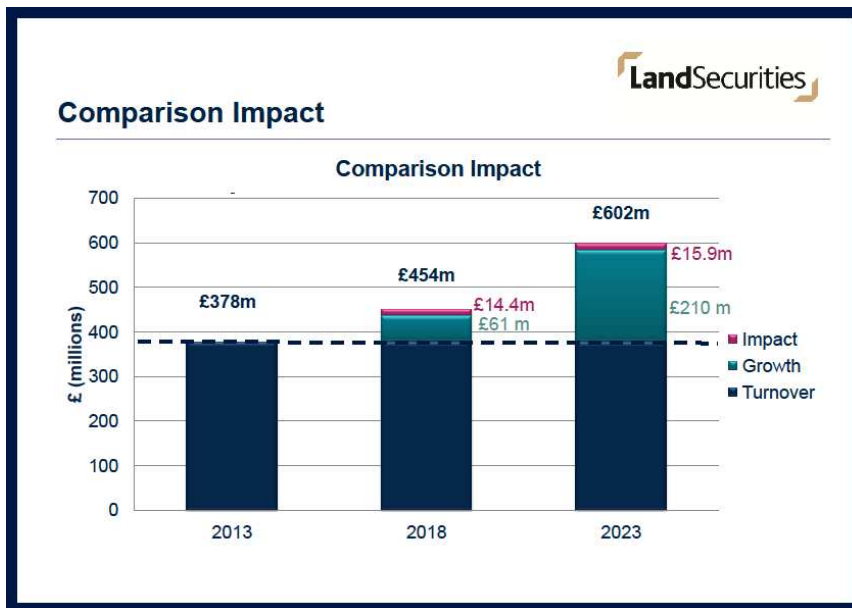
As part of this exceptional growth, the turnover of Maidstone's town centre shops is forecast to increase significantly over the next 10 years. Including visitor spending, current turnover levels of just under **£380 million** are forecast to grow to just under **£455 Million** by 2018 and to over **£600 million** by 2023.

This is very significant growth, and it means that even with the Newnham Court development in place and trading, Maidstone town centre will still continue to thrive and *will turn over substantially more trade than it does today*. This will be the case regardless of which 'impact' scenario is favoured.

The position is shown on the graph below, which shows the growth in the town centre in 2018 and 2023, with Newnham Court's 'impact' superimposed in red. It can be seen that even a £14 - £16 million impact connected with Newnham Court would still leave the town centre turning over **£61 million** more in 2018

than it does today, and almost **£210 million** more in 2023 than today. All of these figures are at today's prices, and discount inflation.

Town Centre growth and retail impact



With the agreed levels of future growth in the region, it can be seen that there is clearly sufficient expenditure to support both a new Newnham Court and a thriving town centre, with other new sites (e.g., Maidstone East) also coming forward within the same timescale. However there are other benefits; Newham Court offers Maidstone the opportunity to compete against other attractions, such as Bluewater, to ensure that the status as the County town is defended and strengthened, without compromising the vitality of the town centre.'

I acknowledge that there are economic merits to the proposal and it does offer an attractive proposition on a number of levels. In addition to the creation of a substantial number of jobs and the proposal for a number of these to be sourced locally, there would also clearly be economic benefits to the Borough – albeit significantly offset by adverse impacts. At present it is highly likely that a percentage of the population from Maidstone would travel to Bluewater for a greater shopping experience. If the proposed development goes ahead then it may reduce the number of shoppers leaving the Borough to Bluewater or Ashford and they may instead visit NCSV thereby increasing the spend within the Borough. With the A3 Hub as an integral part of the retail experience at NCSV then this will offer a competitive retail experience to other out of town shopping centres.

There would also be other benefits such as the highway improvements proposed – these will be considered later in the report.

Council's Assessment

Sequential Test/ Retail Impact Assessment

- 5.4.4 The applicant has submitted a retail impact assessment as part of their planning application (summary above). The Council has received independent advice on the retail impact assessment.
- 5.4.5 In terms of the sequential analysis, the applicant has identified a number of sites within and around Maidstone that may be considered suitable for a retail proposal of this scale. In drawing up the list, the applicant has liaised with Council Officers in order to ensure that the appropriate sites are being considered.
- 5.4.6 For retail applications of more than 2,500 square metres on out of centre sites (this site is out-of-centre) that do not accord with the Development Plan, a retail impact assessment is also required as stated in Paragraph 26 of the NPPF in order to assess:

"the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made."

- 5.4.7 Due to the out-of-centre location and the proposal not being in accordance with the development plan. Paragraph 24 of the NPPF states that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

5.4.8 The NPPF states that where an application 'fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the above factors, it should be refused' (paragraph 27.)

5.4.9 Further guidance on the application of the sequential and impacts tests is provided in the government's Planning Policy Guidance (PPG). This advises that the sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy). It applies only above a floorspace threshold as set out in paragraph 26 of the NPPF.

Sequential Test

5.4.10 The sequential test guides main town centre uses (including retail) towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

5.4.11 For retail development, the PPG identifies:

- i) 'in centre' sites as being sites within the Primary Shopping Area (PSA) or, in the case of Maidstone, sites within the Core Shopping Area and those Secondary Shopping Areas which are adjoining or closely related to the Core Shopping Area (as defined on the Proposals Map).
- ii) 'edge of centre' sites as being well connected to, and within easy walking distance (i.e. up to 300 metres) of the PSA.
- iii) 'out of centre' sites being not in or on the edge of the centre, and not within easy walking distance of the centre. Preference should be given to out of centre sites *"well served by a choice of means of transport, which are close to a centre and have a higher likelihood of forming links with a centre."*

5.4.12 The applicant has an aspiration to provide a new major shopping village in a prime location off a motorway junction with easy access and substantial surface level car parking i.e. scheme parameters which could not be accommodated on an existing 'one' site in or on the edge of Maidstone town centre. That is not to

say, however, that two or more sites could not accommodate the proposal. For example, Debenhams and Waitrose could go to alternative and sequentially preferable sites as considered below.

5.4.13 To meet the terms of the sequential test, sites should be available, suitable and viable. The decision by a developer to promote a development 'aspiration' which cannot be accommodated in a town centre (and, in this case, cannot be supported in terms of forecast capacity – considered later) would not justify discounting more sequentially preferable sites where available, suitable and viable.

5.4.14 Paragraph 010 of the PPG states that it is for the applicant to demonstrate compliance with the sequential test, and requires flexibility in the format and/or scale of the proposal and consideration for what contribution more central sites are able to make individually to accommodate the proposal.

No evidence has been provided by the applicant to demonstrate a need for the different elements of the proposed development to be accommodated on a single site. On that basis, it is not considered that the applicant has adopted a sufficiently flexible approach on issues of scale, format and design. Therefore, in order to satisfy the sequential test, a much lower quantum of floorspace should be proposed; the 'town centres first' approach to site selection should be adopted; and the applicant would need to demonstrate flexibility and consider the scope for accommodating the proposed development in a different form on two or more sequentially preferable sites as inferred above.

5.4.15 Sites considered and ruled out by the applicant, but considered by the Council (supported by the advice of DTZ) to be sequentially preferable and potentially capable in combination of accommodating substantial elements of the proposed development with some flexibility on the part of the applicant, are as follows:

- Maidstone East Station Site and Royal Mail Sorting Depot Site (combined site);
- Former Somerfield Store and AMF Bowling Site, King Street;
- Former TJ Hughes Store, The Mall;
- Len House, Mill Street;
- London Road Retail Park;
- South Aylesford Retail Park; and
- Farleigh Hill Retail Park.

5.4.16 The Retail Impact Assessment submitted with the application also considers opportunities at '*Maidstone's district and local centres*', and '*Other out-of-centre locations in Maidstone*', as set out above. All of these alternative sites are

dismissed by the applicant as not satisfying the criteria of national policy relating to availability, suitability and/or viability. Each of these sites is considered below.

Former Somerfield Store, King Street

- 5.4.17 This site is owned by the Council and measures approximately 0.2 hectares. It comprises a temporary surface level car park (following the recent demolition of the former Somerfield unit with multi-storey car park above), with a view to redevelopment in the short to medium term. The use of this site for car parking is a 'stop gap' option and, therefore, the site is available.

The site is edge-of-centre in NPPF terms (being identified as part of Maidstone Town Centre's Secondary Shopping Area, which is closely related to the Core Shopping Area, and being closely related to the PSA proposed within the emerging Local Plan). The site occupies a prominent and viable town centre location (opposite the major retailers of BHS and Boots) and benefits from excellent pedestrian links with the wider PSA, including The Mall to the immediate south of King Street. It is also within easy walking distance of town centre car parks, the bus station and Maidstone's railway stations. It is therefore sequentially preferable compared with the application site.

- 5.4.18 Savills consider that the site is not a suitable option for the development proposed. However, the Council considers (in conjunction with DTZ) that the site presents an opportunity for retail development. If the applicant was to demonstrate flexibility in terms of scale and format, elements of the proposed development could be accommodated at this site, potentially on a split-level basis.
- 5.4.19 Savills further consider that the site is not a viable option for the proposed development, on the basis of existing low levels of footfall in this location. However, if this site was to accommodate either a new Waitrose foodstore, a new Debenhams department store, or one or more of the Additional Retail (i.e. 'fashion and lifestyle') shops and stores proposed at Newnham Court, it would serve to substantially enhance levels of footfall in this part of King Street and extend the town centre's PSA as proposed; thus making it a viable option.
- 5.4.20 Moreover, the site to the immediate east of the Former Somerfield Store site was vacated by AMF Bowling in 2013. This adjoining site is therefore available and, when combined with the Former Somerfield Store site, brings the total available site area to approximately 0.4 hectares. The combined site, which has not been considered by Savills, would provide a larger, more prominent site which, in our view, would be suitable and of a sufficient size to accommodate substantial elements of the development proposed by Land Securities – albeit

not with adjacent surface car parking (which is not necessary in a town centre where there is adequate existing car parking nearby).

I note that this combined site is identified for mixed-use development comprising retail at ground floor with residential above within Policy RMX1 of the Maidstone Borough Local Plan Regulation 18 Consultation Draft 2014, and forms a key part of the Council's town centre strategy over the plan period.

- 5.4.21 On the basis of the above, it is the view of the Council's advisors that it is reasonable to assume that the combined site is available to the developer in the short term; I concur with this view. Whilst it is not of a sufficient size to physically accommodate the proposed development as a whole, it would be a suitable and viable option for accommodating some of the retail development if the developer was to demonstrate flexibility on issues such as scale and format.

Former TJ Hughes Store, The Mall

- 5.4.22 This store was recently vacated by Beales (department store), following the decision to activate a mutual 'break' clause in the retailer's short term letting. It is therefore potentially available to accommodate some of the proposed development in the short term, subject to flexibility on the part of the developer. The store measures approximately 6,000 sqm gross over three floors; including approximately 1,700 sqm gross at ground floor and 2,500 sqm gross at upper floor with the remainder at basement for back-of-house functions. This quantum of gross floorspace is sufficient to accommodate two or more of the Additional Retail (i.e. 'fashion and lifestyle') shops and stores proposed at Newham Court; and is almost comparable to the proposed new Debenhams department store.
- 5.4.23 The store is situated at the eastern end of The Mall; close to the bus station, the Sainsbury's foodstore and other key town centre retailers. It is also adjacent to The Mall's multi-storey car park, which includes over 1,000 spaces and serves the wider town centre. In addition, the store is situated within the existing and proposed PSA and is thus considered in-centre.
- 5.4.24 The provision of a national multiple 'fashion and lifestyle' retailer (of the type proposed at Newham Court) in this location would potentially perform an 'anchor' role in this part of the town centre, and generate footfall and maximise opportunities for future investment. I am aware that the owners of The Mall recently produced conceptual design proposals showing how this store could be reconfigured and substantially improved (to accommodate Next). The Council's advisors disagree with Savills' assertion that this store is not a viable option for any modern retailer on the basis that it was (as understood) recently considered and rejected by Debenhams.

Even more recently, the owners of The Mall exhibited more comprehensive proposals to show how they intend to refurbish the shopping centre later this year; which, once completed, would further enhance its commercial attractiveness for retailers. The owners intend to extend and reconfigure The Mall in the later part of the plan period, thus creating additional opportunities for retailers. If the store or part of it had to be demolished or altered as part of such planned investment in The Mall, this would create another opportunity for retailers (e.g. relocation).

- 5.4.25 On the basis of the above, the Council's advisors consider that this store is available, and a suitable and viable option for accommodating some of the floorspace proposed at Newnham Court with due flexibility on the part of the developer (as required by the NPPF). I concur with this view.

Former Army and Navy Store, Week Street

- 5.4.26 This site is now occupied at ground floor, at least in part, by Morrisons M-Local and is therefore not available. The upper floors of the building are now proposed for flats and are therefore not available. Regardless, they would not be suitable or viable for retail uses (of the type proposed by Land Securities).

Maidstone East Station Site and Royal Mail Sorting Office Site

- 5.4.27 Maidstone East Station Site and the Royal Mail Sorting Office Site are considered as a combined site. This site is edge-of-centre in NPPF terms (being located within 250m of the existing and proposed PSA) and has good pedestrian links with the town centre via Week Street. The site is very accessible, being adjacent to Maidstone East Station and close to the A229 dual carriageway, and occupies a prominent gateway location off Sandling Road. It is therefore sequentially preferable compared with the application site.
- 5.4.28 As acknowledged by Savills, this site is the subject of developer interest (namely Solum Regeneration, a partnership formed in 2008 between Network Rail and Royal Mail) and an EIA Screening Opinion was determined by the Council in 2013. To that end, Solum Regeneration plan to redevelop the site for large scale retailing – to be 'anchored' by a new 9,000 sqm gross food/non-food superstore – in addition to around 1,100 car parking spaces and railway station improvements. To date a planning application has not been forthcoming; however, on 10 April 2014, Solum publicly stated their intention to submit a planning application in the near future.
- 5.4.29 It is understood that the site is currently under two ownerships (Royal Mail and Network Rail); and that Network Rail are in advanced negotiations with Royal Mail to acquire the Sorting Office Site. There are no other ownerships that would prevent the combined site coming forward for redevelopment. The site is therefore considered available for redevelopment in the short term, potentially

as part of any comprehensive redevelopment put forward by Solum Regeneration.

5.4.30 The combined site measures approximately 3.6 hectares and is the largest site in or on the edge of Maidstone Town Centre which is suitable for redevelopment in the short term. This site is therefore identified as the 'top priority' for new retail development in the emerging Local Plan. The size of the site presents opportunities for accommodating substantial elements of the proposed development, either on their own or as part of a wider retail-led scheme (in accordance with the adopted Local Plan allocation for bulky goods retail use and the emerging Local Plan retail use allocation including comparison and convenience goods retailing); within which there would be capacity for a range of retail formats and sufficient car parking. It is therefore considered an available, suitable and viable alternative site for substantial elements of the proposed development – including but not limited to the new Waitrose supermarket proposed at Newnham Court.

5.4.31 It is asserted by Savills that the site lacks visibility. However, the site is very accessible, being adjacent to Maidstone East Station and close to the A229 dual-carriageway, and occupies a prominent location off Sandling Road. The prominence of the site could be further enhanced through the incorporation of Cantium House into the wider scheme; which I understand is owned by Kent County Council and is potentially available for redevelopment in the short term.

Being an edge-of-centre site with good pedestrian links with the town centre, the retail-led development of this site therefore has the potential to integrate well with the town centre and maximise opportunities for linked trips. Thus it is sequentially preferable compared with the application site and, it is the view of the Council's advisors, is available, suitable and viable to accommodate much of the retail development proposed at Newnham Court if the developer was to demonstrate flexibility on issues such as scale and format. I concur with this view.

Either of the two parts of the combined site, (i.e. Station Site or Sorting Office Site) in isolation, are also considered by the Council's advisors to be available, suitable and viable for accommodating some of the retail development proposed at NCSV.

Len House, Mill Street

5.4.32 The site is edge-of-centre in NPPF terms (being located within 300m of the existing and proposed PSA) and occupies a prominent location off the A229 dual-carriageway to the south of Maidstone Town Centre. It is therefore sequentially preferable compared with the application site.

The gross internal area of the Grade II listed Len House building is about 6,500 sqm over two storeys and the wider site, including Len House, measures approximately 1.1 hectares. It is currently occupied by Peugeot (car dealership) who, I understand, is considering options to relocate within the emerging Local Plan period. As such, there is no long-term future for the site in its current use and it is therefore considered potentially available in the short to medium term.

5.4.33 Savills state that the site is too small to accommodate the proposed development. Whilst not of a sufficient size to physically accommodate the proposed development as a whole, this site could accommodate some of the retail uses proposed by Land Securities. It is not currently considered a prime location for comparison goods retail uses, as this part of the town centre is characterised by secondary and non-retail uses. Thus Savills' view that, in market terms, the site is not viable for a department store or many 'fashion and lifestyle' retailers is not contested. Nevertheless, it is considered that with due flexibility on the part of the developer (as required by the NPPF) and good planning and design to overcome the likely constraints of adapting a Grade II listed building, Len House would be a suitable, sequentially preferable alternative to the application site for some retail development, for example a large new town centre format foodstore. It is understood that in 2010, conceptual design proposals were prepared for the site, which demonstrated that a large supermarket could be accommodated (together with retention of smaller facilities for the car dealership).

5.4.34 It is acknowledged that the site includes a Grade II listed building which would be likely to constrain development to some degree but, given the building's open and regular interior, would not necessarily rule out some retail development. Savills should explore further the viability of adapting the existing building to accommodate a foodstore before concluding that it is not a viable option.

5.4.35 Therefore, it is the view of the Council's advisors that the site is available, suitable and potentially viable to accommodate the proposed new Waitrose foodstore or a foodstore operated by another retailer, if the developer was to demonstrate flexibility on issues such as scale and format. I concur with this view.

Springfield Quarter, Mill Lane

5.4.36 This site occupies an out-of-centre location, to the north of the Maidstone East Station and Royal Mail Sorting Office combined site. Whilst out-of-centre, it is closer than the application site to Maidstone Town Centre. However is not within easy walking distance of the town centre (being located approximately 800m from the PSA and separated by the A229 dual-carriageway) and has limited opportunities for linked trips with the town centre.

The majority of the Springfield Quarter site is occupied by a paper mill which, we understand, is closing and is currently being marketed. It is therefore reasonable to assume that this part of the site is available in the short to medium term. The remainder of the site (to the north) is vacant. A recent planning application for a new foodstore, doctor surgery and smaller retail units has recently been refused (ref. MA/13/2099).

- 5.4.37 It is not considered that the site is suitable for large scale retail development, principally due to its out-of-centre location (as described above). The site is unallocated in the adopted Local Plan but, it is proposed to be allocated for residential uses within the emerging Local Plan.
- 5.4.38 On this basis, whilst the site is closer to the town centre than the application site, it is not considered suitable for the proposed development. There are better alternative, more sequentially preferable sites in Maidstone Town Centre capable of accommodating substantial elements of the proposed development.

Maidstone's district and local centres

- 5.4.39 It is acknowledged that all of Maidstone's district and local centres considered by Savills are currently very well occupied (notwithstanding the possible closure of Waitrose at Mid Kent Shopping Centre following the opening of a new Waitrose at Newnham Court); thus limiting the opportunities for accommodating elements of the proposed development within existing vacant units. Moreover, given the scale and nature of the district and local centres and their localised role in the shopping hierarchy, it is accepted that there are no prime opportunities for retail development therein. It is therefore concluded that none of the district and local centres considered by Savills comprise suitable or viable options for accommodating the proposed development.

Other out-of-centre locations in Maidstone

- 5.4.40 London Road Retail Park –This out-of-centre retail park has one large vacant unit (formerly occupied by Dunelm). If the developer was to demonstrate flexibility in scale and format, this vacant unit would be a suitable and viable option and capable of accommodating an element of the proposed development within an established retail park.

South Aylesford Retail Park –There is currently one vacant and available retail warehouse at South Aylesford Retail Park. This was formerly occupied by BHS. Whilst out of centre, it is on an established retail park, and would therefore be a suitable and viable option for elements of the proposed development if the developer was to demonstrate flexibility.

Farleigh Hill Retail Park –This out-of-centre retail park includes one vacant unit (adjoining Lidl). If the developer was to demonstrate flexibility in scale and format, this vacant unit would be a suitable and viable option and capable of accommodating an element of the proposed development within the established retail park.

5.4.41 Having concluded that the proposal does not comply with the sequential test it will now be assessed as to whether the proposed new shopping village would have an adverse impact on Maidstone Town Centre and other, smaller District Centres in Maidstone.

Impact Assessment

5.4.42 For planning applications for retail development of 2,500 square metres outside of town centres and not in accordance with the development plan, Paragraph 26 of the NPPF requires the assessment of two key tests:

- *"the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made."*

5.4.43 The applicant has undertaken a retail impact assessment (RIA), prepared by Savills, of their proposal. It is standard practice in such assessments to use a methodology to quantify the impact of a proposal on town centre trade. The assessment calculates how much of the expenditure spent in town centre shops will be diverted to the proposal. This amount of expenditure that would be lost from town centre shops is presented as a proportion (percentage) of the total amount of expenditure in town centre shops. This is the percentage impact on the town centre of the proposal.

5.4.44 The applicant's RIA has been reviewed by the Council's retail consultants (DTZ) who identified a number of major flaws and weaknesses in Savills' assessment of the proposal and its retail impacts.

5.4.45 In order to better understand, and advise the Council on, the likely retail impacts arising from the proposal, the Council's retail consultants undertook a re-assessment of the applicant's retail impact assessment.

5.4.46 The forecast impacts of the NCSV proposal (in terms of both convenience and comparison goods trade at 2018) on Maidstone Town Centre and Maidstone

District Centres, by the applicant's and the Council's retail consultants, are set out below:

		Applicant	DTZ ²
Maidstone Town Centre	Convenience goods	4.54%	5.9%
	Comparison goods	2.97%	11.3% (13.3% including Next at Eclipse Park)
Maidstone District Centres	Convenience goods	11.58%	25.8%

5.4.47 Based on the Council's retail consultant's analysis, there will be a 25.8% reduction in convenience goods trade in Maidstone District Centres at 2018 if the proposal were to be permitted and implemented (compared to convenience goods trade at the same date without the proposal). The great majority of this reduction in trade would fall on Mid Kent Shopping Centre given its relative proximity to NCSV and the existing presence of Waitrose. To that end, it is considered that the applicant's retail advisors have under-estimated the impact (i.e. trade diversion) that the proposed new Waitrose would have on existing foodstores, particularly Waitrose at the Mid Kent Shopping Centre. I note that Waitrose have written to confirm that they intend to retain this existing store and consider it would continue to trade efficiently (in RIA by Savills). However the Council takes a different view, supported by the advice of DTZ, and considers that this store would likely be at risk of closure if the proposal is permitted and implemented. Even if the existing Waitrose remained open, DTZ consider that there would be a serious adverse impact on Mid Kent Shopping Centre.

5.4.48 There will be a 5.9% reduction in convenience goods trade in Maidstone Town Centre at 2018 if the proposal were to be permitted and implemented (compared to convenience goods trade at the same date without the proposal). In particular, it is considered that the applicant's retail advisors have under-estimated the impact that the proposed new Waitrose would have on M&S in Week Street. Waitrose competes with M&S at the 'premium' end of the of the convenience goods sector. Given that the proposal will directly compete with the town centre's comparison goods offer and attract shoppers (and therefore comparison goods trade) from the town centre, it is inevitable that the proposed new Waitrose will benefit from its location within NCSV and attract shoppers (and therefore convenience goods trade) from M&S in Week Street.

² A sessment of the scheme with the applicant's proposed condition limiting mezzanine floorspace.

5.4.49 Even allowing for the applicant's proposed restrictions on mezzanine floorspace and the types of comparison goods within the proposed Additional Retail shops and stores at NCSV, there will be a 11.3% reduction in comparison goods trade in Maidstone Town Centre as a whole at 2018 – or a 13.3% reduction based on the cumulative impact of the proposal and the new Next store at Eclipse Park – if the proposal were to be permitted and implemented (compared to comparison goods trade at the same date without the proposal). Most of such impacts will fall on the town centre core area east of the River Medway, which would therefore be likely to suffer a slightly greater impact than stated above. The Council's retail consultants consider that the applicant's RIA substantially under-estimates the amount of comparison goods expenditure likely to be spent at NCSV; over-estimates pre-impact sales in some existing town centre shops; over-estimates trade diversion to the proposal from out-of-centre locations (which are not afforded protection by the 'town centres first' policy); and substantially under-estimates the amount of comparison goods expenditure that would be diverted to the proposal from town centre shops and therefore lost from the town centre. It is therefore considered that the applicant's retail advisors have substantially under-estimated the impacts of the proposal on Maidstone Town Centre in terms of comparison goods trade.

5.4.50 A simple comparison between the comparison goods floorspace proposed by Land Securities (26,774 sqm net based on DTZ's figure reflecting the applicant's proposed reduction in mezzanine floorspace) with that in Maidstone town centre (85,176 sqm net), shows that the former would amount to almost a third of the latter; and almost twice that of Fremlin Walk. Also, the Land Securities' scheme would have total comparison goods sales of about £107.8m in 2018, compared with forecast comparison goods sales in the town centre at that date (before allowing for impact) of £554.2m. Thus the scheme would have comparison goods sales of around 20% of those in the town centre (or around 24% of the estimated £450m pre-impact sales in 2018 in the town centre core area east of the River Medway). These comparisons confirm that a substantial impact on Maidstone town centre would be inevitable, even allowing for clawback of expenditure currently leaking to other shopping destinations, for example Bluewater.

5.4.51 The Council's retail consultants are particularly very concerned with:

- The very large scale of the proposal, which (I note) is almost twice the scale and therefore significantly larger than envisaged by Policy RMX1 of the Maidstone Borough Local Plan Regulation 18 Consultation Draft 2014.
- The proposed type of retail development, which will include a department store (Debenhams) and other 'fashion and lifestyle' retailers selling the types of comparison goods typically sold in town centres, contrary (I

note) to the comparison goods restrictions envisaged by Policy RMX1. The principal driver of activity and prosperity in Maidstone Town Centre is its 'fashion and lifestyle' comparison goods offer. The proposal will therefore directly compete with Maidstone Town Centre; more so given the very large scale of the proposal, and its easy accessibility by car and ample free car parking.

- The lack of certainty provided by the applicant in regards to the likely retail occupiers, including 'fashion and lifestyle' retailers, of the proposed Additional Retail shops and stores at NCSV (apart from Waitrose and Debenhams). The speculative nature of the proposal translates to a number of assumptions and uncertainties within Savills' retail impact assessment, which undermines their assessment of the likely implications for the future of Maidstone Town Centre.
- The high probability of existing important retailers relocating from Maidstone Town Centre to NCSV, and new retailers locating to NCSV who may otherwise seek to focus representation in the town centre. The impact of this, both psychologically and quantitatively, could well have significant effects on the decisions of other town centre retailers who are considering their options (as leases in Fremlin Walk come up for renewal, for example). This is likely to have a damaging 'snowball' effect on the quality and mix of the town centre's comparison goods offer (replacement retailers would probably be mainly discount or 'value' retailers, for example) and, in turn, on the status and attractiveness of Maidstone Town Centre and its future health. This would translate to higher vacancy rates, lower levels of footfall and an overall less vibrant town centre.
- The very real risk, if NCSV is permitted and implemented, of the incremental decline of Maidstone Town Centre's retail offer, and reduced prospects for attracting new, major retailers; at a time when mid-sized town centres (such as Maidstone) are increasingly susceptible to the concentration of some major retailers in the most premier shopping centres. This would see Maidstone Town Centre fall further in the national hierarchy of shopping centres (as it has been falling since 2007 in net terms); and undermine its ability to attract major retailers both in the shorter term and in the next planned development cycle (the partial redevelopment and expansion of The Mall).
- The applicant's proposed agreement with the Council (considered under Heads of Terms section) as a means of preventing retailers from relocating from the town centre to NCSV. DTZ doubt the effectiveness of

such an agreement and, regardless, do not consider that it would make an otherwise unacceptable development acceptable.

- 5.4.51 The Council's retail consultants consider that the proposal, if permitted and implemented, would make it very difficult if not impossible to achieve new town centre retail developments over the emerging Local Plan period; as envisaged in the Maidstone Town Centre Assessment 2013 and by the Council's strategy for the town centre within the Maidstone Borough Local Plan Regulation 18 Consultation Draft 2014 (the partial redevelopment and expansion of The Mall, for example). The NCSV proposal would absorb much of the growth in retail expenditure, and retailer requirements (i.e. demand), which would be needed to support new town centre retail developments. Accordingly, DTZ conclude that the proposal would have a significant adverse impact on planned public and private investment in Maidstone Town Centre, and therefore fails the first of the impact tests set out in paragraph 26 of the NPPF.
- 5.4.52 The Council's retail consultants conclude that the proposal would have a significant adverse impact on the vitality and viability of Maidstone Town Centre, and therefore on its own fails the second of the impact tests set out in paragraph 26 of the NPPF. The cumulative impact of the proposal together with the new 'Next at Home' store at junction 7 would be even worse.
- 5.4.53 The Council's retail consultants are also concerned about the ultimate use of the proposed replacement Notcutts Garden Centre. They comment:

'This is shown with a significantly greater site area allocated to the building than to the open (and polytunnel) area for the sale of plants. This would be very unusual for a garden centre – which generally have a higher ratio of outdoor display and storage to built floorspace. In addition to plants, garden centres typically sell a wide range of outdoor pots and plant containers, statuary, garden structures and buildings, and garden construction materials – for which they need large open storage and display areas. We therefore doubt that such an arrangement would be attractive to Notcutts or any other genuine garden centre operator. Further, it is unusual for garden centre buildings to be constructed with a mezzanine floor, as is proposed in this case.

We are therefore concerned that the part of the site allocated on the plan for the replacement Notcutts might not in reality be used for a garden centre; and that it might ultimately be developed for or occupied by another large comparison goods retail store, which would compete much more strongly with existing 'anchor' stores in the town centre such as House of Fraser. If this happened, the retail impacts on the town centre would be significantly higher than our forecasts. To prevent this (if the Council was minded to

grant planning permission for the development currently proposed), it would be essential for there to be a planning condition restricting that part of the site to development and use as a garden centre (clearly defined and with appropriate goods restrictions) only.'

5.5 Design/Visual Impact

5.5.1 In addition to the retail impact of the development and the issues surrounding the sequential test, the overall design of the proposal and its visual impact in the locality also needs to be given due consideration. This is explored further below.

Layout

5.5.2 The indicative masterplan and supporting Design & Access Statement (D&AS) including a landscape framework shows how the site would be developed and demonstrates the large quantum of development proposed. The proposal efficiently maximises the use of land through a series of five inwardly-facing blocks arranged in a perimeter block, built tightly against the existing road pattern, with some of the existing buildings located in the centre to create a hub and landscaped central car park for 901 cars. The scheme is a car-dominated scheme accessed by a new spine road on the eastern edge of the site, taken from the New Cut Roundabout via a spur from the existing road serving KIMS, and has a service road running around the perimeter of the site.

Scale

5.5.3 The proposal will be situated in a very prominent location, and will act as a main 'gateway' into Maidstone from the M20 junction 7. The proposal introduces a range of large bulky buildings and areas of hardstanding that are of a substantially larger size and scale than those present on the existing site and to some degree the adjoining countryside. The height, width and length of the anchor stores, namely the Waitrose and Debenhams, will be subservient in scale in relation to the adjacent Towergate and Next building, although their overall footprints will be substantially larger. The rest of the proposed structures will mainly be single storey structures with two-storey glazed entrances, with overall building heights kept to a maximum of two storeys, and building roof heights of 11.5m. The scale of the development will clearly have a greater impact on the character of the area than the existing development. However, with the current building of the Next at Home store and the recently approved application for Maidstone Medical Centre, I do consider these other developments will mitigate some of the impact of this scheme in this changing landscape.

Appearance & Materials

- 5.5.4 It is intended that the proposed development shares a similar architectural language from the anchor stores to the shopping terraces. This is achieved through the application of a high quality palette of materials using: brick, artificial stone block, aluminium rain screen and glass to create a distinct character to the overall scheme, but also individuality to each development block. The principal elevations fronting inwards onto the central inner car park presenting the scheme's main public face are legible with clearly located entrances. Detail of the material was set out earlier in this report. I consider the choice of materials overall is appropriate to the development and this location.

Key Issues

- 5.5.5 The Retail Terrace and HSH Units are low-lying single storey structures compared to the anchor stores, and are designed to mitigate their impact on the (Kent Downs) AONB. Reservations were raised by the Council's Design Officer about their appearance, especially rear elevations of the HSH units 1 to 7, the flanks of the HSH units 6 & 7; and RT units 1 to 10. I concur with the view previously expressed, however, I consider it difficult to overcome the impact without a significant redesign. These rear and side elevations are prominent elevations as they will present a public face and an inactive frontage onto Bearsted Road, the New Cut roundabout and the new access road to the site, KIMS and MMC.
- 5.5.6 Sections FF and GG particularly illustrate the negative localised visual impact that the development would have. These elevations (D&AS, page 19) show long (up to 305m) bland secondary façades, with a regular vertical rhythm cladding material that serve to further emphasis the bulk and massing of these structures. These elevations, including the proposed boundary fencing structure, will be prominent and imposing due to their elevated position on higher ground to the road levels. The approach from the east would be dominated by the back of the development, as would those travelling along Bearsted Road in both directions.
- 5.5.7 The proposal would transform the approach when leaving Junction 7 of the M20, as is clearly illustrated in the D&AS. The proposed planting scheme around the perimeter of the site is some compensation to integrating the development into the landscape.
- 5.5.8 There is a lack of variation in form and little articulation to visually reduce the impact and visual appearance of these prominent elevations, despite the proposed 'green-roofs'. As a scheme that will essentially deliver dual/triple aspect buildings, more visual interest and variety would ideally have been introduced to visually 'break-up' the appearance of these large blocks/'sheds'

and their facades whilst maintaining a functioning shopping centre. The green embankment is a significant design challenge because of the topography and extreme level changes between the buildings and road network. Physical changes to the rear/side elevations of these particular blocks to reduce their bulk, blandness, and visual harm on the surrounding context and character of the area were sought by the Council's design officer. However, the visual impact of the scheme clearly needs to be balanced against the large, bulky Next at Home building, which is currently under construction – the scale of which can now clearly be seen from progress on the construction of the building. Immediately north of this new retail store is the Towergate Building which, also contributes significantly to the character of the area. It cannot therefore be said that this development on its own would transform the character of the area/landscape; in my view it would add to the erosion of the landscape that has been allowed to occur through other development.

- 5.5.9 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, requires that when considering whether to grant planning permission, special regard should be had to the desirability of preserving listed buildings, or their setting, or any features of special architectural or historic interest which it possesses.

Other heritage design issues relate to the areas of public realm, particularly the interface with the Listed Public House to provide assurance of the design quality proposed; and the details for rainwater disposal which will need to be carefully considered ensuring the quality of materials shown is not compromised.

- 5.5.10 The Heritage Officer has set out detailed comments regarding his grave concerns that the proposal would have in terms of the setting of the listed building. It is acknowledged that the setting of the building has already been significantly eroded by the existing Newnham Court Shopping Village; further by the recent grant of permissions for KIMS and MMC. However, notwithstanding this, the current proposal removes what is left of the original setting of the building. Whilst the Listed Public House does not form part of the development, it is entirely surrounded by the proposals and cannot fail to be impacted upon.
- 5.5.11 The NPPF is clear in its advice on how applications should be considered which cause substantial harm to listed buildings. Paragraph 132 states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.' Paragraph 133 goes on to say that 'Where a proposed development will lead to substantial harm to or total loss of significance of designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm ... is necessary to achieve public benefits that outweigh that harm'. Whilst the proposal clearly

does not comply with the criteria that are listed, a judgement needs to be made as to whether the harm is necessary.

- 5.5.12 The resulting public realm that the development would provide would compromise the setting of the Listed Building which will undoubtedly cause harm to its significance. However, the application proposals do not involve any works to the Listed Building, which will retain its significance and it is my view that, as so little of Newnham Court Inn remains in terms of its original setting that it would be difficult to sustain an argument that the proposals would lead to substantial harm. I therefore consider that the proposal causes 'less than substantial harm' and in light of this it engages the test in Paragraph 134 of the NPPF. The relevant test is 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'. As set out in this report this scheme would deliver a number of public benefits such that on balance no objection is raised with regard to impact on this listed building.
- 5.5.13 Moving on to the impact of the proposed landscaping for the development in more detail, the landscape strategy is to be made up of the following elements: the native 'woodland buffer edge' and grassed banks along three sides of the proposed development; soft landscaping along pedestrian links and within the 901 spaces car park; and a network of structural landscaping and boundary treatments. As part of this, the design concept refers to 'Green Contouring' including green sedum roofs which have been applied to soften the change in levels and edge treatments of the site perimeter along prominent roads, onto Bearsted Road, and the spine road accessing the site. This design concept is intended to reduce the visual impact of the development from long views from the AONB, and integrate the buildings into their surroundings, it would be desirable if green roofs were applied consistently to all the building types including the two-storey Debenhams and Waitrose buildings.
- 5.5.14 Throughout the course of the application, Officers expressed their concerns to the applicant whose response was as follows:

'The comments fail to recognise that the Next retail building under construction at neighbouring Eclipse Park is a large scale building, whilst the proposed and adjacent Maidstone Medical Campus, for which the Council has resolved to grant planning permission, includes larger scale buildings than those proposed at Newnham Court.

Appearance of Retail Terrace Rear Elevations

We are confident that the “woodland edge”, as described in the Design & Access Statement, will assist in mitigating the impact of the rear facades on Bearsted Road and the Spine Road.

As part of the further development of the East and South elevations of the HSH Units and Retail Terrace respectively, the applicant proposes to work with a local artist or artists to develop a graphic unique to Maidstone/Kent that will be integrated into the aluminium cladding of the noted façades. A local artist will work collectively with the architects to develop a graphic that could be applied to the aluminium cladding during production of the cladding. The intended theme of the proposed graphic shall be an abstraction of local; industry, culture, or something indigenous to Maidstone/Kent. The façade will become a large piece of public art identifiable as Maidstone. It is suggested that the public art design could be controlled by condition, with a commitment to using local artists secured through the S106 agreement.

Landscape Strategy

Verified views were agreed with the Council’s Landscape Officer and presented as part of the Landscape Visual Impact Assessment (LVIA). Verified View 7, in particular, was chosen to highlight the impact from good vantage points such as the North Downs. This verified view highlights the fact that the roofs of the noted buildings cannot be identified from vantage points such as the Downs, and so extending the green roofs to the additional buildings would not bring any benefit. The use of green roofs on the Retail Terrace and HSH units is sufficient in integrating the scheme into its surrounding landscape.

Semi-mature trees will be installed ‘randomly’ where possible, i.e. where there is sufficient space at the bottom of the earth reinforced wall. Part of the strategy also includes transplant and woodland planting (whip planting). As a guideline, anticipated growth rates for forestry planting show trees will achieve in average conditions between 5 to 8m in height in 10 years’ time so in time this woodland edge will be stronger.

Whilst it is accepted that the planting won’t fully screen the façade because of the level difference between the road and the development, it is nevertheless the case that the strategy will help to provide meaningful mitigation. Page 21 of the Design & Access Statement highlights the proposed “woodland strategy,” whilst page 74 further reinforces the success of the strategy.

It should be noted further that the image shown on page 74, noted as "development after 10 years", is Verified View 5 as also published in the LVIA.'

- 5.5.15 In terms of the landscape strategy, I consider there is a difference of opinion as to how effective the proposed mitigation will be. This is a difficult site to landscape from the perimeter for the reasons stated (levels/embankment); the layout within the site is not landscape but parking driven.
- 5.5.16 The suggestion of appointing a local artist is welcome as it will assist in making the proposal more visually acceptable, even if it cannot address the overall bulk and scale of the development.
- 5.5.17 The reference to other developments approved by the Council is noted; and I concur with the applicant that these do absorb some of the impact of the proposed scheme.

5.6 Landscaping

- 5.6.1 The primary area of landscaping within the application site is as previously stated, around the perimeter of the site. Adjacent to the spine road is a 1:3 grassy slope, 19m in width and rising to a height of 6m where it meets the rear of the proposed Notcutts servicing road way and running parallel in this fashion with the rear of HSH replacement units. Adjacent to Bearsted Road on the southern side of the site however, the gradient changes significantly to 1:2 whereby the slope is more an embankment at 8m in height dropping over a 4m width until levelling out. The gradient of the embankment drops slightly around the corner of the site, but the most prominent section of this grassy bank is along Bearsted Road which highlights the elevated position of the scheme. Clearly the characteristics of the perimeter of the site give rise to concern as to whether effective new planting will be able to establish.
- 5.6.2 The Council's Landscape Officer has provided comprehensive comments in the consultee response section of this report. A summary of actions for the detailed landscape area is provided above. Overall the scheme will involve the loss of 8 high/higher grade protected trees, lack of respect for the landscape character area and compromise existing agreed strategic landscape details for the adjacent KIMS site.
- 5.6.3 Overall it is considered that the proposal is led by the desire for a certain floor space and landscape is accommodated around this. This is demonstrated by the minimal amount of planting within the development which is kept as sporadic trees in pits through out the parking area. Whilst I therefore believe

the proposal has tried to accommodate an effective landscape strategy, I consider it is difficult to achieve this within the parameters of the development.

- 5.6.4 Long distance views of the site are taken from the North Downs AONB and as it stands and as the LVIA demonstrates, there are certain areas of the site which are less visible than others. The reality is that if the site is developed as proposed, it will not just be the roof tops of varying finish which vary in terms of impact, but the mass of hardsurfacing with the 901 car park spaces.
- 5.6.5 The more damaging views within the landscape however, will be seen closer to the application site as previously stated. This being said the proposed policy allocation indicates that access for the overall development should be taken from the New Cut roundabout. This being the case it is likely that the protected trees along the existing access would ultimately be lost even within a scheme compliant with the policy.

5.7 Highways

- 5.7.1 The proposal has been subject to consultation by the Highways Agency in addition to Kent Highways. A detailed Transport Assessment has been submitted with the application. There are a significant number of positives in highway terms that form part of this proposal.
- 5.7.2 In terms of the site itself, the development includes the provision of 901 parking spaces for customers and staff. This figure falls approximately 300 spaces below the Kent Highways standards which are not adopted by the Council for the purposes of development management. That being said, parking provision together with a Draft Framework Travel Plan is not the subject of objection by Kent Highways. Whilst the development is car-led there are a number of proposals put forward that would enhance existing public transport and connectivity around and to the site.
- 5.7.3 The car park is to operate as a 'Pay and Display'. The first 15 minutes will be free and up to 2hrs free provided a minimum spend of £10 is undertaken in store. The charges will apply between the hours of 09:00 and 18:00 daily. There will be a fixed overnight rate as is common in Pay and Display car parks.
- 5.7.4 The local and strategic junctions have been assessed using traffic models and as a result mitigation works are required at three key junctions:
- New Cut roundabout – enlarging roundabout, widening of approaches, provision of new signal pedestrian crossings west of New Cut roundabout and east of Bearsted Road roundabout;

- Bearsted Road roundabout – signalisation and widening of approaches;
- M20 Junction 7 –signalisation and widening of coastbound off slip.

It is also proposed to dual Bearsted Road between the Bearsted Road and New Cut roundabouts.

- 5.7.5 It is stated that upon completion of the works 'the three junctions are forecast to operate at a better level of capacity than in the 'Do Nothing' scenario, therefore offering a good degree of planning gain.'
- 5.7.6 In terms of managing the highway works around the development, it is proposed to develop the site in two phases; firstly to provide the replacement units for the existing Notcutts and NCSV and secondly to provide the new retail units. The planning statement sets out how this would link in with the necessary highway works.
- 5.7.7 The scheme includes a dedicated service access to the rear of the retail units and segregation from the main parking areas. Emergency access is provided from the A249.
- 5.7.8 An improved bus service is proposed in order to provide a direct service to the town centre, a series of pedestrian and cycle network improvements are also proposed.
- 5.7.9 A recent technical note has been received by the applicant's agent regarding bus priority measures. In terms of improvements to New Cut road, the DHA technical note specifies covering the costs of improving the signal equipment at two junctions (New Cut /A20 and A20 / Haines signal gyratory) to enable bus priority to be improved. This is a small, but welcome improvement and a condition can secure this.

5.8 Residential Amenity

- 5.8.1 In terms of residential amenity, issues for consideration relate primarily to noise and light pollution, air quality, traffic and visual impact. The nearest residential property to the proposed development is Newnham Court. This property lies to the north of the existing Newnham Court Shopping Village at a distance of approximately 1500m as the crow flies and has its own access off the A249. The occupier of this property has raised concerns regarding the noise level tests that were undertaken. It seems these concerns related to the position of the receptors as advised within the noise report. Having spoken with the EHO on this matter, it seems that he also shared these concerns initially and sought clarification from the applicant on this matter. The issue has now been resolved sufficiently and no objection is raised on environmental

health grounds subject to a condition on any grant of planning permission. Consideration has also been given to the location of the service yards of the proposed units, the closest to Newnham Court being that to the rear of the Waitrose Store – the distance and separation with the Veterinary clinic afford protection to this resident and the EHO is satisfied that this is acceptable.

- 5.8.2 In terms of traffic impact a number of residents feel that the development would bring about gridlock to the roads – North Farm Industrial Estate at Tunbridge-Wells is cited as example of this problem. However, as per section 5.7 states, there are substantial highway improvements proposed as part of this development ranging from road widening, signalisation, bus priority lanes and an extension to the existing park and ride service. There are no highway objections to the proposal subject to securing these improvements through the appropriate mechanism. It is therefore not considered that the proposal would give rise to harm to residential amenity by virtue of traffic issues.
- 5.8.3 Visually the development is considered to be sufficiently far enough from existing dwellings not to have an overbearing impact on individual dwellings. Newnham Court itself is afforded separation due to the woodland belt, veterinary clinic and Pennies play barn. Whilst visible from Vinters Park there is sufficient separation from the site and primary views by residents are when passing the site from the main road network.
- 5.8.4 In terms of lighting proposals these would need detailed consideration through a planning condition if the development proceeds to ensure not just acceptable in terms of residential amenity but also visually from the AONB.
- 5.8.5 The EHO is satisfied that air quality can also be dealt with by condition.
- 5.8.6 Subject to conditions relating to air quality, noise (such as delivery hours), contamination and lighting there is no objection on residential amenity grounds.
- 5.8.7 A letter of objection has also been received on behalf of the Veterinary practice at the rear of the site. Matters of loss of income, uninterrupted access, interruption of utility supplies, noise impacts, legal rights over access and potential conflict with car parking are all matters which are not material planning considerations.

5.9 Sustainability

- 5.9.1 With regard to sustainability, the Environmental Sustainability Statement, BREEAM Pre-Assessment and Building Compliance Report, which were

submitted with the application, together with the sustainable transport measures proposed set out the significant environmental sustainability credentials of the scheme. As the Planning Statement summarises:

- 5.9.2 The BREEAM Pre-Assessment confirms that the buildings within the scheme will achieve a BREEAM 'Very Good' Level; this is in accordance with the Council's emerging policies on this issue. The planning statement states that the scheme 'includes measures to reduce energy consumption and CO² emissions, which are detailed in the Building Compliance Report and which follow the accepted methodology of being lean, clean and green. The use of lean features include designs which maximise the use of passive heating and cooling, measures to reduce air permeability and the installation and operation of energy efficient equipment within the buildings. These measures are expected to generate around a 6% reduction in CO² emissions compared to current Building Regulations. The scheme is then capable of accommodating around 320sqm of solar photovoltaic panels, which are considered to be the most appropriate renewable energy technology in this case and which would combine with the being lean features to ensure an overall reduction in carbon emissions of just over 8% compared with Building Regulations.
- 5.9.3 The Environmental Sustainability Statement details further measures to be taken to ensure the development functions sustainably in environmental terms. These include:
- minimising the use of potable water;
 - controlling air, noise and light pollution;
 - using sustainably and robust materials;
 - following a Site Waste Management Plan and reducing operational waste;
 - fostering sustainable modes of travel by upgrading public and non-vehicular transport links and committing to a Travel Plan; and securing ecological benefits where possible as part of the scheme, including the use of green roofs.'
- 5.9.4 I concur with the comments in the planning statement that the above measures ensure that at both the construction and operational stage the proposed scheme will make efficient use of natural resources, thereby ensuring that it is sustainable in environmental terms. However as a mainly car-based out-of-centre retail development, which is not located at the focus of the town's bus routes, the proposal cannot easily be judged to be sustainable in terms of transport and emissions.

5.10 Other Matters

- 5.10.1 The applicant has brought to Officers attention an appeal decision in the Metropolitan Borough of Rotherham which they consider has parallels with this case. It is my view that each application should be considered on its merits and that the Rotherham appeal site was considerably smaller in terms of proposed retail floor space than the current application. Furthermore, each town centre is different in terms of its fragility and make-up and it is not readily possible to relate one appeal to another case.
- 5.10.2 The applicant has also made reference to a High Court Challenge whereby one of the key findings was that it can be appropriate to allow out of town development to stop leakage, when there are no sequentially preferable sites with a realistic prospect of being developed soon. This is interesting, but the Council's considers that in the case of this development there are sequentially preferable sites available.

5.11 S106 obligations

- 5.10.1 As indicated earlier draft s106 heads of terms have been proposed by the applicant as follows:
- *'No Poaching' clause* – legally binding the developer not to accommodate any retailer from the town centre unless additional to those premises.
 - *£600,000 financial contribution towards Town Centre Enhancements* – Allocation of funds to be discussed with the Council during the course of the application but currently envisaged to be split between a contribution towards the on-going public realm improvement programme and establishment of a town centre fund for grants or favourable loans to be awarded to new town centre start-up businesses.
 - *5,000 sq ft minimum unit size clause* – to ensure that the scheme does not directly compete with the town centre in attracting small shop retailers.
 - *Highway Improvements* – delivery mechanism of the proposed highway works to be agreed with the Highways Authorities.
 - *Funding for enhanced local bus service between the site and Town Centre* – Securing a regular bus service between the site and the town centre.

- *Bus Priority signals fee* - £20,000 financial contribution to cover the cost of the work.
- *Local Employment Contract* – to ensure local employment take-up and procurement is maximised.
- *Car Parking Management Plan* – As set out in the Transport Assessment.
- *Off-site Traffic Regulation Order and Parking Control Fund* - contingency fund of £20,000 to be held by MBC for a five-year period to address any parking overspill impacts upon the local residential road network.
- *Travel Plan Monitoring Fee* - £10,000 financial contribution to cover Travel Plan monitoring. Payable prior to Occupation of Phase 2 of the Development.
- *Town Centre information and promotion boards within the development* – to further assist with promoting and facilitating continued town centre growth.
- *Procurement of Bespoke Artwork* – the applicant covenants to commission bespoke artwork for incorporation into the final detailed elevational design of the rear eastern elevation of the Replacement retail terrace (detail to be controlled by condition).
- *Monitoring Committee* – establishment of a monitoring committee to include representatives of The Council (Officers and Members) the Developer – full membership to be agreed with Council.

5.10.1 Members will be aware that all potential s106 obligations must be assessed against and meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. All obligations must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

5.11.3 The proposed enhanced bus service will improve facilities for public transport users accessing the site and also provide connectivity between the site and town centre for linked trips. I consider that such a contribution would meet the three tests outlined above.

5.11.4 With regard to the 'No Poaching' Clause I have concerns over the enforceability of this, and with this in mind its failure to be effective would do very little to

make the otherwise unacceptable development acceptable in planning terms. However, if members find the development acceptable then this clause would technically meet the tests.

5.11.4 Concerns have been expressed in this report regarding the visual/design impact of the development. Bespoke Artwork could enhance the development and, whilst on its own it will not make the development acceptable, it is clearly related to the development.

6.0 CONCLUSION

6.1 There are clearly benefits that would arise from this scheme which should be highlighted. The application is balanced in terms of benefits to Maidstone Borough against the harm that it could cause primarily to the retail environment in the town centre and existing out of town sites.

- The benefits that the package of comprehensive highway works to the local road network cannot be ignored;
- The owner of the KIMS site has stated how this proposal would help bring the much needed infrastructure improvements forward sooner;
- The provision of up to 1,561 new FTE jobs and the retention or replacement of 258 FTE existing jobs is of importance to the Borough – albeit offset to a degree by (unquantified) job losses in the town and district centres.
- It would provide choice or an alternative shopping experience for residents and draw in new shoppers who may otherwise not consider coming to the town and instead choose one of the other existing out of centres such as Bluewater or Ashford McArthur Glen outlet;
- It would bring top end retailers to Maidstone who state that the town centre unit size/configuration cannot accommodate their business model.

6.2 However, as set out earlier in this report, there is a fundamental objection to the development in that it clearly fails the sequential test as set out in the NPPF and the PPG. There are in my view and in the view of the Council's retail consultants, sequentially preferable sites within the Town Centre particularly the Council's preferred site for such development Maidstone East, if the developer was to apply flexibility of scale and format.

- 6.3 It is clear from the analysis undertaken by the Council's retail consultants that the development proposed at Newnham Court would have a significant adverse impact on Maidstone Town Centre, both on its own, and made worse in conjunction with the new Next store. These damaging effects arise principally from:
- The very large scale of the scheme.
 - The inclusion of a department store.
 - The inclusion of a significant number of other large stores selling fashion and lifestyle goods.
- 6.4 Furthermore, I also consider that to approve the scheme on this site would be prejudicial to the delivery of development at the Maidstone East/sorting office site and The Mall extension, which would be contrary to the Council's strategy for development of the Town Centre.
- 6.5 The development would also result in the loss of significant and prominent protected trees of public amenity value, which would have a detrimental impact on the area's character and appearance and compromise the mitigation scheme agreed under the KIMS development. This being said due to the proposed allocation as set out in this report, the trees are unlikely to be retained in the long term due to the closure of the existing access and I do not consider a reason for refusal on these grounds could be defended.
- 6.6 The location, scale and form of the development would cause harm to the significance of the Listed Building/public house within the centre of the proposed development. However, as set out earlier in this report it is considered that the benefits of the proposal outweigh this harm.
- 6.7 I consider therefore that despite the benefits that would arise from the scheme, these would be substantially outweighed by the harm that the development would undoubtedly cause to the vitality and viability of the town centre and to planned public and private investment there. As such the following recommendation is in my view the appropriate one.

7.0 Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development is not sustainable development, as it does not comply with the criteria set out in paragraph 7 of the NPPF, owing to its adverse impacts which demonstrably outweigh the benefits when assessed against the policies in paragraphs 23 to 27 of the NPPF.

2. The proposed scale and type of retail development does not accord with the development plan and the Council's strategy for future retail development in Maidstone, as set out in Policies R1, R2, R3 and T21 of the Maidstone Borough Wide Local Plan (2000) and Policies SS1, SP1 and RMX1 of the emerging Maidstone Local Plan (which are consistent with the NPPF), which designate other sites for new retail development and do not designate Newnham Park for the scale and type of retail development proposed.
3. The proposed development, which is out-of-centre in retail terms, fails the sequential test set out in paragraph 24 of the NPPF and within Policy R2 of the Maidstone Borough Wide Local Plan (2000); as there are sequentially preferable sites which could potentially accommodate substantial elements of the proposed development with some flexibility on the part of the developer.
4. The proposed development would have a significant adverse impact on planned investment in Maidstone Town Centre, which would put at risk the Council's strategy to secure the retail-led improvement and extension of The Mall and new retail development elsewhere within the town centre set out in the saved policies of the Maidstone Borough Wide Local Plan (2000) and the emerging Maidstone Local Plan, and is therefore contrary to paragraph 26 of the NPPF.
5. The proposed development would have a significant adverse impact on the vitality and viability of Maidstone Town Centre and Mid-Kent Shopping Centre (District Centre) and other centres, and is therefore contrary to paragraph 26 of the NPPF.