

# Strategic Planning, Sustainability & Transport Committee

14<sup>th</sup> July 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

## Maidstone Borough Local Plan – mixed use allocations – deferred from 23 July 2015

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transport Committee
<b>Lead Director or Head of Service</b>	Rob Jarman, Head of Planning & Development
<b>Lead Officer and Report Author</b>	Sarah Anderton, Principal Planning Officer (Spatial Policy)
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

### This report makes the following recommendations to the final decision-maker:

1. That the Committee approves the officer responses to the representations submitted during public consultation on the draft Maidstone Borough Local Plan 2014 for policy RMX1 Retail and Mixed Use Allocations, set out in Appendix I.
2. That the Committee approves the amendments to Policy RMX1 set out in Appendix II, for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan

### This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

### Timetable

<b>Meeting</b>	<b>Date</b>
Policy and Resources Committee	n/a
Council	n/a
Other Committee	n/a

# Maidstone Borough Local Plan – mixed use allocations

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report responds to, and proposes changes to, the allocation policies for mixed use sites (Policy RMX1) contained in the draft Maidstone Borough Local Plan (Regulation 18) (“the Reg 18 Plan”) as a result of the representations made to these policies during the public consultation held between March and May 2014. It recommends that the proposed changes be approved for incorporation into the next full draft of the Local Plan (Regulation 19).
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 The draft Maidstone Borough Local Plan was approved by Cabinet for its first full stage of public consultation (Regulation 18) in February 2014. The public consultation took place between 21 March and 7 May 2014.
  - 2.2 Cabinet considered the representations to the development management policies (14th January 2015) and agreed amendments for inclusion in the next full draft of the Local Plan (Regulation 19). The housing site allocations in Policy H1 of the Reg 18 Plan were considered by Cabinet (2<sup>nd</sup> and 4<sup>th</sup> February and 9<sup>th</sup> March 2015) and some of these are also the subject of a separate report on this agenda.
  - 2.3 This report considers the representations made to the mixed use site allocations made under Policy RMX1 of the Reg 18 Plan and proposes changes to be included in the Regulation 19 version of the Plan which is scheduled for public consultation in early 2016.
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## 3. AVAILABLE OPTIONS

- 3.1 Policy RMX1 allocates five sites for mixed use development. Representations were made to the policy during the Regulation 18 consultation undertaken between March and May 2014. The Committee could decide not to consider these representations at this time and to defer consideration to a later meeting. Such delay could, however, impact on the draft programme for the progression of the Local Plan towards Independent Examination agreed by the Committee at its June meeting.
- 3.2 The Committee could decide not to consider the representations at all, and to progress Policy RMX1 unaltered for inclusion in the Regulation 19 version of the Plan. This is not advised as proper consideration of the issues raised during consultation, and of any updated information received since the Reg 18 Plan was prepared, will be of benefit to the overall soundness of the Plan.

- 3.3 The Committee could decide to consider the representations in line with the recommendation. For the reasons above, this is the preferred option.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 For the reasons set out above, the preferred option is for the Committee to consider the representations and updated information as presented in the remainder of this report.
- 4.2 The issues raised in representations to Policy RMX1 are set out in the table in Appendix I. The table also includes an officer response to each of the issues raised and recommends appropriate changes to the policy. The specific changes which are being recommended are also set out separately in Appendix II. Key points raised by the representations are discussed below.

##### Newnham Court, Maidstone (Policy RMX1(1))

- 4.3 Concerns have been raised about the visual and landscape impact of the proposals for Newnham Court, stating that this would equate to over development of the site, that the foreground of the Kent Downs AONB should be protected, and objecting to the loss of countryside.
- 4.4 In response, Policy RMX1(1) specifically seeks to control and limit the amount of additional development across the site. The policy also clearly requires extensive structural and internal landscaping and landscape buffers to help mitigate the visual impact of development. The redevelopment of Newnham Court shopping village is limited to only a marginal increase on the existing development footprint.
- 4.5 Regarding the loss of the countryside, some greenfield loss will be required to accommodate growth needs over the timescale of the Local Plan. Junction 7 is a location where there is already significant, existing development and where the principle of further development is already established through planning consents. Policy RMX1(1) seeks to mitigate impacts on the setting of the AONB through, for example, explicit landscaping requirements and the control of building heights and siting and lighting. The policy also specifically requires a landscape buffer to Horish Wood Local Nature Reserve.
- 4.6 In summary, it is considered that the policy as drafted provides adequate safeguards against the impacts cited in these representations. A detailed change to the policy is recommended in order to clarify that compensatory planting will be required where loss of existing planting is unavoidable.
- 4.7 Concerns were also raised about highway impacts (congestion) and, conversely, that the list of transport requirements in the policy may not be appropriate for the scale of retail development proposed in the policy.
- 4.8 The transport measures specified in the policy have been agreed with KCC Highways as the highway authority. Further, the highways measures associated with the medical campus have been confirmed through the determination of the

outline application (MA/13/1163). For clarity, the policy specifies the list of highways improvements expected to be required. The policy is also clear that a Transport Assessment will be required which will be used to confirm the detailed extent of measures to be delivered. An additional requirement for a car parking management plan is recommended in addition to the policy.

- 4.9 It is argued in the representations that the increased retail capacity at Newnham Court in addition to Next on the adjacent site will be to the detriment of the town centre. The landowner states that redevelopment is not feasible on the existing footprint whilst maintaining continuity of trade and will not be viable or deliverable with the restriction of additional floorspace to 700sqm.
- 4.10 In response, Newnham Court is an existing, established retail destination. The policy specifies that a Retail Impact Assessment will be required to quantify the development's impact on town centre trade. It provides for the re-provision of the existing floorspace with a modest amount of additional floorspace (700sqm) to enable redevelopment. A redevelopment scheme could enable the existing permitted retail floorspace to be set out in a more efficient way, better suited to modern retailers' needs. The Council could aim to enable continuity of trade through its consideration of applications for temporary buildings to be used during construction.

#### Maidstone East & Royal Mail Sorting Office, Maidstone (Policy RMX1(2))

- 4.11 In response to the representations, detailed changes are recommended to the policy criteria to clarify that a Phase 1 Ecology Study will be required and that compensatory planting will be required if the loss of landscape features is unavoidable.
- 4.12 Additionally, the Inspector for the Baltic Wharf Inquiry (see paragraphs 4.19 to 4.23 below) was critical that the draft Local Plan is not explicit that the Maidstone East/Sorting Office site should include a large food store. The Inquiry, which was held in May 2014, related to a proposal for a foodstore (A1 use class), offices (A2, B1), café/restaurant (A3) and assembly/leisure (D2) uses at the Baltic Wharf site on St Peters Street, which is an 'out of town centre' site in retail planning terms. The Inspector allowed the appeal in July 2014.
- 4.13 The draft policy RMX1(2) states that the site is allocated for up to 10,000sqm of comparison and convenience retailing. The policy was drafted in this way to allow for some flexibility in the exact balance of retail uses on the site in response to market changes. This is still considered a reasonable approach. The nature of retail needs is changing, evidenced recently by the main supermarket operators' focus on smaller convenience stores and away from the largest scale superstores. To respond to the Baltic Wharf Inspector's concern, and to avoid further doubt, it is recommended that the supporting text be amended to clarify that the site would be suitable for a foodstore.
- 4.14 As stated in the Regulation 18 Plan, the Maidstone East/Sorting Office site is the priority location for additional retail floorspace in the town centre. The site is in a key gateway location and benefits from direct links via Week Street to the

heart of the town centre, enabling linked shopping trips and giving the best opportunity for access by sustainable transport modes. It is recommended that retail-led redevelopment remain the priority for this site, as expressed in Policy RMX1(2), with residential as a secondary use. Offices are an identified town centre use and an element of office floorspace would also be appropriate as a further secondary use on this site. To provide clarity, it is recommended that the supporting text of the Local Plan be amended to confirm that a subsidiary element of office floorspace would also be acceptable where this would support or, at the least, not compromise the retail-led requirements for the site set out in the Policy.

Clockhouse Farm, Heath Road, Coxheath (Policy RMX1(4))

- 4.15 This site is allocated for 40 homes and 7,700sqm of office/light industrial floorspace (B1) in the draft Local Plan (Regulation 18).
- 4.16 Subsequently, a planning application for 72 dwellings, up to 43 extra care apartments and land for open space/community use (MA/14/0566) was approved by Planning Committee on 5th February 2015 subject to the completion of a legal agreement.
- 4.17 In view of this updated position, it is recommended that Clockhouse Farm be omitted as a mixed use allocation from Policy RMX1.

Syngenta, Yalding (Policy RMX1(5))

- 4.18 The Environment Agency (EA) has now objected to the proposed 200 dwellings on this site. Following the floods of December 2013, the EA is expecting to publish its revised flood modelling maps by October 2015. The site's potential developers can be expected to want to agree a flood mitigation approach in response to the EA's concerns and the latest published information. Pending this further work, it is proposed that the site be retained as a mixed use allocation in the Local Plan. The position on this site will be monitored as new information from the EA and the site's potential developers becomes available.

Baltic Wharf (formerly known as the Powerhub building)

- 4.19 A representation was received from the owners of Baltic Wharf, St Peters Street in Maidstone stating that their site should be allocated in the Local Plan for a large food store as part of a mixed use development.
- 4.20 This representation to the Reg 18 Plan was made before the Public Inquiry into the Council's refusal of permission for a foodstore (A1 use class), offices (A2, B1), café/restaurant (A3) and assembly/leisure (D2) uses on the Baltic Wharf site was held in May 2014. The appeal Inspector concluded that a foodstore use was the only primary use which would secure the future of this Grade II listed building, provided a retailer would commit to the scheme and allowed the appeal in July 2014.

- 4.21 The appeal Inspector highlighted what he regarded as an imbalance between the draft Local Plan's inclusion of a specific allocation for the Maidstone East/Sorting Office site and the lack of a policy for the Baltic Wharf building, a substantial listed building in the town centre. He stated this was not necessarily an incorrect approach, but the net result was that he gave little weight to the draft Local Plan at the point he was considering the appeal.
- 4.22 Clearly the site now has planning consent; there is no need to allocate the site for the uses for which it has permission. Further, whilst other uses such as residential would be appropriate for the building, an allocation policy citing it as an alternative main use would not be deliverable based on the viability information so recently tested at the appeal.
- 4.23 That said, there is merit in making reference to the site in the Local Plan as a substantial and underused listed building in the town centre, should the position on viability change over the lifetime of the Plan. It is recommended that the supporting text to Policy SP1 – Maidstone Town Centre be amended to confirm that, should the consented scheme not come forward, the Council will consider positively alternative schemes that achieve the retention and restoration of the listed building. Appropriate uses would include housing, offices, leisure uses, cafes and restaurants.

#### Eclipse Business Park, Maidstone

- 4.24 The landowners propose that Eclipse Business Park should be allocated in Policy RMX1 to enable a more flexible approach to the site's development.
- 4.25 This is an established, modern employment location which provides good quality office space with good levels of associated car parking close to the M20 motorway junction 7. There are further extant consents for additional office development on the site. It is identified in the Local Plan as an established Economic Development Area under Policy DM18; it constitutes an important element of the borough's employment land portfolio and the site is recommended for retention as an employment site in the evidential 'Qualitative Employment Sites Assessment', GVA (2014). It is considered that the best policy approach to secure the future use of this site is to retain it in draft Local Plan Policy DM18 (retention of employment sites). Accordingly, Cabinet agreed this policy, with the inclusion of Eclipse Park, for incorporation into the Regulation 19 version of the Plan when it considered the Development Management policies at its meeting on 14th January 2015.
- 4.26 Policy DM18 sets out the considerations that would be applied if a mixed use scheme incorporating some non B-class elements was proposed within one of the identified Economic Development Areas, such as Eclipse Park. Criterion 4 of the policy indicates that such a proposal may be exceptionally permitted if this would help to demonstrably regenerate the site to better meet modern business needs and would secure the same or improved levels of employment. In this respect the policy provides for an appropriate degree of flexibility, as an exception, as sought by the site's owners.

### Springfield, Maidstone

- 4.27 Representations have been received that the Springfield site should be allocated for mixed use under Policy RMX1 rather than for 100% housing.
- 4.28 Springfield can deliver a significant amount of housing on an urban brownfield site and thereby make a significant contribution towards the challenging 'objectively assessed need' for new homes (Policy H1). A revised yield of 500 dwellings was agreed by Cabinet for inclusion in the Regulation 19 Plan on 2nd February 2015. A recent application for a supermarket, supporting retail and a doctors' surgery was refused permission in May 2014 (MA/13/2099) based on concerns about the impact on the town centre trade, amongst others. Faced with alternative ways to meet the borough employment land needs, which is a matter for decision at the August meeting of this Committee, it is not proposed to further change the allocation policy for this site.

### Haynes, Ashford Road, Maidstone

- 4.29 Representations were received stating that the allocations in Policy RMX1 do not identify sufficient land to accommodate Maidstone's identified need for retail floorspace. It is argued that a further site should be identified for convenience needs and the Haynes site on Ashford Road, Maidstone could contribute to 5,000sqm retail needs in the short to medium term plus up to 150 dwellings. Policy H1(12) of emerging Plan allocates the Haynes site for some 200 homes (reduced from 250 homes at Cabinet in February 2015). The landowners have stated that 100% residential development is not deliverable on the grounds of viability.
- 4.30 In response, it is considered that the Haynes site can accommodate a significant amount of dwellings on an urban brownfield site to contribute towards the challenging objectively assessed need for new homes (Policy H1). The landowners have not submitted evidence which can be tested to evidence the assertion that 100% residential redevelopment of the site is unviable.
- 4.31 Further, Maidstone East/Sorting Office site (RMX1(2)) is allocated as the priority location to meet retail needs, be it convenience and/or comparison needs, in the short-medium term. Redevelopment of The Mall (Policy SP1) provides for longer term retail needs. Both these locations are sequentially preferable to the Haynes site which is an 'out of centre' site in retail planning terms. In addition, since the Regulation 18 Local Plan was prepared, the supply of consented retail floorspace has been boosted by the consent for between 3,500 and 4,180sqm (net) at Baltic Wharf.
- 4.32 The schedule of proposed changes to Policy RMX1 in Appendix II is recommended for approval for incorporation in the next full draft of the Local Plan (Regulation 19).

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## **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 This report sets out the results of the Regulation 18 consultation as it applies to Policy RMX1. The policy, as amended, will be included in the Regulation 19 version of the draft Local Plan which is scheduled for further public consultation early in 2016.
- 5.2 A Consultation Statement, explaining how the consultation stages have helped to develop the Plan is required to support the Plan when it reaches submission stage (Regulation 22).

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## 6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The policy, as amended, will be included in the Regulation 19 version of the draft Local Plan which is scheduled for further public consultation early in 2016.

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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	The adoption of the Local Plan will assist in the delivery of the Council's corporate priorities.	Rob Jarman, Head of Planning & Development
<b>Risk Management</b>		[Head of Service or Manager]
<b>Financial</b>	The development of the Local Plan has been fully funded as part of the council's revenue budget. There are no direct financial implications arising from this report. Ensuring the Local Plan is based on sound evidence will minimise the likelihood of avoidable costs being incurred.	Zena Cook, Section 151 Officer & Finance Team
<b>Staffing</b>		[Head of Service]
<b>Legal</b>	The Council is required to take account of any representations made to them in the preparation of its Local Plan (Reg 18(3) of the Town and Country Planning (Local Planning)_(England) Regulations 2012)	Mid Kent Legal Services, Team Leader (Planning)
<b>Equality Impact Needs Assessment</b>		[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>	The Local Plan is fundamentally concerned with delivering sustainable development objectives.	Rob Jarman, Head of Planning &



		Development
<b>Community Safety</b>		[Head of Service or Manager]
<b>Human Rights Act</b>		[Head of Service or Manager]
<b>Procurement</b>		[Head of Service & Section 151 Officer]
<b>Asset Management</b>		[Head of Service & Manager]

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: schedule of issues and responses for Policy RMX1
- Appendix II: schedule of detailed changes to Policy RMX1

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## 9. BACKGROUND PAPERS

Nil