

Town Centre 'Opportunity' Sites

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Head of Planning and Development
Lead Officer and Report Author	Head of Planning and Development
Classification	Public
Wards affected	Bridge, Fant and High Street wards

Executive Summary

This Committee deferred making a decision when this item was reported to the 10th September meeting and this report deals with the reasons for deferral.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

That:

1. The following planning guidelines (dated July 2019) be approved, with the Head of Planning and Development being granted delegated authority to amend the "Role of the Planning Guidelines" section of each document:
 - a) Gala Bingo and Granada House
 - b) Len House
 - c) Mote Road

2. The Maidstone West (Broadway Shopping Centre) planning guidelines be approved, with the Head of Planning and Development being granted delegated authority to amend the "Role of the Planning Guidelines" section and modify the document to reflect that:
 - a) The south eastern apartment facades to be moved further back into the site to allow for more space for landscaping along the frontage and, secondly, to widen the central entrance by angling the apartments either side in order to create a wider entrance and vista of the river Medway.

b) No element shall be illustrated as over 10 storeys and text shall be incorporated stating that this element would have to be slender in form and mass, and of a high architectural quality.

c) Any reference to the relocation of the war memorial is deleted.

3. The Maidstone Riverside planning guidelines be approved, with the Head of Planning and Development being granted delegated authority to amend the "Role of the Planning Guidelines" section and modify the document to emphasise the importance of 'active' retail uses such as cafes and restaurants as being integral to a successful design.

4. The work on the town centre parking management strategy be accelerated, in particular, in the vicinity of Mote Road.

Timetable	
<i>Meeting</i>	<i>Date</i>
Strategic Planning and Infrastructure Committee	5 November 2019

Town Centre 'Opportunity' Sites

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will materially improve the Council's ability to achieve Embracing Growth and Enabling Infrastructure.</p>	Head of Planning and Development
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation is Reduced and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the direct achievement of the cross cutting objectives of heritage and biodiversity by design guidance on respecting heritage buildings and, secondly, landscape and biodiversity measures being integral to good design.</p>	Head of Planning and Development
Risk Management	Already covered in the risk section.	Head of Planning and Development
Financial	The proposals set out in the recommendation need no new funding for implementation.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Head of Planning and Development
Legal	Whilst not governed by statutory requirements, any future adoption of the guidance will need to be approached in accordance with the Council's Constitution	Lawyer (Planning)

Privacy and Data Protection	Accepting the recommendations will not increase the volume of personal data held by the Council.	Policy and Information Manager
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
Public Health	We recognise the recommendations may have varying impacts on the health of the population or individuals within Maidstone.	Head of Planning and Development
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Head of Planning and Development
Procurement	Not applicable	Head of Planning and Development

2. INTRODUCTION AND BACKGROUND

2.1 This matter was reported to the 10th September Strategic Planning and Infrastructure Committee (SPIC) and was deferred for two reasons:-

- a) For members and substitute members of SPIC to communicate key points for consideration to the Head of Planning and Development by 25 September 2019.
- b) That the Head of Planning and Development submit a report addressing points raised.

2.2 Therefore, the focus of this report is on the reasons for deferral. Representations have been received from non-SPI members and residents and the report provides a commentary on these.

2.3 At a local (borough) level there is a hierarchy of planning policy documents. At the top (first tier) are adopted Local Plans and other Development Plan Documents as this is set out in legislation and government policy and also because they are subject to independent public examination. The second tier of policy relates to Supplementary Planning Documents which cannot create primary policy but supplementary detailed articulation of existing policies. These must have undergone formal consultation and are commonly produced for matters such as residential extensions. SPD's can provide a much greater level of detail and clarity to the more concise form of policy in a Local Plan. Any detailed guidance or requirement in SPDs must have a Local Plan/DPD 'hook'. Lastly, there is a tier of locally adopted guidance documents which are commonly adopted as material considerations in terms of policy making and, moreover, decision making. These draft planning guidelines will sit within this tier.

- 2.4 The primary purpose of these guidelines is to encourage good quality development whereby a structure is set out for the broad parameters of each site and illustrations are provided showing how sites could be developed. However, these must by necessity be broad parameters and only illustrations as they are neither policy nor can second guess the richness of detail one would find with a planning application. Therefore, the local planning authority is not tied to the detail in these guidelines because what detail can be discerned is only illustrative.
- 2.5 As previously reported, all the planning guidelines have a structure and so provide analysis of context in terms of opportunities and constraints, urban design and planning parameters for future development, leading to illustrative scenarios.
- 2.6 Comments received from SPI councillors and substitutes are set out below, together with the officer response.
- 2.7 Councillor Clark:-

A) **Maidstone West:** with regard to the Broadway shopping centre, it is considered that this should have an open aspect onto the river Medway so need a 'soft' eastern edge. One could go further and have a roadway across the site from Maidstone West railway station to St Peter's Street at Buckland Hill. The land conceded provides the opportunity for 'greening' and development. Removing the section of the adjacent section of the bridges gyratory system could provide the opportunity for linking Maidstone West and the Barracks railway stations and perhaps the possibility of a bus terminus. Therefore, the open aspect should be flipped around so that it is facing the river and there is a similar opportunity at Hart Street.

Response: the primary reason for the illustrative plans not showing open space / open aspect to the eastern boundary is due to the busy bridges gyratory road system. Rather the illustrations show views afforded of the river for apartment blocks rather than a 'green corridor'/open aspect because opening up the development would have a greater impact in terms of noise, in particular, from the gyratory. Therefore, a communal area is shown in a courtyard layout in order to provide a quieter area for residents to enjoy. The eastern apartment blocks are also set back from the gyratory with landscaping illustrated.

Recommendation: the south eastern apartments can be set back further to allow more landscaping and also the central access can become more 'open' by angling the apartment blocks. I would also point out that there has been no fine grain survey work which would be required for a planning application such as noise, air quality and sunlight / daylight studies. Without such studies, there are no guarantees with regard to the 'best' layout. Such granular detail has not been incorporated into any of the illustrative schemes as they are intended to be the 'art of the possible'.

B) **Riverside:** consideration should be given to river access for all sites and, secondly, actual delivery of retail uses such as restaurants and

cafes and, lastly, the delivery of infrastructure such as schools etc. In addition, a cycle/pedestrian bridge across the River Medway would be welcomed to pull together the western and eastern banks.

Response: those sites east of St Peter's Street are shown with riverside connections and in the case of the south eastern site with 'green corridors'. With regard to infrastructure such as schools and doctors surgeries, these need to be reflected in the plans of the infrastructure providers so that they are specifically referred to in both the Infrastructure Delivery Plan and, moreover, the Local Plan Review so that there are specific policy 'hooks' for s106s and CIL. With regard to cafes and restaurants along the riverside it is agreed as any successful design needs such uses. Space for a school is shown on the illustrative plans. Community and leisure uses are proposed as part of a mix of uses (this is also the case with Len House). Whatman Park is under utilised but is of a good quality and in close proximity and so residential uses in the vicinity are likely to boost its patronage.

Recommendation: emphasise more the importance of the delivery of 'active' retail uses such as restaurants and cafes along the riverside frontages.

2.8 Councillor English endorses Councillor Clark's comments and has the following summarised comments:

- A) **Maidstone West:** the flipping of the buildings (i.e toward the River Medway) will also improve quality of life and would allow for 'proper' balconies due to an appropriate orientation. The Broadway shopping centre element is too high and overpowering. This may well reduce the number of units.

Response: the height to one element of the illustrative scheme is because this is close to being the lowest point in the river valley of the Medway and, secondly, this is close to the older bridge and so offers the genuine architectural opportunity of a 'gateway' building of height. This site (and Maidstone Riverside) is in a highly sustainable location, in close proximity to three railway stations. A genuinely slender 'tall' element of good quality architecture is not considered to be appropriate here. Therefore, it is considered that there are good architectural and urban design reasons for the 14 storey element shown. However, this has to be balanced against the fact that these are our planning guidelines.

Recommendation: that for the Broadway Shopping Centre, no element shall be illustrated as over 10 storeys above surface level and this shall be slender in form and mass, and of a high architectural quality.

- B) **Riverside:** agree with Councillor Clark that the planning guidelines need to insist upon the delivery of infrastructure such as schools, doctors surgery, open space etc

Response: already covered above.

C) **Len House:** emphasis on the river Len being a major asset.

Response: agree and this emphasis is within the planning guidelines.

D) **Gala Bingo and Granada House:** acceptable.

E) **Mote Road:** low level of parking will result in overspill and there is an urgent need to review town centre parking provision.

Response: Local Plan policy DM23 sets out a maximum of one space per unit for all types of residential in the town centre due to these areas being controlled and their sustainability. The planning guidelines propose 0.5 spaces on average per apartment. This is an indicative figure and is within policy. However, we will accelerate our review of town centre parking management in this specific respect.

2.9 Councillor Garten has the following comments:-

A) **Len House:** acceptable.

B) **Maidstone West:** these are the most controversial planning guidelines in relation to the Broadway Shopping Centre. The size and large number of dwellings are too much and/or the wrong type for the area, which is essentially a traffic island. The 14 storey element is out of keeping. Ideally the road system would be re-configured so that Rocky Hill connects to Buckland Road / St Peter's Street, allowing closure of the gyratory and providing a pedestrian section between the Broadway shopping centre and the river Medway.

Response: the density indicated is a reflection of the site characteristics and location and, secondly, viability. The other matters have been addressed above so no further changes are recommended.

C) **General:** it is paramount that there is clear communication emphasising that the opportunity sites are not planning applications but rather guidance. This is mentioned in the documents. Whilst these documents will have some weight in terms of pre-application discussions, it must be clearly stated that they are not definitive. Therefore, the planning guidelines should contain explicit caveats that any illustrations and indicative proposals are basic guidance and do not close off alternative approaches. Rather we encourage alternative designs with creative architectural and town planning foresight.

Response and recommendation: agreed that the purpose of the guidelines could be expanded a little further.

2.10 Councillor Adkinson has made the following summarised comments:-

A) **General:** modal shift is supported in theory but currently is not very achievable. Secondly, all buildings should have sprinklers, in particular,

multi storey blocks. Lastly, all buildings need to be built to the mobility standard.

Response: the objective of achieving greater modal choice is set out in the adopted Local Plan and in the supporting Integrated Transport Strategy. The Building Regulations govern the installation of sprinkler systems (above 30m sprinklers have to be installed) and Part M covers accessibility.

- B) **Maidstone West** (Broadway shopping centre)
- . the war memorial should not be moved
 - . there should be a cycle and pedestrian bridge over the river Medway
 - . why promote residential in flood areas ?
 - . there needs to be specific reference to improved biodiversity
 - . the massing is completely unacceptable

Maidstone West

- . the Victorian terrace needs to be preserved and the new build needs to be sympathetic.

Response and recommendation: agree that reference to the war memorial being moved should be deleted. One of the variations allows for the retention of the Victorian retail units. Most of the town centre is at risk from flooding but it is a matter of managing this risk through intelligent design. The other matters have been discussed above.

- C) **Gala Bingo/Granada House:** Maidstone is seriously lacking a good theatre.

Response: a theatre use would be acceptable as per the guidelines.

- D) **Riverside:** thinks the listed 'Powerhub' building should be demolished and questions how viable retention is.

Response: this Council has a duty to conserve and enhance listed buildings.

2.11 Councillor Harper:-

- A) **Maidstone West and the Riverside:-**
- . the proposal would have to demonstrate how the road network would cope
 - . any development over 5 storeys would be out of keeping
 - . Loss of Lidl supermarket would be unsustainable
 - . where are the new doctors surgeries, schools, leisure facilities etc
 - . will each flat have parking space and access to lifts ?
 - . what is needed here is family housing rather than flats

Response: no planning application has been received (indeed no detailed pre-application discussions have taken place) but any planning application for 40 residential units or more would have to incorporate a transport assessment.

It is not agreed that any development over 5 storeys would be out of keeping (for the reasons set out above). However, a developer may propose a terraced unit solution of say 3 storeys which may well be acceptable depending on the detail (possibly including a viability assessment).

There are numerous other similar retail units to Lidl which are accessible and Lidl may well relocate. Moreover, a mix of uses including retail is set out in the document. The Broadway shopping centre is of a format that will need reconfiguring in the medium to long term and so it is important to start planning for this now.

The issue of parking has been addressed above. The Broadway shopping centre is outside of the town centre boundary (whereby it is still a maximum of one space per unit with the exception of 4+ bed houses) whereas Maidstone West itself and the Riverside (apart from the northern extremity) are within the town centre boundary.

Lastly, if appropriate family housing came forward then this would be likely to be acceptable in planning terms.

- 2.12 **Councillor Rose:** has forwarded a number of representations made by residents against, primarily, the redevelopment of the Broadway shopping centre because of heights, densities and the loss of Lidl. Councillor Rose is concerned about the level of controversy caused. Therefore, requests a public meeting. Is also very much against any relocation of the war memorial.

Response: It is recommended that the reference to the war memorial be deleted.

- 2.13 Although not a member (nor substitute) of SPI, the Head of Planning and Development has carefully considered Councillor Purle's comments:-

- A) **Maidstone West:** this is an odd name; 14 storeys is out of character; too high densities; inadequate parking provision; and desecration of the war memorial.

Response: these points have already been covered.

- B) **Riverside:** the densities and number of units need to come down further and the much needed infrastructure and other facilities have to be delivered.

Response: these points have already been covered.

3. AVAILABLE OPTIONS

- 3.1 Do nothing (as previously described in the 5 September SPI report)
- 3.2 Approve the recommendations which are a result of consultation with SPI members and substitutes.
- 3.3 Approve a variation of the recommendations such as deleting one of the 'planning guidelines' and /or making further amendments.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is recommended that this Committee approve the publication of all 5 planning guidelines subject to the amendments and further action recommended in this report.
- 4.2 As previously mentioned in the last SPI report on this subject, all 5 sites are within the Town Centre Broad Location and it is an opportunity for this Council to place shape rather than reacting to planning applications (should they be forthcoming). Secondly, the recommendations follow a direct consultation exercise with SPI members and substitutes.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. Officers are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 There has been no formal public consultation because the documents are not intended to be supplementary planning documents.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 The documents will be published and will be available for downloading via this Council's web site and will continue to be referred to in pre-application discussions and any subsequent planning applications but solely as a material consideration.
- 7.2 For the Economic Development officers to lead on a detailed understanding of the delivery constraints, where intervention is required, and to work with stakeholders in order to formulate delivery strategies which will be reported to the Economic Regeneration and Leisure Committee.

8. REPORT APPENDICES

- Appendix 1: Plan of the 5 sites
- Appendix 2: Maidstone West planning guidelines
- Appendix 3: Former Gala Bingo and Granada House
- Appendix 4: Maidstone Riverside
- Appendix 5: Len House

- Appendix 6: Mote Rd
 - Appendix 7: Table of Indices for Each Site
 - Appendix 8: Strategic Planning and Infrastructure Committee Report 10 September 2019
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9. BACKGROUND PAPERS

- Technical Appendices (supporting technical studies for Maidstone Town Centre sites planning guidelines July 2019).