



## BOXLEY PARISH COUNCIL

www.boxleyparishcouncil.org.uk

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**To All Members of the Council, press and public.**

22 January 2013.

There will be a meeting of the **Environment Committee** on **Tuesday 29th January 2013, commencing at 7.30 pm at Beechen Hall, Wildfell Close, Walderslade ME5 9RU** when it is proposed to transact the following business

**1. Declaration of Interest or Lobbying.**

Members are required to declare any interests or lobbying on items in this agenda.

**2. Apologies and absences**

To receive and accept apologies for absence.

**To adjourn to allow members of the public to address the meeting.**

**3. Planning Application MA/12/2314.**

MA/12/2314 – Erection of Class A1 retail development (with ancillary café) and associated servicing, car parking, landscaping and access arrangements at Plot 4, Eclipse Park, Sittingbourne Road, ME14 3EN. 6/2/2013

Agents representing the applicant have been invited to give a 10 minute presentation followed by a period for questions from councillors. See Clerk's briefing report and WYG briefing paper, enclosed for members.

**4. Next Meeting.**

Next Environment meeting 11 February 2013 at Beechen Hall commencing at 7.30 p.m.

Clerk to the Council.

Clerk's comment: *The following report has been produced to aid members in their discussion and decision making process. The applicants' agent has also produced a briefing paper which is attached for members. It is essential that members take time to study and consider both documents.*

#### Clerk's briefing report.

##### Background.

Eclipse Park was identified by MBC as a development site for 'high value manufacturing' with a use classes classification of B1 (offices, research and development, studios, laboratories, high technology, light industry) and B2 (General industry). There was a 60:40 split for these uses but this 'percentage specification' has now elapsed leaving the site open for B1 and B2 development. Eclipse Park started to be developed in 2002 and currently consists of four office buildings and a park and ride site. Eclipse Park is immediately adjacent to junction 7 of the M20 and plot 4 is a prominent site as it lies adjacent to the A249. The Government and MBC has identified motorway junctions as prime development sites.

Across the road from the proposed site is Newnham Court Shopping Village. This site has been put forward in the recent MBC Strategic Site Allocation consultation for replacement retail facilities on its current footprint. Adjacent to the shopping village is Newnham Park which MBC also put forward for development including an additional 500 square metres of retail space; any other space above this would require a retail impact assessment to ensure that the town centre retail is not adversely affected by any such out of town retail development.

##### Recent decisions of the parish council that might affect consideration of the application.

*Clerk's comment; whilst the Environment Committee should respond to each application on its own merit it should be consistent with and take into account previous relevant and possibly related decisions. Members should use the information in the two briefing papers to look afresh at the situation but they should ensure that they would be able to justify any decision they make should they be challenged.*

At the September 2012 parish council meeting the following responses were made to the MBC Strategic Site Allocation consultation:

##### **Strategic employment site at junction 7 of M20 motorway Policy SS4 - Newnham Park.**

Boxley Parish Council strongly objects to development on this site because:

*[Clerk's comment; only part of the response is produced here.]*

- The proposed development allocation is entirely dependent upon the private motor car and as such is not sustainable. It is therefore contrary to the NPPF which requires "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".
- Such a significant intensification of development will inevitably exacerbate traffic problems, undermine pedestrian safety and increase noise, light and air pollution in the area of junction 7 of the M20. NPPF states that new and existing development should be prevented from contributing to air and noise pollution. Development at Junction 7 will do precisely this.
- The adjacent "Eclipse Park" employment site remains largely undeveloped and what little development that has been progressed has by virtue of design and lay-out significantly and negatively impacted on the setting and foreground of the Kent Downs AONB. It is unsupportable that further strategically located, beautiful and bio-diverse countryside should be destroyed whilst existing allocated adjacent land lies barren and neglected.

**Replacement retail facilities at Newnham Court Shopping Village, confined to the immediate vicinity of the existing footprint of the current retail park;**

- The Parish Council would welcome the redevelopment, on its current footprint, of Nottcutts Shopping Village. The current retail uses (garden centre, vet etc.) 'sit well' within the community and area and thus the Parish Council would support similar occupancy but would be strongly opposed to significant change to the type of retail on this site.
- The policy should include height restrictions on such development. Rather than wait for 'off the peg, one size fits all' buildings being included in applications, MBC should produce a design or character statement that should strongly influence what goes on the site. Included in this development brief should be strict conditions regarding light pollution, as required by NPPF Conserving and Enhancing the Natural Environment policy.

**Construction of high quality buildings of a sustainable design that reflect the site's prime location as a gateway to Maidstone;**

Rather than wait for 'off the peg one, size fits all' buildings being included in applications, MBC should produce a design or character statement (by a robust development brief) that should influence what goes on the site. This is a very sensitive area and MBC must protect the AONB and local communities from the fashions and vagaries of architects. The Parish Council does not want another Eclipse Park.

**The cumulative quantum of retail floorspace will be restricted to the provision of up to 500m<sup>2</sup> above that which already exists, and any additional retail floorspace above this limit must be complementary to town centre uses and, by means of a sequential sites assessment, demonstrably require an out of town location;**

The Parish Council is concerned about the impact on the town centre if more retail space is included at Newnham Park. Retail attracts more traffic from a wider area and this will have an impact on an already congested highway infrastructure. Safeguards should be put in place to ensure that no changes could be made to the site if it is likely that it would attract more traffic. The NPPF requires "*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*".

**Submission of a retail impact assessment for both comparison and convenience goods, to be approved by the Borough Council, in order to assess the impact of retail park proposals on the town centre;**

It is felt that this is weakly worded. A caveat should be included that retail provision on the site will be excluded if it is proved that there will be any adverse impact on the town centre. (MBC has to be assured that the national or local policies actually exist to so control retail development). Without robust wording in the Core Strategy MBC will always be open to appeal to the Planning Inspectorate.

Retail development at Newnham Park would also impact on the local Grove Green shopping area. A retail impact assessment should be produced as any adverse impact, resulting in closure of facilities, could affect the more vulnerable members in the community.

**Submission of a Travel Plan, to be approved by the Borough Council.**

The Parish Council has little or no faith in travel plans. However if they are required then they should be properly produced and subject to local scrutiny before being accepted by the Borough Council. The wording should be changed to state that without the submission of a provable sustainable travel plan, with adequate and long-term resources made available, no development will be allowed.

There was a previous application for plot 4 for a motor show room and work shop and the Environment Committee objected to the application as it was not 'high value manufacturing'. Members also took into account that MBC had a stated aim of attracting high paying jobs as the borough had an identified deficit of such employment. Concerns have been raised about

traffic impact on the area and a new traffic scheme has been put in place in Eclipse Park and this will be supported by future work.

Informal discussion took place after some members visited the NEXT open day and due to some confusion over the agreed traffic layout Cllr Dengate obtained the following information from DHA "This scheme [changes to roundabouts, works on slip roads around the site etc.,] was designed to mitigate the effects of the traffic generated by both office and hotel developments, and has been accepted by KCC Highways and Maidstone Borough Council having gone through Stage 1 and 2 Road Safety and Technical audits. Through the planning process the local highway network was subjected to robust traffic capacity analysis and testing (including traffic from developments not yet built, such as Kent Institute of Medicine and Surgery and other Eclipse development etc.), and the scheme of works found to both offset the development traffic effects and in some instances improve existing problem areas (reducing the long queue in the morning weekday peak between Grove Green and the Bearsted Road roundabout for instance). The scheme is capable of being implemented prior to either Plot 4 or the hotel developments coming forward, and does not form part of the current application for the Next store. The scheme must however be in place prior to the store opening as would be the case if the existing planning permissions for the hotel and offices were built out.

Preliminary output from traffic forecasts and models for the current Next store proposals indicates that the retail development would have lesser weekday peak time traffic effects compared to the permitted office development on Plot 4. Very little traffic would be generated by the store in the morning peak hour, and during the evening peak hour the store would generate fewer new trips than offices, which output a very high number of vehicles as staff leave the office for the day in one concentrated outbound flow. Graphs show that retail generates most trips in the middle of the day, both weekday and weekend when the network is much quieter. With reference to the latter period, junction modelling shows that the local highway network is not under the same pressure as the weekday peaks, and that the retail development traffic can be comfortably accommodated with no detrimental impacts."

Alterations to traffic flow will include a traffic light system to allow traffic to turn into and out of the site with an opening in the central barrier on Bearsted Road.

MA/12/2314.

This application is for A1 retail and the issue facing members is whether they wish to see retail space or industry on the site.

MBC is within a transitional period from its old plan to the new plan and the National Planning Policy Framework allows a local planning authority to give 'weight' to an emerging plan and the applicant appears to be relying on MBC to do this and thus allow a change from B1 and B2 usage to A1. It should be noted that Eclipse Park did not feature in the MBC Strategic Site Allocation consultation and MBC is producing conflicting comments on whether the 2000 plan is weakened. The applicants planning statement, contained in the application, deals with this issue.

MBC has a stated policy to keep the town centre vibrant and the applicant has also submitted a retail statement which includes an Impact Assessment.

*Clerk's comment: Members could consider that some of the reasons given in rejecting other town centre sites are perhaps the same reasons why this proposed store will have an adverse impact on the town centre. As a balancing argument companies have to make a profit and the applicant is only responding to what the customer demands.*

NEXT is not renewing the lease on its store in the Chequers Centre and the 52 members of staff will be offered job opportunities at the new site. The Fremfords Walk store will remain. The applicant states that there will be an additional 128 new job opportunities (*Clerk comment; likely to be part-time*) at the site.

#### 'Fact of life' statements.

- Retail providers have a bottom line of 'profit' and will not willingly choose a poorly placed site when a better placed and more profitable site is available.
  - Retail companies have a corporate identity and wish to present the same style store and layout at each of their venues.
  - It is generally cheaper, if there are local facilities already in-situ, to build on a greenfield site rather than convert an existing facility.
  - Retail is a huge employer; a substantial amount of these jobs are part-time and the applicant attracts younger people. *Clerks comment; would B1 or B2 attract full time employment?*
  - The site has not been totally developed and has been on the market since 2002.
  - Shopping trends have changed and many local planning authorities did not originally recognise the impact of out of town retail centres. Many retail companies are responding to the customers' wish for convenience and free parking.
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- The loss of the plot 4 to A1 development is likely to attract other retail applications for the site.
  - The loss of plot 4 and possibly other areas to B1 and B2 classification means that Eclipse Park will no longer be available for 'high value manufacturing'. Whilst some of Newnham Park might be associated with B1 and B2 this has still not been finalised.
  - The potential changes to the Business Rates regulations means that MBC could opt to offer lower business rates for 'high value manufacturing' businesses at Eclipse Park site which may attract to company.
  - Junction 7 & 8 are the only junctions now available for 'development'.
  - MBC is trying to protect the town centre shopping area and more retail opportunities on the outskirts and adjacent to the motorway will draw shoppers from the town centre.
  - MBC has a Economic Development Strategy which aims to attract high quality jobs.

#### **Summary.**

The decision members are being asked to make is whether to allow this site to be used for retail rather than B1 and B2.



# Next, Eclipse Park, Maidstone

## Briefing Paper

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### 1. The Proposal

The retail sector is undergoing a massive revolution; the growth of the internet has had wide reaching implications. For instance, this week it was announced that HMV were to close all its stores. One of the statistics given for its decline over the past decade was the volume of on-line sales undertaken for film and music dvds/cds. In 2002 only 6.5% of sales in this sector were undertaken online; in 2012 this had risen to 75%. That is why the top retailers in this country, such as Next, have to respond to changes that influence their customers shopping patterns. One such area for them is the growth in Click and Collect from their Next Directory sales. This now accounts for 44% of their operating profit and a third of their sales overall.

Their customers are making more of their purchases online and choosing how, and where to have them delivered. The flexibility of choosing online and collecting from and returning to their retail stores, has been beneficial to their business. Also customers do still want to be able to see, touch, try on, sit on, the goods that they are considering for purchase. This is especially so when larger household items such as beds, sofas, kitchens are concerned.

The Next proposal seeks to provide a high quality retail store accommodating their full range of Next home and fashion products in its new concept store.

The proposed development will have a total sales floorspace of 3,321 sq meters arranged over ground floor and first floor. The staff areas and storage will be on the second floor. The store will also incorporate a coffee shop.

The store will be a 'mixed retail format and will include Next's familiar women's, children's and men's fashions and will also sell a range of furniture, household furnishing, decorating and DIY products from within the Next Home ranges. Although the store will sell clothing, over half of the sales area will be for 'bulky goods' – the furniture, furnishing and decorating ranges. It will be one of the first new concept, purpose built stores that Next has developed in the UK - they are only proposing to build 20.

The plans seek to provide a new state-of-the-art store in Maidstone to enable the full complement of their bulky, home ranges to be displayed, generally in room settings. However, Next remains fully committed to maintaining its representation in Maidstone town centre and the new store will play a complementary role to the existing store in Fremlin Walk by allowing customers to view the full range of their products and take home by car bulkier items.

### 2. Traffic

- **What measures are being incorporated to improve traffic conditions in the area?**  
The Plot 4 office permission includes highway measures designed to mitigate the effects of traffic generated by that proposal and also the permitted hotel on Eclipse Park. This scheme has been accepted by KCC Highways and Maidstone Borough Council having gone through Stage 1 and 2 Road Safety and Technical Audits. The local highway network has been tested in a traffic capacity analysis (including traffic from developments not yet built,



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such as Kent Institute of Medicine and Surgery and other Eclipse developments), and the proposed scheme of highway works found to offset the development traffic effects and also improve existing problem areas (reducing the long queue in the morning weekday peak between Grove Green and the Bearsted Road roundabout for instance). Further benefit is afforded to vehicles exiting Hampton Road (which would find it easier to exit when the new traffic signals are on red and move into the right hand lane on Bearsted Road) and also at Chiltern Hundreds roundabout through significant reductions in U-turning traffic entering Eclipse Park at this point.

In respect of the proposals for the Next store, the highway scheme is forecast to operate at a better level of capacity, especially in the am peak than if offices were introduced. The highway works will in fact be implemented prior to any further Eclipse Park developments coming forward, and does not form part of the current application for the Next store. The scheme must however be in place prior to the store opening as would be the case if any of the existing planning permissions for the hotel and offices were built out.

- **What extra traffic movements will the development create?**

The output from the traffic analysis indicates that the retail development will have lesser weekday peak time traffic effects compared to the permitted office development on Plot 4. Very little traffic would be generated by the store in the morning peak hour, and during the evening peak hour the store would generate fewer new trips than offices, which output a very high number of vehicles as staff leave the office for the day in one concentrated outbound flow. Graphs show that retail generates most trips in the middle of the day, both weekday and weekend when the road network is much quieter. With reference to the weekend period, junction modelling shows that the local highway network is not under the same pressure as the weekday peaks, and that the retail development traffic can be comfortably accommodated with no detrimental impacts.

- **Is there sufficient car parking provided for the new store?**

The Transportation Assessment which will be submitted as part of the planning application demonstrates that the proposed dedicated car parking for the new store will be adequate to cope with expected maximum demand at peak times of opening.

### 3. Retail Issues

- **Why Here?**

*Why Maidstone?*

Maidstone has been selected by Next in preference to other locations, namely Ashford J9, Canterbury or Ebbsfleet, for one of its 'All product', showcase stores to be the regional hub in Kent. There will only be 20 of these stores built across the country. This will increase the profile of Maidstone as a place for new investment. Furthermore, we expect Next's profile, and the new format store, will draw trade in from the Medway towns and from a large part



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of central Kent. This opportunity will provide material spin off benefits for the town centre and the wider area.

- By monitoring their data from the Next Directory sales and orders, Next can establish where they have a large number of their customers already undertaking online purchases. In this area it is notable that a higher proportion of customers shop online and there are more sales of Home products as well.

### ***Why Eclipse Park?***

- Eclipse Park is at a Key Gateway into Maidstone off Junction 7 of the M20. This makes it a strategically optimum location to serve mid Kent and beyond. Next anticipate that customers will travel for over 20 minutes to visit one of these stores, based on their experience of the two that have opened to date at Shoreham and Ipswich.

Eclipse Park also has the added benefit of currently being home to the Park and Ride site which allows a quick and reliable service into Maidstone town centre every 12 to 15 minutes. There are also a number of other bus services within the vicinity of the site. The difficulty with movement around the town centre for visitors arriving by car should start to encourage better use of the Park n Ride facility which is an important transport benefit for the town as a whole.

Furthermore, the Newham Court Shopping Village opposite is a popular retail/leisure destination and there will inevitably be linked trips created between the two sites.

Therefore, there are strong locational merits for the Eclipse Park site which would enable the development to function alongside the existing town centre retail offer, complementing it and increasing trips to the town through integration with the existing Park and Ride facility. The unique type of store proposed means that it will enhance the overall attractiveness of Maidstone as a retail destination and its sub regional role in Kent.

### ***Why Not Other Sites in Maidstone?***

The requirements in national policy (NPPF) on the sequential test have been fully explored in the Retail Assessment accompanying the planning application. The business model that is being proposed here, is not suitable for the sites that have been put forward in Maidstone town centre. It is therefore academic whether the two main sites; Maidstone East Station (and adjoining sites) or Springfield, are "available, suitable or viable", because they do not have the characteristics that make Eclipse Park unique namely:-

A site of approximately one hectare to allow for sufficient room to build a quality, 3 storey building with free surface parking for at least 170 spaces, and a secure and efficient servicing area,

In a location that is readily accessible and with ease of movement.

A deliverable, serviced site which will allow Next to open their new store by Easter 2014.





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Moreover, Next already operate a successful High Street format in Maidstone and have no intention of closing it. In fact, they would like to have slightly larger premises in Fremlin Walk, if that could be achieved.

If, they were to locate their new store on Maidstone East or Springfield, then they would close the Fremlin Walk store. There would no longer be a need to have this fashion store in the town centre if their 'showcase' store was located in such close proximity. The Eclipse Park location allows Next to operate their two business formats together without compromising their respective functions.

We are therefore satisfied that there will be minimal impact on the town centre and when taken in the round, the positive benefits of the new investment, new jobs, the potential for in flow of trade and the kudos, all justify the special circumstances to warrant Next developing this proposal.

- **What will the effects be on the town centre?**

The existing store at The Mall, Chequers is scheduled to close at the end of its lease later this year. The other store at Fremlin Walk will remain open and is guaranteed to be kept open as part of a legal agreement with any planning permission. The retail assessment demonstrates that there is negligible impact to the trade of the town centre (1.2%).

**What else will come forward in the area – will it be more retail development?**

Any planning application for whatever use has to be assessed taking into account its individual merits. Granting one planning application does not mean that a separate application on another site by a different applicant/operator will be granted. Each case must be considered on its own merits.

#### 4. Design

- **Explain the Design of the building – why is it this height?**

Next's aim is to deliver an attractive and striking building, of a design far better than that normally associated with standalone retail stores. The building will make extensive use of large areas of glazing, creating a light and airy interior and providing an interesting and attractive external appearance. The investment in this building is over £9 million.

The building's overall scale and height is lower than the adjoining Towergate and the offices that are permitted on Plot 4. The retailer has come up with a design solution that reduces the amount of ground floor area taken up by moving retail, storage and staff areas to the upper floors.

#### 5. Planning Policy

- **Does the proposal accord with the site allocation for employment use?**

The site has a planning permission to build 6,400 sq metres of offices (B1) but since this permission was granted, the market for offices has significantly diminished. The allocation in the Local Plan is in fact for general industrial use (B2), not offices, which would no longer



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be suitable for this area given the mix of uses that has now come forward on Eclipse Park and the neighbouring residential areas.

Furthermore, the new NPPF is much more focused on employment creation generally and does not distinguish between jobs created in different use classes. It further requires that Local Authorities are positive and proactive in encouraging proposals that bring about sustainable economic growth.

#### **6. What are the job opportunities?**

There will be approximately 180 jobs created at the store. With the Chequers Centre store due to close at the end of the lease period this year, these staff (52) would be offered alternative jobs at the new store thus leaving 128 new job opportunities. The experience of Next as an employer is that some 75% of employees are in the age range 18-25 which is the age group struggling to get jobs in this economic recession. Next also offer a thorough training programme for all its new starters through their Retail Academy which runs year long sessions covering all aspects of retailing.