

## **S106 Public Realm Improvement at Maidstone East Railway Station**

<b>Final Decision-Maker</b>	Planning Committee
<b>Lead Head of Service/Lead Director</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Julie Martin, S106 Monitoring Officer
<b>Classification</b>	Public
<b>Wards affected</b>	Heath

### **Executive Summary**

This report seeks clarification from Members on the use of the £80,000 balance of the S106 contribution from Land at Former Horticultural Unit, Oakwood Park, Maidstone (planning app no: MA/10/0485) towards the public realm improvement project at Maidstone East Railway Station.

### **This report makes the following recommendations to this Committee:**

That the £80,556.18 from the S106 Land at Former Horticultural Unit, Oakwood Park, Maidstone (planning app no: MA/10/0485) is spent towards the Public Realm Improvements Project at Maidstone East Railway Station to facilitate a greener environment of the open space.

That delegated authority is given to the Head of Regeneration and Economic Development, in consultation with the Chair and Vice Chair of the Planning Committee and the Planning Committee Political Group Spokespersons, to agree the final designs for the public realm in the forecourt of the Station.

The investment of £80,000 will have a long lasting beneficial impact on the town centre helping to improve its attractiveness as the Station is the gateway to the town for shoppers, visitors, and commuters.

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Planning Committee	30 <sup>th</sup> November 2017

### 1. INTRODUCTION AND BACKGROUND

- 1.1 The Outline Planning Application dated 1<sup>st</sup> October 2010 for residential development at the Former Horticultural Unit, Hadlow College, Oakwood Park Tonbridge Road (MA/10/0485) was resolved subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services advised to secure the following:

A contribution towards the provision of open space of £1575 per dwelling (expected to be 50 dwellings) plus 'per dwelling' contributions toward Adult Social Services, Libraries and Youth and Community Services.

Subsequently, an Open Space contribution of £78,750.00 plus relevant indexation rate which brings the total to £80,556.18. This amount was paid to the council in 2013. The S106 agreement does not specifically define where the open space contribution should be spent and there is no 'spend by' date contained within the agreement.

- 1.2 The sum received as per the agreement has been held by the Council since May 2013 pending an allocation to a project. There are no other projects that have been identified relating to this S106 public open space contribution and no definition under the agreement. In light of this, and the information set out below it is considered that the Maidstone East project is an appropriate option.
- 1.3 The Development Management Manager discussed with the Regeneration and Economic Development Manager whether any unspent S106 contributions held by the Council might be used to assist in reducing the shortfall in funding that has arisen for the delivery of the public realm improvements and open space provision associated with the re-development of Maidstone East Railway Station and the demolition and re-development of the Victoria Public House.

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### 2. AVAILABLE OPTIONS

- 2.1 Option 1: That committee agree that the full S106 amount of £80,556.18 goes towards the Maidstone East project and that Delegated authority is given to the Head of Regeneration and Economic Development, in consultation with the Chair and Vice Chair of the Planning Committee and the Planning Committee Political Group Spokespersons, to agree the final designs for the public realm in the forecourt of the Station.
- 2.2 Option 2: That Committee decides not to use the S106 funding from Former Horticultural Unit, Hadlow College, Oakwood Park Tonbridge Road (MA/10/0485) for the Maidstone East project.

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 Option 1 is the recommended option. Kent County Council and Southeastern Railways Limited have secured government funding to refurbish the Maidstone East Ticket Office, including the demolition of the former Victoria Public House, a new ticket hall extension and public forecourt fronting Sandling Road. This would create much needed surface level access to the ticket office for the benefit of wheelchair users, the mobility impaired and those with prams and cots. The development also includes improvements to the side of the ticket office and station platform along Station Road, with better disabled parking and drop off facilities. Network Rail has agreed to deliver the development due to much of the work taking place over the railway tunnel.
- 3.2 In August 2016 an all Members briefing of the proposal highlighted Member concerns regarding the proposed forecourt. This public open space is directly next to the north end of Week Street and an important gateway into the town centre. Network Rail have agreed that the surface materials for the forecourt will match those being considered for the public realm works proposed for Week Street. Network Rail has followed a tendering process and will shortly appoint a contractor, George Osborne Limited, to deliver the works – see Appendix 1.
- 3.3 Unfortunately the budget available will only enable the areas labelled 1, 2, and 3 on the key to Appendix 1 to be built. Additional funding is required if the other areas 4,5,6, and 7 are to be built and the desired changes to the forecourt are to be considered by Network Rail. It has been proposed that landscaping in the forecourt could reflect nearby Brenchley Gardens, the designs for which were laid out to the 1871 plans of Alexander McKenzie, see attached sketch drawings in Appendix 2. A sum of £80,000 would help fund the additional design work and implementation of these forecourt improvements.
- 3.4 The proposed S106 spending is in accordance with the Open Space Contribution and is within the Public Realm Improvement Project linked to the priorities of Maidstone Council's Strategic Plan towards the regeneration of the Town Centre.
- 3.5 The proposal is supported by the Parks and Open Spaces Team as it will deliver additional open space in the Town Centre and improve the appearance of the Public Realm at the top end of the High Street. Whilst the S106 funding would be for the design and implementation, it is envisaged the open space will be retained by Network Rail and therefore future maintenance costs will not be incurred by the council.
- 3.6 During the last planning committee discussion, concerns were expressed about the age of some of the applications listed in the schedule and the delays in delivering the green infrastructure considered by Members and Officers to be required to allow developments to take place. Members were mindful that the S106 contributions held by the Council would continue to increase as housing developments came on stream, and felt that there was a need to expedite delivery of projects funded by S106 contributions/CIL going forward. It was suggested that as part of the review of the Planning

Service alternative arrangements be made to ensure that projects funded by S106 contributions/CIL are implemented, this should be followed up through the Strategic Planning, Sustainability and Transportation Committee.

#### **4 RISK**

- 4.1 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. We are satisfied that the risks associated are within the Council’s risk appetite and will be managed as per the Policy.

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

- 5.1 In August 2016 an all Members briefing was arranged in the Town Hall attended by Network Rail and Southeastern Railways.

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

- 6.1 Once the Committee has made its decision, this will be communicated to the relevant team to be spent on the project. It is recommended that a project co-ordinator is appointed from within the Council and a small member group set up to ensure the monies that are handed over to Network Rail to deliver the public realm improvements desired by Members.

#### **7 CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Helping to ensure we have a thriving and attractive town centre that values our heritage and is fit for the future	Rob Jarman, Head of Planning & Development
<b>Risk Management</b>	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
<b>Financial</b>	£80,556 funding is available from the S106 Land at Former Horticultural Unit, Oakwood Park, Maidstone is spent towards the Public Realm Improvements Project at Maidstone East Railway Station	John Foster, Regeneration & Economic Development Manager/ Paul Holland, Senior Finance Manager (Client)

<b>Staffing</b>	There are no implications arising from this report except those arising from paragraph 6.1 above.	Rob Jarman, Head of Planning & Development
<b>Legal</b>	There are no implications that arise from the allocation of funds to this scheme or clauses in the Unilateral Undertaking that would prevent this occurring.	Cheryl Parks, Lawyer (Planning) Mid Kent Legal Services
<b>Privacy and Data Protection</b>	There are no implications arising from this report.	Legal Team
<b>Equalities</b>	There are no implications arising from this report	Anna Collier, Policy & Information Manager
<b>Crime and Disorder</b>	There are no implications	Rob Jarman, Head of Planning & Development
<b>Procurement</b>	There are no implications arising from this report	Rob Jarman, Head of Planning & Development & Mark Green, Section 151 Officer

## 8 REPORT APPENDICES

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

- Appendix 1
- Appendix 2

## 9 BACKGROUND PAPERS

[http://pa.midkent.gov.uk/online-applications/files/29AA77265B6E3462D35D9BB778321A4A/pdf/10\\_0485--3041722.pdf](http://pa.midkent.gov.uk/online-applications/files/29AA77265B6E3462D35D9BB778321A4A/pdf/10_0485--3041722.pdf)