

REFERENCE NO - 17/504568/FULL		
APPLICATION PROPOSAL		
Demolition of the existing County Central Library and associated buildings, and erection of a six-to-sixteen storey residential development of 162no. apartments and 86no. car parking spaces including 429sqm of communal floor space at the former KCC Springfield Library site, Sandling Road, Maidstone.		
ADDRESS KCC Springfield Library HQ, Sandling Road, Maidstone ME14 2LG		
RECOMMENDATION – Application Refused		
WARD	PARISH/TOWN COUNCIL	APPLICANT
North		Peker Holdings Limited
		AGENT
		Barron Edwards Limited
TARGET DECISION DATE		PUBLICITY EXPIRY DATE
31/10/2018		28/09/2018

REPORT SUMMARY

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ADDRESS Former KCC Springfield Library HQ Sandling Road Maidstone ME14 2LG
RECOMMENDATION Permission be Refused
SUMMARY OF REASONS FOR RECOMMENDATION
The proposed development constitutes the redevelopment and re-use of previously developed land within the urban area. The design of the scheme is considered to be acceptable, as is the impact on nearby residential properties and the wider locality. The development will not, either alone or in combination, result in a severe impact on the local highway network and it will result in less than substantial harm to designated Heritage Assets. However, the scheme has failed to provide affordable housing or a contribution towards open space, pursuant to Policies SP20 and DM19 of the Local Plan
REASON FOR REFERRAL TO COMMITTEE
It is a major/controversial application that merits Committee consideration.

WARD North	PARISH/TOWN COUNCIL N/A	APPLICANT Paker Holdings Ltd AGENT Barron Edwards Ltd
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DECISION DUE DATE 31/10/18	PUBLICITY EXPIRY DATE 28/09/18	OFFICER SITE VISIT DATE
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RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

SPRINGFIELD LIBRARY SITE

App No	Proposal	Decision	Date
16/507999	Variation of conditions 1, 3, 5, 7, 9, 10, 11, 12, 14, 19, 21 and 22 of MA/12/2032 (An application for a new planning permission to replace extant permission MA/09/0862) - To allow demolition.	Approved (Reserved matters application to be made by 8 May 2017)	24/02/2017
16/507817	Submission of Details to Discharge Condition 4 (Archaeological Specification) Condition 7 (Contamination Risk (1, 2 and 3)) Condition 9 (Air Quality Assessment) And Condition 24 (Building Recording and Analysis) Subject to MA/12/2032	Approved	08/03/2017
12/2032	An application for a new planning permission to replace extant permission MA/09/0862 (outline planning application for the erection of residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration	Approved	08/05/2014
09/0862	Outline Planning Application for the erection of residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration	Approved	24/11/2009

FORMER KCC SPRINGFIELD CAMPUS

Planning Committee Report
8th November 2018

17/501503	<p>Minor material amendment to MA/05/2350 Erection of class B1 offices comprising 3 no. buildings, residential accommodation comprising 192 no. flats, retail unit for Class A1 and A3 use and additionally for use as a community hall and as a creche on ground floor of the retail unit only, together with associated car parking, landscaping and amended access arrangements. Amendments to consented scheme, including amendments to retaining wall alignment, revisions to basement floor plans, amending the proposed housing mix, amendments to internal residential floor plans, reduction in the number of lifts and stair coves from six to three, altering the form of roofs to upper inset apartments and revisions to the external material palette.</p>	Approved	14/02/2018
17/505581	<p>Non-material amendment for planning permission 16/507471/FULL - To make changes to Block A of consented scheme under Section.96a including Reduced Ground Floor Footprint (North-East end), Revisions to Ground Floor Layout, Amendments to Internal Residential Floor Plans, Amendments to the Proposed Housing Mix, Amendments to Extent & Location of Curtain Wall Glazing at Ground Level, Amendments to Upper Floor Window positions, Amendments to Balconies</p>	Approved	06/02/2018
	<p>on Side Elevations & Removal of Upper Storey Protecting Element.</p>		
17/505129	<p>Non-Material Amendment Being Replace UKPN Substations Integrated Within the Podium with a FreeStanding Brick-Built Substation for 2 Transformers in the Southern Corner of the Site Adjacent to Refuse Collection Point 2 and Amend Parking to Counter the Loss of Spaces on the Proposed Substation Location Subject to 16/507471/FULL</p>	Approved	31/10/2017

16/507471	Full planning application for the development of 310 residential units, in two buildings ranging between 8 and 18 storeys, including 177sqm of A1/D1/D2 floorspace, associated car parking, public realm and landscaping works.	Approved	23/08/2017
15/506426	Modification of Planning Obligation dated 1st August 2006 (05/2350), owner's obligations.	Approved	19/04/2016
14/505741	Outline application for residential development (C3) comprising up to 130 units, with means of access to be determined at this stage. All other matters will be reserved for future consideration.	Withdrawn	07/06/2016
13/2099	Erection of Class A1 retail development (with ancillary cafe), supporting retail (A1-A3), doctors' surgery (Class D1 and associated servicing car parking landscaping and access arrangement	Refused	08/05/2014
05/2350	Erection of class B1 offices comprising 3 No. buildings, residential accommodation comprising 192 No. flats, retail unit for class A1 and A3 use and additionally for use as a community hall and as a creche on the ground floor of the retail unit only, together with associated car parking, landscaping and amended access arrangements	Approved	01/08/2006
01/1356	Demolition of buildings and a comprehensive redevelopment to provide offices (B1), residential, landscape open space and ancillary parking and servicing, as amended by further details relating to the provision of affordable housing,	Approved	01/10/2002

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site amounts to some 0.575ha in area and is located on the former KCC Springfield campus immediately to the west of the A229 Royal Engineers Road and adjacent to the roundabout junction providing the main access to Invicta Park Barracks and Chatham Road.
- 1.02 It comprises the remaining former HQ buildings of the Kent Library service, namely the decagonal former lending room and a two-storey linked building, topped with a 13storey square tower, as well as a car park area and garages/store buildings.
- 1.03 The site falls from southeast to northwest, with a change in level of approximately 4.5m, and also falls away from the A229 towards the River Medway by approximately 2.8m. Springfield Mansion is located to the west of the site and is a

Grade II listed building which has been refurbished and retained in office use since being vacated by KCC. To the north of the Mansion lies Bambridge Court, a residential development of 3-4 storey apartments completed in the early 2000s. Radnor Close, a mixture of two-storey houses and three-storey flats lies immediately to the north of the existing garage complex on the site, from which it is separated by a large retaining wall, reflecting a drop in levels of approximately 2m to 2.5m.

- 1.04 On the south side of the main access road into the Springfield campus is a site which has extant permissions for residential development under applications MA/05/2350 (192 apartments and an A1/A3/Community use building) and 16/507471 for 310 apartments in buildings of between 8-18 storeys in height. Work has recently commenced to implement these developments, comprising in total 502 units, by Weston Homes.
- 1.05 The site boundary with Chatham Road is well screened by existing tree planting and a small area of woodland. There are also individual specimen trees, including Wellingtonia and Corsican Pine, located adjacent to the main access road into the Springfield Campus south of the existing buildings. The trees are protected by Tree Preservation Orders.

2.0 PROPOSAL

- 2.01 The application is a full application for the demolition of the existing buildings and the erection of a residential development comprising a total of 162 apartments, 86 car parking and 162 cycle spaces, together with the inclusion within the proposed development of 429sqm of communal floor space. It has been given the name Tennyson Gardens by the applicant.
- 2.02 The proposed development comprises a single building, but designed to appear as 5 distinct elements. It is designed in a 'zig-zag' form and is located centrally within the site, to maximise tree retention. The buildings increase in height from 6-storeys at its northern end (closest to Radnor Close) to the maximum 16-storeys in height (approx. 54m) southwards towards the campus access road off the A229 roundabout.
- 2.03 The parking provision is largely located in a basement parking area which comprises 55 spaces, some 31 surface parking spaces are also shown to be provided. The 162 cycle parking spaces are in the basement. A set-down zone for the community space is also provided
- 2.04 The development comprises the following mix of units:
- One-bedroom: 26 Units
 - Two-bedroom: 113 Units
 - Three-bedroom: 23 Units
- No affordable housing is proposed in the submission as made.

- 2.05 The design approach was refined over several meetings at pre-application stage, and the approach taken in the application seeks to maximise separation from Springfield Mansion, whilst at the same time retaining as much of the existing tree planting as possible. Only 6 trees are stated to be lost, compared to the earlier 2009/2012 scheme, which would have resulted in the loss of 18 of the 38 trees on the site. This has led to the 'zig-zag' form of the building. The building rises in height in five distinct blocks from north to south, with the tallest section providing a complimentary landmark entrance to the campus, following the lead of the permitted U+I (now Weston Homes) scheme to its south. The roofs of four of the five blocks have landscaped terraces and that of the tallest block has a green sedum roof.
- 2.06 The architects have stated that the starting point for the design approach was Maidstone's history of papermaking. The relative sizes of the blocks reflect the ratios between the international sizes of paper, and the textures and form of the buildings reflect that of the processes used in producing woven paper, to provide an interlinking façade that reflects the three types of paper traditionally to have been produced: smooth (represented by materials such as render metal cladding or a stone and fibre cement cladding system), transparent (glazing) and ribbed/rough (represented by brick or feature stone with shadow gaps for example).
- 2.07 The elevations of the blocks are formed on a basic concrete grid and are layered with contrasting materials. This, coupled with the use of recessed windows of varying sizes, projecting balconies, as well as longer balcony deck projections, provide interest and vitality to the façades of the blocks.
- 2.08 The application was reviewed by a Design South East Review Panel on 22 February 2018. As a result of the consideration of the subsequent Panel Report and seeking to address some of the Panel's recommendations, the applicants have amended the scheme. The main changes are summarised as follows:
- The western side of the site has been re-modelled to increase and improve soft landscaping. The largest change is the removal of the drop-off zone and its replacement with a lay-by. The parking layout has also been altered whilst retaining a turning area within a shared surface arrangement. Cycle parking has been provided close to the front entrance
 - Additional cross-sections have been provided to show the relationship of the ground floor apartments and the external landscaping.
 - Elevations have been amended to include a red flavour of brick in a reference to the adjacent Mansion.
 - Details of the roof garden level have also been provided.
 - The ground floor layout of the building at its southern end has been amended to reposition the internal waste storage area away from the southernmost part of the site. This has resulted in the Community Facility being the focal point upon turning into the site from Royal Engineers Road.
 - The basement has been reconfigured to replace the lost external ground floor parking spaces. The parking numbers are the same.

- An appropriate number of smaller 1-bedroom and 2-bedroom units compared to larger units .

2.09 The applicants have since further reviewed and refined the scheme's design and have produced a Design Code and detailed sectional drawings of aspects of the development, such as balcony treatment and window sections/sections through the building showing material interfaces. They have also included a strategy/detailed proposals to ensure that services that require external openings, such as boiler flues, will not be readily visible on the external walls, preventing the marring of the overall quality of the building. Adherence to the Design Code will form part of a s106 agreement. The production of the Design Code was linked to a review by the applicant of the construction costs of the scheme, which sought to ensure the quality of the scheme was not diluted at a later stage.

2.10 The application is supported by a suite of reports and documentation as follows:

- Design & Access Statement (Gradon Architecture)
- Design Code (Gradon Architecture)
- Planning Statement (Tetlow King Planning)
- Statement of Community Involvement (CFA)
- Heritage Impact Assessment (Allan Cox)
- Archaeological Building Survey (Swat Archaeology)
- Townscape and Visual Impact Assessment (Chris Blandford Associates)
- Arboricultural Impact Assessment (Ben Larkham Associates)
- Sustainability Statement (Barron Edwards)
- Energy Statement (Energy Council)
- Daylight and Sunlight Assessment (Herrington Consulting Limited)
- Air Quality Assessment (Entran)
- Phase 2 Site Investigation (Lustre Consulting Limited)
- Noise Assessment Report (Entran)
- Flood Risk Assessment (Herrington Consulting Limited)
- Transport Statement (MLM Group)
- Travel Plan (MLM Group)
- Phase 1 Ecological Habitat Survey (Hone Ecology)
- Economic Impact Report (Quod)
- Viability Assessment (**Confidential**) (Quod)
- Environmental Management Plan (Dorton Demolition and Excavation Limited)
- Health & Safety Plan (Dorton Demolition and Excavation Limited)
- Site Waste Management Plan (Dorton Demolition and Excavation Limited)
- Waste Management Strategy (Barron Edwards)

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP19, SP20, SP23, ID1, H1(12), DM1, DM2, DM5, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- The National Planning Policy Framework (NPPF) 2018

- National Planning Practice Guidance (NPPG)
- Draft MBC Air Quality Planning Guidance (2017)

4.0 LOCAL REPRESENTATIONS

4.01 **Local residents: 10 representations** received from local residents raising the following (summarised) issues

- Overdevelopment of the site, too tall, too dense and adversely affecting the character of the area.
- The scheme is of an inherently poor design harking back to the (much-criticised) design and form of such developments in the 1960s, brutalist, high density and of an inhuman scale.
- Additional traffic from the development will make already bad conditions and congestion even worse, particularly at the exit onto the Royal Engineers Road Roundabout.
- Parking provision is totally inadequate.
- Loss of privacy due to closeness of development to properties in Radnor Close. □The refuse storage area is unneighbourly being directly below the bedroom window of the adjacent property in Radnor Close.
- Loss of daylight/sunlight to properties in Springfield Avenue.
- Likely level of dust and disturbance during demolition and construction.

5.0 CONSULTATIONS

5.01 **Kent County Council Highways:** Have confirmed that they have assessed the submitted Transport Statement and considered the development in combination with existing and approved/committed development on the Springfield Campus. More detailed comments on Site access, Traffic impact, Parking and Layout and Sustainable Travel are provided summarised as follows. No objections are raised to the development subject to a number of conditions, informatives and a s106 obligation relating to a Travel Plan monitoring fee of £5K.

Site access: The proposed access arrangements which include the retention of the existing mini-roundabout and use of the private internal site road are consistent with the previous approval on the site and compatible with the extant consents on the adjacent land within the Springfield Campus. Swept path analysis has been undertaken and shows the development can be served by refuse vehicles. A comment has been made relating to the high level of on-street parking on the access road to the A229 and mini-roundabout, and that this is not in the overall interest of highway safety. Adherence to restrictions in the public highway section is a matter of enforcement, but in the absence of preventative measures and management, this situation is likely to continue.

Traffic impact: Whilst recognising that since the original permission was granted conditions on the network have changed, the 17 additional AM peak and 21 PM peak trips compared to the previously approved 114 residential and 200sqm community facility (2009/2012 applications) scheme show that increases in movements attributable to the currently proposed development will be minor in nature and do not amount to a severe impact (in combination with other development). It is also stated that given this level of increase it is not reasonable to require that additional junction improvements are investigated and implemented.

Parking and Layout: The parking ratio currently proposed (0.53 spaces/unit) is higher than the 2009/2012 scheme (0.41 spaces/unit). Parking spaces are unallocated, and no specific allowance has been made for visitor parking, it is stated however, that this approach is consistent with IGN3. It is considered that the applicants should further consider the parking provision for the community space in the development as this element is larger than the previously approved proposals. A car park management plan should also be considered.

Sustainable Travel: The site is well placed in relation to key services and facilities, being within a 1.2km preferred maximum walking distance of the site¹, along a segregated route with a bridge over the A229. The site is also immediately adjacent to National Cycle Network Route 17. Importantly, the development proposals include the provision of a dedicated pedestrian/cycle access onto the road link to the Springfield roundabout that is aligned with the footbridge across the A229. A refuge island of sufficient width to accommodate pedestrians and cyclists is proposed to facilitate crossing movements between the site and the footbridge.

Minor changes are encouraged to provide further enhancement and encouragement for sustainable modes of travel.

- The proposed northern pedestrian access to Chatham Road is currently shown with steps and unsuitable for cycle use. Given that this provides direct access to NCN Route 17 this should be changed.
- The existing traffic signals north of the Springfield/Invicta Park and White Rabbit/Stacey Street roundabouts should be upgraded to Puffin Crossings.
- Improvements to existing bus stops on Royal Engineers Road adjacent to the site (bus boarders timetable displays and on the northbound (towards Medway) stop a bus shelter) are also proposed and consistent with improvements secured under the 2009/2012 schemes.

These measures and the proposed pedestrian island on the main Campus access road should be provided through a s278 agreement.

The submitted Travel Plan shows an initial 5-year target for car use that is 6% lower than 2011 Census journey to work data for this part of Maidstone. This would

¹ Providing for Journeys on Foot: (Institute of Highways and Transportation 2000)

be achieved by several incentives including one-year car club membership and a travel pack for the occupiers of each unit and overseen by the appointment of a Travel Plan Coordinator. KCC Highways advise that the Travel Plan should be formally approved prior to commencement of the development and registered with the KCC Jambusters website ([Travel Plan Management](#)). Noting that survey and review of the Travel Plan will take place annually, KCC indicate that remediation measures should also be on an annual, rather than a three-yearly basis, as indicated in the current draft of the Plan. KCC have also requested £5,000 to fund KCC's Travel Plan advisor to review monitoring reports and work with the Travel Plan coordinator.

5.02 Kent County Council Flood and Water Management: Request that additional evidence is provided proving that infiltration is not viable. The applicant should establish the existing means of surface water disposal and carry out further investigation to pursue the possibility of using infiltration techniques.

5.03 Kent County Council Archaeology: Consider that although the site has been subject to major groundworks in the past there is still the potential for archaeological remains to be found, given finds encountered in watching briefs when adjoining development was carried out, and WWII structures and sites of interest. A condition is therefore recommended that would secure a programme of archaeological work to be agreed before any works take place.

5.04 Kent County Council Ecology: Agree with the conclusions of the submitted information that there is no requirement of additional species-specific surveys to be undertaken, and that sufficient ecological information has been submitted to determine the application. An informative relating to site clearance works taking place outside the bird breeding season, and a condition requiring bird and bat boxes to enhance biodiversity further are recommended.

5.05 Kent County Council Economic Development: Following a review of Secondary Education provision building costs a revised request letter has been received. The list of contributions sought by Kent County Council to offset the provision of additional demand for KCC provided services arising from the development is as follows:

- **Primary Education:** £154,224.00 Towards the new North Maidstone Primary School
- **Secondary Education:** £139,944.00 Improvements at Maplesden Noakes School
- **Community Learning:** £4972.84 Towards St Faiths Adult Education Centre Jewellery Studio accessibility improvements
- **Youth Service:** £1374.61 Towards additional equipment for the Maidstone Youth Service
- **Libraries:** £7778.56 Towards Kent History & Library Centre additional equipment

- **Social Services:** £8728.56 Towards Trinity Foyer Sensory Garden, Maidstone
- Encourage the developer to work with service providers to ensure each unit is provided with Next Generation Access Broadband (High Speed Fibre Optic Broadband)

5.06 **Environment Agency:** No objections, subject to conditions relating to the submission of a contamination remediation strategy and subsequent verification report, no infiltration of surface water into the ground except as approved by the LPA, no use of piling or penetrative foundations except as approved by the LPA due to the potential risk of contaminants affecting controlled waters and groundwater. Several informatives are also suggested relating to drainage, soakaways and piling and disposal of construction waste.

5.07 **Southern Water:** Have confirmed that in respect of wastewater (foul water), there is not sufficient capacity in the existing infrastructure and that the development should as a result provide additional capacity. A condition requiring details of disposal of foul water to be submitted and approved prior to commencement of the development should be imposed on any consent that is granted. They have, however, confirmed that there is an available public surface water sewer in the vicinity of the site, and that a formal application for connection should be made by the developer. Nevertheless, they have requested that details of both foul and surface water disposal are secured by means of an appropriate condition.

5.08 **Kent Constabulary: Crime Prevention Design Officer:** Is concerned that the applicants have made no reference to crime prevention in the Design and Access statement, and that furthermore the applicant/agent have made no contact to discuss this issue or Secure by Design generally.

5.09 **Kent Constabulary Developer Contributions:** Consider that the development will give rise to a need for 5 additional Police Constables and the necessary supporting infrastructure. They have requested a sum of £1,110,470 to meet this additional need.

5.10 **MBC Landscape Officer:** Confirms that the Arboricultural Impact Assessment (AIA) produced by the applicant's consultant is considered to be acceptable. The arboricultural and landscape principles are sound and therefore there are no objections that can be raised, subject to landscape conditions and a condition requiring compliance with the AIA.

5.11 **MBC Conservation Officer:** Considers that the existing Library building should be retained and included within a revised scheme, given the quality of the building.

5.12 **MBC Parks and Open Spaces:** There is a deficit of some 3.05ha in the total 3.22ha open space requirements pursuant to adopted policy DM19 of the Local Plan. A contribution of £239,760 (£1480/unit x 162) taking into account the provision that is made on-site for use to improve Whatmans Park (improve

footpaths and accessibility on the east side of the park connecting with Springfield Mill via footbridges, improve treetop walk), Moncktons Lane/Foxglove Rise (improve accessibility to natural open space including work on towpath and footways) and the Chillington Street Open Space (fencing, benches and improvements to footpaths).

- 5.13 **Mid-Kent Environmental Health:** No objections are raised, subject to several conditions/informatives. In reaching the conclusions, the team assessed noise, air quality and land contamination.

Noise: States that trickle vents do not allow residents to access purge ventilation or cooling without exposure to high noise levels, they should have the option to use a suitable mechanical ventilation system. Balcony design should be developed in the light of guidance in ProPG².

Air Quality: The Methodology in the Air Quality Assessment is accepted, despite the wrong opening year (2020 instead of 2017) being used. However, this has not resulted in a change to the overall conclusion, that the site is a suitable location for new sensitive development, as the properties are well below the air quality objectives. (However, the difference is important in calculating 'damage' costs).

A construction environmental management plan should be submitted prior to the start of the development to control dust emissions.

In terms of the Emissions Mitigation assessment, further details are required, as the input data used for the basis of calculating damage cost has not been supplied and therefore the identified mitigation measures required to offset emissions from the scheme will be lower than required if the correct base-point was used.

Land Contamination: Consider whilst not objecting to the submitted report and conclusions that the number of boreholes and samples is small compared with the site and would not seem sufficient to fully characterise ground conditions and only one round of gas monitoring has been completed which is low.

Suggested conditions:

- 1: Contamination assessment and remediation scheme and closure report.
- 2: Condition limiting noise from plant and equipment at the site.
- 3: Condition securing a scheme ensuring internal noise levels and externally in garden/amenity areas conform to BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.
- 4: Condition securing calculation of pollutant emissions costs from the vehicular traffic generated by the development.
- 5: Condition securing 1 electric vehicle rapid charging point/10 units or per 1000sqm of commercial floorspace.

² [ProPG: Planning and Noise -New Residential Development \(Institute of Acoustics\)](#)

6: Condition securing submission and approval of a Construction Practice and Management Plan.

- 5.14 **NHS West Kent CCG:** Have requested a contribution of £117,648 to assist in the mitigation of the additional impact on existing health care provision in the area arising from the development. The contribution received would be invested to improve facilities at the Brewer Street practice.

6.0 APPRAISAL

Principle of Development

- 6.01 The site comprises previously developed land within the defined urban area of Maidstone. As such, the principle of residential development is acceptable and in general accord with the provisions of the Development Plan, subject to the other details of the application as they may relate to adopted policy, being found acceptable.
- 6.02 Councillors should also be aware that whilst the previous permission has been allowed to lapse, the fact that demolition of the existing buildings on the site and redevelopment for residential purposes was previously approved on two occasions is still a material consideration, albeit now one with a reduced weight in the overall planning balance.

Design and Visual Impact

Design

- 6.03 The design and architectural approach of the development was discussed at a number of pre-application meetings with the applicant's design team and, as indicated earlier, has also been the subject of a Design South East Panel Review.
- 6.04 The general form of the development comprises a series of blocks that are linked by service cores/stair wells that are more fully glazed. The blocks are centred within the site and are set in a 'zig-zag' form on the ground, with the result that the current scheme retains more of the existing landscaping and Protected Trees than the two previously approved schemes. In particular, the planting on the eastern side of the building, and the established Wellingtonia and Corsican Pine trees that frame the main access into the site, are now shown as being retained.
- 6.05 The elevations of the blocks are formed on a basic concrete grid and are layered with contrasting materials in colour and texture. The palette of materials has been revised as a direct response to the DSE Design Panel review to incorporate a red/brown brick to provide warmth, and echo some of the material in the adjacent listed Springfield Mansion. The design incorporates the use of recessed windows of varying sizes, together with projecting balconies, as well as longer balcony deck projections.
- 6.06 The recent changes to the ground floor layout at the southern end of the building which have seen the proposed community space now directly facing the main access to the campus instead of the refuse store as previously proposed, serve to

increase the vitality and interest of the building and also provide a greater degree of natural surveillance of the access to the campus.

- 6.07 The submission of the greater level of detail in the form of the revised elevation detailing and sections through the building as well as the Design Code, have further improved the quality of the scheme as proposed. The requirement to adhere to the Design Code through a s106 obligation, with which the applicants are content, will ensure this is maintained.
- 6.08 Overall, the design approach and the detailing and elevational treatment of the development as now amended is considered to be acceptable.

Visual Impact

- 6.09 The visual impact of the development on the local and wider area has also been carefully considered. The Townscape and Visual Impact Assessment (VIA) submitted with the application considers the site in its immediate context and also in terms of medium and longer distance views. The report and methodology adopted therein follow the accepted standard practice set out in the 'Guidelines for Landscape & Visual Assessment (The Landscape Institute and the Institute of Environmental Management & Assessment 3rd Edition 2013).'
- 6.10 A key element of the immediate context of the building is the approved 8-to-18 storey residential development immediately to the south of the Springfield Campus access. As work on this has now commenced, the current proposals should be considered in combination, rather than in isolation, as regards visual impact. The significant feature of the adjacent development is the 18-storey tower adjacent to the access road. The tallest element of this current application, the 16-storey tower, is located on the opposite side of the access, in effect mirroring the already approved tower.
- 6.11 It is from within the existing Springfield Campus that the greatest visual impact will occur, particularly to the occupiers of Bambridge Court and Radnor Close. The occupiers of Radnor Close in particular, will see a major change in impact in terms of their aspect given the proximity of the taller new development to the site's northern boundary. The change in site levels of 2m-2.5m between the site and Radnor Close reinforced by the retaining wall, albeit that the levels continue to fall away towards Moncktons Lane, do not assist in the mitigation of this relationship as they remain unaltered by the proposals. The current scheme overall is taller than the 2009/2012 scheme in the section closest to the northern boundary, with the result that the perceived 'looming presence' of the proposed building is likely to be greater. However, on the positive side, more of the existing landscaping on the site's eastern boundary will be retained and the overall footprint of the proposed building is narrower than the previously approved scheme. It is considered that in terms of the impact on Bambridge Court, whilst the proposed buildings are taller, the buildings are set further from the boundary with a reduced footprint, and the 'zig-zag' form of the development provides for an improved separation and relationship than the previous scheme. Nevertheless, a greater extent of the site towards its northern boundary will be covered than at present, and the new

proposal is higher closer to the northern boundary than the previously approved scheme.

- 6.12 In the slightly wider neighbourhood, the VIA considers the impact of both schemes in combination, and it is clear that there would be a significant but localised change to the streetscape, particularly from Royal Engineers Road and Chatham Road, in those areas immediately adjacent to the site. When travelling along the A229 northwards from the Stacey Street 'White Rabbit' roundabout/walking along Sandling Road, the new development will, however, be largely obscured by the approved Springfield Park development, reducing impact to the immediate context of the site and as such it is classified in the VIA as "no change to slight impact."
- 6.13 From Whatman Park on the west-bank of the River Medway, the assessment indicates that a substantial proportion of the upper storeys of the development will be visible above the tree-line, as will the upper floors of the 18-storey tower within the Springfield Park development. This has been classified as a "slight to moderate impact" in the VIA. From the Kent Messenger Bridge, in combination, significant elements of the approved and proposed schemes will be visible and dominate the skyline from the park looking north eastward, and have been assessed as a "moderate impact."
- 6.14 From Chatham Road just north of Calder Road, the proposed development will largely obscure the Springfield Park development and will appear as a larger feature than the existing library tower, and has thus been assessed as a "slight to moderate impact." Further north, from the footbridge over the A229 near Gibraltar Lane, the proposed development will encroach further into the sky-line above the Greensand ridge to the south of Maidstone than the existing library tower, and will be bulkier in overall mass. This will be compounded when viewed in the context of the approved residential tower at Springfield Park, and has thus been assessed in combination as having a "moderate impact."
- 6.15 In terms of the wider neighbourhood and medium distance views, it is considered that there would clearly be a change to the sky-line and views within the local area arising from the Tennyson Gardens development. However, in the context of the already approved and now implemented development at Springfield Park, the in combination impact of both developments on the character of the area would not be so detrimental as to warrant and sustain refusal on impact grounds.
- 6.16 In terms of longer distance views, the site has been assessed from south of Lower Warren Road (from a PROW north of the Pilgrims Way), Whitehorse Wood Country Park and Mote Park. In all three cases, whilst the tower will be taller than the existing Library tower and even with the adjacent development taken into account, given the wider context in which the site sits and the landscape framing around it, more of which is to be retained, there will not in my view be an unacceptable intrusion into the skyline and views northwards across the Medway Valley to the North Downs beyond, or from the North Downs to the Greensand ridge south of Maidstone, arising from the development.

Residential Amenity

6.17 The potential impact of the development on the amenities of the occupiers of adjoining properties has been considered in the design and layout of the development, alongside potential daylighting and sunlight implications. Concerns have been raised by nearby residents about privacy and loss of daylight and sunlight, as well as the impact of the proposed refuse store.

Daylight/Sunlight

6.18 Daylight and sunlight tests have been undertaken in accordance with the Building Research Establishment (BRE) guidance 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice', Second Edition, 2011. The nearby dwellings at 1-33 Radnor Close and 1-27 Bambridge Court and no.5 Springfield Avenue and the approved (but not yet built) residential tower at Springfield Park (Weston Homes development) have been assessed.

6.19 In terms of daylighting, three potential tests are set out in the BRE guidance, a Vertical Sky Component (VSC) test, a No Sky Line/Daylight Distribution (NSL) test and thirdly, an Average Daylight Factor (ADF) test. The latter is undertaken if the first two provide inconclusive results, and is more detailed. Whilst the VSC and NSL tests are prescribed by the BRE guidelines for use as the standard measure for assessing impacts from new developments, it should be acknowledged that these tests do have limitations. In particular, the VSC only examines the magnitude of change in potential daylight at the window itself and as such is a rather crude qualitative test. However, the most significant shortcoming of the VSC test is that it does not quantify the daylighting 'within' the room itself. This is most notable when assessing rooms with more than one window, or rooms that have large amounts of glazing. In such cases, where the VSC tests indicate a development proposal has the potential for causing daylight impacts to neighbouring properties, the more detailed Average Daylight Factor (ADF) test can be used as an additional method, to provide a more quantitative assessment.

6.20 In this case, the residential tower at Springfield Park and no 5 Springfield Avenue fully complied with the VSC and NSL test, so the additional test was not necessary. The ADF test was however required to be undertaken in respect of some windows within 127 Bambridge Court, and some within 6-33 Radnor Close, In fact, nos. 1-33 Radnor Close were subjected to the additional ADF test. The ADF method calculates the average illuminance within a room as a proportion of the illuminance available to an unobstructed point outdoors, under a sky of known luminance and luminance distribution. This is the most detailed of the daylight calculations and considers the physical nature of the room behind the window. In this situation, the application of the ADF test is important as it allows the actual glazing area, room area and room layout to be taken into account within the calculation. The ADF test takes into account the size and number of windows serving each room, and therefore allows a more quantitative assessment to be undertaken.

6.21 The ADF results show that all the habitable rooms of the properties tested for ADF are fully compliant with the target values recommended by the BRE Guidelines. Only one bedroom at Nos. 6-15 Radnor Close fell marginally short of the recommended target value. In conclusion, the ADF test, which is the most detailed

of all three daylight tests, was undertaken in order to assess whether the daylight levels of the habitable rooms of the properties potentially adversely affected by the proposed development will retain acceptable levels of daylight. The report concludes that the occupants of these properties are unlikely to notice the changes in light levels in the 'post' development scenario and, therefore, it can be concluded that the habitable rooms of the affected properties will retain acceptable levels of daylight, in accordance with the BRE Guidelines.

- 6.22 In terms of sunlight testing, the BRE Guidelines use the Annual Probable Sunlight Hours (APSH) test which has three elements. For the assessment to conclude that the sunlighting of the existing dwelling could be adversely affected, all three of the following tests need to have been failed.

Test A - Does the window receive less than 25% of the APSH, or less than 5% the APSH between 21st September and 21st March?

Test B - Does the assessed window receive less than 0.8 times its former sunlight hours during either the 'whole year' or 'winter' period?

Test C - Is the reduction in sunlight received over the whole of the year greater than 4% of the APSH?

The same properties were assessed as for the daylight tests, including 5 Springfield Avenue and the Springfield Park tower. The tower was subsequently not measured as all potentially affected windows are within 90° of due north.

- 6.23 All windows and rooms in the remaining assessed properties passed at least two of the three sunlight tests.
- 6.24 In summary, the development proposals have been appraised in line with the guidelines set out in the BRE document. When assessed against these criteria for establishing whether the proposed development will have a significant impact, it is concluded that the development will not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings, to the point where an objection on these grounds is warranted or sustainable.

Other potential impacts affecting residual amenity.

- 6.25 The proposed development takes a 'zig-zag' form on the ground primarily to secure a reduced footprint to maximise landscaping and tree-retention but which has also served to reduce the elements of the proposed building that directly face towards the existing adjacent residential properties at Bambridge Court and Radnor Close.
- 6.26 It is considered that in respect of Bambridge Court, the degree of separation from the new building to the section of Bambridge Court containing habitable room windows which is in excess of 35m is acceptable and no unacceptable loss of privacy or amenity would occur. Similarly, the separation and relationship between 1-15 Radnor Close and the new development is also acceptable, at 24m or more across a road and car park, particularly bearing mind that the new development does not directly face the Radnor Close properties. The proposed building is however, much closer to the southern flank wall of the block at 16-33 Radnor Close. Currently, there is a garage building located on top of the retaining wall

immediately adjacent to the flats at Radnor Close which reaches to approximately top of first floor window height. This will be replaced with a covered refuse store and the new apartment building will be sited approximately 8m-9m from the existing flats. The concerns of the occupier of the adjacent flat relating to the refuse store are noted, it is considered however that since the store will be roofed, enclosed and secured no unacceptable impact is likely to result. The juxtaposition between the new block and the 16-33 Radnor Close is such that no direct overlooking is likely to occur.

- 6.27 The proposed community use floorspace is located at the southern end of the building and is separated from the properties in Radnor Close and Bambridge Court by an appropriate degree to ensure that no unacceptable impact on amenity is likely to result.
- 6.28 It is considered that the development will not result in an adverse impact on existing adjoining residential properties such as to warrant and sustain refusal of permission on this basis.

Highways and Sustainable Travel

- 6.29 Councillors will note that Kent County Council as the highway authority have raised no objections to the application.
- 6.30 In reaching this decision in terms of impact on the network, KCC Highways have assessed the potential traffic generation from the proposed development against existing and committed development on the wider Springfield campus, this includes the 'U+I scheme' permitted under application 16/507471 and the residential element of the still extant 'Mountgrange' scheme approved under application 05/2350. The key issue is that having assessed the traffic generation from this and the other developments, KCC Highways have concluded that the current development does not substantially increase the cumulative impact on the local network to a level that requires additional mitigation compared to that which would otherwise have arisen if the earlier permitted scheme on the former Library HQ site had been implemented.
- 6.31 As such, having considered the conclusions of KCC Highways, I am satisfied that the cumulative impact on the local highway network cannot be judged as severe in the context of paragraph 109 of the NPPF. Permission should not therefore be withheld on transport grounds on this basis.
- 6.32 Several of the objections received relate to a perceived lack of parking provision within the scheme. The scheme has been considered against the advice in IGN3 which has been adopted by the Council as supplementary planning guidance and is considered by KCC Highways to comply with the advice set out in that document.
- 6.33 The site is classed as an edge of centre site for the purposes of IGN3 and where maximum provision on a non-allocated basis, such as proposed here, is recommended at 1 space/unit. IGN3 also advises that where parking is not allocated visitors parking may be reduced and may not be needed for flats. Whilst being slightly lower at 0.53 spaces/unit, the scheme proposes a similar parking ratio to the 0.6spaces/unit secured for the approved 'U+I scheme' on the adjacent

site. Furthermore, the currently proposed parking ratio is higher than the 2009/2012 schemes previously approved and this, coupled with the site's accessibility in terms of public transport connections, local community facilities such as schools etc. and access to Maidstone Town Centre itself lead to the reasonable conclusion that the proposed parking ratio is on-balance acceptable.

6.34 To 'future-proof' the development a proportion of the parking spaces within the development should be provided with rapid chargers for Electric Vehicles. This can be secure by appropriate condition as can the provision of the 162 cycle parking spaces. Consideration should also be given to 'pre-wiring' more of the proposed parking bays to make installation of additional charging points simpler and cheaper in the future.

6.35 Notwithstanding the comments of the Design Panel, it is considered that this site is sustainably located in relation to Maidstone Town Centre and transport links such as Maidstone East Railway Station, and pedestrian and cycle routes, to provide an alternative to the use of the private car.

- Bus stops are sited either side of Royal Engineers Road adjacent to the campus access road, and a footbridge over the A229 enables safe pedestrian access over the highway to the Maidstone-bound services, as well as the footpath along Sandling Road towards Maidstone East and the Town Centre.
- Maidstone East Railway Station, within the defined Town Centre Boundary in the adopted Local Plan, is located approximately 850m (11 Minute walk) south of the site.
- The site has direct access to National Cycle Route 17, which runs between Rochester and Ashford. Access to the Aylesford/Barming cycle path along the River Medway is available within 600-700m of the site via Moncktons Lane and Kerry Hill Way. This is also a pedestrian route.
- Officers are working with Redrow Homes (Springfield Mill) and Weston Homes (The remainder of the Springfield Campus) to enable permeable links between these sites, to provide an alternative route towards the Town Centre from the Springfield Campus. This has not been previously possible largely due to land ownership issues.

6.36 Royal Engineers Road is served by Arriva bus services 155 (hourly service) and 101 (12min daytime frequency) to and from the Town Centre past the site. Service 150 provided by Nu Venture is a two-hourly service between Maidstone and Walderslade and Lordswood that also passes the site. It is also possible to travel directly to and from Kings Hill/West Malling Station on Arriva service X1 (via the M20) which stops at Maidstone East to/from the Town Centre which is an hourly service. It is however acknowledged that only the 8:15am service from Maidstone East is scheduled to arrive in Kings Hill prior to 9:00am.

6.37 The applicants are seeking to improve the accessibility into and from the site through new walkways and cycle-paths. Some minor works to existing pedestrian and cycle crossing facilities in the area and to bus stops on Royal Engineers Road and Chatham Road are proposed. This will improve access to and from the

development by sustainable modes of transport, and assist in terms of improving pedestrian and cycle safety. These works can appropriately be secured through a s278 agreement with the highway authority.

- 6.38 A framework Travel Plan has been provided as part of the application that has a preliminary target of reducing car use by 6% from the 2011 Census Travel to Work baseline over a five-year period by a number of targeted measures overseen by a Travel Plan coordinator. KCC Highways consider that triggers for remedial measures should be on an annual basis rather than after 3 years as implied in the draft. Submission of a detailed Travel Plan can be secured by an appropriate condition.
- 6.39 No objections are raised to the development on highway grounds.

Landscaping and Ecology

- 6.40 The reduction in the footprint of the development as now proposed, has allowed for the retention of a greater proportion of the existing (protected) trees on the site than the 2009/2012 scheme, in particular, the retention of the existing Wellingtonia trees that front the access road and which provide framing for the northern side of the main pedestrian and vehicular access to the Springfield campus. This retention of more of the existing landscape framework around the site aids the scheme's assimilation into the landscape. The proposed planting in the public areas of the building fronting the internal site access road, which has been increased and hard surfacing reduced in the latest amendments, would provide appropriate structural landscaping whilst allowing for rain gardens and other infiltration features. In addition, the residents will have access to four roof garden/amenity areas, whilst the tallest tower will have a sedum roof.
- 6.41 The Landscape Officer has assessed the proposals and confirms that the arboricultural and landscape principles are sound and therefore there are no objections that can be raised, subject to landscape conditions and a condition requiring compliance with the Arboricultural Impact Assessment.
- 6.42 The KCC ecology teams have considered the submitted information and have confirmed that they agree there is no requirement for specific protected species surveys to be undertaken. They have requested that additional bird and bat boxes to further enhance biodiversity. These are measures that can be secured by means of an appropriate condition.
- 6.43 No objections are raised to the proposals on the grounds of landscape or ecology.

Heritage Impact

- 6.44 A detailed Heritage Impact Assessment (HIA) has been submitted with the application. This has addressed the proposals in the context of the adjacent designated Heritage Asset Springfield Mansion (Grade II), as well as the existing and committed development.
- 6.45 It is true to say that the overall setting of Springfield Mansion was most compromised when the campus was under the control of Kent County Council, with the additional buildings that were erected over a number of years (all of which

apart from the former library have now been demolished) and the large expanses of car parking provided. Subsequent to KCC releasing control of the site, further change has occurred with the Bambridge Court/Lee Heights and Radnor Close development taking place in the early 2000s, the Mountgrange approval in 2006 and the most recent U+I (now Weston Homes) development. (Councillors are reminded that the residential element of the Mountrgrange scheme and the U+I site are now both being implemented by Weston Homes). I do not consider that the proposed development will result in any additional negative impact on Springfield Mansion in this context. The proposed siting/footprint and increased separation from the Mansion as well as the retention of the specimen protected trees as now proposed, compared to the most recent approval on this part of the site will in my view serve to minimise further adverse impact notwithstanding the fact of course that the proposed building is taller than that approved in the 2009/2012 applications.

- 6.46 In terms of the demolition of the library building itself, the Conservation Officer's view that in an ideal situation the existing library building which is of some character and represents a good example of 1960s library architecture, should be retained and the scheme revised around it, is noted. However, it is clear that planning permission has previously been granted twice for the demolition of the entire complex of the former library buildings and as such accepted by the Council. I did indicate earlier that the earlier permission has now lapsed, but nevertheless the fact that it was granted remains a material consideration, albeit one of reduced weight, therefore, it is not considered a reasonable position to maintain that the building should have been retained as a matter of principle. I understand in any event that works to demolish some of the buildings on the site has recently taken place as a result of Health and Safety concerns expressed by local residents.
- 6.47 The proposed building is well designed and articulated a fact accepted by the Design Review Panel and the introduction of the red/brown brickwork to the materials pallet has further emphasised the links with the Mansion and the need to have regard to its setting. I concur with the findings of the HIA that the impact on the setting this heritage asset will be neutral in this context and that less than substantial harm will result.

Drainage

- 6.48 Southern Water have confirmed that there is not currently sufficient capacity in the foul drainage network to supply the development, they have indicated therefore that the the developer will have to make a formal application to connect to the system at the nearest point of available capacity. They have also advised that there is an available surface water sewer in the vicinity of the site.
- 6.49 Given that the Environment Agency have indicated that no infiltration through the ground is permitted as the site lies within a source protection zone and to prevent potential contamination paths from the previous use, and notwithstanding the comments of the KCC LLFA team, it is likely that a controlled connection to the public surface water sewer will need to be made. The draft drainage strategy indicates underground crated collection for attenuation and controlled discharge and the proposed green roofs of the development will also collect in tanks. Precise

details of both foul and surface water can be secured by means of an appropriate condition.

Affordable Housing, Open Space and Infrastructure

- 6.50 In line with policy DM20, major residential development will put pressure on existing services, and requests for monies to mitigate the impact of the development towards primary education, health, open space, community learning, youth services, libraries, and social care have been requested. I have assessed these requests and consider them to be necessary to mitigate the impact of the development due to the additional pressure future occupants would place upon these services and consider them to pass the legal tests for securing contributions.
- 6.51 The Council commenced CIL (Community Infrastructure Levy) charging on 1st October and with the exception of affordable housing provision and an open space requirement (which pursuant to policy DM19 it is a policy requirement to provide a financial contribution in lieu of open space, where it cannot be provided in full, on or off site), which would be secured under any s106 agreement, the remaining infrastructure would be funded by CIL. The viability assessment submitted by the applicant does not take account of the CIL payments that will be required; indeed, it explicitly assumes a zero contribution towards CIL.

Viability

- 6.52 As indicated earlier, the application as submitted proposes no affordable housing, and also advocates that appropriate s106 contributions cannot be supported by the development given the overall viability of the scheme.
- 6.53 The context in which the scheme's viability should be considered is provided by paragraph 57 of the NPPF which states:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

- 6.54 This approach is re-iterated in the NPPG guidance updated in July 2018 (paragraphs 10-001-20180724 to 10-028-20180724), which covers the issues relating to contributions/ viability from plan-making through to decision-making.
- 6.55 As required in the guidance, the adopted Local Plan makes clear the type and level of contribution expected from development and this was evidenced through the viability testing of the Local Plan undertaken prior to submission and assessed at examination. The former KCC Library HQ site was not specifically allocated given

the extant permission relating to the site at the time. As such as an urban site and in accordance with policy SP20 of the Local Plan, to be policy compliant a scheme should seek to provide 30% of the units as affordable housing.

- 6.56 The onus is clearly on the applicant to demonstrate why the scheme is not policy compliant in terms of affordable housing. To evidence this, the applicants have indicated that they consider there are two reasons why in their view it would not be appropriate to require an affordable housing contribution.
- 6.57 Firstly, it is argued that affordable provision relating to the site was effectively made when the Kent Library and History Centre development at James Whatman Way was completed as this incorporated the affordable housing element for both the existing library HQ site (the permission for redevelopment thereof did not make any affordable provision) and the new Library site. The applicant's justification for this is as follows:

'In summary, under the 2009 consent no affordable housing was delivered on this specific site which was for 114 market units as the wider development to include the site at James Whatman Way was providing the replacement library together with 60 affordable dwellings alongside a 57-unit extra care proposal within the affordable housing sector. The new development on the former library site was therefore granted without any affordable on site as this was secured on a nearby site as part of a comprehensive scheme. Accordingly, it can be argued that the necessary contribution towards affordable housing has already been secured under the terms of the 2009 approval and is therefore not justified under this new proposal as that would result in double counting of compliance.'

- 6.58 I do not consider however, that this justification carries weight as an argument. The earlier outline permission for the 114 units on the Springfield Library site has been allowed to lapse and as such, there is no longer a fall-back position.
- 6.59 I therefore consider that the current application should be seeking to provide 30% affordable housing (49 units) to be policy compliant, unless in accordance with the criteria in Policy SP20, it is clearly demonstrated and evidenced that this is not economically viable.
- 6.60 In this regard, the applicants have also submitted a detailed viability assessment (prepared by Quod) seeking to demonstrate that the development cannot currently support the provision of affordable housing or any other justified s106 obligations. This indicated a substantial negative Residual Land Value of -£7.5million. As noted above, no account has been taken in the viability assessment of CIL liabilities that would be due.
- 6.61 This appraisal has been independently assessed on behalf of the Council by Dixon Searle Partnership. A summary is provided below.

"In terms of site value, the applicants may well have over bid for the site, however as I thought I had made clear in the report, no land value assumption has been factored into the appraisals. The proposal is so undeliverable by any normal standards that even after making all of our suggested adjustments and **setting the land value assumption to zero** the scheme still shows a negative

residual value of c.-£4.8m. In order to reach a positive residual land value the residential and commercial profit assumptions need to be placed at circa 1.5% GDV and this is before factoring in any allowance for affordable housing.

I have provided a quick comparison table below which highlights the positive swing (circa +£2.66m) we identified by making our suggested adjustments. This swing is not however sufficient to identify any surplus which could be used to support affordable housing either on site or by way of a financial contribution.

	DSP	Quod
Residential Profit	17.50%	20%
GDV	£36,501,256	£33,706,492
Residual Value*	-£4,791,312	-£7,452,632

*residual value arrived at when assuming nil land value"

6.62 Some of the assumptions in the applicant's submission were not accepted and were re-worked by the Council's consultant, however, it is clear from the summary above that the submitted assessment of the development still showed a very substantially negative Residual Land Value of in the order of -£4.8million. The extent of the negative Residual Land Value deficit is such that in the normal order of events, the overall deliverability of the scheme is distinctly questionable. In response to a direct query to this end, it was confirmed by the applicant

'..whilst scheme viability is presently challenging, sensitivity testing has demonstrated that if relatively modest improvements in costs/revenues are achieved between now and completion/sale of the scheme in c.3.5 yrs time then the proposals will generate a competitive return for the land owner and developer.

For example, if DSP's (Dixon Searle Partnership) adjustments were adopted for the present-day position (-£4.8m RLV), then a c.7.5% change in costs/values would generate a positive land value, whilst a c.15% change would also recover the full c.£2.8m purchase price.

As confirmed in our statement, the applicant is willing to take an internal commercial view in order to proceed with the scheme on this basis. This is not an uncommon position for developers to take.'

6.63 Clearly, the viability position would be worse, had the liability for CIL been taken into account.

6.64 In the light of the initial assessment, the applicants were requested to re-examine the viability of the scheme and in particular the area of construction costs, due to concerns from past experience that the overall quality of the scheme could well be compromised. A review of the external design was also undertaken at the same time, to facilitate the preparation of the now submitted Design Code, which seeks to provide a technical framework to ensure the overall quality of the design is maintained.

- 6.65 The updated assessment of construction cost has been used to formulate a revised viability summary which indicates (using the more representative sales rates adopted by the Council's advisors and a reduced profit allowance of 15%) that the scheme could produce a positive Residual Land Value and therefore be more likely to be delivered. But it is still not proposed to provide any s106 contributions and account is still not taken of CIL payments that would be required.
- 6.66 As Councillors will be aware, s38(6) of the Planning & Compulsory Purchase Act 2004 directs that where regard is had to the provisions of the Development Plan decisions should be made in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.67 As things therefore stand, without agreed s106 planning obligations being delivered now, the development could be considered unacceptable in planning terms as the proposals are not policy compliant as there would be no secure affordable housing provision to meet a clearly identified need that exists in the Borough. Such a stance would be in line with the provisions of the Development Plan and the advice contained in the NPPF which advises that the weight to be given to a viability assessment is a matter for the decision maker.
- 6.68 It is necessary to consider therefore, whether the applicant's demonstration that there is a greater likelihood of the scheme being delivered having re-worked and examined construction costs in detail and revisited the profit assumptions at a lower level of 15% is of sufficient weight to set the Development Plan aside.
- 6.69 It is still far from clear that the scheme will ultimately be able to deliver an affordable housing contribution. Given the advice in the NPPF this is of significant weight against the proposal.

7 CONCLUSIONS

- 7.1 The site has been the subject of previous residential permissions, which have consented the demolition of the existing buildings and facilities at the site, albeit these have now lapsed. Nevertheless, the site comprises previously developed land in the urban area and the development would also secure the redevelopment and re-use of an abandoned site and buildings and as such the provision of development is acceptable. The development would contribute towards the Council's on-going housing land supply requirements.
- 7.2 The amended design of the development has significantly improved and together with the submitted design code which covers detailed elements of the design including how extract flues and ventilation requirements will be treated will ensure a quality development can be delivered.
- 7.3 The potential impact of the development on existing protected trees and the landscaping within the site is also significantly improved compared to the previous permissions, in particular ensuring the retention of the trees that frame the entrance to the Campus on the northern side the access road and along Old Chatham Road.
- 7.4 The proposed development will, in the context of existing and approved development, result in a neutral impact on the setting of adjacent and nearby

designated Heritage Assets and as a result cause less than substantial harm to these assets.

- 7.5 The traffic generated by the proposed development either alone or in-combination, will not result in a severe impact on the local highway network and as such meets the relevant test in paragraph 109 of the NPPF. The level of proposed parking provision is acceptable given the site's sustainable urban location relative to accessibility by modes of transport other than the private car.
- 7.6 The potential visual impact of the development in medium and long-distance views in combination with other consented and implemented development is considered to be acceptable.
- 7.7 The greatest potential visual change is in the immediate vicinity of the site, in particular, in relation to the properties in Radnor Close and 1-27 Bambridge Court. The proposed buildings have a greater mass than the existing development and would be sited closer to the site's northern boundary, thus extending across more of the site than the current built form, but not the previously approved scheme. Compared to the previous scheme the actual footprint of the development is reduced and more space is retained around the buildings. The southern part of the block at 16-33 Radnor Close will have a taller building closer to the site boundary than currently and as previously approved. It is considered however, that the development as proposed would not result in such a significant impact as to warrant and sustain an objection. On balance therefore, it is considered that overall the visual impact of the development as now proposed is acceptable.
- 7.8 The 'zig-zag' ground form of the development and resultant separation distances are such as to ensure no unacceptable loss of privacy or loss of daylight/sunlight to neighbouring residential properties.
- 7.9 A significant question-mark as to the overall deliverability of the scheme in the light of the conclusions of the review of the viability assessment does however remain, despite the applicant's assertions to the contrary.
- 7.10 It is considered that the lack of affordable housing provision is contrary to the provisions of the recently adopted and evidenced Local Plan and that given the low likelihood of the scheme being able to deliver even a modest provision this weighs heavily in the balance against the scheme. The same is true of the scheme's inability to provide a contribution towards open space, in accordance with Policy DM19.
- 7.11 In terms of the positive side of the balance in favour of the scheme is the proposed provision of 492m² of community floorspace within the development.
- 7.12 The May 2017 feasibility study on the need for community facilities in North Ward does indicate that there is a need for additional facilities in North Ward, the main problem being that the A229 Royal Engineers Road effectively cuts the Ward in two and as such the communities in the ward are distinct. The study clearly recognises that the Springfield site provides the best opportunity in the short-term for provision to be made.

- 7.13 This site is currently the last remaining opportunity for such provision to be made in the area. It is an accessible for both the local community in Ringlestone/Moncktons Lane on the western side of the A229 Royal Engineers Road as well as the existing and future community within the Springfield campus itself. The amount of community floorspace included within the application is greater than that secured through the renewed (but now lapsed) 2009 and 2014 permissions which amounted to 250m². Such provision could be secured by means of a s106 obligation.
- 7.14 Another consideration in favour of the development is the quality of the design as now proposed. This has been revised in a positive way following the Design Panel review and further discussion with officers. The scheme will provide an appropriate and well designed form of development that will enhance this site that has remained unused since KCC vacated it and would enhance the current streetscene and environment of the locality.
- 7.15 The community provision and overall quality of the design and layout of the scheme as now proposed are significant positive considerations in favour of approving the development.
- 7.16 These are on balance, outweighed by the scheme's inability to provide any affordable housing for which there is an evidenced need in the Borough which is considered to be of overriding weight in this instance. Furthermore, the inability to provide payments for public open space in lieu of on-site provision also weighs heavily against the scheme. As such the following recommendation is appropriate.

8 RECOMMENDATION –

PERMISSION BE REFUSED on the following ground:

(1) The proposal fails to provide affordable housing or an appropriate contribution towards open space, pursuant to Policies SP20 and DM19 of the Local Plan. To permit the development in the absence of such sufficient justification together with the lack of provision within the scheme either on-site or off-site would be contrary to the provisions of the advice in the NPPF 2018, the National Planning Practice Guidance and to Policy SP20 and Policy DM19 of the Maidstone Borough Local Plan 2017.

INFORMATIVES

(1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer Steve Clarke

