

REFERENCE NO - 17/504568/FULL	
APPLICATION PROPOSAL Demolition of the remaining former Library building, erection of a six-to-sixteen storey residential development of 170 No. apartments and 85 No. car parking spaces at the former KCC Springfield Library site, Sandling Road, Maidstone.	
ADDRESS – Former KCC Springfield Library HQ, Sandling Road, Maidstone ME14 2LG	
RECOMMENDATION – Application Refused	
WARD North	APPLICANT - Peker Holdings Limited AGENT - Barron Edwards Limited
TARGET DECISION DATE 29/03/2019	PUBLICITY EXPIRY DATE 07/03/2019

REPORT SUMMARY

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UPDATE FOLLOWING DEFERRAL This application was deferred at the Planning Committee meeting of 22 August 2019, when Committee resolved that consideration of this application be deferred to enable: <ol style="list-style-type: none"> 1. <i>The viability information to be published on the Council’s website; and</i> 2. <i>The Officers to provide details of the S106 funding currently available for community facilities in the area.</i> <p>The report of 22nd August is attached at Annex 1.</p> <p>This new report addresses the reasons for deferral together with two further updates on (3) further public consultation responses and (4) updated landscaping proposals. Accompanied by the August report at Annex 1, this update report therefore details:</p> <ol style="list-style-type: none"> 1. An update following publication of the viability evidence (paragraphs 2.19 and 6.76 to 6.95 of the August report) 2. An update on the s106 funding secured towards community facilities in the area (paragraph 6.95 of the August report) <p>In addition, this update provides:</p> <ol style="list-style-type: none"> 3. A summary of additional comments received following the public re-consultation following the August Committee (paragraph 4.01 of the August report) 4. An update on further site landscaping details submitted by the applicant (paragraphs 6.53 to 6.56 of the August report) <p>The recommendation of your Officers remains unchanged.</p>

RECOMMENDATION Permission be Refused

SUMMARY OF REASONS FOR RECOMMENDATION

The scheme involves the redevelopment of previously developed land within the urban area, however, the site lies outside of the town centre.

The site is not allocated for development within the Local Plan.

At the request of the Applicant a report recommending the refusal of permission for this application was withdrawn from the Planning Committee agenda of 8 November 2018.

The application has been the subject of protracted discussions during which Officers have sought to address concerns relating to both the quality of the proposed development and its viability. However, it has not been possible to secure a scheme of an appropriate scale or quality that would address the significant concerns relating to the scale and density of the development.

It is considered that the significant scale and very high density of development results in; adverse impacts upon the environment, the amenity of neighbours and will not result in satisfactory living conditions for future occupants of the scheme.

Notwithstanding the expectation that the Council will promote sustainable development, as advocated by the NPPF, through a series of local plan policies such as DM1, 3, 4 and 30, the local plan requires proposals to deliver high quality design.

Despite the attempts of both the Applicant and Officers to address the concerns arising, it is not considered that the process has been successful with the resulting building representing an intrusive, incongruous and unacceptable form of development that will adversely impact upon both the immediate and wider townscape.

Whilst Officers have offered a period of further discussion in an attempt to explore the opportunity for an acceptable solution, the Applicant considers that it is unlikely that an agreed position could be reached and has requested that the application now before the Council be determined.

REASON FOR REFERRAL TO COMMITTEE

It is a major / controversial application and following discussions with a Ward Member it is considered that it merits Committee consideration.

WARD North

APPLICANT Peker Holdings Ltd

AGENT Barron Edwards Ltd

DECISION DUE DATE

29/03/19

PUBLICITY EXPIRY DATE

07/03/2019

OFFICER SITE VISIT DATE

Various

MAIN REPORT

1.0 Viability Update

1.01 The August report to Committee sets out viability considerations in the context of affordable housing and other relevant infrastructure issues. When deferring this application at the August meeting, the Committee requested that the relevant viability documents be uploaded onto the public website. For the purposes of transparency and in order to allow any parties to comment, this has been done and

a fresh round of public consultation of 21 days commenced on 10th October. Committee Members were notified of the uploaded documents on 11th October. No responses have been received from third parties commenting upon any specific aspect of the viability material.

1.02 The Council has been advised throughout this planning application process by the Dixon Searle Partnership (DSP). Uploaded 'Viability Document A' on the Council's website provides a 'non-technical' summary of their advice to the Council throughout the consideration of the planning application, together with an update comment on the Applicant's late offer of £250,000 towards a community facility.

1.03 As set out by the Council's advisors when reviewing the Applicant's initial financial appraisal (FVS):

".....development viability is a measure that may be defined as 'the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project'.

Under normal circumstances where a viability appraisal is provided, if the residual land value (RLV) created by a scheme proposal exceeds the market value or existing or alternative use value then we usually have a positive viability scenario – i.e. the scheme is much more likely to proceed (on the basis that a reasonable developer profit margin is also reached)."

*....
"The FVS; states that as "the proposed scheme generates a negative Residual Land Value of c. £7.45m" that "The financial viability of the scheme is therefore challenging, and the scheme cannot support any contribution towards affordable housing".*

"Taken as presented, this large deficit position essentially indicates a non-viable scenario by all usual measures, especially as this indication is provided without the full policy compliant affordable housing offer, and without consideration of the existing land value....."

1.04 DSL thus concluded that:

"It seems clear then that the scheme as presented is undeliverable by any normal standards and that it is not the affordable housing or any other planning obligation affecting the viability of the scheme. That said even by reviewing all of the input assumptions and adjusting those as described within this report, it seems improbable that a sufficient surplus could be generated in order to fund a contribution to either on-site affordable housing or a financial contribution.

1.05 Members should also note the comments of DSL at 2.1.12 of their initial advice that:

Taken as presented, this large deficit position essentially indicates a non-viable scenario by all usual measures, especially as this indication is provided without the full policy compliant affordable housing offer, and without consideration of the existing land value. At the very least this suggests that is going to be necessary for the applicants to do a significant amount of "value engineering" (i.e. look at significant costs savings and / or value enhancements being achieved in order to bring round the scheme to a much more positive, supportable viable scenario).

- 1.06 The section underlined above highlights that a scheme with viability risks may need to be subject to value engineering. This can be a sign that at the post planning permission stage, there may be a risk of the quality of materials and overall design quality being reduced. This could be a matter of concern for such a significant development. The Applicant has responded to this by proposing that the materials palette be tied into a s106 agreement in order to ensure that this element is not at risk.
- 1.07 Following this initial advice, both the Council's and the Applicant's advisors sought to agree, where possible, the inputs / variables within the viability appraisal. In addition, the Applicant examined ways to improve the viability of the scheme (see 2.02 – 2.04 of the August report). As a result of this process, the Council's advisors suggested that the viability shortfall could be reduced, but still concluded that:

"The FVU continues to argue that the scheme could be made viable over time with an assumption of a 25% uplift in sales values over the lifetime of the project but again highlights the significant risk this brings for the applicant.

It is our continued opinion that the scheme, as currently presented is unviable by normal measures and therefore the combined package of planning obligations and CIL are greater than can theoretically be shown to be viable at the date of the viability review (which is the date that should be considered for viability purposes). It is noted however that the provision of the package of measures is not dependent on any future level of profitability and appears to be an unconditional offer. Obviously the Council would require mechanisms in place to ensure prompt payment of any agreed contributions."

- 1.08 Members should note that the process of viability assessment only considers the scheme before Committee and so has not, for example:
- sought to demonstrate that the scale of development proposed is the minimum necessary to deliver the community contribution, the affordable housing or open space contributions that have been proposed, nor;
 - sought to demonstrate whether there are no alternative development options that may deliver affordable housing or other relevant contributions.

2.0 Available Community Infrastructure Funding

- 2.01 At the August meeting, Committee Members requested clarity as to the level of s106 funding available for a community facility in the locality.
- 2.02 In 2005 planning permission was granted for 192 dwellings at 'Springfield Park' (application ref. 05/2350). This was amended in 2016 by way of application 15/506426/MOD106. The s106 legal agreement associated with that amendment secured a sum of £403,476 to be used for the purpose of the provision of a 'Community Facility', defined as "*a community meeting facility and crèche area to be provided within the ground floor retail unit of the Development or such other community facility which directly serves the occupants of the Development.*" (my emphasis)

- 2.03 The Council is currently holding £100,000 from this planning permission which was paid under the amended legal agreement. Part of this amount is for health facilities (£46,523.08) which leaves £53,476.92 that could currently be used towards community facilities. The remaining contribution of £349,999.08 is to be paid in two instalments, 50% paid upon disposal (sale) of the 50th dwelling and the remaining 50% to be paid upon disposal (sale) of the 170th dwelling. The above payments may be subject to indexation.
- 2.04 The more recent planning permission for Springfield Mill (Redrow scheme) - 17/502432/FULL secured the opportunity to use the listed Rag Room if required, but no financial contribution towards an alternative was secured. The Weston Homes scheme currently under construction provides the opportunity for a small community / retail space, but again makes no financial contribution towards any alternative off-site facility.
- 2.05 The current Peker Holdings application has removed a small on-site community space from within the scheme and in lieu makes an offer of £250,000 towards off-site provision.
- 2.06 In addition to the above, Members should note that CIL funding may be available in the future, either through the Regulation 123 list of strategic priorities and/or through the 15% of CIL that is to be reserved for use at ward level. However, at this stage no specific community projects are currently on the CIL 123 list.
- 2.07 Officers have previously advised that, in-principle, St Faith's on Monkton's Lane could be an appropriate location for a community facility to serve the above developments. Whilst the principle of such a use has been discussed with Officers, we are not aware that any detailed, costed delivery plan has been put forward in association with a request for s106 funding for a community facility at St Faiths. On this basis, your Planning Officers are unable to present any evidence to show that a scheme has been costed in detail, what (non-s106) funding may already be available and whether a set funding gap remains. On this basis, we cannot advise that significant weight could be afforded to this Applicant's financial offer towards such a facility, moreover, the offer of £250 k fails the 3 legal tests to s106 in that there is no detail around what the 'community facilities' amount to and the specific need but crucially no site and work programme identified.
- 2.08 As highlighted in the main report, paragraph 57 of the NPPF states that:

"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".

Clearly this is not the case here. The offer of £250,000 for off-site community facilities was only made immediately before publication of the previous report in August; and as well as the impact on viability it needs to be seen against infrastructure policy set out in the adopted Local Plan 2017. Strategic Policy ID1 (Infrastructure Delivery) lists infrastructure priorities for residential development where there are competing demands for contributions (secured through s106 legal agreements). The highest priority is affordable housing, yet none is proposed on site and a below policy off-site, therefore, there is clear policy conflict. CIL is normally the mechanism for securing off site infrastructure but the applicant has

chosen the £250,000 contribution via a s106 legal agreement. As stated above, the 'community facilities' are not identified in the 123 list.

3.0 Further Local Representations

3.01 As identified in Annex 1, prior to the August Planning Committee objections had been received from 12 local residents on the following grounds:

- Overdevelopment of the site, excessive height and density adversely affecting the character of the area. The adjacent scheme is not an appropriate reference
- Poor design
- Inadequate open space
- Additional traffic from the development will exacerbate local conditions and congestion.
- Parking provision is inadequate.
- Loss of privacy due to proximity to properties in Radnor Close.
- The refuse storage area is unneighbourly being adjacent to Radnor Close.
- Loss of daylight/sunlight to properties in Springfield Avenue.
- Likely level of dust and disturbance during demolition and construction.
- Removal of community space from scheme not acceptable
- The proposed residential accommodation does not meet local needs

3.02 Following the most recent public consultation, a further 39 objections have been received (so a total of 51 objections). In addition to repeating a number of the above comments, the additional objections raised include:

- The existing tower should be demolished – evidence of trespass and anti-social activity
- The proposed scheme would adversely impact on the local skyline / townscape
- Harmful impact on the local environment
- Scale not sympathetic – will dwarf neighbours
- Lower scale development would be more appropriate
- The in-combination impact with other new developments is unacceptable
- Local social and health infrastructure is inadequate to support growth
- An alternative scheme should include local services such as a doctors surgery
- The community space removed from the scheme should be replaced by an alternative within 1 mile of the site
- Adverse impact on noise and air quality
- Risk to safety of pedestrians and motorists arising from congestion
- Springfield roundabout should be signalled as local residents struggle to access
- Overlooking of neighbours
- The area is already affected by anti-social parking
- Parking should be provided at 1 space per unit
- Potential loss of wildlife habitat and increased pressures on nearby nature reserves
- Family homes more needed than tower blocks
- Support the previous recommended reasons for refusal

- This is not a 'gateway' site

3.03 No further fresh comments have been received from statutory or other consultees.

4.0 Updated Landscape Strategy

4.01 Following the August Planning Committee the Applicant has submitted an updated Landscaping Design Strategy, which seeks to provide further clarity on the hard / soft landscaped areas of the site. The eastern frontage to the scheme is referred to as 'parkland' and the areas to the west as a 'landscaped parking court' and 'landscaped arrival areas'. In addition to the layout of the proposed landscaping, the strategy document identifies examples of areas of landscaping within other developments that have inspired the Applicant's approach.

4.02 However, Officers do not consider that these updates overcome the concerns raised in the August report. The usability of the area to the west, as anything but a buffer, remains doubtful due to traffic related impacts, whilst the eastern area still provides very limited areas of soft landscaping and remains an area dominated by car parking and access. The conclusions of the August report are maintained, in that, having regard to the scale and density of the development, the failure to deliver an acceptable setting and area of meaningful and useable public realm and amenity space for occupiers of the scheme is considered to be a further significant weakness in the overall design concept.

5 CONCLUSIONS

5.1 For the reasons set out above, it is considered that the development causes harm to a range of Local Plan policies. Officers have been unable to negotiate an acceptable scheme and the Applicant has requested that the scheme be determined in its present form.

6 RECOMMENDATION –

6.1 The recommendation remains as per the August report, that:

PERMISSION BE REFUSED on the following grounds:

- 1) The proposed development by reason of its scale, mass and siting would be incongruous in its non-immediate and wider context. This incongruity would be visible in medium distance views (such as the western side of the Maidstone river valley) and long distance views (such as the south facing base and scarp of the Kent Downs). There would be cumulative inter-visibility between the proposed development and the under construction tower block to the south, adding significantly to the massing effect and therefore accentuating the incongruity. Both the National Planning Policy Framework and adopted Maidstone Borough Local Plan policy DM1 require good design as a minimum, but given the mass and prominence, this building fails to deliver the "very good design" standard required. It is considered that the design of the building does not have a high quality

standard of architecture, does not employ any genuinely innovative sustainable design features which are integral to its design, is single use (residential), does not create any new linkages nor create or re-inforce any street patterns, creates no functional public open space, fails to enhance or engage with surrounding public realm, has a landscape scheme design based on preserving rather than significantly enhancing, and proposes a ground floor is not considered to be appropriately 'active' in terms of the façade treatment and function. As such the development causes an unacceptable level of harm and is contrary to the NPPF and policies SP1, SP18, DM1 and DM5 of the Maidstone Borough Local Plan 2017.

- 2) The proposal is contrary to the National Planning Policy Framework paragraphs 193-195 (as expanded upon by Planning Policy Guidance section 013) which require great weight to be given to the conservation of designated heritage assets and their setting, and for the implications of cumulative change to be considered. Any harm to the significance of a heritage asset from development within its setting (the surroundings in which a heritage asset is experienced) should require clear and convincing justification. The proposed development by reason of the height, mass and siting of the tower element would result in harm from an overbearing impact on the setting of the principal elevation of Springfield House (Grade II listed) and also when viewed from the open River Medway to the west. The application fails to assess the impact of the development (either in isolation nor cumulatively with the under construction tower block on the land to the south) on the setting and significance of Allington Castle (Grade I) and Park House (Grade II*). Those listed buildings are both in elevated positions to the north of the application site with panoramic and historically important views towards Maidstone, which are considered to be within their settings and contribute to their significance. The application has therefore failed to demonstrate that the proposed tower element by reason of its height and mass would not result in harm to both these views and hence to their historic landscape settings. For all the heritage assets, the proposal compounds harm from the existing adjacent developments resulting in greater harm to their setting and significance, important local views and the wider historic landscape setting of Maidstone. Moreover, the development does not take the opportunity for enhancing the significance of these heritage assets as required by para 192 of the NPPF. In the absence of a public benefit arising from the development, the proposals are contrary to the NPPF and Policy SP18 and DM4 of the Maidstone Borough Local Plan 2017.
- 3) By virtue of its siting, massing and height, the proposed development is considered to represent an overbearing an unneighbourly form of development that will be harmful to the amenity of neighbouring residents, contrary to the objectives of the NPPF and Policies DM1 and DM5 of the Maidstone Borough Local Plan 2017.
- 4) Having regard to its scale and density, the proposed development fails to provide an adequate level of amenity for the future users of the scheme which could not be overcome through a commuted payment to off-site open space. Further, the development fails to respond to the requirement to enhance the public realm, is likely to adversely affect the amenity of neighbours and is therefore contrary to policies DM1, DM13 and DM19 of the Maidstone Borough Local Plan 2017.
- 5) The quantum of parking provision is significantly below the upper standard set out in Local Plan policy DM23. Evidence has shown that inadequate levels of parking

are a source of on-street parking problem within the immediate vicinity. Whilst the site is situated adjacent to bus routes and, to a lesser extent, Maidstone East railway station can be reached on foot, this is not a town centre location and it is considered that the very low parking provision proposed would be significantly below the likely level of car ownership for a development of this type and location. Further, it is not considered that the travel plan measures submitted would result in an adequate reduction in car ownership and use. As such, the proposal would provide inadequate levels of parking for the occupants of the development, contribute to and exacerbate on-street parking problems and is thus contrary to Policies SP23, DM1 and DM23 of the Maidstone Borough Local Plan 2017.

- 6) Planning obligations have not been submitted or secured which comply with adopted Local Plan policy in relation to affordable housing. It is understood that the reason for this is that the scheme would be unviable with policy compliance, however, paragraph 57 of the revised NPPF (revised February 2019) states that "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..." This is an unallocated site and the Local Plan was adopted in October 2017 with an assumption that policy compliant development was viable. The development is therefore contrary to the provisions of the advice in the NPPF, the National Planning Practice Guidance and Policy SP20 of the Maidstone Borough Local Plan 2017.