

Appendix 1

Planning Committee Report
22nd August 2019

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 - Pekar Holdings Limited AGENT - Barron Edwards Limited
TARGET DECISION DATE 29/03/2019	PUBLICITY EXPIRY DATE 07/03/2019

REPORT SUMMARY

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 Permission be Refused
SUMMARY OF REASONS FOR RECOMMENDATION <p>The scheme involves the redevelopment of previously developed land within the urban area, however, the site lies outside of the town centre.</p> <p>The site is not allocated for development within the Local Plan.</p> <p>At the request of the Applicant a report recommending the refusal of permission for this application was withdrawn from the Planning Committee agenda of 8 November 2018.</p> <p>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 is 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.</p> <p>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.</p> <p>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 proposal to deliver high quality design.</p> <p>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</p>

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

RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):

App No

Proposal

Decision

Date

SPRINGFIELD LIBRARY SITE

Note – the permissions detailed below, first granted in 2009, then 2014 and renewed again in 2017 have lapsed and are not capable of implementation

16/507999	Variation of conditions attached to 12/2032 (An application for a new planning permission to replace extant permission 09/0862) - To allow demolition. (Note - reserved matters applications needed to be made by 08/05/17)	Approved	24/02/2017
16/507817	Submission of details to discharge conditions pursuant to 12/2032	Approved	08/03/2017
12/2032	Application for a new planning permission to replace extant permission 09/0862 (outline planning application for 100 flats and 14 houses - all matters reserved)	Approved	08/05/2014
09/0862	Outline planning application for residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration	Approved	24/11/2009

PERMISSIONS RELEVANT TO THE WIDER FORMER KCC SPRINGFIELD CAMPUS

17/501503	Minor material amendment to 05/2350 including amendments to internal floor plans, updated housing mix, altered roof form and revisions to the external material palette.	Approved	14/02/2018
17/505581	Non-material amendment to 16/507471 – to include: reduced footprint, amendments to internal layout, unit mix and elevations.	Approved	06/02/2018

16/507471/ FULL	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
13/2099	Erection of Class A1 retail development (with ancillary cafe), supporting retail (A1-A3), doctors' surgery (Class D1)	Refused	08/05/2014
05/2350	Erection of B1 offices comprising 3 No. buildings, 192 residential units and accommodation for class A1, A3 or community use)	Approved	01/08/2006
01/1356	Demolition of buildings and comprehensive redevelopment to provide offices (B1) and residential, (with offsite affordable housing)	Approved	01/10/2002

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application sites lies within the Maidstone Urban Area, approximately 650m beyond the northern edge of the town centre boundary. Maidstone East Station lies circa 900m walk to the south with the northern-most edge of the retail centre at circa 1,000 – 1,200m.
- 1.02 The application site fronts onto Chatham Rd, which runs parallel to Royal Engineers Road. Vehicular access is taken from an un-adopted estate road which also provides access to a number of additional sites, including the adjacent Weston Homes development sites, the Grade II listed Springfield Mansion and established residential buildings in Radnor Close and Bambridge Court. Vehicular access onto the A229 is gained via the roundabout that also serves the Invicta Park Barracks
- 1.03 The Chatham Road frontage is marked by a group of mature trees, which are protected by TPO. The former rotunda and podium have now been demolished, such that, with the exception of the former library tower, all buildings on the site have now been demolished. Otherwise the site is vacant and hoarded. The remaining library structure is described as being 12-13 storeys in height.
- 1.04 The site is relatively small in size, circa 0.575 ha, and tapers in width from north to south. The significant belt of mature trees on the eastern and southern parts of the site significantly reduce the net developable area. Levels across the site fall by approximately 4.5m from south to north and from the Chatham Road towards Springfield Mansion by circa 2.8m.
- 1.05 Whilst the area of Royal Engineers Road to the east is undeveloped, the site is otherwise relatively tightly contained by built development, with the limited areas of public realm within the immediate vicinity principally comprising narrow estate access routes and areas of car parking. To the west of the site, the listed Mansion House is principally 2 and 3 storeys in height, adjacent to which Bambridge Court, a residential development dating to circa 2000 is predominantly 4 storey in height.

To the north Radnor Close contains a mixture of two-storey houses and three-storey flats which are separated from the application site by a large retaining wall which serves to manage a drop in levels of approximately 2m to 2.5m. The two adjacent Weston Homes developments, which are under construction to the south, will provide 192 and 310 apartments respectively. The element fronting Royal Engineers Way immediately south of the application site will rise from 8 to 18 storeys in height, with the blocks to the rear being 6 storeys.

- 1.06 As assessed below, the constraints of the site size and its surroundings impact upon the ability to successfully resolve the challenges associated with seeking to deliver a large scale and high density development.
- 1.07 In terms of the wider surroundings; to the west of Springfield Mansion the wooded Medway Valley falls away steeply, whilst to the east the townscape is dominated by the A229, beyond which the Barracks are set behind a retaining wall and landscaping. To the north the area comprises mainly suburban low rise housing, whilst to the south, beyond the Weston Homes site; the east of the A229 is characterised by tight grain low rise housing and the west a variety of larger scale building typologies reflecting that area's town centre fringe location and principally commercial and civic scale uses.
- 1.08 The geography of the site location is one where the land rises significantly from the town centre and Medway Valley northwards towards the Kent Downs. As demonstrated by the adjacent building the proposals have the potential to impact not only upon local views, but also longer distance views into and out of the town centre.

2.0 THE PROPOSAL / SCHEME EVOLUTION

- 2.01 The site was acquired by the Applicant with the benefit of an extant planning permission for 114 units, in buildings of between 4 and 6 storeys in height. The design statement accompanying the current application confirms that the architects were briefed to *"..deliver a scheme in the order of 165 residential apartments.."*. Having regard to the site characteristics outlined above, this degree of uplift will be significant.
- 2.02 At the request of the Applicant, a report recommending the refusal of permission for this application was withdrawn from the agenda of the Planning Committee in November 2018. Since that original report was prepared, the application has been substantially amended; initially in December '17 / January '18, with the principal changes involving:
 - a reduction in some elements of the massing of the buildings and the height of parts of the central and lower blocks
 - removal of the proposed community space
 - an increase in the number of residential units from 162 to 170 units
 - an amended unit size mix
 - material changes to the elevational design
 - a reduction in the number of parking spaces from 86 to 85 units

- relocation of some of the basement/undercroft parking to the western area of the site
- relocation of waste storage to an external structure
- rationalisation of the internal layout and improved floorspace efficiencies.

2.03 In addition to the physical changes to the scheme, the applicant has subsequently proposed the following s106 obligations, which were not part of the proposals in 2018:

- an off-site affordable housing contribution of £603,965
- an off-site open space contribution of £251,600
- a community facility contribution of £250,000
- inclusion of design codes

The applicant has also confirmed that the development would be subject to a CIL contribution estimated to be circa £1.3 million.

2.04 In March and April 2019, the applicant proposed further clarification in respect of design details such as fenestration patterns and materials.

When further reviewing the application on the Council's website, Members may wish to refer to the report entitled 'Design Summary, which summarises the above changes and how they have informed the scheme now before Committee.

2.05 Members should also note that the planning application now before them for consideration is materially different to that which was to have been considered in November 2018. For this reason and as the November report was not considered by the Committee, Officers advise that Members should not rely upon the previous report in coming to a decision on this application.

2.06 The planning application now before Members therefore seeks detailed planning permission for the demolition of the remaining circa 13 storey structure and the erection of a residential development ranging between 6 and 16 storeys in height to provide a total of 170 apartments, 85 car parking spaces with access, communal residential amenity areas at ground floor and roof level, cycle parking and refuse storage facilities; together with external hard and soft landscaping.

2.07 The amended building form is based upon the principle of three connected built elements rising in height towards the south. Compared to the original submission, the building blocks have been simplified, the effect of which is to serve to reduce some of the visual complexity associated with the previous scheme and also to reduce massing and the height of parts of the building by up to 8metres. However, as detailed below, these changes to the form have also served to undermine many of the architect's original responses to the design brief and also bring further challenges to the creation of a successful high density scheme. The building layout within the site is broadly unchanged and seeks to maximise tree retention on the Chatham Road frontage, with 32 of the original 38 trees to be retained – an increase when compared to the previous permission on the site.

2.08 The building comprises three built elements which increase in height from 6-storeys at the northern end (circa 21m plus a circa 2 to 3m change in land levels

closest to Radnor Close) up to the maximum 16-storeys in height (approx. 54m) southwards towards the campus access road off the A229 roundabout.

- 2.09 As part of the applicant's response to improving the viability of the scheme the reliance upon basement parking provision has been reduced with an increased level of external surface parking. Basement parking has been reduced from 55 to 42 spaces, with a commensurate increase in ground level parking from 32 to 43 spaces. As detailed below, together with the relocation of the waste storage outside of the main structure, these changes impact upon the quantity and quality of public realm. Cycle parking spaces are proposed in the basement at a ratio of approximately one per unit.
- 2.10 The mix of residential units within the development has altered as a result of the amendments as follows:

	<u>2017 Submission</u>	<u>As Amended</u>
One-bedroom units:	26	18
Two-bedroom units:	113	125
Three-bedroom units:	23	27

Whilst no affordable housing is proposed within the development, as detailed below, the applicant now proposes an off-site affordable housing contribution that they suggest equates to circa 10%.

- 2.11 The design approach of the building has evolved over a protracted period of discussions at both pre-application stage and post submission. The footprint of the amended design maintains the previous separation from the listed Springfield Mansion, whilst at the same time retaining as many as possible of the existing mature trees fronting Chatham Road.
- 2.12 What was originally proposed as five distinct linked blocks rising from north to south has been simplified to one building broken down into three elements each defined by differing heights and palette of materials. The level of rooftop amenity space and surface level soft landscaping has materially reduced as a result of the amendments.
- 2.13 The applicant asserts that the broad approach to scale and massing follows the lead of the permitted U+I (now Weston Homes) scheme to the south. This is addressed in detail within the assessment below. However, in assessing this scheme Members should also have regard to the application site's wider context.
- 2.14 The original submission was reviewed by a Design South East Review Panel in February 2018. In their summary DSE commented:

"This development has come to design review at the later stages of the planning application process which limits the potential for the review process to improve the scheme. This is another high-density development in this area and as such creates a number of challenges. The development of the design of the building is generally convincing but we have some suggestions for improvements which are detailed below. In particular the design of the ground floor and the public realm to the west of the building needs further work."

There is an urgent need to bring landowners and developers together to discuss how the emerging new neighbourhood of the Springfield campus and former Whatman's paper mill could be better connected and managed and how it could therefore develop as a place and achieve its"

With regard to the scheme's density DSE commented:

"There was some discussion in the panel about whether this proposal is too dense. The question was raised as to why the brief required 50% more units than the previously consented scheme to make it viable. Fewer apartments would certainly make the design issues easier to resolve. The site is over twenty minutes walk from the town centre with poor physical pedestrian connections and public transport. There is a lack of infrastructure, public community and private facilities in the area. There is no strategic plan for common or public space which takes advantage of the outstanding position on the banks of the river Medway. From a strategic point of view, one would expect higher densities to be promoted closer to the town centre and major transport hubs."

Whilst the Panel acknowledged the precedent set by the adjacent scheme, as Officers identify below, the adjacent permission does not of itself justify any harmful impacts that may arise from the present application.

In terms of the then proposed approach to moderating the building's massing, the Panel asserted

"The glazed cores between the different 'blocks' are a positive move which will help lighten the overall appearance of the building and make it less wall-like. However we were not convinced from the elevations and CGIs that this transparency will be expressed strongly enough."

In contrast to the Panel's advice, the glazed links referred to above, have been removed rather than enlarged as part of the amendments to the scheme. With regard to public realm the Panel supported the scheme's approach to maximising the retention of mature trees, but raised the following concerns:

"We were less convinced by the public realm on the western side. The large drop off area seems unnecessary and, given the likely pressures on parking, will probably end up as an informal parking area. There is a need for more generous and better connected amenity space on this more-private side of the building as it is likely that some residents will not use the rooftop gardens. We feel the scale of proposed landscape intervention to the west should seek to match the status of the retained treed edge to the east and not appear too piecemeal and small scale."

Whilst the application initially responded to this advice, the more recent amendments, which have introduced more external parking and refuse storage, in effect reintroduce a number of the Panel's original concerns.

2.15 The proposed materials and external finishes have evolved as the scheme has progressed. Brickwork features strongly across each of the three elements, with the brick colour and textures referencing, for example, those used on the adjacent listed mansion. Aluminium windows screening panels and balconies will incorporate colours such as bronze and champagne to complement the tones of the

brickwork elements. The building design strategy seeks 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.

2.16 The Applicant also proposes that the Design Code will form part of a s106 agreement in order to ensure the quality of the scheme is not diluted at a later stage.

2.17 In terms of soft landscaping, at ground level the majority of this comprises the retained mature trees on the eastern and southern parts of the site. Due to the limited space available, only two narrow beds of planting are proposed on the site's western frontage, where the main entrance is located. A roof garden is proposed, although this has reduced in scale from the original submission as a result of (i) the inclusion of rooftop PV and (ii) the viability engineering of the scheme.

2.18 The application is supported by a suite of reports, including:

- Design & Access Statement & Design Code
- Planning Statement
- Heritage Impact Assessment
- Townscape and Visual Impact Assessment
- Sustainability Statement
- Energy Statement
- Daylight and Sunlight Assessment
- Air Quality Assessment
- Transport Statement and Travel Plan
- Economic Impact Report

2.19 The application has also been supported by Viability Assessment (**Confidential**) which has been updated through the timeframe of the application and reviewed on behalf of the Council by independent assessors.

3.0 POLICY AND OTHER CONSIDERATIONS

3.01 The following Maidstone Borough Local Plan policies are considered to be relevant to this application:

- SS1 Spatial strategy
- SP1 Maidstone urban area
- SP18 Historic environment
- SP19 Housing mix
- SP20 Affordable housing
- SP23 Sustainable transport
- ID1 Infrastructure delivery
- DM1 Design Quality
- DM2 Sustainable design
- DM4 Development affecting heritage assets
- DM5 Brownfield land
- DM6 Air quality
- DM12 Density
- DM19 Open space

- DM20 Community facilities
- DM21 Transport impacts
- DM23 Parking standards

3.02 The National Planning Policy Framework (NPPF) 2019 introduces a number of relevant considerations, including:

- Sustainable development (7-11)
- Weight on the local plan (47)
- Housing supply / meeting housing needs (59-76)
- Promoting sustainable transport (102+/108+)
- Parking standards (105-106)
- Effective use of land (117+)
- Density of development (122-123)
- Design Quality (124-132)
- Climate change (149+)
- Historic environment (184+)

National Planning Practice Guidance (NPPG) supplements the NPPF and relevant guidance is assessed below.

4.0 LOCAL REPRESENTATIONS

4.01 Throughout the various iterations of the application representations have been received from 12 local residents raising the following (summarised) issues

- 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

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. Subject to the detailed comments of KCC summarised below, they raise no in-principle objections 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.

KCC do note the high level of on-street parking on the access road to the A229 and mini-roundabout, advising that this is not in the overall interest of highway safety and in the absence of preventative measures and management, consider that 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.

(Officer Note – Members should note that in terms of trip generation, the previous scheme is not a material consideration as it has expired. KCC has been asked to clarify if this view therefore changes – a verbal update will be provided)

Parking and Layout: The parking ratio of 0.5 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. A car park management plan should also be considered.

(Officer Note – Members should again note that the previous scheme is not a consideration as it has expired. KCC has been asked to clarify if this view therefore changes – a verbal update will be provided)

Sustainable Travel: KCC consider that the site is well placed in relation to key services and facilities, which are within a 1.2km preferred maximum walking distance of the site, along a segregated route with a bridge over the A229. The site is also immediately adjacent to National Cycle Network Route 17.

Minor changes are encouraged to provide further enhancement and encouragement for sustainable modes of travel, including:

- 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.

KCC advise that 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 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 KCC. 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: 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

(Officer Note - Members should note that since these comments were submitted, the Council's CIL regime has come into force and all of the matters listed above would be considered through the CIL process.)

- 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:** Request that 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:** Considered 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:** Advise that there is a deficit of some 3.05ha of open space when compared to the total of 3.22ha required 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).
(Officer Note – as the number of residential units has increased from 162 to 170, the above required contribution would need to be increased commensurately).

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

Noise: 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 ProPG.

Air Quality: The Methodology in the Air Quality Assessment is accepted. The site is a suitable location for new sensitive development, as the properties are well below the air quality objectives.

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: 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: Limiting noise from plant and equipment at the site.
- 3: 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: Calculation of pollutant emissions costs form the vehicular traffic generated by the development.
- 5: 1 electric vehicle rapid charging point/10 units.
- 6: 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.

(Officer Note - Members should note that since these comments were submitted, the Council's CIL regime has come into force and all of the matters listed above would be considered through the CIL process.)

6.0 APPRAISAL

Principle of Development

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is a core principle of Government policy that the planning system must be plan-led. The MBLP 2017 is the principal Development Plan Document for the District. It is up-to-date and must be afforded significant weight.
- 6.02 The National Planning Policy Framework (NPPF) provides the national policy context for the proposed development and is a material consideration in the determination of the application. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan. Members should note that the NPPF also states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 6.03 In addition, it should be noted that despite the NPPF's presumption in favour of sustainable development and the emphasis upon the use of brownfield land, it also states that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities "* It is therefore clear that good design is an essential requirement of any scheme that seeks to deliver sustainable development.
- 6.04 Policy SS1 of the Local Plan sets out the broad sustainable development strategy for the District and states that the Maidstone urban area will be the principle focus for development, with the best use made of available sites. It also states that the town centre will be the focus for regeneration. The site does not lie within the defined town centre boundary. Policy SP1 provides further guidance for the urban area. In seeking to promote the area as a good place to live, it requires inter alia that development should contribute positively to a locality's distinctive character.
- 6.05 Members should note that Policy SP1 seeks to respect and deliver the 'Spatial Vision' set out in the Local Plan. The Spatial Vision states that sustainable growth should be delivered alongside:
- protection of the Borough's built assets
 - creating an enhanced and exceptional urban environment
 - enhancement of heritage assets
 - securing high quality sustainable design and construction
 - ensuring that development is of a high quality design and makes a positive contribution to the area.
- 6.06 The site does not form part of a site allocation, nor is it part of the broad location for housing growth in the town centre as defined under Policy H2(1). As such it is not required in order to deliver identified Local Plan growth targets for this area of the Borough. Members should note that whilst the adjacent site allocation promotes higher densities, this reflected that site's greater footprint and closer adjacency to the town centre boundary. Members should also note that the

adjacent site allocation H1(11) suggested densities of circa 180 dph, compared to the current application's 293 dph.

6.07 Nevertheless, 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 accordance with the provisions of the Development Plan and the NPPF, but is also subject to the wider consideration of the scheme against the development plan as a whole, including those objectives set out above which include the quality of the built environment. The ability of the application to address these wider requirements is assessed below.

6.08 One such consideration is density. Policy DM5, which supports the development of brownfield land states: *"If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for a change in density."*

6.09 The supporting text to Policy DM5 also lists further considerations that will inform as to the acceptability of brownfield development, including:

- The level of harm to the character and appearance of an area;
- The impact of proposals on the landscape and environment;
- Any positive impacts on residential amenity;
- What sustainable travel modes are available or could reasonably be provided;
- What traffic the present or past use has generated; and
- The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.

6.10 As the assessment below demonstrates, the proposed development is considered to fail when considered against a number of these key principles.

Design and Visual Impact

6.11 Both the NPPF and Local Plan emphasise that good quality design is central to the successful delivery of sustainable growth. In particular the NPPF make clear it's expectations in respect of design quality:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

It further emphasises that in taking planning decisions the Council should, for example, ensure that development:

- a) will function well and add to the overall quality of the area;
- b) is visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) is sympathetic to local character and history, including the surrounding built environment and landscape setting;

- d) establishes a strong sense of place and creates attractive places to live;
- e) in optimising the potential of any site to accommodate development should provide an appropriate scale and mix of development and include necessary green and other public space.

6.12 In particular the NPPF emphasises that:

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"

6.13 The Local Plan is entirely consistent with the NPPF. It's Spatial Vision / Objectives, together with Policies SP1 and SP18 emphasise that sustainable growth should be delivered alongside protection of the built environment and heritage assets.

6.14 The Local Plan sets out clear expectations in respect of design quality, stating that "Proposals which fail to take opportunities to secure high quality design will be resisted". Policy DM1 sets out a number of design-led tests including:

- the need to respond to local character, including scale, mass and bulk,
- the creation of high quality public realm
- the need to respect the amenity of neighbours
- delivering high quality design which responds to townscape and heritage settings

6.15 The application site was not identified for development within the adopted Local Plan given that there was an acceptable scheme previously approved (114 units). However, the sites to the south (both Redrow and Weston Homes) are the subject of a single Local Plan allocation namely policy H1(11).

6.16 There is much design guidance on 'tall' buildings and of note is Historic England's 'Tall Buildings' (Historic England Advice Note 4 December 2015) and 'Guidance on tall buildings' (2007) by English Heritage and CABI. Both documents are similar with inter alia design principles set out. They acknowledge that tall buildings in the right place, which are well designed, can make a positive contribution to the townscape; however, tall buildings which are not in the right place and not of appropriate design quality, by virtue of their size and widespread visibility, can seriously harm the quality of the townscape. Whilst it is accepted that a tower block of considerable scale and mass is being constructed adjacent, this represents simply part of the immediate context, whereas it is necessary to consider a proposed building of this significant scale within a much wider context. Further, the existing library building whilst 'tall' in height is of a much lesser scale and mass than the application proposal.

6.17 Whilst there are no local 'tall building' policies, basic contextual design principles can be employed. For example, in the early part of this century riverside developments were permitted and built out but these clearly respected the wider skyline using the topography of being alongside the river Medway to reduce their prominence. Secondly, there are arguments in favour of locating 'tall buildings' next to transport hubs so that public transport opportunities are maximised and

such schemes lend themselves more to mixed uses. However, the proposal does not benefit from neither an appropriate topographical context nor a transport hub.

- 6.18 The design statements supporting the planning application appear to principally rely upon a gateway relationship with the Weston Homes scheme, however, as stated this simply represents part of the immediate context only. The adjoining Weston Homes scheme forms part of a site allocation H1(11) where higher density development was envisaged. Clearly, higher densities (especially when measured in terms of residential units per hectare as opposed to rooms per hectare) can be achieved in many forms such as terracing or a combination of built forms as with the Redrow development at Springfield Mill which is considered to be sympathetic to both the immediate and moreover wider context. The application site does not form part of the site allocation; it is a transitional site that sits between the site allocation and the suburban area to the north. Its immediate context and setting includes relatively low rise residential buildings and a sensitive heritage asset. It is considered that the scale and density of development proposed fails to have regard to and respect this wider context.
- 6.19 The site retains one remnant of the previous library complex in the form of a structure that equates to circa 12-13 storeys in height. This again is a strong element in the immediate context but clearly less so in the wider context but, moreover, it is of a significantly lesser scale and mass than that proposed and if the applicant had employed a 'tall and elegant' design philosophy then this may have been more acceptable. Similarly, the illustrative scheme approved as per the outline permission is clearly acceptable as it was successfully demonstrated that a scheme of a certain mass and scale and density was appropriate. Both of these alternatives would result in less residential units and the subsequent associated impacts would also be lesser.
- 6.20 The density of the scheme is very high at almost 300 dph. As the site is not identified for development in the Local Plan there is obviously no stated density (as opposed to site allocations). The proposed high densities are considered to be out of context with the site's wider setting. Rather than take a reference from the neighbouring Weston scheme, it is considered that the scale and density of development should be an output of more contextual and qualitative considerations such as:

Locational suitability / sustainability: for example, does the site have access to services and transport of a quality that supports the density of the scheme? Whilst the site is on an approach to the town centre, services and amenities within the immediate vicinity are limited. The group of buildings within which the site sits offer limited amenities, with only a small level of community space planned in the Weston Homes building and no retail, service or leisure facilities. This suggests that very high densities cannot be supported.

Environmental setting and impacts: The site has a complex relationship with the wider townscape and impacts upon not only the surrounding streetscape, but also longer distance views into and out of the town. There is no justification within the MBLP for such a significant intervention in terms of scale and height.

Does the scale and density facilitate innovative high quality design: This consideration is central to Officers concerns, in that whilst the materiality of the scheme has improved, the simplicity that has come from the most recent design review has not served to elevate the quality of the scheme to a level necessary to justify the height and density proposed.

Quality of amenity: A key consideration is the quality of accommodation that is offered to future occupiers. The high density of development proposed is supported by limited amenity space and challenges to public realm associated with the dominance of parking provision and refuse arrangements, which do not enhance the setting of the building.

Does the building engage with / enhance the public realm: The most recent amendments have led to parking provision bleeding out from beneath the building onto the limited area of public realm to the west, which renders this area no more than effectively a parking and drop-off area. The area between the site and the offices / residential to the west requires enhancement in order to provide the building with a positive setting, but this is not achieved. On the eastern frontage, the building footprint is designed to minimise tree loss. Whilst this is welcomed, it suggests that the footprint and resulting open space is responsive to this particular constraint rather than an integral element of the overall design approach to create a positive engagement with the ground level and public realm.

A challenge for this scheme is that due to the small site footprint there is limited setting around it, no useable public realm and no engaging connection between the building and the ground.

- 6.21 A further expectation of higher density developments is that they secure a mix of uses and contribute to delivering a wider sustainable neighbourhood. Together with the adjoining site there will be circa 650 new households within the two emerging developments, which will add to the significant number of existing properties in Bambridge Court and Radnor Close. The building is solely residential in use, the previous community use having been removed for viability reasons. It is not considered that a community of this scale density should have to rely solely on modest proximity to the town centre. It is not considered that the proposal contributes towards creating a sustainable community.
- 6.22 In order for tall buildings to be successful, they must be of the highest quality. It is not considered that the design of this building meets this test. Whilst the building form has evolved through discussions and the simpler form now proposed improves upon the previous designs, the resulting form is not considered to be of such exceptional quality that a building of this scale can be justified. The lack of quality in the design is reinforced by the scheme's failure to recognise and respond to its wider sensitive setting and context and the building is considered to be incongruous and harmful to the immediate townscape.
- 6.23 It is therefore considered that the proposed building fails to respond to a number of key design-led expectations that would be necessary in order to justify a development of this scale, including:
- architectural quality / design credibility

- contextually driven scale, form and massing
- successful public realm / place-making
- a high quality of amenity for future residents and neighbours
- impact on the local environment
- respect of heritage assets and their setting

6.24 In addition to immediate impacts, a development of this scale also has the potential to impact upon the wider setting of an area. Key consideration will include, for example, the topography of a site and the impact of a building upon the skyline and wider townscape / landscape panorama. As identified above, the application site sits on rising ground, within the context of views into and out of the town centre and its wider rural setting. The visual relationship between the town and the surrounding landscape is an important planning consideration.

6.25 The application is accompanied by a townscape impact assessment which assesses the visual impact of the development from a number of viewpoints. Officers consider that this assessment underplays the visual impact of the development, including potential cumulative impacts with other development. It is considered that the proposals represent an incongruous form of development that would be visible not only in immediate views, but also 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.

6.26 In conclusion, it is considered that the site is in a prominent location on rising land east of the banks of the river Medway and would be of a very significant scale and mass. It will be incongruous with both the skyline of the townscape and the crest of the North Downs escarpment when viewed from the west of the river Medway, in particular roads which have a west east axis such as Queens Road and in longer distance views from the scarp slope of the North Downs whereby the development would be seen against the northern townscape of Maidstone. This incongruity is accentuated by the proximity of the Weston Homes tower block under construction which is of a considerable mass and can be clearly seen in its wider context and demonstrates that this scale of development struggles to be integrated into the townscape.

Residential Amenity

6.27 The potential impact of the development on the amenities of the occupiers of adjoining properties is a key planning consideration and an essential element of defining acceptable design. Such impacts may include sunlight and daylight, noise, privacy and overlooking and the general scale and physical relationship of new development to its neighbours. As identified in the NPPF, it is also relevant to consider the amenities of future occupiers of the proposed dwellings.

6.28 At paragraph 127(f) the NPPF confirms that developments should ensure “high standard of amenity for existing and future users. Policy DM1 (iv) of the MBLP reinforces this requirement”.

6.29 Concerns have been raised by nearby residents about the scale and density of the development, the impacts upon privacy and loss of daylight and sunlight. Each of these considerations are assessed below:

Daylight / Sunlight

6.30 Daylight and sunlight tests were undertaken by the applicant in accordance with the Building Research Establishment (BRE) guidance ‘Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice’, Second Edition, 2011. This exercise assessed nearby dwellings at 1-33 Radnor Close and 1-27 Bambridge Court and no.5 Springfield Avenue and the not yet occupied Weston Homes tower.

6.31 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. In addition, as there are potential limitations in the first two tests the more detailed Average Daylight Factor (ADF) test can be used as an additional method, to provide a more quantitative assessment.

6.32 In this case, the residential tower at Springfield Park and no 5 Springfield Avenue fully complied with the VSC and NSL tests, 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. The ADF method, which calculates the average illuminance within a room, 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.

6.33 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 Applicant’s report advises that the occupants of these properties are unlikely to notice the degree of changes in internal light levels in the ‘post’ development scenario and therefore advises that the habitable rooms of the affected properties will retain acceptable levels of daylight, in accordance with the BRE Guidelines.

6.34 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 sun light experienced by 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.

- 6.35 The Applicant's study advises that all windows and rooms in the remaining assessed properties passed at least two of the three sunlight tests.
- 6.36 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 the amenity of neighbouring residents

- 6.37 Development has the potential to impact upon the amenity neighbours by virtue of its relative scale, for example, development can appear unduly overbearing by virtue of its proximity and scale (both height and massing). Section 1 of this report describes the scale of surrounding developments, which to the west and north comprise residential properties of between 2 and 4 storeys in height. That description also identifies that there is limited public realm surrounding neighbouring developments and that neighbouring residential sites sit on lower ground.
- 6.38 As identified above, the limited developable footprint available on the application site limits the ability to move the proposed footprint away from neighbouring dwellings, with the resulting building positioned on the northern boundary adjacent to Radnor Close and towards the western boundary. The Applicant states that this is principally in order to maximise the retention of existing mature trees.
- 6.39 The proposed development seeks to manage the impact of massing principally through two design responses, firstly the 'zig zag' footprint, albeit that this is again primarily driven by the relationship to existing trees; and secondly, the variation in height of the proposed built elements.
- 6.40 In assessing these relationships, it is important to understand the relative scale of existing and proposed buildings. The application proposal ranges in height between 6 and 16 storeys, whilst existing and occupied residential neighbours vary between 2 and 4 storeys. In addition the application site is sited higher than both neighbouring plots.

- 6.41 The occupiers of Radnor Close in particular, will see a major change in impact in terms of their aspect given the close proximity of the new development to the site's northern boundary, its significantly greater scale and the differences in land levels. The change in site levels between the site and Radnor Close is circa 2 to 2.5m (almost one storey). This is marked by an abrupt retaining wall and there is no effective existing or proposed vegetation between the two sites.
- 6.42 In contrast to the 2 and 3 storey heights of Radnor Close, the proposal, which is sited immediately adjacent to the boundary will rise to six storeys, plus the additional impact of the higher ground levels. Due to the constraint of the existing trees, the proposed building fails to respect any existing building lines and its massing steps forward of Radnor Close, further emphasising its overall massing. When viewed from Radnor Close it is considered that the proposed development will appear excessively overbearing and out of context.
- 6.43 The retention of mature trees is not considered to be an appropriate justification for this degree of harm to residential amenity as, for example, the location, height and massing of the development could have been considered in a manner that satisfactorily addressed both constraints.
- 6.44 In respect of Bambridge Court, the degree of separation from the proposed development varies due to the zig zag nature of the footprint. The degree of separation is such that direct overlooking between windows should not result in a loss of privacy. However, despite the building spacing exceeding best practice guidelines for traditional low rise housing, the proposed development will contrast in scale dramatically with that of Bambridge Court. In contrast to the twoer under construction, which is sited away from residential neighbours, the proposed building will be up to 12 storeys taller than Bambridge Court and will appear oppressive in the context of its neighbour. There will be no meaningful landscaping on the application site to mitigate any impacts.
- 6.45 It is therefore considered that the proposed development has failed to adequately consider or mitigate the impact upon the amenity of neighbouring residents of and is contrary to the objectives of the NPPF and policies DM1 and 5 of the MBLP.

Highways and Sustainable Travel

- 6.46 Kent County Council as the highway authority raised no objections to the original application. In reaching this decision in terms of impact on the network, KCC Highways assessed the potential traffic generation from the proposed development against existing and committed development on the wider Springfield campus and concluded that the development would not substantially increase the cumulative impact on the local network to a level that requires additional mitigation. However, this assessment was based upon a compared to that which would otherwise have arisen if an earlier permitted scheme on the site had been implemented. However, Members should note that the previous permission has lapsed and is no longer a fallback. Officers have therefore requested that KCC consider whether their advice still stands and it is intended that a verbal update will be provided to Members.

6.47 A number of the objections received relate to a perceived lack of parking provision within the scheme. A number of complaints have been received during the construction period of the adjacent site relating to the impact of displaced parking from the construction site. A characteristic of the area is the limited capacity for on-street parking within the vicinity of the site. Both the established residential schemes and the emerging Weston Homes development (60%) provide levels of parking that are below the upper limits set out in parking standards and this has and will result in increased pressures for parking. The application scheme, at 50% of the upper standard is considered likely to exacerbate these existing / emerging parking pressures.

6.48 The site is classed by KCC 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. However, in considering what may be an acceptable level of parking, regard must be had not only to existing conditions, but also the character and location of the development.

6.49 The application asserts that:

- 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.
- 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.

6.49 Despite these options, a development of this character would appeal to a range of households, with a mix of 1, 2 and 3 bedroom units. This will include families, couples and older households who enjoy not only proximity to the town centre, but also the easy access to the strategic road network. Notwithstanding the site's proximity to the town centre and the availability of bus routes, this is not a town centre site and the distances and routes involved, with gradients and traffic dominated conditions are not considered to be likely to encourage high levels of pedestrian movement.

6.50 The applicant has not submitted any evidence to suggest that car ownership and usage levels would be meaningfully below averages for the area

- 6.51 The applicants are seeking to improve the accessibility into and from the site through 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.
- 6.52 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. However, having regard to the above assessment Officers do not consider that this would ensure that car ownership and useage would be compatible with the low level of parking proposed within the development.

Landscaping, Open Space and Ecology

Landscaping

- 6.53 The development footprint is principally defined by the objective of retaining a significant proportion of the existing (protected) trees on the site, 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 approach aids the assimilation of the development into the immediate streetscape on the eastern elevation. However, it does little to manage longer distance views of the site.
- 6.54 The Landscape Officer has assessed the proposals and confirms that the arboricultural principles are sound and therefore raises no objection subject to a condition requiring compliance with the Arboricultural Impact Assessment.
- 6.55 However, the western elevation, of the scheme is a significant contrast. As identified in Section 1 above, the existing quality of the public realm is very poor and in accordance with Policy DM5, any development of the site should seek to enhance the setting of the site. The weakness of the application's public realm strategy on the western part of the site was identified by the Design South East Panel as an area that should be addressed. However, rather than responding to this in a positive manner, the cost-engineering approach of the most recent scheme amendments has resulted in this already unacceptable area becoming increasingly dominated by car parking, hard surfacing and facilities such as waste storage.
- 6.56 As a result, this key element of the development contains no more than two narrow planting beds, which offer no positive contribution to the design of the scheme or it's setting. Having regard to the scale and density of the development, the failure to deliver an acceptable setting and area of public realm is considered to be a further significant weakness in the overall design concept and

Open Space

- 6.57 The NPPF advises that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". It is an established principle of good design and in particular for higher density development, that a high quality public realm is provided, not only to enhance the setting of a development, but to also enhance the quality of life of occupiers through the provision of, for example, amenity open space, playspace and an enhanced setting for more intense uses of land. Policy DM3 requires that publicly accessible open space is incorporated as an integral part of any development whilst DM19 defines the levels of open space that may be required.
- 6.58 As identified above, this site lies within an area where there is limited existing public open space within the immediate vicinity and where the existing public realm is very poor. Despite this, the public realm and open space proposed as part of the development is extremely limited. To the west and south, the environment is defined by the busy A229, a heavily trafficked road where noise levels and a sense of traffic pollution would discourage the use of the open space beneath the retained trees. It is considered that this edge of the development offers little or no recreational or amenity value for the majority for the occupiers of the scheme.
- 6.59 The western edge of the scheme is dedicated to access and parking and again offers no amenity opportunity for residents. The scheme does propose a rooftop amenity area, the size of which has been significantly reduced in order to reduce the costs of the scheme. Whilst this element of the scheme is seen as a positive contribution in itself, the significant reduction in communal rooftop amenity space is a regrettable change in the development.
- 6.60 Whilst the standards set in DM19 have to be considered on a site by site basis, particularly in relation to sites within the urban area, they nevertheless identify the amount and character of open space that may be necessary to support a development. When originally submitted, the 162 unit provided 0.175 ha of open space, compared to a requirement of 3.22. The Applicant has not provided updated figures following the scheme amendments, but with an increase to 170 units and a net reduction in amenity areas, this deficit will have only increased further.
- 6.61 Policy DM19 allows for consideration to be given to the provision of off-site open space and this figure is £251,600. However, the provision of off-site open space contributions is only permitted where, for example, the open space cannot be accommodated on site due to the housing delivery expectations on allocated sites. The development does not meet this test and whilst the development of brownfield sites is to be welcomed, the scale of development proposed is not necessary to meet the Council's housing targets. As such, there is no competing policy objective that in itself justifies this development facilitating inadequate open space.
- 6.62 The site is located within an area that has an existing deficit of open space and poor public realm. The scale and density of development will serve to further exacerbate rather than address such conditions. The A229 severs the site from the area to the east, whilst there is no direct access to the river. Non-roadside routes to amenity areas are not available within the immediate vicinity.

6.63 Whilst the Council's parks team has identified schemes to which a contribution could be directed, it is not considered that these would address the site specific failures of the scheme, nor would they address the wider design deficiencies identified above. As such, it is considered that the 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 and is therefore contrary to policies DM1, DM13 and DM19 of the MBLP 2017.

Ecology

6.64 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 are provided in order to further enhance biodiversity. These are measures that can be secured by means of an appropriate condition. However, having regard to the scale of the development, such measures are considered to be likely to have a limited impact upon biodiversity enhancement.

6.65 Whilst no objections are raised to the proposals on the basis of their impact upon existing ecology, it is considered that the development fails to offer a material level of biodiversity enhancement and therefore fails to respond to Policy DM3.

Heritage Impact

6.66 The site lies adjacent to the Grade II listed Springfield Mansion. Having regard to its visual impact, it also has the potential to affect the setting of wider heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.67 The National Planning Policy Framework indicates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The National Planning Policy Framework defines the setting of a heritage asset as the surroundings in which it is experienced.

6.68 A Heritage Impact Assessment (HIA) accompanies the application, which assesses the proposals in the context of the adjacent designated heritage asset Springfield Mansion (Grade II), as well as the existing and committed development. This report assesses that the overall setting of Springfield Mansion has been compromised over the years including by the former KCC library complex and more recent changes such as the construction of Bambridge Court most recently the Weston Homes development. In the context of this existing setting, the applicant concludes that the impact of the application will be neutral.

6.69 The NPPF requires the local planning authority, when assessing this application to 'identify and assess the particular significance of any heritage asset that may be affected by the proposal. Officers accept that the original setting of the listed

building has changed over the years, particularly with the increasing scale of built development that has taken place surrounding the mansion. The construction of the original KCC library complex was a significant element of this process of change, although it could be argued that the clearance of much of the application site has served to partly address the impact of built development on the application site in enclosing the Mansion.

- 6.70 Whilst past impacts and the retention of the library tower must be recognised, the proposed development will introduce a significant scale of development within the immediate setting of the development, that is of a form alien to the character of the Mansion. By virtue of its proximity and scale, the development will also result in a significant degree of visual enclosure and encroachment upon the Mansion. As such, Officers consider that there is a level of harm arising that is 'less than substantial'
- 6.71 The NPPF requires that when considering the impact of a proposal on a heritage asset, the Council should consider whether the development has sought to minimise any impacts through its design. Whilst the application refers to the importance of addressing constraints such as existing trees and, for example, reduces its height closer to residential neighbours, there is no evidence that the setting of the listed building has informed the design process. This is evidenced by the fact that, for example:
- the tallest elements of the development sit directly in front of the listed building,
 - by seeking to avoid trees the tower element sits closer to the listed building
 - the development fails to address / exacerbates the poor quality of the public realm between it and the Mansion.

Officers are not convinced that the applicant has demonstrated that the massing of the development and its overall height has been informed by the adjacency and setting of the listed building. Height cues appear to be taken from the Weston tower to the south, rather than being informed by an assessment of how the harm to the setting of the listed building could be minimised through, say a reduction in height and massing.

- 6.72 Paragraph 196 of the NPPF advises that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ...*" This requirement is echoed by policy DM4 of the MBLP. The NPPG sets out that public benefits should be of a scale and nature that benefit the public at large. It is considered that the delivery of housing to meet local needs could be considered to be such a benefit. However, having regard to the concerns that the Council has regarding the quality of the residential development proposed and its local and wider impacts, together with the Council's healthy housing supply and trajectories; it is considered that limited weight should be afforded to the housing provision made by this scheme.
- 6.73 In summary it is considered that the development has failed to demonstrate that through design the impact upon the setting of the listed Springfield Mansion has been minimised and, that the development causes a degree of harm to its setting

which, in the absence of a public benefit arising from the development, means that the proposals are contrary to the NPPF and Policy DM4 of the MBLP 2017.

Drainage

- 6.74 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 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.
- 6.75 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, and Infrastructure

Affordable Housing

- 6.76 The NPPF sets out that the Governments aspiration for sustainable development include creating " *strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*". Need includes a range of housing tenures including affordable housing, which the NPPF states that it should be met on-site unless:
- off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.77 Policy SP20 identifies that in this location 30% of the scheme should provide for affordable housing(20% on the neighbouring Springfield site allocation) and states that off-site provision should only be provided in exceptional circumstances and identifies an order of preference should off-site provision be proposed of:
- a) the delivery of an identified off-site scheme
 - b) the purchase of dwellings off-site
 - c) a financial contribution

Policy SP20 (6) also notes that "*Where it can be demonstrated that the affordable targets cannot be achieved due to economic viability, the tenure and mix of*

affordable housing should be examined prior to any variation in the proportion of affordable housing”.

6.78 The proposals do not include any affordable housing within the development; the applicant contending that it's viability cannot sustain such a requirement. When first submitted the application included no alternative affordable housing offer, although in parallel with amendments to the form of the proposed development, the Applicant has made an updated offer of a financial contribution towards off-site affordable housing of £603,965, which the Applicant asserts equates to 10% provision. The Applicant has not identified an alternative scheme or purchase strategy, but has simply offered the off-site sum. It is understood that the sum offered equates to 10% shared ownership properties, with the financial offer being based upon the difference in residual land value between that and a 100% market scheme (the difference in RLV being the AH financial contribution).

6.79 The NPPF provides guidance on the consideration of viability:

"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."

6.80 As required by the NPPF, the adopted Local Plan makes clear the type and level of affordable housing (and other contribution) that will be expected from development and this was evidenced through the viability testing of the Local Plan undertaken prior to submission and assessed at examination.

6.81 Where there is departure from the affordable policy requirements the onus is therefore 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.

6.82 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.'

- 6.83 Throughout discussions on the application Officer have maintained that they do not consider that this justification carries weight. The earlier outline permission for the 114 units on the Springfield Library site has been allowed to lapse by the applicant and as such, there is no longer a fall-back position. It is therefore considered that the current application must be considered on its merit and in accordance with the development plan and should thus provide 30% affordable housing (51 units), unless in accordance with the criteria in Policy SP20, it is clearly demonstrated and evidenced that this is not economically viable.
- 6.84 As detailed above, the recent series of amendments to the application were in-part in order to address its viability. As a result, the applicant has submitted a revised viability assessment alongside a CiL / s106 offer which includes the financial payment identified above. This revised appraisal has been independently assessed on behalf of the Council by Dixon Searle Partnership.
- 6.85 Dixon Searle have examined in detail both the methodology and inputs into the applicant's viability appraisal. Such inputs have included factors such as; construction costs, sales income, professional fees and finance costs. It should be noted that the applicant has not asserted that there are any site specific conditions that would result in, for example, abnormal construction costs.
- 6.86 Following further interrogation of the viability inputs Dixon Searle's advice to the Council concludes that with the inclusion of the affordable housing contribution and the other infrastructure contributions set out below, the development would not be profitable and that the applicant is relying upon significant future growth in sales values in order to achieve profit. However, it should be made clear that the applicant's proposed affordable housing contribution is not dependant upon any future level of profitability, but would be made unconditionally. Clearly should planning permission be granted for any scheme, it would be necessary to ensure that secure mechanisms are in place to receive the payment.
- 6.87 It should also be noted that in order to balance the applicant's affordable housing offer, they propose that there would be no future review mechanism. Dixon Searle advice that on the basis that the scheme appears unviable even without any affordable housing offer, the absence of a review mechanism seems reasonable.
- 6.88 As identified above the NPPF advises 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...*". In this case, a number of considerations arise, for example:
- is the development otherwise compliant with the development plan,
 - would it contribute positively to achieving sustainable development,
 - does it cause other harm ?

As identified within this report, there are considered to be a number of significant shortcomings in respect of the scheme and specific levels of harm. The provision of a lower than policy level of affordable housing, despite being supported by the viability evidence, does not carry sufficient weight to make the scheme acceptable and it would be necessary for all other aspects of the development to be acceptable and to outweigh the affordable housing shortfall in order for any scheme to be, on balance acceptable.

6.89 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.

6.90 Without any agreed s106 planning obligations being delivered 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.

Infrastructure

6.91 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.

6.92 The revisions to the scheme and the updated viability assessment submitted by the applicant now reflect a full CIL payment being made of circa £1.3m. On this basis the scheme will comply with the infrastructure funding requirements of the Local Plan.

6.93 As detailed elsewhere in this report, the application is also accompanied by a revised offer to contribute towards off-site open space. The Council's Parks & Open Spaces Team have identified the following works:

- Whatman Park – improvements to footpaths and accessibility on eastern side of Park connecting with Springfield Mill via footbridges. Improvements to treetop walk.
- Monktons Lane / Foxglove Rise – improving accessibility to the natural open space including work on the towpath and pathways
- Chillington Street Open Space – improvements to fencing, installation of benches and footpaths to make the site more accessible and usable for local residents.

- 6.94 However, as identified within this report, such works are not considered to overcome or outweigh the site specific deficiencies of the scheme.
- 6.95 Shortly prior to the Committee report being published, the applicant proposed a financial contribution of £250,000 towards local community facility provision. This is intended to mitigate the removal of community use floorspace from the scheme and to respond to policy DM20. The sum is not attached to a particular scheme or organisation and therefore Officers consider that little weight should be attached. Should Members wish to consider the proposed contribution, it would be necessary to demonstrate that it meets the relevant CIL Regulation tests.

7 CONCLUSIONS

- 7.1 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.

8 RECOMMENDATION –

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.