

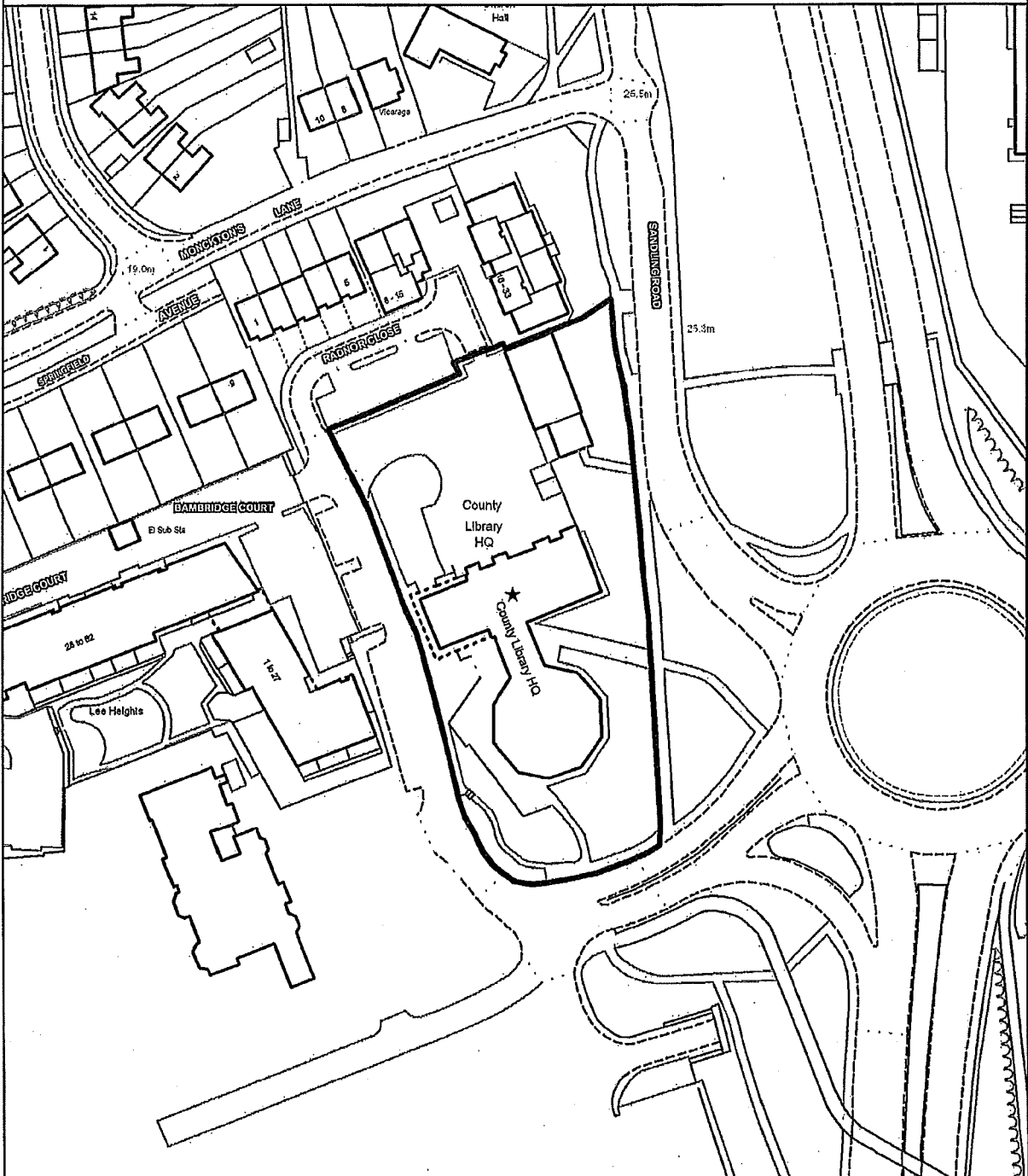
Agenda Item 18

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/09/0862

GRID REF: TQ7556

KCC SPRINGFIELD LIBRARY SITE,
SANDLING ROAD, MAIDSTONE.



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Alison Broom
Director of Prosperity and Regeneration

APPLICATION: MA/09/0862 Date: 20 May 2009 Received: 18 September 2009

APPLICANT: Bouygues UK Ltd.

LOCATION: KCC SPRINGFIELD LIBRARY SITE, SANDLING ROAD, MAIDSTONE, KENT

PROPOSAL: Outline Planning Application for the erection of residential development comprising of 100 flats and 14 houses with all matters reserved for future consideration as shown on drawing nos. PA-GND-SPR-AST-RES-GA-01-A, PA-L01-SPR-AST-RES-GA-01-A, PA-L02-SPR-AST-RES-GA-01-A, PA-SL-SPR-AST-RES-MAS-01-A, PA-SL-SPR-AST-RES-ELV-01-A, planning statement, design & access statement, validation checklist, phase 1 contamination study, transport assessment, daylight and sunlight study, visual impact assessment, ecological scoping survey, noise assessment, air quality assessment and amenity tree survey received 21/05/2009 and as amended by arboricultural method statement and draft travel plan received 11/08/2009.

AGENDA DATE: 15th October 2009

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- Councillors Paterson and Cllr Warner have requested it be reported for the reasons set out in the report

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T2, T13, CF1, CF2, CF3
South East Plan 2009: SP2, SP3, SP4, CC1, CC4, CC6, CC9, RE4, H1, H2, H3, H4, H5, T1, T4, T5, NRM1, NRM4, NRM5, NRM7, NRM9, NRM10, W1, W2, BE1, BE6, S5, S6, AOSR6, AOSR7
Government Policy: PPS1, PPS3, PPS22, PPS23, PPG13, PPG15, PPG24
Springfield Development Brief (1998): Was not saved with other policies of the Maidstone Borough-wide Local Plan 2000 in September 2007

HISTORY

The site has an extensive previous planning history in relation to its role as the headquarters for the County Library Service. None of which is directly relevant to the current application. Other schemes for development elsewhere on the Springfield site

have been approved in the past and of these the 'Springfield Quays' development has been constructed along with the affordable housing development at Radnor Close.

However, this application and site is linked to the current application (MA/09/0863) on land at James Whatman Way for the erection of a mixed use development comprising a new library and archive centre and residential development as a replacement for the facilities at the Springfield site.

Relevant applications to the consideration of this application are therefore as follows;

MA/08/1869 KCC library Springfield, Royal Engineers Road, Maidstone, Kent. A request for a screening opinion for a proposed residential development on land at KCC Library at Springfield, Maidstone: Environmental Statement NOT REQUIRED: 03/10/2008

Springfield Quays Development

MA/01/1356 Demolition of buildings and a comprehensive redevelopment to provide offices (B1), residential, landscape open space and ancillary parking and servicing, as amended by further details relating to the provision of affordable housing: APPROVED 01/10/2002

MA/02/2239 Amendments to blocks E, F and G, for 61No. units comprising 1 and 2 bed apartments, being amendments to MA/01/1356: APPROVED 29/06/2004

Mountgrange Development

MA/05/2350 Erection of class B1 offices comprising 3 No. buildings, residential accommodation comprising 192 No. flats, retail unit for class A1 and A3 use and additionally for use as a community hall and as a creche on the ground floor of the retail unit only, together with associated car parking, landscaping and amended access arrangements: APPROVED 01/08/2006

Land at James Whatman Way Maidstone:

MA/09/0863 Construction of new library centre including 60 residential units and 57 care units with associated access, parking and landscaping: UNDETERMINED (on the papers)

MA/08/0608 A request for a screening opinion for the proposed construction of new Kent Library, History and Archive Centre with residential development: Environmental Statement NOT REQUIRED: 08/04/2008

EXTERNAL CONSULTATIONS

Kent Highway Services were consulted and made the following final comments:

'Further to my previous consultation response regarding this planning application, I can confirm that additional information has been provided and discussions have been held.

The development is in a sustainable location, and improvements are proposed to improve accessibility to the site by alternative modes of transport to the private car. With the provision of these improvements and the implementation of a robust travel plan it is considered that this application will not have a detrimental effect on the capacity or safety of the existing highway.

In view of this I can confirm that I have no objections to the proposals in respect of highway matters subject to the following conditions being attached to any permission granted:-

1. A toucan crossing is required across the site access.
2. The improvement of three bus stops in the near vicinity of the site, two of which are located along the A229 Royal Engineers Road the third along Sandling Road. This should include raised kerbs and real time information system to each bus stop.
3. A contribution sum of £2000 is required to cover the cost of amendments to the Traffic Regulation Orders in respect of parking restrictions in the vicinity of the site.
4. A further contribution sum of £2000 is required for additional Traffic Regulation Orders should parking problems arise as a result of the development on neighbouring roads.
5. A Travel Plan is required.'

Officer comment:- In addition to the above, a number of conditions relating inter-alia, to parking provision, ensuring surface water does not drain onto the highway, parking and site management during the construction process, provision of wheel washing facilities were recommended. Some of the suggested conditions are however only suitable as informatives.

KCC Heritage Conservation were consulted. They state that the site is part of the former Springfield estate and lies alongside the route of the former Roman road from Maidstone to Rochester and that finds have been made in the vicinity of the site. Notwithstanding the fact that the construction of the existing library may have had an impact on buried remains, they note that the impact on other parts of the site surrounding the library is uncertain. They have therefore requested a condition requiring a programme of archaeological work is attached to any permission.

Mouchel (on behalf of KCC): Have requested the following contributions towards the provision of community infrastructure

Libraries £227/dwelling
Adult Education £180/dwelling
Youth and Community £827/'applicable' house and £206.75 /'applicable' flat
Adult Social Services £1201/dwelling

'Applicable' means that contributions are not sought for 1 bed units of less than 56sqm or for sheltered accommodation for the elderly over 55 years of age.

West Kent Primary Care Trust (PCT): Have requested a contribution of £360/person based on an anticipated occupancy rate for the development of 217 persons, resulting in a request for £78,210 plus their legal costs to be used to enhance Primary Health Care facilities in the vicinity of the site.

Environment Agency: Have confirmed that they have no objections to the proposals provided that their recommended conditions are imposed.

Contamination: They agree with the contents of the submitted Phase 1 contamination survey and report and the proposals for further works outlined in the report. They have recommended a condition setting out a programme for further work based on the recommendations in the report.

Drainage: As the site is underlain by a principal aquifer immediately adjacent to a Source Protection Zone 1 they have stated that any SUDS proposals must demonstrate they discharge into clean uncontaminated natural ground only above the water table. Any roof water will need to discharge direct to the chosen SUDS be sealed down-pipes. Run-off from access roads and parking will need to discharge via appropriate pollution prevention measures. Foul drainage must discharge to the mains foul sewer.

The EA have also recommended informatives dealing with the storage of oil/fuel during and after construction

Southern Water: Have advised that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. The applicant is therefore requested to contact Southern Water to enter into an agreement to provide the necessary infrastructure to serve the development.

They note that SUDS is proposed but comment that there would not seem to be enough land within the site to accommodate such a scheme and recommend further investigative work is undertaken. They have requested a condition requiring details of foul and surface water drainage to be submitted is attached to any planning permission.

Kent Police Architectural Liaison Officer: Has stated that he intends to meet with the architect/agent to discuss the principles of Secure by Design.

Officer comment: I understand a meeting has subsequently taken place, but no further representations/comments have been received.

EDF Energy: No objections subject to their existing rights to access cables and equipment being maintained.

INTERNAL CONSULTATIONS

Maidstone Borough Council Conservation Officer was consulted and made the following comments: -

'This excessively tall development, situated directly opposite to the main front elevation of the listed Springfield mansion, would have a severely detrimental impact on its setting by virtue of its height and scale. It is also likely to result in the loss of a number of trees which are in themselves important features of the setting of the listed building. It is notable that the design and access statement fails to even mention the setting of the listed building as a consideration.

The loss of the existing library building, erected in 1963-64 is also to be regretted. This innovative example of library design, with the rare feature of a book stack housed in a tower, is a fine building of its age and was illustrated in a 1966 publication "British Public Library Buildings" where it also formed the cover illustration to this book which comprised a survey of the best post-war examples of library architecture. The authors describe it as exciting architecture and make reference to how well it is integrated into the landscape, including the preservation of existing trees (some of which would be likely to go under the current proposals).'

Maidstone Borough Council Landscape Officer was consulted and has made the following comments: -

History of application

29/05/2009 - landscape first consulted on MA/09/0862.

24/06/2009 - TPO No. 12 of 2009 was made to protect trees on the following grounds:

'The trees within the grounds of the KCC Springfield Library site are mature, healthy specimens, prominent from Sandling Road. They make a valuable contribution to the character and amenity of the area and are considered to be under threat due to planning application MA/09/0862. Therefore, it is considered expedient to make the trees the subject of a Tree Preservation Order.'

11/08/2009 - a Tree Method Statement and an updated tree survey, dated 29/07/2009, were submitted.

General description of site and surroundings

The trees within the grounds of the County Library site are currently subject to TPO No 12 of 2009. The order consists of two individual trees (T1, a Red Oak and T2, a Corsican Pine) and 2 groups of trees (G1 consisting of a mixture of deciduous species and G2 which is made up of 3 Wellingtonia and 2 Corsican Pine.)

G1 is located on the eastern boundary next to which is a foot path which connects the southern part of the site with Sandling Road. This group of trees provide effective screening from the highway. T1 is located in the southern end of G1 and during the site inspection a commemorative plaque was found at the base and the tree may, therefore, be of some importance to the library. T2 is situated in the rear car park.

G2 is located on the south western corner of the site, adjacent to the entrance road which leads to Radnor Close. The presence of these trees is indicative of a historical link with listed Springfield mansion as these species of trees were typically planted as specimen trees or as part of an avenue, due to their size and stature.

As part of the application a tree survey was carried out in accordance with BS5837; 2005 Trees in relation to construction - Recommendations. Having visited the site, the survey appears relatively accurate. In addition to the survey a tree constraints, tree protection drawing (drawing 1128.2 dated 29/07/09) and tree method statement, dated 29/07/09 was submitted on 11th August 2009.

Implications of proposed development

The application is for Outline Planning Permission. However, the indicative building footprint raises a number of concerns in relation to trees.

In total 4 trees are proposed to be removed.

Two trees within G1, a mature Norway Maple and a young Maidenhair tree, both of which have various structural defects that will shorten their life expectancy. Their removal would not have a detrimental effect on the overall appearance of G1.

T2, the mature Pine and one Wellingtonia located within G2 have been identified for removal to enable the proposed development. Neither exhibit structural defects which would necessitate the need for their removal in normal circumstances and both are considered suitable for long term retention. In order to enable construction, remedial works are also proposed to the Red Oak T1 and to one Black Pine within G2.

The root protection area (RPA) has been plotted on drawing No 1128.2, which demonstrates that the foundations of the building will severely encroach into the RPA of a number of trees. This includes the retained trees within G2, 3 trees within G1 and the Red Oak, T1. Where development occurs within the RPA of a retained tree section

11.6.2 of BS 5837(2005) recommends that the foundations are either piled and raised ground beams or a piled and raised raft system. However, the area of the RPA covered by the proposed footprint exceeds the 20% maximum recommended by BS5837, which would reduce the trees' ability to extract oxygen and water through the soil, leading to the premature decline of remaining trees in G2

Whilst the scheme proposes to retain as many trees as possible, I am not satisfied that they can all be successfully retained in the longer term, due to their close proximity to the proposed building and due to the encroachment into the RPA. Several trees shown to be retained within the proposed scheme may need to be removed or cut back during the construction phase to accommodate the build, or may be damaged and become structurally unsound. Whilst the Tree method statement attempts to address these concerns through measures such as protective fencing, scaffolding, and no dig construction techniques I am not satisfied that these measures are sufficient to ensure that additional trees will not need to be removed. This particularly applies to the remaining trees in G2.

The location of the plotted RPA for the trees within G2 is also considered to be incorrect. The distribution of roots would be affected by the fact that a road runs within 5 metres of G2 on the southern side whereas there is grass on the northern aspect of G2. It is reasonable to assume that the rooting system will be concentrated on the northern side. Due to the presence of the road, there is no opportunity to extend the RPA on the southern side to compensate for the intrusion of development within the RPA on the northern side. It is not considered that the trees would be successfully retained within the proposed scheme.

The main concern is the close proximity of the buildings to the trees. In addition to the construction aspects discussed above, there is likely to be considerable post development pressure for removal of trees. BS5837 (2005), section 6.3 states that:

'A realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements.'

This includes the the potential for trees to block light to windows, close proximity of branches to buildings that could lead to damage through physical contact, apprehension to occupiers of nearby buildings especially during adverse weather and problems arising from leaves, fruits, honeydew etc.

BS5837(2005) specifically states that 'Trees should not be retained on the basis that their ultimate branch spread can be significantly controlled by periodic pruning.'

I strongly recommend that the application is refused on arboricultural grounds.

Suggested grounds for refusal: -

The proposals detailed in this outline application will require the removal of four trees protected by TPO No 12 of 2009 and is likely to result in the loss of more trees in the construction phase or in the longer term. Furthermore, there will be considerable future pressure for removal of the remaining trees due to the proximity of retained trees to the proposed building. The loss of these trees will have a significant adverse impact on the character and amenity of the area.'

MBC Environmental Health: The section has stated that they have no objections subject to a number of conditions and informatives and the following comments on noise, air quality and contamination being taken into account.

'An Air Quality Assessment by Mouchel (ref SPRv1 17/11/2008) has been submitted and it concludes that the main impacts will be due to dust during the construction phase, but it does predict that the proposed development will cause a small increase in NO₂ and PM10 concentrations at some locations, but predicts that this increase will be less than 2.5%. Environmental Health accepts the validity of this report; and the mitigation measures recommended in the report should be followed in their entirety. But consideration should also be given to the use of a 106 agreement in order to secure funds for MBC to carry out 5 years of air quality monitoring in the area. This is in order to check the impacts of the site on the AQMA plus check any potential impacts on receptors living in the new development on this site.

A noise assessment report by Acoustic Air (ref AA581N/R1 dated October 2008) has been submitted. This report concludes that unless suggested mitigation measures are employed the noise levels in many of the habitable rooms would not be acceptable. Environmental Health accepts the validity of this report and the suggested mitigation measures regarding double glazing and acoustic ventilation should be carried out in their entirety.

A phase 1 desk study regarding potential land contamination, by Bouygues (UK) Limited (ref 51210 dated September 2008) has also been submitted. Environmental Health accept the validity of this report and note that it concludes that further intrusive investigation and sampling be carried out; and so a further phase 2 report is required.

Any demolition or construction activities will definitely have an impact on local residents and so appropriate precautions should be taken, particularly as advised in the Air Quality report regarding dust. It should also be noted that this large development will require a site waste management plan.'

The recommended conditions relate to noise, air quality, contamination and refuse storage and the informatives relate to the need for a site waste management plan and conduct and hours of operation on site during construction.

Maidstone Borough Council Parks & Open Spaces Officer was consulted and confirmed on 23 June 2009, as there is no publicly accessible open space designed into the development, the department therefore request an off-site contribution of £179,550 (114 units x £1,575). The money would be targeted at the improvement, renewal and maintenance of amenity green open spaces and play areas within a one mile radius of the development.

REPRESENTATIONS

Cllr Mrs Paterson and Cllr Warner have requested the application be reported to the Planning Committee for the following reasons: -

- It is a major application that will have a major affect on the outlook of the area;
- There is insufficient parking;
- Landscaping proposals are unsatisfactory;
- The provision and distribution of s106 items requires further consideration.

Kent Fire & Rescue Service: Comment that it appears that access for the Fire and Rescue Service may be inadequate on the basis that there should be an alternative emergency access to the site and that there should be vehicular access for a pump appliance to within 45m of a block of flats as required under Building Regulations Approved Document B.

CPRE (Maidstone): Comment generally on the need to ensure adequate parking provision is made as people still desire to own a car and wish to park it safely off-road despite government exhortations to the contrary. They also state that green spaces and greenery also enhance development be it residential or for public buildings and are part of the quality of the design of any built development.

They regret that the application has been submitted in outline on such an important site and state that the quality of the buildings will be very important. The indicative proposal is stated to meet the recommended density of dwellings for urban areas and the 60% private 40% affordable split makes it important that the division between tenures is not evident and facilities such as lifts should be in all blocks.

They do not oppose the outline proposal but request that conditions reflect the need for Quality materials and the need for the development to meet level 3 of the Code for Sustainable Homes with sufficient insulation and internal air management to mitigate any effects of high levels of external noise. There should also be sufficient wheelie-bin storage in unobtrusive places. It is also stated that there should be a requirement to consider further the parking provision and as much planting as possible with a contribution to the maintenance of off-site green spaces also secured.

Twenty-two letters including representations from the Springfield Quays Management Company have been received in relation to the application. Objections raised can be summarised as follows

- The largest block is too high for the area it will cause overshadowing and loss of light to adjacent properties and will be just another large block like the library it replaces
- The density is too high for the local community
- The proposed design does not fit well with existing development and the listed mansion building
- Insufficient parking provision and the loss to existing residents of the existing library parking spaces available when it is shut and no provision for visitors parking
- The local highway network which is already heavily trafficked especially at peak times of the day (particularly the roundabout on Royal Engineers Road from which the site is accessed) will not be able to cope with the additional traffic generated by the development
- Impact on the privacy and amenity of properties in Radnor Close
- Impact on properties in Moncktons Lane and Moncktons Close as a result of the height and massing of the development
- The amount of affordable housing is excessive and will not be able to be absorbed into the community
- The loss of trees on the site is unacceptable and concerns that any landscaping will not be implemented as was the case with the Springfield Quays development.
- Where is the library going?

Positive comments within the objections were made by a small number of correspondents relating to the retention of a number of trees and the fact that the design is quite appealing. One states that it is about time the existing library tower was demolished as it is an eyesore and visible from a wide area to the north of the town.

CONSIDERATIONS

Background

This application is linked to application MA/09/0863 which is also being reported to Members at this meeting.

This application is part of a comprehensive package that is seeking to deliver a new History Centre and Central Library at James Whatman Way with the redevelopment of this site providing part of the finance for the delivery of the James Whatman Way site.

Application MA/09/0863 seeks permission for the construction of new library centre together with 60 residential units and 57 care units with associated access, parking and

landscaping on land on the northern side of James Whatman Way approximately 550m to the south of the Springfield site.

The new library centre would house a replacement of the library currently on the Springfield site and also house the County archives and local history section.

The current library would not be demolished until the new facility was open.

Site Location and Description

The application site lies to the north west of the roundabout junction on the A229 Royal Engineers Road that serves Royal Engineers Road/Chatham Road and the accesses to Invicta Park and the Springfield site.

The site extends to approximately 0.575 ha and is on land that falls gently westwards away from the highways adjoining the site. It is currently occupied by the Kent County Council Central Library that is two storeys in height and of brick and timber construction and is octagonal in form, together with associated offices including a 13-storey tower-block. Garaging/storage and staff and library vehicle parking areas are located to the north of the tower. The complex has landscaping and trees on its eastern and southern sides. Some of the existing trees are covered by Tree Preservation Order no.12 of 2009. This is an as yet Unconfirmed Order.

Another Tree Preservation Order (no 11 of 2001) covers other trees in the remainder of the former KCC Springfield campus including the land to the front of the Mansion and the land south of the site access from the A229 roundabout.

To the north of the site lies Radnor Close an affordable housing development constructed as part of the first phase of the redevelopment of the Springfield campus when it was vacated by the Kent County Council in the late 1990s. This comprises two-storey dwellings and apartment accommodation of three-storeys and is predominantly brick with slate roofs.

To the west of the existing library facilities lies the Springfield Quays development that was constructed in the early years of this decade. This development is all apartment accommodation and some four-storeys in height constructed from brickwork at ground floor level with cladding and/or render on the upper floors under a slate roof. The nearest element of this development to the site is Bambridge Court.

To the southwest of the site lies the former Springfield Mansion. This has been refurbished as offices and has a car park and landscaped area to its front. Springfield is a former mansion house built in the late C19 in the Victorian Gothic style and is Listed Grade II. The mansion has been extended in the past during its time as KCC offices. The Architect was Alfred Waterhouse, the architect of The Natural History Museum in

London and other noted Victorian buildings. I understand that the building was listed because of this historic association.

To the south of the site and the mansion lies the remainder of the former KCC office campus site. All previously existing buildings have now been demolished. Planning permission was granted under application MA/05/2350 for a mixed B1 and residential development comprising 192 apartments and approximately 17,000m² of B1 Floorspace (in three buildings).

The site lies within the defined urban area of Maidstone and has no specific Borough-wide Local Plan designation.

Proposals

The application has been submitted in outline form and seeks planning permission for a residential development of 90 flats and 24 houses. The matters of Access, Layout, Scale, Appearance and Landscaping are all reserved for subsequent approval.

The illustrative plans submitted with the application show that the existing library and tower and adjacent facilities would be demolished and replaced with linked residential blocks of 2, 4, 6 and 8 storeys in height including the roof gardens. The maximum height indicated is in the region of 25.5m above ground level.

It is indicated that the development would achieve a minimum of Level 3 within the Code for Sustainable Homes.

The illustrative plans show that the ground floor 3-bed houses will each be provided with private gardens. They also indicate that 5 shared gardens will be provided for use by future residents and that the roofs of the blocks will also be used as roof gardens by residents on the appropriate levels. These roof gardens would be covered by a pergola style frame suitable for climbing plants. No details have been given at this stage of the material that the frames would be constructed with or their form and appearance.

A 200m² community facility is also to be provided. This would be situated on the ground floor of the development at its southern end. This would provide for easy access from Royal Engineers Road and the surrounding area as well as the rest of the Springfield site. It has been provided due to the identified significant under-provision of such facilities within North Ward and the fact that previous attempts to deliver such a facility on neighbouring sites have not been achieved.

No changes are proposed to the existing access from Royal Engineers Road that serves the housing on the site and the mansion other than the provision of a 'Toucan' pedestrian/cycle crossing at its western end. A total of 47 car parking spaces are shown to be provided to serve the development, a ratio of 0.4 spaces/unit.

In addition to a Design and Access and Planning Statement, the application was accompanied by a noise assessment, air quality assessment, transport assessment,

ecological scoping assessment, tree survey, phase 1 contamination assessment, a daylight/sunlight survey and a visual impact assessment.

Subsequently a draft Travel Plan, which would form part of any s106 agreement, has been submitted which includes linkages to the Kent Car-share Scheme, together with an arboricultural method statement and revised tree survey and draft Heads of Terms for a s106 agreement.

S106 Obligations

Policy CF1 of the Borough-wide Local Plan 2000 and Policy S6 of the South East Plan 2009 set out the circumstances in which developments may be requested to make appropriate contributions towards the provision of additional community facilities that may be needed as a result of additional demand generated by new development that cannot be assimilated.

The application was accompanied by a draft Heads of Terms for a Section 106 legal agreement which would need to be completed prior to the determination of this application. As set out within Circular 05/2005, planning obligations must meet the following criteria. They must be:

- 1) Relevant to planning;
- 1) Necessary to make the proposed development acceptable in planning terms;
- 2) Directly related to the proposed development;
- 3) Fairly and reasonably related in scale and kind to the proposed development;
- 4) Reasonable in all other aspects.

Mouchel (working on behalf of KCC), and the West Kent Primary Care Trust have set out the requirements for contributions towards community facilities, adult social services and the additional strain on the existing health care system. In addition, due to the low parking provision, Kent County Council Highways Authority have requested a number of improvements to the surrounding infrastructure. Likewise, Maidstone Borough Council Parks and Open Space have requested suitable contributions. These requirements have been addressed, and are set out within the draft S106 agreement. The contributions set out are as follows:

Open Space Contributions: -

- The applicant have demonstrated that they are willing to meet the requirements of the Parks and Open Space Officer. This would see the applicant making a payment of £179,550 towards the improvement of existing, or the creation of new facilities within the locality of the application site (within a 1mile radius of the application site).

County Council Contributions: -

- A contribution of £227 per residential unit towards library provision;
- A contribution of £180 per residential unit towards adult education;
- A contribution of £827 per 'applicable' house and £206.75 per 'applicable' flat towards youth and community facilities within the Borough;
- A contribution of £1201 per residential unit towards adult social services within the Borough.

Primary Health Care Contributions: -

- The provision of a sum of £78,210 for the improvement of health care services within the Borough of Maidstone.

Highway Contributions and Improvements

- Pay the parking restriction contribution towards the amendment of the traffic regulation order. This is to be provided prior to the first occupation of the development;
- The improvement of four bus stops close to the land including raised kerbs and real time information system. This is to be provided prior to the occupation of the units;
- The upgrade of the existing pedestrian crossing to a toucan crossing. This is to be provided prior to the first occupation of any of the units.
- Six months prior to the commencement of the development, the applicant will submit a refined and updated travel plan to the Local Planning Authority for approval.

Affordable Housing provision

- All affordable housing provision for this development is to be located on the James Whatman Way site (planning reference MA/09/0863). This section 106 agreement sets this out.

Community Facility

- This proposal would see the creation of a community facility within the development of a floor space of no less than 200 square metres.
- In addition, it is agreed that no development (including demolition) take place on this site prior to the completion of the new library at the James Whatman Way site.

Each of these Heads of Terms are discussed within the relevant parts of the report set out below.

Principle

The application site is located on a sustainable site within the urban area close to the edge of Maidstone Town Centre on part of a larger site where Members have previously accepted redevelopment proposals. It clearly comprises previously developed land located and is land which is not subject to any safeguarding designation in the Maidstone Borough-wide Local Plan 2000. Government policy also encourages mixed development.

As such, a mixed residential and community facility development as proposed, is normally acceptable in principle.

In this case however, the site comprises a significant existing community facility. Local Plan Policy CF3 which states that proposals which would lead to the significant loss of community facilities will not be permitted unless a replacement facility is provided should therefore be taken into account.

It is a fact that through application MA/09/0863, a replacement facility is being provided on a site some 550m to the south of the existing library. One of the proposed s106 Heads of Terms, set out above, ensures that the current library is not demolished until its replacement is open and in use.

Furthermore as part of the scheme a 200m² community facility is proposed to be provided as an integral part of the development.

Given the provision of the new community facility on the site and the safeguard in the s106 agreement relating to the opening of the new library prior to the closure of the existing Springfield facility, I consider that the terms of Local Plan Policy CF3 would be met.

No objections are therefore raised to the principle of the mixed residential and community facility development of the site as proposed.

Impact on Townscape

Clearly, the matter of the design and layout of these proposals is not for discussion at this point (being reserved matters). However, it is clear from the number of units being proposed (and from the illustrative plans submitted) that the buildings would be of a significant height. It is therefore important to fully assess the impact that buildings of this scale would have upon the character and appearance of the locality, and the wider area.

The illustrative plans demonstrate a building of some eight storeys, with a maximum height of 25.5metres. The proposal would see 'layers' of building, which rise to this maximum point.

The 6 and 8 storey buildings will be tall. However, the scheme should also be considered in relation to the existing library tower which is some 13 storeys in height and also the previously permitted 'Mountgrange' scheme which contained commercial and residential buildings of 6 and 7 storeys in height.

It is not considered that simply because a building or development is substantial in height, that it would be to the detriment of the character and appearance of the area as a whole. Historically, some of the more striking and important buildings have used height, as a way of creating interest, and also to give the building a greater presence within a street scene or locality. Throughout Maidstone there are examples of tall buildings however that fail to respond positively to the locality. However, there are number of successful buildings, such as the development adjacent to Maidstone West station, the Waterside development backing onto Brenchley Gardens and the Eccleston Road development in Tovil. The reason that these are successful is because, despite their height, they have interest, and layering - i.e. they gradually build up to the highest point, rather than being simply one large block. This development would see a gradual increase in height, from the road frontage to the back of the site, drawing the eye upwards. This gives the proposal a more human scale - one would not feel dwarfed when walking along the front of such a development for this very reason. There would be space around the buildings to provide a setting and which would offset the impact of the height of the buildings

To the rear of the site is a four-storey housing development, of debatable architectural standard. The proposed development would be higher than this block, and as such when the reserved matters are submitted it would be imperative to ensure that the development is of a significantly higher quality than this block. However, this block to the rear would provide, in particular from long distance views, a gradual increase to the maximum height proposed - i.e. from the west there would already be a four storey block, and as such, only the top floors of this development would be viewed from afar. Furthermore, as previously stated, a building of some height on this site is already in existence.

It is therefore considered that, on balance, the principle of a large building on this site is acceptable. As this is a reserved matters application, the precise detailing would be discussed at a later point, but it is considered that the submitted illustrative plans do demonstrate that a development of this density would be plausible within this site.

Highways

As with the application at the James Whatman Way site, significant discussions have taken place between this Authority, the applicant and KCC Highways Authority in order to address the parking concerns at the application site, and any subsequent highway safety issues at the site. During pre-application discussions, concern was raised with regards to the level of parking provision at the site, and as such, it was recommended

that the applicant provide a detailed travel plan with any application, as well as introducing other improvements to the existing highway network, improving the existing public transport service to and from the site, and improving both pedestrian and bicycle links into and out the town centre from the site. As such a number of improvements have been brought forward as part of a draft S106 agreement submitted with this application. I shall address each of these proposals, however, I shall first address the parking provision within the application site.

The parking area within this development would be located to the rear of the proposed residential units, and would total 47 spaces. This would be the equivalent of 0.41 spaces per unit throughout the development. Clearly this is a relatively low level of parking provision for a development of this nature, however, as Members are aware, Maidstone Borough Council does not have minimum parking standards, and as such should we refuse any application on the lack of parking provision, we have to be certain that this lack would give rise to a highway safety issue. Furthermore, PPG13 states that Local Planning Authorities should 'not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety *which cannot be resolved through the introduction or enforcement of on-street parking controls.*' As such, in assessing this application, we have to look at whether there would be the likelihood that the lack of parking provision would be to the detriment of the safety of other road users.

The applicant has offered to ensure that there are sufficient parking controls within the vicinity of the application site. They have agreed to pay the costs of providing such controls around the application site itself (the adjacent roads - Moncktons Lane, Sandling Road and Royal Engineers Road already have strict restrictions), in order that parking from this site does not spill out onto these nearby streets. The Highways Authority have not indicated that there is an existing problem with parking upon restricted areas within the locality, and as such there is no reason to suggest that this development would give rise to such problems. With the new parking controls around the site, it would only be the designated parking spaces that would be available for residents to park within. It is therefore considered that this measure would alleviate concerns of residents parking in an inappropriate manner that would impact upon highway safety. Furthermore, I am of the opinion that it would be highly unlikely that any residents would park their cars upon the A229, not only because of the parking restrictions, but due to the sheer volume of traffic upon this road, and the proximity of the site to a well used roundabout.

The applicant has also agreed to make a number of improvements to the existing highway network. These include the improvement of four bus stops within the locality of the site. This upgrade would include the provision of real time bus information, together with the raised kerbs. It is considered that this would not only improve disabled access onto the buses, but also makes the service more user friendly for others. With the improvement of these bus stops, together with a welcome pack for

new residents providing information on the bus service, and other incentives, there would be a greater likelihood that the bus service would be used to a greater extent.

The applicant has also agreed to upgrade an existing crossing within the access road to a toucan crossing (Toucan crossings are normally 4metres (13 feet) wide, instead of the 2.8metre (9 feet) width of a pelican crossing or puffin crossing. A "green bicycle" is displayed next to the "green man" when cyclists and pedestrians are permitted to cross. As well as this, it is different from a pelican crossing because, before the lights for vehicles go back to green, a steady red and amber are displayed instead of the flashing amber seen on pelican crossings. The pedestrian/cyclist signal lights may be on the near side of the crossing (like a puffin crossing), or on the opposite side of the road - like a pelican crossing) which would link in with the existing cycle path (that crosses the pedestrian bridge, over Royal Engineers Road). This would see the improvement of the existing cycle path, making it safer, and thus a more attractive option for any future residents to utilise this method of getting to and from the town centre.

As can be seen from the above, the applicant has suggested a low number of parking spaces, (with a low ratio per unit) however, has made efforts to ensure that the existing public transport, and existing pedestrian and cycle links into the town centre to encourage future residents to have a lower car ownership. These methods have proved successful throughout the country (car ownership does fall if there is a low parking provision), and it is not considered that there is any reasons to suspect it would not be successful on this site.

In addition, as Members will have noted earlier, the Travel Plan includes measures to link the site and scheme to the existing Kent Car-share Scheme. This approach has been agreed in relation to the redevelopment of the former Ophthalmic & Aural Hospital in Church Street, where parking provision was also limited.

In line with the above, it is therefore not considered that this application should be refused on the lack of parking provision, as it has not been demonstrated that this would give rise to a highway safety issue.

Impact on residential amenity

As Members will have noted from earlier in the report a number of representations from local residents have been made relating to the potential adverse impact of the development on residential amenity.

The nearest properties are within Bambridge Court, Radnor Close and Springfield Avenue.

Bambridge Court is located to the west of the application site across the internal site road and parking area and at a distance of between 28m and 45m from the closest indicated point of the development.

Radnor Close lies to the north of the site. The flank of one of the three storey apartment blocks within Radnor Close is located approximately 8m-10m north of the indicated flank of the closest two-storey houses within the development, the remainder of the Radnor Close development is located approximately 20m from the flank of the two-storey houses and in excess of 45m from the taller elements of the development as indicated.

The closest properties within Springfield Avenue which is located north west of the site are approximately 48m from the indicated siting of the two-storey houses and approximately 53m from the closest point of the rest of the development.

The objections raised relate to loss of privacy day light/sunlight and the visual impact of the development on their outlook.

The application was accompanied by a detailed daylight/sunlight study that has assessed the potential impact of the development on 1-62 Bambridge Court, 5 & 6 Springfield Avenue and 1-33 Radnor Close in accordance with the BRE Digest 209 'Site Layout Planning for Daylight and Sunlight.' A total of 102 windows in the adjoining development were assessed in the study.

In terms of daylight to windows only two windows failed the 'Vertical Sky Component' test, but both of these windows serve dual aspect bedroom having two light sources and when the 'Average Daylight Factor' test which measures light from both windows is used this shows that there will remain adequate light after development. All rooms passed the 'No Sky line' test, which confirms that the proposed development would not adversely affect the distribution of daylight to any neighbouring rooms. The 'Average Daylight Factor' test results confirms that losses resulting from the development are negligible and that all other rooms achieve very good average daylight scores both before and after the development.

In terms of sunlight, windows 1 to 17 (within Bambridge Court), 47-54 (5 & 6 Springfield Avenue) and 56 to 93 (within Radnor Close) all face within 90° of due south and were tested for direct sunlight. All windows passed both the total annual sunlight hours test and the winter sunlight hours test. All other nearby windows do not face within 90° of due south or serve bedrooms or kitchens and do not need to be tested for direct sunlight. The development is therefore considered to satisfy all of the direct sunlight to windows requirements.

In terms of overshadowing the gardens of the nearby properties were assessed against the BRE 'Overshadowing to gardens and open spaces' test. This indicated that the

development would not cause any garden or amenity area to remain in permanent shadow on 21 March, the development therefore passes the test.

I therefore consider that no objections can be sustained to the development on the grounds that it would adversely affect the daylight and sunlight of or cause unacceptable overshadowing to the gardens of the existing adjoining residential properties.

It is clear from the application proposals that there will be a change in outlook from the existing properties and that the likely form of the development will be significantly different from what is currently on the site. The development will be separated from the existing development by roadways and other areas of public domain this reducing impact. The precise impact of the development cannot however, be assessed until reserved matters stage.

Likewise at this stage it is not possible to fully assess the issue of privacy. Clearly at detailed application stage, the design of the buildings will be tailored to ensure as far as is possible no unacceptable loss of privacy will occur to any adjoining residential properties. The same issue addressed in the previous paragraph in relation to the existing and proposed development being separated by roadways and areas of public domain equally applies to the issue of privacy.

I consider that no objections can be raised to the development in terms of a potentially unacceptable impact on the occupiers of neighbouring properties.

Setting of listed building

Springfield Mansion located to the southwest of the site is, as stated earlier in the report a Grade II listed building; one of 2010 listings within the Borough of which some 92% are Grade II listed.

The mansion is in my view not particularly prominent in views from Royal Engineers Road as the vista from the roundabout is narrow and is affected by the fall in land levels away from the road. The front facade of the building is also largely obscured by the mature trees to the front of its car park. Currently therefore, only insignificant glimpses of the mansion can be seen from the highway and footpaths along the A229 and the pedestrian/cycle bridge over the A229. The development would not prevent these glimpses continuing to occur.

In addition, the setting of the building has already been very significantly and adversely affected by the Bambridge Court/Lee Heights development which is located very close to the building on its northern side. Bambridge Court cuts across and partially obscures a significant proportion of the front elevation of the mansion when viewed from the east.

The mansion has a car parking area to its front and a retained belt of trees (subject to the 2001 Tree Preservation Order) along the internal site access road, which further serve to screen the front elevation from both Royal Engineers Road and the current application site. It is on the eastern side of the internal access road that the development would be located.

The setting of the mansion was also a key consideration of the previous Mountgrange proposals which as stated earlier, included buildings of a similar overall height to that currently proposed, but with less intervening tree cover. That development was granted planning permission.

The views of the rear elevation of the mansion as it sits overlooking the River Medway and which have with the creation of Whatman Park become public views, will remain.

I consider that the degree of separation from the development site is acceptable and that given a suitable detailed design at reserved matters stage, no objection could be sustained in relation to the development adversely affecting the setting of the mansion.

Ecology

The application was accompanied by an ecological scoping report and survey.

The report advises that reptile such as the common lizard and slow worm are unlikely to be present on the site primarily due to the fact that the maintenance regime renders the area unsuitable to support reptiles. The report does state that common toad may be present along the eastern boundary of the site. Appropriate precautionary measures prior to development commencing are suggested in the report.

In relation to bats the report finds that the library building, the attached administration block (except the tower), and the timber clad annex to the south of the garage are all potential bat roosts as are a number of mature trees in the area. It is therefore recommended that summer evening activity surveys and a dawn survey be carried out before demolition of the buildings or any tree work commences.

The site does contain little suitable habitat for hedgehogs but precautionary measures prior to development commencing are suggested.

In relation to nesting birds trees and shrubs on the site may contain nesting birds in the summer months, therefore precautionary measures are identified.

Subject to the recommendations in the report being adhered to and secured by means of appropriate conditions no objections are raised to the development in terms of its impact on ecology. The landscaping of the site is to be dealt with at reserved matters stage and could include measures to enhance ecology as part of the submitted details.

Landscape

The comments of the Landscape Officer are noted. It is noted that only 4 trees subject to the most recent Tree Preservation Order are likely to be directly lost due to the development, two of which have structural defects and whose loss is not considered to adversely affect the remaining trees within Group G1 of the Order.

Of most concern to the Landscape Officer is the loss of a Wellingtonia tree and a mature Corsican Pine (which are not however native indigenous species) within Group G2, neither of which, exhibit structural defects and the impact of the development on the Root Protection Areas (RPA) of the remaining trees in Group G2 as the area of the proposed footprint within the RPA exceeds the 20% maximum recommended by BS5837:2005 'Trees in Relation to Construction-Recommendations' together with the fact that there is no scope to extend the RPA on the southern side of the trees due to the existing road to compensate for the development on the northern side of the Group.

Clearly the loss of any tree is regrettable, however, in this instance this application must be considered as part of the overall 'package' provided by the two applications which together seek to deliver a prestigious project that will provide an enhanced community facility for the Borough. The loss of the two trees must be balanced against the wider benefits to the community as a whole arising from the two schemes, both of which are necessary to allow the development on the James Whatman Way site to take place.

As well as the balance relating to the overall package before Members, there is a balance within the site itself to consider. The site is constrained not just by the existing trees within and adjacent to it but also by existing development around its edges and the need to adequately service the development. For example, moving the buildings northwards away from the trees could have implications for the level of parking provision or bring the buildings closer to properties in Bambridge Court or Radnor Close potentially impacting on the amenities of the residents of these buildings. Reducing the footprint of the buildings is likely to have the effect of the buildings needing to be taller to maintain the housing provision necessary within the scheme to deliver the required financial contribution to the development on the James Whatman Way site.

Furthermore, this application is submitted with all matters reserved so the precise siting of the development has not yet been fixed and in addition it is possible to secure detailed foundation design by means of an appropriate condition.

I also consider it appropriate to secure, by means of condition, additional landscaping to existing planted areas fronting Royal Engineers Road which could involve additional tree planting. This would have the benefit of providing a softer appearance to this frontage and also the opportunity to add some layering in the form of planting and planting heights in front of the proposed buildings and retained trees.

Given these potential safeguards and the significant overall community benefit arising from the two schemes, in this instance I do not consider that the objections of the Landscape Officer are of such overriding weight as to justify refusal.

Sustainable Construction

The applicants are committed to achieving as minimum Level 3 of the Code for Sustainable Homes in the detailed design of the development. This will be conditioned and would ensure that future development significantly exceeds the current requirements of the Building Regulations in terms of energy efficiency, CO₂ emissions and water consumption. Roof gardens are also proposed, with details to be secured at reserved matters stage.

Having regard to the Environment Agency's comments, the use of SUDS techniques on this site as proposed in the application would need to be very carefully investigated due to the site lying on an aquifer and adjacent to a Source Protection Zone.

Air Quality and Noise

An air quality assessment report and a noise report have both been submitted as part of the application. These have been assessed by the Environmental Health Section who have confirmed that they agree with the contents and recommendations of both reports.

In respect of air quality, the mitigation measures mainly relate to ensuring suitable controls during the demolition and construction phase to reduce dust deposition and soiling and PM₁₀/PM_{2.5} particle generation, by means of measures to secure prevention suppression and containment in that order.

The development, post construction, is predicted to cause a small increase in NO₂ and PM₁₀ concentrations at some receptor locations. Whilst some of these receptors are already located in areas where NO₂ concentrations are predicted to be potential exceedences of Air Quality Standards, no additional properties are subject to likely or potential exceedences of Air Quality Standards as a result of the proposed development.

In terms of noise, the report's findings indicate that the site mainly falls within PPG24 NEC 'B' although after allowing for the screening effect of existing or the new buildings facades facing away from the highway fall within NEC 'A' during the daytime.

The report therefore recommends the following specification for normal thermal double glazing units of 4/12/4 or 4/16/4 (thickness of glass pane/air gap/thickness of glass pane) and states that this will provide a reduction in sound in excess of the minimum requirement based on the noise measurement data. Opening windows for ventilation

purposes would then exceed the design standards, the report therefore states that habitable rooms of dwellings that have windows in the east, south and west facades could be fitted with passive acoustic ventilators which would allow natural ventilation without any loss of amenity and would remove the need for trickle vents within the window frames.

The mitigation measures and recommendations in terms of air quality and noise can be the subject of appropriate conditions and no objections are raised to the development on these grounds.

Conclusions

This application is directly linked to and an integral part of the James Whatman Way scheme (MA/09/0863). That scheme cannot proceed without development on this site being approved.

The development of this scheme will also meet the guidance in PPS3 which places great importance on the delivery of well designed and quality housing in sustainable urban locations on previously developed land and which also encourages mixed development.

This scheme would deliver 114 units and a community facility as an integral part of it on such a site.

As indicated earlier, the loss of any trees is regrettable. It is necessary however, to balance against this loss, the wider benefit that the scheme will bring in partly enabling the development on the James Whatman Way site and considerations of the amenities of existing adjoining residents and the need to adequately service the development.

Given the balancing exercise that has been undertaken on what is a constrained site, the scheme as proposed would not significantly impact upon the residential amenity of the neighbouring occupiers nor upon the already compromised setting of the nearby listed building. Whilst it is clear that there would not be an over supply of car parking spaces on site, the site is well linked to the town centre, both by foot/cycle or by public transport and the applicant has demonstrated that they are willing to improve these further. As such, it is considered that the proposal would not give rise to any highway safety issues to warrant a refusal on this basis.

It is considered that the principle of a mixed residential and community facility development upon this site is acceptable, with the scale and form of the buildings proposed considered appropriate (subject to a suitably high quality design at reserved matters stage) for this locality.

I therefore recommend that Members give this application favourable consideration, and delegate powers to the Development Control Manager to grant planning permission

subject to the prior completions of a suitable S106 legal agreement, in accordance with the Heads of Terms set out below, and subject to the conditions and informatives also set out below.

RECOMMENDATION

SUBJECT TO:

- A: The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure;
- (i) A contribution of £179,550 towards the improvement of existing open space, or the creation of new facilities within a 1mile radius of the application site.
 - (ii) a) a contribution of £227 per residential unit towards library provision;
b) a contribution of £180 per residential unit towards adult education;
c) a contribution of £827 per 'applicable' house and £206.75 per 'applicable' flat towards youth and community facilities within the Borough;
d) a contribution of £1201 per residential unit towards adult social services within the Borough.
 - (iii) The provision of a sum of £78,210 for the improvement of Primary Health Care services within the Borough of Maidstone.
 - (iv) Payment of contribution towards the amendment of existing or making of Traffic Regulation Orders restricting on-street parking in the vicinity of the site. To be provided prior to the first occupation of the development;
 - (v) The improvement of four bus stops close to the land including raised kerbs and provision of real time information systems. To be provided prior to the first occupation of the units;
 - (vi) The upgrading of the existing pedestrian crossing at the western end of the Springfield site access road to a toucan crossing. To be provided prior to the first occupation of any of the units.
 - (vii) Six months prior to the commencement of the development, the submission of a refined and updated travel plan to the local planning authority for approval.
 - (viii) The creation of a community facility within the development of a floor space of not less than 200 square metres.
 - (ix) No development (including demolition) taking place on this site prior to the completion of the new library at the James Whatman Way site.

B: I BE GIVEN DELEGATED POWERS TO GRANT PERMISSION subject to the following conditions:-

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Access e. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The details of reserved matters of layout, appearance and scale submitted pursuant to condition 1 above shall include inter-alia;

- (i) A staggered mixture of 2, 4, 6 & 8 storey buildings,
- (ii) The maximum height of any building not exceeding 25.5m,
- (iii) The provision of roof gardens and pergolas,
- (iv) The provision of a community facility of not less than 200sq.m. net floor area,
- (v) Details of windows and doors and recesses/reveals (which shall be a minimum of 100mm) to be in the form of large scale drawings (scale 1:20 or 1:50),
- (vi) Details of the finish of the roof and the facade of the buildings,
- (vii) Details of the junction of the cills of the windows and the rendered panels,
- (viii) Precise details of the fenestration, in particular the arrangement of windows to provide the 'cracks' detailing upon the elevations of the buildings.

The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: No such details have been submitted and to ensure a high quality design and standard of finish for the development pursuant to policies CC6, BE1 and BE6 of the South East Plan 2009.

3. The development shall not commence until, details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

4. The development shall not commence until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest pursuant to the advice in PPG16.

5. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to policy NRM4 of the South East Plan 2009.

6. The development shall not commence until, the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning

authority. The scheme shall be implemented as approved.

Reason: The site is underlain by the Hythe Beds principal aquifer, immediately adjacent to a Source Protection Zone 1 and pursuant to policy NRM1 of the South East Plan 2009 and the advice in PPS23.

7. The details of surface water drainage submitted pursuant to condition 4 above, shall show no infiltration of surface water drainage into the ground other than for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: In order to protect groundwater resources within the underlying Hythe Beds principal aquifer pursuant to policy NRM1 of the South East Plan 2009.

8. The development shall not commence until details of measures to mitigate the impact of demolition and construction on air quality as recommended in the Air Quality Assessment (prepared by Mouchel) received 21 May 2009 have been submitted to and agreed by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure no unacceptable adverse impact on air quality pursuant to policy NRM9 of the South East Plan 2009.

9. The development shall not commence until details to mitigate the impact of noise as recommended in the acoustic assessment (prepared by AcousticAir) received 21 May 2009 have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure no unacceptable adverse impact on future occupiers from road traffic noise pursuant to policy NRM10 of the South East Plan 2009.

10. The details of landscaping submitted pursuant to condition 1 above shall include an arboricultural method statement detailing any works required to trees within the site and details showing all trees to be retained protected by barriers and/or ground protection have been submitted to and approved by the local planning authority. The arboricultural method statement and tree protection measures shall accord with the requirements of BS5837:(2005) 'Trees in Relation to Construction-Recommendations'. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have

been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy NRM7 of the South East Plan 2009.

11. The development shall not commence until details of the retention and placement within the site of a proportion of the cordwood from the felled trees have been submitted to and agreed by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of biodiversity and ecology pursuant to policy NRM5 of the South East Plan 2009.

12. The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development pursuant to policy CC4 of the South East Plan 2009.

13. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to policy BE1 of the South East Plan 2009.

14. The details of layout submitted pursuant to condition 1 above shall include details showing not less than 47 car parking spaces and/or garages and details of secure cycle parking provision at a minimum ratio of one space/unit.

Reason: Development without adequate parking/garage provision is likely to lead to parking inconvenient to other road users and prejudice road safety pursuant to

policy T4 of the South East Plan 2009.

15. The details of the parking/turning areas approved pursuant to condition 13 above shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T4 of the South East Plan 2009.

16. The details of layout submitted pursuant to condition 1 above shall include details of satisfactory facilities for the storage of refuse on the site. The subsequently approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity pursuant to policy BE1 of the South East Plan 2009.

17. The development shall not commence until a further bat survey has been undertaken of the existing buildings and trees within the site and a subsequent report identifying mitigation measures as appropriate, together with details of the mitigation measures for reptiles, toads, hedgehogs and birds as recommended in the ecological scoping survey (prepared by Lloyd Bore) received 21 May 2009 submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of biodiversity and ecology pursuant to policy NRM5 of the South East Plan 2009.

18. The development shall not commence until, detailed designs of the proposed foundations of the buildings and their method of construction have been submitted to and approved by the local planning authority. The design of the foundations and method of construction shall take into account the proximity of the retained trees within the site and their associated Root Protection Areas. The development shall

thereafter be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to safeguard existing trees pursuant to policy NRM7 of the South East Plan 2009.

19. The details of landscaping submitted pursuant to condition 1 above shall include details of landscaping provision for the enhancement of the planting in the following areas;

(i) The existing verge to the north of the Springfield access road and bounded to the west by the application site and north/east by Chatham Road/Royal Engineers Road,

(ii) The existing verge to the south of the Springfield access road, bounded to the east by Royal Engineers Road and which shall include the phased provision of an avenue of Lime Trees as a replacement of existing tree planting;

Reason: No such details have been submitted and to ensure a satisfactory appearance and setting for the site pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

20. No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: In the interest of a high quality finish of the development hereby permitted, in accordance with Policy BE1 of the South East Plan and PPS1.

21. The development shall not commence until details of a maintenance programme for maintaining the external appearance of the buildings have been submitted to and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details.

Reason; To maintain and preserve the character and appearance of the buildings in the interests of the visual amenities and character of the area pursuant to PPS1 and BE1 of the South East Plan 2009.

22. The development shall not commence until details of all external lighting within the site have been submitted to and approved in writing by the Local Planning Authority and these works shall be undertaken in accordance with the approved details and maintained thereafter. No additional lighting shall be placed or erected within the site thereafter without the prior approval of the local planning authority.

Reason: In order to maintain the character and appearance of the site in accordance with Policy ENV49 of the Maidstone Borough-Wide Local Plan 2000

23. Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Reason: To ensure that nesting birds are not disturbed in accordance with PPS9.

Informatives set out below

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962858688) or www.southernwater.co.uk

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, can not be highly stressed. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorscheme.org.uk

This application is linked to planning permission MA/09/0863 for which there is a Section 106 legal agreement in place. This legal agreement sets out that the new library building subject to application MA/09/0863 shall be provided prior to the closing of the existing library facility - to ensure a continuous public facility. This shall be carried out in accordance with this legal agreement.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

I wish to amend condition 7 to require the surface water drainage system to be SUDS system but taking into account the comments of the Environment Agency

I also consider that in order to ensure a high quality finish to the development, the following condition be imposed to any planning permission granted: -

The fenestration on the development hereby permitted shall be black, and shall detailed as shown on the submitted plans.

Reason: In the interests of securing a high quality design in accordance with PPS1: Design.

Amendments to recommendation

It is requested that in order to ensure a high quality finish to the development, the following condition be imposed to any planning permission granted: -

The fenestration on the development hereby permitted shall be black, and shall detailed as shown on the submitted plans.

Reason: In the interests of securing a high quality design in accordance with PPS1: Design.

In addition, I would recommend that the recommendation be amended to read: -

I be GIVEN DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the prior completion of a legal agreement to secure

(i) A contribution of £179,550 towards the improvement of existing open space, or the creation of new facilities within a 1mile radius of the application site.

(ii) a) a contribution of £227 per residential unit towards library provision;
b) a contribution of £180 per residential unit towards adult education;
c) a contribution of £827 per 'applicable' house and £206.75 per 'applicable' flat towards youth and community facilities within the Borough;
d) a contribution of £1201 per residential unit towards adult social services within the Borough.

(iii) The provision of a sum of £78,210 for the improvement of Primary Health Care services within the Borough of Maidstone.

(iv) Payment of contribution towards the amendment of existing or making of Traffic Regulation Orders restricting on-street parking in the vicinity of the site. To be provided prior to the first occupation of the development;

(v) The improvement of four bus stops close to the land including raised kerbs and provision of real time information systems. To be provided prior to the first occupation of the units;

(vi) The upgrading of the existing pedestrian crossing at the western end of the Springfield site access road to a toucan crossing. To be provided prior to the first occupation of any of the units.

(vii) Six months prior to the commencement of the development, the submission of a refined and updated travel plan to the local planning authority for approval.

(viii) The creation of a community facility within the development of a floor space of not less than 200 square metres.

(ix) No development (including demolition) taking place on this site prior to the completion of the new library at the James Whatman Way site.

(x) Provision for the enhancement of landscaping and a landscape management plan for the following areas;

(a) The existing verge to the north of the Springfield access road and bounded to the west by the application site and north/east by Chatham Road/Royal Engineers Road,

(b) The existing verge to the south of the Springfield access road, bounded to the east by Royal Engineers Road and which shall include the phased provision of an avenue of Lime Trees as a replacement of existing tree planting,

(c) The management of the existing woodland and landscaped area north of the roundabout on Royal Engineers Road (bounded by Royal Engineers Road and Sandling Road) together with the planting of a replacement Wellingtonia tree at the southern end of the land.

and that the permission be granted subject to the conditions set out in the report as amended by this urgent update.

Amend condition 7 to read as follows

The details of surface water drainage submitted pursuant to condition 5 above, shall utilise a SUDS system. The submitted scheme shall however, show no infiltration of surface water drainage into the ground other than for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: In order to protect groundwater resources within the underlying Hythe Beds principal aquifer pursuant to policy NRM1 of the South East Plan 2009.

Delete condition 19 on the papers and renumber remaining conditions accordingly.

Add new condition 23.

23. The fenestration on the development hereby permitted shall be black, and shall be detailed as shown on the submitted plans.

Reason: In the interests of securing a high quality design in accordance with PPS1: Design.

Add new informative

The development should be carried out fully in accordance with the approved plans