

APPLICATION: MA/13/2099 Date: 4 December 2013 Received: 17 December 2013

APPLICANT: Mr George Adamopoulos, Augur Buchler Maidstone Ltd.

LOCATION: SPRINGFIELD PARK, ROYAL ENGINEERS ROAD, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Erection of Class A1 retail development (with ancillary cafe), supporting retail (A1-A3), doctors' surgery (Class D1 and associated servicing car parking landscaping and access arrangement as shown on drawing nos. 7119-P0002, 7119-P100, 7119-P101.0revA, 7119-VS01, 02 and 03 and Flood Risk Assessment, Phase 1 Habitat Survey, Bat Report, Invertebrate Report, Reptile Report, Arboricultural Survey, Report and Implications Assessment, Geotechnical investigation, Drainage Strategy, Heritage Assessment, Planning Statement, Retail Assessment, Landscape Strategy, Statement of Community Involvement, Transport Assessment and Travel Plan Framework received 17/12/2013, Noise Impact Assessment and Air Quality Assessment received 06/01/2014, drawing nos. 1378-01-24-02-2014revD, 1378-02 sheet 1 24-02-2014revD, 1378-0224-02-2014revD, 1378-01-24-02-2014 photoshop presentation revD, 7119-P101.1revB, 7119-P107.1revB, 7119-P106revB, 7119-P104revA, 7119-P107.2revB and revised Design and Access Statement received 24/02/2014, draft s106 Heads of Terms and applicants response to MBC comments on Retail Impact Assessment and Retail Impact Tables received 27/02/2014, response to MBC Environmental Health comments received 28/02/2014, and Bat Hibernation report letter received 11/03/2014.

AGENDA DATE: 8th May 2014

CASE OFFICER: Steve Clarke

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

- Councillor Harwood has requested it be reported for the reason set out in the report
- The application was reported to Planning Committee where Members deferred making a decision on the application

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV35, ENV49, R1, R2, R3, T2, T13, T23, CF1.
- Government Policy: National Planning Policy Framework 2012 and National Planning Practice Guidance 2014
- Maidstone Borough Local Plan Regulation 18 Consultation Draft 2014: SS1, SP1, H1, RMX1, DM2, DM3, DM4, DM10, DM16, DM17, DM19

2. HISTORY

2.1 As previous report contained at Appendix 1.

3. CONSULTATIONS

3.1 As previous report contained at Appendix 1.

3.2 The application has been referred to the Secretary of State as it is above the threshold (5000sqm) for a town centre use in an out of centre location in the Town and Country Planning (Consultation) (England) Direction 2009.

4. REPRESENTATIONS

4.1 As previous report contained at Appendix 1.

5. CONSIDERATIONS

5.1 Background

5.1.1 The application was reported to Planning Committee on 10 April 2014 with a recommendation to refuse on five grounds. Members at that meeting resolved not to refuse the application on the recommended grounds. The draft minute is below.

5.1.2 "All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Maddox, an objector, and Ms Davidson, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee voted against refusal of the application on the grounds as set out in the report.

Some Members having indicated a strong intention to grant and having received advice, the Committee,

RESOLVED: That consideration of this application be deferred (preferably for not more than two meeting cycles) to enable the Officers to report back with reasons for approval, heads of terms for a S106 legal agreement and detailed conditions so that Members can be satisfied that it would be acceptable to grant permission.

Voting: 7 – For 6 – Against 0 – Abstentions

Councillors Hogg and Paine requested that their dissent be recorded.”

5.1.3 The above decision by Planning Committee is a material consideration in the determination of the application. However, that decision does not fetter Committee’s decision making power to either grant or refuse planning permission.

5.1.4 This report is prepared to provide the proposed heads of terms for a S106 legal agreement and detailed conditions for Members to consider whether these would overcome some or all of the recommended reasons for refusal. I attach a full list of the heads of terms and conditions at appendix 2. A key consideration of any obligation secured as part of a legal agreement is whether it complies with the Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. These regulations require all obligations to be:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

5.1.5 It is essential to ensure that any proposed obligation offered as mitigation complies with the above regulations.

5.1.6 The report is intended to outline the five recommended reasons for refusal, reflect on the debate at the previous Planning Committee and indicate any potential mitigation from conditions and/or requirements of a legal agreement.

5.2 Reason for Refusal One

5.2.1 The first recommended reason for refusal is:-

“The proposed development does not comply with the Council's strategy for future retail development in Maidstone as set out within the Maidstone Borough Wide Local Plan (2000), or within the emerging Maidstone Local Plan (which are consistent with the National Planning Policy Framework), which designate other sites for new retail development and do not designate this site for such a use.”

- 5.2.2 This reason for refusal centres around the principle that retail development should be centred in and around the town centre. That has been the Council's approach for in excess of 14 years when the Maidstone Borough-Wide Local Plan (2000) was drafted. Allocations within the adopted Local Plan include the site at Maidstone East and the former Fremlins brewery that has now been developed and is the Fremlin Walk shopping area. This strategy has been carried forward into the emerging Local Plan with the Maidstone Borough Local Plan Regulation 18 Consultation Draft 2014 including the Maidstone East site as a town centre allocation for retail development.
- 5.2.3 There are policies (R7, R8 and R9) included within the Maidstone Borough-Wide Local Plan (2000) that define the core shopping area, secondary shopping area and tertiary shopping area. These designations seek the provision and retention of retail uses in the core shopping area and retail and other complementary uses within the secondary and tertiary areas. These policies ensure that the main retail areas of the town centre are maintained and preventing the change of use from retail to other uses.
- 5.2.4 It is the basis for this strategy of retail development in the town centre that is under threat from proposals such as this application and the application at Baltic Wharf, which is currently at appeal. In fact when Members of Planning Committee considered application MA/13/0297 (Baltic Wharf) for the development of this site for uses including a food store this was the same reason for refusal that was recommended within that report. Members at that committee on 9 January 2014 voted 11 votes for refusal with one abstention thereby protecting the retail strategy for the town by preventing inappropriately located convenience retail development that would not comply with the Council's strategy for future retail development in Maidstone.
- 5.2.5 Given that Members decision to accept the was less than four months ago and in the intervening time Cabinet has agreed the Regulation 18 version of the Local Plan which re-confirms this town centre strategy. Not only will any approval of this proposal have a harmful impact on the retail strategy for Maidstone but will have significant implications for the Baltic Wharf appeal. I attach a copy of the Baltic Wharf committee report at appendix 3.

5.2.6 The question remains whether there is any mitigation that can be secured through conditions or legal agreement that could overcome this reason for refusal. The harm identified is to the Council's retail strategy i.e. the prioritisation of the town centre for retail development. A sum of £80,000 is offered towards improvements within the town centre. In the Council's Community Infrastructure Levy - Preliminary Draft Charging Schedule Consultation 2014 there is in excess of £3.8m identified for public realm improvements within the town centre that would be secured from CIL charging. In fact, it is only residential and retail developments that have been shown to be viable to charge for CIL. The draft document identifies CIL charging for out of town centre retail development above as £260 per m². This schedule would result in a required contribution of £1,430,780. Whilst any potential figure of in excess of £1.4m is unlikely to be spent solely on town centre improvements I consider it more than likely that more than £80,000 would be spent.

5.2.7 In terms of the scope of the £80,000 there are no projects that are identified or costed and therefore I consider that the proposed contribution would fail to comply with the Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. In any case, if there were projects in place the delivery of which would increase the attractiveness of the town centre for shoppers then to my mind the proposed £80,000 towards town centre improvements to would fall well short of adequate mitigation for the retail impact of this proposal.

5.2.8 The underlying reasoning for the town centre first sequential approach to retail provision is to maximise the scope for linked trips and the opportunities to use public transport. The approval of this proposal would harm the basis for this strategy and in any case would not be overcome by public realm improvements.

5.2.9 Overall, there is nothing that indicates the proposal is either in compliance with the Council's retail strategy for Maidstone or indeed that there is any significant mitigation proposed that would overcome the harm. Therefore, I consider that this reason for refusal is still appropriate as it was in the Baltic Wharf application.

5.3 Reason for Refusal Two

5.3.1 The second recommended reason for refusal is:-

"The proposed development does not comply with Policy R2 of the Maidstone Borough Wide Local Plan (2000) as it is out-of-centre in retail terms and furthermore does not comply with the sequential approach set out in paragraph 24 of the National Planning Policy Framework, and there are more sequentially preferable sites available which could accommodate the proposed development with due flexibility on the part of the developer."

This reason for refusal is again a matter of principle and relates specifically to saved policy R2 of the Maidstone Borough-Wide Local Plan (2000).

5.3.2 There was much debate when Members last considered this application about its compliance with the adopted policies of the Local Plan. Policy R2 of the Maidstone Borough-Wide Local Plan (2000) states:-

Major retail proposals (exceeding 500 square metres of gross floorspace) will be permitted in accordance with the above policy, provided that the additional following criteria are met:

- (1) that the proposed development meets the requirements and the trade potential of the appropriate convenience, comparison or bulky goods sectors; and**
- (2) that a sequential approach to siting has been followed (i.e. that preference is given to town centre, district or local centres and then edge-of-centre sites before out-of-centre sites are proposed); and**
- (3) that out-of-centre locations are chosen adjacent to existing out-of-centre and free-standing retail development.**

5.3.3 It is clear that the proposal does not conform with the requirements of policy R2. The location fails to follow the sequential approach to siting as required by the policy. This was confirmed by DTZ who are retail consultants employed by the Council to provide their expert view on this and other retail applications.

5.3.4 Policy R2 was drafted on the basis of the evidence base at the time and would accommodate the retail need (both convenience and comparison). The current evidence base shows that the need now shows a requirement for the Maidstone East site and the sorting office site plus in the longer term The Mall.

5.3.5 In addition, for retail applications of more than 2,500 square metres on out of centre sites (and this site is out of centre) that do not conform with the Development Plan, a retail impact assessment is required to be provided (by virtue of the NPPF) which should include an assessment of the impact of the proposal upon:

- Existing, committed and planned public and private investment in the centre;
- Town centre vitality and viability.

5.3.6 The National Planning Policy Framework states that where an application 'fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the above factors, it should be refused' (paragraph 27). I would

refer Members to paragraph 5.2.8 above, which demonstrates why the sequential approach is necessary in considering applications for retail development.

- 5.3.7 Again this is the same reason for refusal that was used and accepted by Members in the Baltic Wharf application and due to be defended at the upcoming appeal. Any decision that does not include this reason for refusal would have significant implications for the Baltic Wharf appeal.
- 5.3.8 The available mitigation for this reason for refusal again relates to the impact on the town centre strategy and the discussion in paragraph 5.2.6 would be relevant.
- 5.3.9 It is clear that the proposal does not comply with policy R2 of the Maidstone Borough-Wide Local Plan (2000) and would result in harm to the town centre. There is no available mitigation that would overcome the reason for refusal. Therefore, I consider that this reason for refusal is still appropriate as it was in the Baltic Wharf application.

5.4 Reason for Refusal Three

- 5.4.1 The third recommended reason for refusal is:-

“The proposed development would have a significant adverse impact on planned investment in Maidstone town centre, which would put at risk the Council's strategy to secure new retail development on the Maidstone East site and elsewhere within the town centre, as set out within the Maidstone Borough Wide Local Plan (2000) and in the emerging Maidstone Local Plan, and is therefore contrary to paragraph 26 of the National Planning Policy Framework.”

This reason again refers to a matter of principle and relates specifically to the potential impact of the application on the planned investment at the combined Maidstone East and sorting office site and elsewhere in the town centre. It was also a reason for refusal accepted by Members on the Baltic Wharf application.

- 5.4.2 The combined Maidstone East site has been a key site for redevelopment on the edge of the town centre for a number of years. It was identified in the Maidstone Borough-Wide Local Plan (2000) as a site appropriate for retail warehousing. However, it has not come forward in that form and now under the emerging Local Plan policies it has been identified in combination with the adjacent Royal Mail sorting office for convenience and comparison retail development of 10,000m² alongside 210 residential units. It has been identified through the consultation exercise on this application and the report from the Council's retail

advisors DTZ that the approval of this application would put at risk the ability to secure investment at the combined Maidstone East and sorting office site. The current evidence base shows that the need now shows a requirement for the combined Maidstone East site and the sorting office site plus in the longer term The Mall.

- 5.4.3 This reason for refusal is again consistent with a reason for refusal accepted by Members on the Baltic Wharf application and due to be defended at the upcoming appeal. Any decision that does not include this reason for refusal would have significant implications for the Baltic Wharf appeal.
- 5.4.4 There would be no mitigation possible through either conditions or through a legal agreement that would mitigate or lessen the harm in relation to this reason for refusal.
- 5.4.5 It is clear that the development of a retail proposal of this scale out of the town centre would result in a significant risk that the Maidstone East site would not be redeveloped. If the Maidstone East site does not come forward then there would be a risk that the town would lose out on significant investment and a regeneration opportunity. There is no available mitigation that would overcome the reason for refusal. Therefore, I consider that this reason for refusal is still appropriate as it was in the Baltic Wharf application.

5.5 Reason for Refusal Four

- 5.5.1 The fourth recommended reason for refusal is:-

“The proposed development would result in the loss of trees that are protected by a Preservation Order (11 of 2001). The loss of these trees would have a significantly detrimental impact upon the character and appearance of the locality, and would therefore fail to comply with paragraph 109 of the National Planning Policy Framework.”

- 5.5.2 This reason for refusal relates to the detail of the application. The proposal for the erection of the proposed retail development clearly shows the removal of the most prominent and significant group of trees on the site, including one A category tree and a number of B category trees. The design and layout of this proposal clearly takes no account of the constraints posed by the trees and nor does it justify their removal.
- 5.5.3 There is some mitigation proposed in the form of replacement tree planting and woodland planting. However, whilst this could be secured by way of a condition it does not represent adequate mitigation and the Council’s Landscape Officer raises objection.

- 5.5.4 During the debate there was some comparison between the current application and the extant planning permission for office and residential development that was permitted under MA/05/2350, known as the Mountgrange scheme. Within that approved scheme the layout of the development was designed to ensure that the group of trees in question were retained and would provide an amenity feature at the front of the site opposite another group of trees that together frame the access road to the Mansion car park and what would be the access to the residential element of the extant scheme.
- 5.5.5 There is clearly harm caused by the removal of these group of protected trees that have not deteriorated in their quality and there is no adequate mitigation proposed to outweigh the harm caused by the loss of these trees.

5.6 Reason for Refusal Five

- 5.6.1 The fifth recommended reason for refusal is:-

“The proposed development is not considered to constitute good design by reason of its proposed siting, scale and general articulation and the significant areas of road/access ways and the service yard fronting Royal Engineers Road. The development would result in harm to the visual appearance and character of the surrounding area and in particular cause harm to the setting of the adjacent designated heritage asset Springfield House, thus contrary to the advice in the National Planning Policy Framework 2012 in particular paragraphs 64, 132 and 133.”

- 5.6.2 This reason for refusal relates to the detail of the application and the siting and scale of the proposed development and particularly the impact on the listed mansion house.
- 5.6.3 During the last debate there were comparisons made between this application and the previously permitted Mountgrange scheme. There was an indication from some Members that the current scheme was in fact an improved design than the previously permitted development.
- 5.6.4 This is not the case. In terms of redevelopment of the site the primary aim will be the maintenance of “breathing space” for the mansion and the avoidance of new development becoming over-dominant. It is true that the previously permitted and extant proposals included substantial development on the current site.

- 5.6.5 However, whilst in terms of ground coverage the previous scheme probably exceeded that of the current proposals, development was split up into a number of relatively narrow blocks allowing space to permeate through the buildings, thus giving a more human scale and an impression of buildings set within a landscape.
- 5.6.6 The architectural style of the Mountgrange scheme is what you could term 'derived modernist.' Modernist architecture whilst making extreme use of (at the time) new building products, notably concrete and plate glass, derives some of its basic principles from classic Greek (in particular) and Roman architecture. This translates into a clear 'base' 'middle' and 'top' without excessive ornamentation.
- 5.6.7 This is followed in the office elevations shown facing Royal Engineers Road. The composition of these buildings is clearly articulated through horizontal projections, differing heights and different materials but there is clearly cohesiveness to the composition of the buildings. The detail in the composition of the buildings was set within a relatively simple and clear architectural framework. The use of the coloured vent panels on the offices added a very individual detail to the office buildings. Significant visual openness and architectural interest is provided at pedestrian level by the use of 'piloti', columns at ground level and sometimes first floor level behind which the overall appearance is a mixture of space and solid structure.
- 5.6.8 With regard to the apartment blocks there was an even greater articulation of form as the blocks stepped down to the river with roof terraces, which would themselves be visually light. The pronounced layering effect this created within the fabric of the elevations equated to slight projections and recessing on the façades themselves. There were differences in the overall façades in terms of the projection and horizontal stepped sectional design. Added to this are the balconies and also a cohesive mixture of different materials, namely cedar board panelling, ragstone plinth, render and extensive glazing.
- 5.6.9 The South East Design Panel considered the Mountgrange scheme. Whilst they had some concerns regarding the detailing of the east elevation of residential Block 'A' and the north elevation of the cafe building, these were addressed by the insertion of additional fenestration on the elevations concerned.
- 5.6.10 The setting of the Mansion was compromised to a large extent by the former KCC office development and in particular the large office building facing eastwards sited approximately 10m south of the Mansion. Its setting has been further compromised by the completed residential element of the originally approved Gensler scheme which, due to the long unrelieved nature of the elevations and roofs in particular (and despite being lower than the Mountgrange

scheme), appears to overshadow the Mansion. In addition, the Gensler scheme office blocks addressed the Mansion with a long and featureless elevation of fully glazed curtain walling.

5.6.11 The breakdown in scale of the residential accommodation in the Mountgrange scheme into a series of pavilions brings these elements down to a similar scale to the mansion and its own articulation. Whilst those proposals were approximately 3m higher than the Gensler scheme, the residential buildings were located significantly further away from the mansion than the Gensler buildings (by around 10m), allowing a genuine setting space between the buildings and the mansion. This greater distance allowed a better view of the mansion from across the River Medway from the Millennium Park than would have been afforded by the Gensler scheme. The closer proximity of their proposed office building would have afforded a narrower angle of view.

5.6.12 In addition, the previously approved 'pocket park' as with the current proposals, would have been provided on what was previously an area of hard tennis courts and car parking. This would have been 'greened' and landscaped with the potential to enhance biodiversity and ecology within the site. There has been much discussion about the role and the nature of this pocket park. In its originally submitted form it was proposed to be a very formal space, this evolved prior to the approval of the Mountgrange scheme into a less formal and controlled space.

5.6.13 An additional informal water body, a wildlife pond, was added to the approved scheme, set below the formal pool at the western end of the access road (which was originally introduced as an architectural element). The pools were shown connected by a cascade. The informal pool associates well with the informal character of the surrounding garden, which is designed to enhance the ecological potential of the site. In addition, the approved Mountgrange plans plan indicated the introduction of mature trees into the landscaped area below the Mansion. The approved landscaping scheme introduced under-storey planting at the edges of the area and specimen trees to the front of the mansion building together with differing mowing regimes in certain areas of the site as well as plants that would overhang the retaining wall on the western boundary of the site, partially to screen this and partially to provide an opportunity to link the site with the space below.

5.6.14 In contrast, the current proposals feature a building of monolithic mass surrounded by car parking and access/ servicing areas resulting in the view of the Council's Conservation Officer 'a less happy relationship with the listed building.'

5.6.15 In addition, whereas the previous scheme placed the closest building block to the mansion more or less level with its front elevation, the current scheme's building would project a significant distance (approximately 90m) forward of it, thus making it more dominating in its impact.

5.6.16 There is potential small scale mitigation in terms of conditions in relation to the proposed materials and a landscaping scheme. However, this is very minor in relation to the harm caused by the large building and car park that would result in significant harm to the setting of the listed building.

5.7 Other Matters

5.7.1 There are other heads of terms proposed for a legal agreement. These are:-

- A sum of £120,000 towards the redevelopment St Faiths Hall in Ringlestone. The applicants have stated that they understand that this amount would be used in conjunction with other section 106 monies that have been raised from other developments in the same area to complete the funds necessary to move the scheme forward.
- The transfer to the Council of the green space located in front of Springfield Mansion to be used as a landscape/ecology area. The sum for undertaking the initial landscape works comes to £51,000 and then a commuted maintenance sum over a period of 7 years is proposed which totals £49,000 bringing it to £100,000 in total.
- A sum of £10,000 requested by KCC towards improvements to nearby bus stops serving the site.

5.7.2 In terms of the first proposed obligation, there is no link between the erection of a supermarket and an increased demand for use of a community hall. Contributions for community halls could be sought from residential development as the increase in population as a direct result of the development would result in increased use of the facility. Therefore, there is no justification for this contribution and it would not be compliant with the CIL Regulations 2010 that require all obligations to be:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

5.7.3 The second proposed obligation is the transfer to the Council of the green space located in front of Springfield Mansion to be used as a landscape/ecology area and payments for initial landscape works and 7 years worth of maintenance costs. Again, there is no direct link between the provision of a supermarket and provision of open space or enhancements to ecology and it would not comply

with the above regulations. There would be no increase in population and no increase in demand on open spaces in the locality. Furthermore, after 7 years it would leave the Council with a liability with associated maintenance costs contrary to how obligations are typically secured for open space on residential developments.

5.7.4 The third proposed obligation is the contribution of £10,000 towards improvements to nearby bus stops serving the site. It is considered that the improvements to and encouragement of the use of public transport is high on the Council's agenda. Furthermore, the provision of a supermarket is likely to result in the increased use of the bus stops in the area. Therefore, I consider that the proposed obligation would comply with the requirements of the CIL Regulations.

5.7.5 In terms of reasons for approval I do not consider that there are any adequate material planning considerations that would cause the Council to depart from the provisions of the Development Plan. There was some discussion around a 'need for a supermarket in the area' and that the proposal would 'regenerate a deprived ward'. The retail need for a supermarket seemed to centre on the fact that the Ringlestone area was isolated, however, there are good connections from the site to the town centre to enable occupiers to utilise the retail facilities on offer. Therefore, I do not consider there to be an overriding need for a supermarket that would outweigh the provisions of the Development Plan. In terms of a regeneration tool, there would be no guarantee that any new jobs would go to local people. Furthermore, the combined Maidstone East and sorting office site that would be put at risk by this proposal is also within North Ward. I do not consider that the construction and running of a supermarket to be so beneficial to the regeneration of the area to outweigh the provisions of the Development Plan.

6. CONCLUSION

6.1 The five reasons of refusal have been assessed above with consideration of the debate and proposed possible mitigation through legal obligations and/or conditions.

6.2 The proposed development would not accord with the development plan and the identified planning conditions and draft planning obligations are not sufficient to address the proposed development's failure to accord with the development plan identified in the reasons for refusal. With this position established planning permission should not be granted unless material considerations indicate otherwise. There are no such material considerations that exist that would justify Members adopting an inconsistent approach to that adopted in respect of the Baltic Wharf application and appeal.

6.3 As a result, all five of the recommended reasons for refusal remain appropriate and the recommendation is for refusal.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development does not comply with the Council's strategy for future retail development in Maidstone as set out within the Maidstone Borough Wide Local Plan (2000), or within the emerging Maidstone Local Plan (which are consistent with the National Planning Policy Framework), which designate other sites for new retail development and do not designate this site for such a use.
2. The proposed development does not comply with Policy R2 of the Maidstone Borough Wide Local Plan (2000) as it is out-of-centre in retail terms and furthermore does not comply with the sequential approach set out in paragraph 24 of the National Planning Policy Framework, and there are more sequentially preferable sites available which could accommodate the proposed development with due flexibility on the part of the developer.
3. The proposed development would have a significant adverse impact on planned investment in Maidstone town centre, which would put at risk the Council's strategy to secure new retail development on the Maidstone East site and elsewhere within the town centre, as set out within the Maidstone Borough Wide Local Plan (2000) and in the emerging Maidstone Local Plan, and is therefore contrary to paragraph 26 of the National Planning Policy Framework.
4. The proposed development would result in the loss of trees that are protected by a Preservation Order (11 of 2001). The loss of these trees would have a significantly detrimental impact upon the character and appearance of the locality, and would therefore fail to comply with paragraph 109 of the National Planning Policy Framework.
5. The proposed development is not considered to constitute good design by reason of its proposed siting, scale and general articulation and the significant areas of road/access ways and the service yard fronting Royal Engineers Road. The development would result in harm to the visual appearance and character of the surrounding area and in particular cause harm to the setting of the adjacent designated heritage asset Springfield House, thus contrary to the advice in the National Planning Policy Framework 2012 in particular paragraphs 64, 132 and 133.