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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: 10th April 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

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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 Relevant planning history on the site is as follows:

- MA/13/1623: Request for a screening opinion as to whether the proposed development incorporating a foodstore of 2,325sqm sales area (4,460sqm gross), petrol filling station and residential development of 16 units is development requiring an Environmental Impact Assessment: EIA Not Required 22/10/2013
- MA/10/1327: An application for a certificate of lawful development for an existing development being the implementation of planning permission MA/05/2350 within the three year period from the date of the permission as described in application MA/10/1327: APPROVED 23/09/2010
- MA/06/0782: Outline application for a mixed use scheme comprising office space (B1 use Class), residential and retail development (A1 and A3 use Class) and associated car parking, with all matters reserved for future consideration: WITHDRAWN 18/04/2007
- 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 crèche on the ground floor of the retail unit only, together with associated car parking, landscaping and amended access arrangements (The Mountgrange Scheme): APPROVED 01/08/2007
- MA/05/1913: An application for a screening opinion in respect of proposals for the development of land at Springfield Park Royal Engineers Way for 13000sqm of office floorspace, 189 residential units and retail/cafe purposes: EIA Not Required 18/10/2005
- MA/05/0374 Amendment to previously approved car parking and landscaping layout to Springfield Mansion: APPROVED 15/04/2005

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- MA/02/2339 Amendments to blocks E, F and G, for 61No. units comprising 1 and 2 bed apartments, being amendments to MA/01/1356 (Phase III): APPROVED 29/06/2004
- MA/02/2141 Erection of one bed and two bed apartments, consisting of 2No. blocks of 54 units, in block 1 and 61 units in block 2, with associated parking: (Phase 2) WITHDRAWN
- MA/01/1357 An application for listed building consent for demolition of buildings and restoration of fabric at interface: CONSENT GRANTED 14/12/2001
- 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 (The Gensler scheme): APPROVED 01/10/2002

3. **CONSULTATIONS**

- 3.1 **Environment Agency:** Initially objected to the application due to potential impact on groundwater resources:

'We **object** to the application as submitted because the type of development (specifically the inclusion of a new petrol filling station) is likely to result in a significant risk to groundwater resources from which supplies of potable water are obtained. We recommend that planning permission should be refused on this basis.

Reason: The site is located above a Principle Aquifer and the majority of site is located within a groundwater Source Protection Zone 1 (SPZ 1) area where we carefully monitor development proposals of all types. SPZs are designated by us to identify the catchment areas of sources of potable water (that is high quality groundwater supplies usable for human consumption or for industrial processes that require water of high quality) and show where they may be at particular risk from polluting activities on or below the land surface.

We have also reviewed the ground investigation report provided in support of this application ('Geo Environmental Investigation' by GES Services Limited, reference 11146 dated March 2013) and have the following comments to make:

1. The report states that the majority of the site is within an SPZ3. This is incorrect - the site lies mainly within an SPZ1.
2. The report states that four underground oil storage tanks were present. No information has been provided to confirm the assertion that these were removed 12 years ago.
3. The comment 'Groundwater was encountered not encountered' on page 8 is not helpful. No attempt appears to have been made to investigate underlying groundwater quality, an important requirement of investigation given the presence of Underground Storage

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Tanks (USTs) and the high environmentally sensitive status of the site. Consequently, a robust groundwater risk assessment has not been undertaken.

4. The report suggests that a deep bore soakaway may be proposed for surface water disposal. We will object to the use of such deep soakways (including boreholes or other structures that bypass the soil layers) for surface water disposal unless the developer can show:

- there is no viable alternative; and
- that there is no direct discharge of pollutants to groundwater; and
- that risk assessment demonstrates an acceptable risk to groundwater; and
- that pollution control measures are in place.

In the few circumstances where borehole soakaways are permitted, each soakaway should be protected by incorporating a SUDS technique or, where this is unfeasible, an oil separator. The borehole casing should extend into a separate chamber and be fitted with a hood or similar device to prevent direct downward flow into the borehole. The depth of the borehole should be agreed with us.

Please note that National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Overcoming our objection

The applicant should provide sufficient information to satisfactorily demonstrate to the local planning authority that the risks to Controlled Waters are fully assessed and understood and can be addressed through appropriate measures. These should include, as a minimum, a preliminary risk assessment that identifies all historic and current uses with the potential to contaminate and to determine whether additional, intrusive investigation may be required.

We recommend that developers should:

1. Follow the risk management framework provided in the Contaminated Land Report 11(CLR11), Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at www.environment-agency.gov.uk for more information.

We look forward to being re-consulted on this development. Please note that we have no major concerns on flood risk grounds and agree in principle with the findings set out in the Drainage Strategy Report prepared by MEiNHART (dated November 2013) submitted with this application.'

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3.1.1 Further discussions have taken place between the applicants and the Environment Agency, in an attempt to address the issues set out above. As a result, the proposed petrol filling station has been dropped from the scheme. **The Agency confirmed on 26 March 2014 that their objections to the development have been removed.** They recommend conditions requiring the submission of surface water drainage, a remediation strategy, a verification report and a number of informatives relating to flood risk, contamination, pollution prevention, foul drainage and waste.

3.2 **Southern Water:** Have advised that there are public sewers close to and within the site and have enclosed a plan showing their location and have offered advice as to their requirements in respect of proposed development that may affect the sewers. They have also advised that there is currently insufficient capacity for the development to connect to the foul sewer but that however there is capacity for connection to the surface water sewer. They have requested a condition requiring foul and surface water drainage details to be submitted. The applicant is also advised to contact Southern Water regarding a capacity check to enable the most appropriate point for connection to be established.

3.3 **Highways Agency:** Offers no objection

'We have reviewed the submitted transport assessment and note the already permitted development on this site along with the outline figures agreed with Kent Highways. Taking these in to account we have no reason to believe that there will be any further severe impact on the M20 other than that already permitted.'

3.4 **Kent Highway Services:** Do not object

It is proposed that vehicular access to the site would be gained from the A229 Royal Engineers Road/Chatham Road/Flower Rise Roundabout and that contiguous mini roundabouts would be installed at the site access, which would remain outside of the publicly maintainable highway. It was agreed in principle at pre-application stage that this arrangement, together with the proposed internal layout, would reduce vehicular conflicts at the site access and minimise the risk of traffic blocking back on to Royal Engineers Road. Tracking diagrams have been provided, which demonstrate that Heavy Goods Vehicles could safely access and turn within the petrol filling station and service yard.

A total of 315 car parking spaces are proposed for the retail foodstore (including 16 disabled spaces), the majority of which would be provided within a lower ground level car park. This is some 43 spaces less than the maximum quantum allowed for by the Kent and Medway Structure Plan Supplementary Planning Guidance 4 (SPG4) standards; however in view of the relatively sustainable location of the site, KCC Highways and Transportation considers this level of provision to be acceptable. The County Council would however request that provision is made for up to 10 electric vehicle charging

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points. A total of 12 cycle parking spaces is proposed, which is in accordance with the SPG4 standards. A Car Parking Management Plan would be provided prior to operation of the foodstore to prevent long-stay parking by commuters to Maidstone Town Centre. This would impose a maximum stay of approximately two to three hours on customers, which is broadly similar to the restrictions imposed by other town centre retailers.

Level pedestrian access is gained via the footways alongside the site access road and the western side of Royal Engineers Road. A direct pedestrian connection between the site and the northbound bus stop on Royal Engineers Road is proposed, although this would include steps due to the change in gradient. The nearby footbridge, which is accessible for mobility impaired persons, provides access to the eastern side of Royal Engineers Road for pedestrians and cyclists. An alternative pedestrian route to and from Maidstone Town Centre is available via the Medway riverside path and Whatman Park, although it is disappointing that a more direct foot/cycleway link to the existing facilities on Kerry Hill Way is not proposed. I would urge the applicant to review this matter with the adjacent landowner. Following consultation with Kent County Council (KCC)'s Public Rights of Way Team, it is considered appropriate for the applicant to provide a financial contribution to the upgrading of the riverside path should planning permission be granted for the proposed development.

The closest bus stops are located within a reasonable walking distance of the site on Royal Engineers Road. These stops are served by several bus routes, including the high-frequency Route 101 service between Maidstone Town Centre and the Medway Towns and the Route 155 service between Maidstone Town Centre and Chatham via the rural villages on the east bank of the River Medway. Both the northbound and southbound bus stops are equipped with shelters; however it is considered reasonable for the applicant to provide raised kerbs and real-time passenger information screens prior to the commencement of trading should planning permission be granted.

Personal Injury Accident (PIA) data has been sourced from KCC for the local highway network surrounding the site. This covers the three year period to 30th June 2013. A total of 26 accidents were recorded during this period, of which 25 were classified as 'slight' and one as 'serious'. No fatal accidents were recorded during the study period. Following a detailed review of the accident record, the Transport Assessment concludes that it does not indicate an identifiable highway safety problem. KCC Highways and Transportation is in agreement with this assessment.

Weekday peak trip attraction forecasts for the foodstore have been determined using the TRICS database. However, it is notable that the search parameter of 'All Weekdays except Fridays' has been applied, which is not acceptable, as the Friday PM peak is known to be the period of greatest trip attraction to food retail uses. Nevertheless, given the high proportion of secondary trips expected to be associated with the foodstore (as described below), it is not considered that the use of these trips rates would significantly underestimate the impact of the proposed development on the local highway network. The application of these trip rates to the proposed development floorspace produces the following weekday peak trip attraction figures:-

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	Proposed Foodstore Trips		
	Arrivals	Departures	Total
Weekday AM Peak	137	104	241
Weekday PM Peak	282	280	562

It was agreed in principle at pre-application stage that at least 90% of the trips attracted to the proposed development would be secondary trips which already exist on the local highway network. Given the prominent location of the site on a key arterial route between the M20 Junction 6 and Maidstone Town Centre, it has been assumed in the Transport Assessment that 95% of trips would be secondary and 5% would be new to the local highway network. Of the secondary trips, it has been assumed that 30% would be 'pass-by' trips and 65% would be 'diverted' trips from other foodstores in and around Maidstone. The stores from which the diverted trips would be sourced have been based upon information contained in the Retail Impact Assessment accompanying the planning application, which is acceptable.

Baseline traffic counts were undertaken at five locations on the local highway network, at KCC Highways and Transportation's request. The resulting survey data has been growthed to the assessment years of 2016 and 2031 using local growth factors derived from the TEMPRO and National Transport Model datasets. The site previously accommodated KCC offices and has since received outline planning permission for residential and offices uses, which have been partially implemented. The potential trip generation of the extant and consented uses, relative to the proposed retail use, is as follows:-

	AM Peak			PM Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
KCC Offices	443	38	481	87	466	553
Consented Offices (2001)	370	32	402	73	390	463
Consented Offices (2005/06)	308	98	406	125	340	465
Proposed Retail	137	104	241	282	280	562
Net impact (vs.2005/06 consent)	-171	+6	-165	+157	-60	97

Whilst there would be a slight increase in the total trips attracted to the site in the weekday PM peak with the proposed development in place, it should again be noted that the majority of these trips would be secondary in nature, which is not the case with office uses. The impact of the development on the capacity of the A229 Royal Engineers Road/Chatham Road/Flower Rise Roundabout would therefore be de-minimus in nature.

A car parking accumulation assessment has been undertaken, based on the TRICS trip attraction data described above. This exercise indicates that a maximum car parking

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demand of 187 spaces would be expected to occur. The provision of the proposed quantum of 315 spaces would therefore leave adequate spare capacity to cater for the majority of busy periods (e.g. pre-Christmas) without resulting in parking overspill into the surrounding residential areas.

A Framework Travel Plan has been submitted with the planning application, which includes details of the sustainable transport interventions that are proposed to be implemented by the applicant and the associated monitoring, reporting and review regimes. Should planning permission be granted, a full Travel Plan should be submitted to KCC and Maidstone Borough Council for approval prior to first occupation of the development.

On this basis, I can confirm that subject to appropriate planning obligations or conditions being secured I would raise no objection on behalf of the local highway authority:-'

3.4.1 Kent Highway Services subsequently reviewed their requested obligations and suggested conditions.

The following previously requested obligations have been deleted:

- Real Time Passenger Information equipment. KCC will be now reducing its own investment in RTPI equipment at bus stops. This type of information is now much more widely available on individual mobile devices, and the benefits of on-site displays have become much reduced. It would therefore be inappropriate to seek a contribution of this nature from the developer.
- The proposed retail scheme would appear to generate very few walking trips along the riverside path. They consider that it would be difficult to justify the need for a contribution towards it.

3.4.2 A S106 contribution of £10,000 is sought towards improvements towards improvements to nearby bus stops serving the site. This would be carried out in place of the previously suggested Travel Plan monitoring fee.

3.4.3 Suggested conditions are as follows:

- A Construction Environmental Management Plan should be provided before commencement of construction work, so that activities on the site are properly managed - including the safeguarding of access to Springfield House and the existing residential properties, and the removal of parking on the exit out onto the Springfield Roundabout on the A229. All highway and transport construction work for the access to the public highway should be completed before commencement of trading.
- A Car Park Management Plan should be provided before the commencement of trading.
- A Travel Plan, agreeable to both MBC and KCC should be provided before the commencement of trading. (*Officer comment: This would primarily be aimed at those employed at the store but could include measures to promote use by customers of means other than the private car for access*).

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3.5 **KCC Biodiversity:** Raise no objections to the proposals and have commented as follows.

'We have reviewed the ecological surveys which have been submitted and we are satisfied that sufficient information has been submitted to determine the planning application.

Bats

The emergence surveys were carried out in October 2013 which is outside the optimum survey period. As there have been features within the building which have been identified as having high or moderate potential to be suitable for roosting bats there is a need for the additional recommended emergence surveys to be carried out. However we have spoken to the ecologist who has stated that they are satisfied that if bats are roosting within the site they expect them to be in low numbers. This is because they feel that the building inspections, ground level tree inspections, hibernation checks, activity surveys and emergence surveys have given them a good understanding of the bat usage within the site. Based on the above we are satisfied that, on this occasion, the additional bat emergence surveys are not required prior to determination. We advise that if planning permission is granted a detailed mitigation strategy is submitted as a condition of planning permission. It must include the results of the additional surveys and details of any mitigation which is required.

Potential Hibernation areas: We are satisfied assessment within the submitted surveys which details that it is unlikely that bats are hibernating within the building. We require no additional information to be provided prior to determination of the planning application.

Trees: The proposed development will result in the loss of trees which have been identified as having moderate or low potential to support roosting bats. If planning permission is granted we would expect a detailed method statement for the removal of the trees to be submitted for comments as a condition of planning permission.

Lighting: Lighting can be detrimental to roosting, foraging and commuting bats. The recommendations discussed in bat report should be taken into account when designing the lighting scheme. We advise that the lighting is designed to ensure that the open space area receives as minimal lighting as possible. We also advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements). It is welcomed that the applicant is willing to incorporate bat roosting opportunities in to the site. Details of the bat roosts must be incorporated in to the Ecological Mitigation and Management Strategy.

Reptiles

A good population of reptiles have been recorded within the site and we welcome the proposal retain the reptiles within the site boundary. An outline of the mitigation has been included within the reptile survey report and we recommend that if planning permission is granted a detailed mitigation strategy must be submitted for comments as

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a condition of planning permission. A management plan for the open space must be submitted for comments to ensure that the site will be managed appropriately in perpetuity.

Breeding Birds

The ecologist confirmed that although the remaining buildings provide suitable habitat for Black Redstarts has been recorded within the site they are satisfied that there is limited potential for them to be present for the following reasons:

- They were not recorded within the site during the ecological surveys.
- Previous surveys have not identified black starts within the site.

However the applicants have confirmed that they are willing to incorporate features in to the site for black redstarts. This is welcomed and the details must be incorporated in to the ecological mitigation and management strategy.

Invertebrates

The invertebrate surveys concluded that the site is likely to be at least county conservation value for terrestrial invertebrates and to mitigate for the loss of the brown field habitat it is proposed that a brown roof is used on the building.

Details of the species to be included within the brown roof must be included within the Ecological Mitigation and Management Strategy. It must be designed in consultation with the applicant's ecologist to ensure the most appropriate species are used.

Enhancements

One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". The submitted reports have recommended a number of ecological enhancements if planning permission is granted we advise that the Ecological Mitigation and Management Strategy is produced as a condition of planning permission.'

3.6 **NHS Property Services:** Were consulted regarding the need for a new doctors' surgery in this location and have responded as follows:

'Thank you for the opportunity to respond to this application. I write on behalf of NHS England, Kent & Medway Area Team. I am sorry for my delayed response but I have been waiting on advice from colleagues within NHS England (NHSE) regarding the matter.

Over recent years the NHS has invested considerable funding in the development of purpose built surgery premises to improve local facilities in the centre of Maidstone. Funding is now limited and the Area Team of NHS Kent and Medway needs to focus its investment in areas of most need, although realising there are still requirements for on-going investment in primary care facilities particularly where large scale population growth is planned.

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Within Maidstone town centre, the NHS has already delivered two new surgery premises and there is a further development proposal in the early stages of design. This, together with existing surgeries will provide the capacity required for now and the immediate future although there remains a need to plan for the longer term future.

The Springfield site proposes residential development (*in the draft Local Plan - my insertion*) that will certainly result in increased patient registrations for health services and an immediate need to access primary care services, and in turn community, secondary care and mental health services. However it is deemed that the scale of the development does not warrant a stand-alone facility. NHS England is now supporting much larger practices serving populations in excess of 10,000 patients and within areas of greatest need. Even with the relocation of an existing service into the area, the predicted growth would not warrant a new facility. Instead, NHSE would request that Developers pay a fair contribution towards the creation of extended facilities across the town, building on existing infrastructure and commissioned services as opposed to creating another centre with a relatively small list size. Such an approach offers practices the ability to have a stronger commissioning position, a wider patient base to serve and the ability to bring a range of services closer to home for patients. Smaller scale practices are unable to offer that potential quite so easily.

It is clear that this particular development will impact directly on the existing local services and as such, NHSE would require financial support from the developers to mitigate this. Funds would be used to extend clinical accommodation to create more capacity to meet the demand the increased population will bring.'

- 3.7 **KCC Public Rights of Way:** Have welcomed and commented on the proposed new pedestrian and cycle link to the River Medway towpath.

'Walking and Cycling

The submitted Design and Access statement proposes a new and additional link to the riverside towpath close to Kerry Hill Way. The Service suggests that this additional link be placed a condition to planning approval, as the alternative (existing) route via Bambridge Court/Moncktons lane has poor connectivity to the Western side of the River. It is requested that a minimum 2.5m shared use cycle path be provided with restrictions to prevent vehicular access. In securing this link the development would meet the desired pedestrian/cycling access. It is also requested that a financial contribution be secured through a Section 106 agreement for the ongoing maintenance of the riverside path and parkland.'

- 3.8 **KCC Petroleum Officer:** No objections.

(Officer comment: The proposed Petrol Filling Station has now been dropped from the current application proposals.)

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3.9 **Kent Police Architectural Liaison Officer:** Has no objections and is content having met the applicants that they are addressing the requirements to ensure that the scheme achieves the necessary Secure by Design and BREEAM standards.

3.10 **UK Power Networks:** No objections

3.11 **MBC Environmental Health:** Commented originally as follows in particularly on contamination and air quality issues

Contaminated Land: The Phase I and II reports are thorough and conform to best practice. They were written with preliminary site plans in mind. Therefore their broad conclusions are accepted in principle but in light of this we recommend that a contaminated land condition is placed on the decision notice to ensure that the conceptual site model remains valid and a remediation method statement is produced once final drawings are in place and then the validation can take place in line with the final proposal for the buildings.

The trial pit profiles suggest hydrocarbon odour was present in some pits but TPH and Bap results do not show significant hydrocarbon contamination. This discrepancy is not fully explained as you would expect higher TPH levels where there is odour observed.

Air Quality Report – It identifies that dust suppression measures will be required to manage dust generation during the construction phase and we recommend that this is conditioned in the decision notice.

The ADMS modelling shows that no receptors in proximity to the site will be adversely impacted. The transport data used suggests that transport numbers for this proposal will be less than the already planning consent already in place for the site.

The AADT data used for the three modelled scenarios are the Baseline 2013, Baseline + committed 2016 and baseline + committed + proposed 2016. However, the transport assessment goes further and also estimates a 2031 (end of the local plan) scenario both with and without the proposed development and this is not modelled in the air quality report.

The air pollution significance of the "with" and "without" development scenarios are assessed against current guidelines for significance. We accept that this assessment shows that the residential receptors are unlikely to experience a significant decrease in air quality from this particular development. However, this development should be assessed in the context of what is occurring in the surrounding area. This report only provides half the picture.

The comparison between 2013 base line and 2016 with development is not made in the report. In terms of the exposure being experienced by the receptor (8 for example) the baseline 2013 to 2016 with development increase is + 0.59 and not 0.27.

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Receptors	Base	Without	With	Base to without	2016 comparison	Base to with
1	22.59	22.68	22.76	0.09	0.08	0.17
2	22.23	22.31	22.36	0.08	0.05	0.13
3	20.38	20.42	20.45	0.04	0.03	0.07
4	23.1	23.2	23.22	0.1	0.02	0.12
5	28.99	29.2	29.2	0.21	0	0.21
6	26.88	27.06	27.1	0.18	0.04	0.22
7	24.8	24.95	25.09	0.15	0.14	0.29
8	31.36	31.68	31.95	0.32	0.27	0.59
9	20.1	20.15	20.2	0.05	0.05	0.1

The air quality modeling of 2031 scenarios has not been carried out but the AADT data from the transport assessment suggests that by 2031 there will be a 25% increase in AADT and therefore the likely increase in air pollution experienced by receptors (for example 8) is likely to also increase. The AADT figures taken from the Transport assessments are listed below -

2013 base - 48446,
 2016 without - 49719
 2016 with development - 50850
 2031 without development - 59519
 2031 with development - 60650

The air quality scenario comparison has been made between 2016 without the development and 2016 with the development. The difference in AADT data for those two scenarios is 2.27%. However, if you compare the background AADT growth and compare 2013 to 2016 with development, the increase is 4.96%. If you were to carry out the same approach between 2013 and 2031 with the development, there will be a 25% increase in AADT.

We accept that this development only makes a small contribution to these increases in AADT but nevertheless the conclusions of this report do not recognise the small part that this development could play in addressing these issues which face all development in the area and start to address the unsustainable traffic growth that this area (Maidstone AQMA) will experience over the lifetime of the Local Plan.

We therefore recommend that an emission reduction condition is placed on the decision notice which will support the sustainable travel framework and demonstrate how this development will support sustainable transport growth in accordance with the NPPF.

Environmental Permitting – The petrol service station will need a permit which can be obtained by applying to Environmental Health. There is already a petrol station close to this site which will be in direct competition to this site which we currently permit.

Sustainable Transport: The Travel Plan Framework document only covers employees of the development and does not cover deliveries to the site or the public's use of the

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site. It is therefore limited in addressing the transport and building emissions from the development. This is inadequate and should be developed into a quantitative emission reduction document covering the entire site operations and transport movements. It should link to the emissions reduction condition and demonstrate a whole site approach to reducing emissions and not just focus on employee trips only when the fabric of buildings, commercial deliveries and the public will all contribute to emissions (carbon and other air pollutants) from this development.

Noise Assessment: A concise qualitative assessment has been submitted. Because the development has not yet been built, it relies more on predictions and baseline noise measurements taken at similar distances away from the major noise source – traffic from the A229 – affecting nearby residential property. It has identified three principal noise sources – traffic/operational, construction and plant. It concludes that there will be sufficient mitigation measures in place, even though exact information about construction activities are not yet known. Apparently there will be minimal demolition work required. Plant noise is similarly not known yet, so limit values have been put on the nearest residential properties.

The major noise source, however, is from traffic using the A229. The assessment concludes with a statement in which it says that traffic noise from this development affecting existing noise levels will be negligible, which I agree. The assessment quotes from the Calculation of Road Traffic Noise (CRTN) in establishing that $L_{A10\ 18\ hour}$ has been used as the index to measure traffic noise and then relates this to Highways Agency advice note HD213/11. DMRB (Design Manual for Roads and Bridges) is then quoted where it mentions the correlation between $L_{A10\ 18\ hour}$ and resident dissatisfaction with traffic noise.

CRTN was used to calculate the change in $L_{A10\ 18hour}$ with and without the development taking place in 2016. The figures displayed show a negligible difference – again an unsurprising conclusion, especially when compared with the volumes and noise levels from the A229. The figures hardly change much for a 2016 – 2031 comparison. They do concede that noise from traffic using an access road could cause a minor increase in levels.

Taking all this information into account, I accept the report and its conclusions, subject to a noise management plan being written in which practical steps to minimise noise from this development are outlined.'

3.11.1 Further comments were received following consideration of a response from the applicants to the original comments:

'As I understand it, the letter does not refute the comments made but re-emphasises the stance taken by the applicant and emphasises that the assessment adheres to current guidance. I do not follow all their arguments to be honest. However, I do accept that comparing the baseline 2013 to 2016 Do Something is not a standard approach. This is currently not a common approach and is not set out in the current informal guidance as they state. However, they also recognise that the guidance is being revised and one of the areas that will be considered is this.

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They accept that a dust condition from demolition and construction is acceptable and we request this is included in the application. They also say that "A low emission strategy is normally requested for new developments within AQMAs. Therefore a low emission strategy for the proposed development only is considered to be acceptable."

As this site falls within the AQMA can I suggest that the condition we proposed is amended as follows:

Air Quality Emission Reduction

No development shall commence until the developer has developed a low emission strategy detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the air pollution emissions of the development during construction and when in occupation. The report should be submitted and approved by the local planning authority, prior to development.

The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy – using the planning system to reduce transport emission January 2010.*

3.12 MBC Landscape Officer: Objects to the proposals and has commented as follows:

'Trees on this site are protected by TPO No. 11 of 2001. A group of trees to the northwest of the site are protected by TPO No. 5 of 2002 and trees to the southwest and south of the site are protected by TPO No. 5 of 2003.

An Arboricultural Survey and Arboricultural Impact Assessment report has been produced by Viewpoint Associates LLP and submitted in support of the application. The survey and the considered impacts on trees are appropriate. However, the proposal for the erection of the proposed retail development clearly shows the removal of arguably 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. As such, it is contrary to the recommendations of BS5837:2012, paragraph 5.

Whilst new trees and low woodland planting have been proposed to help mitigate the adverse impact of the loss of the group of trees, the majority of this additional planting is outside of the site boundary. (*Officer comment: The planting is indicated along the highway verge along Royal Engineers Road in a similar manner as that proposed under application MA/05/2350*). There is no indication of whether this type of planting is feasible and/or sustainable in terms of existing underground services, current ground conditions and acceptability of the scheme to the landowner. I therefore raise an objection accordingly.'

3.13 MBC Conservation Officer: Objects to the application

'The Grade II listed Springfield Mansion lies immediately adjacent to the proposed development site. Section 66(1) of the Planning (Listed Buildings and Conservation

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Areas) Act 1990 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The impact of proposals on the setting of listed buildings is an important consideration acknowledged by the NPPF in Paragraph 129. Setting is defined in the NPPF as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve."

The original parkland setting of the mansion has long been lost, erosion having started in the 1930s with the development of the KCC headquarters complex. Modern developments replacing the KCC buildings to the north of Springfield mansion have also had an impact on its setting. However, this makes it all the more important to protect as far as possible the setting which remains for the listed building. Paragraph 013 of the National Planning Practice Guidance points out that local planning authorities may need to consider the impact and implications of cumulative change to the settings of heritage assets. Primary considerations at Springfield will be the maintenance of "breathing space" for the mansion and the avoidance of new development becoming over-dominant. The former KCC offices and previously consented development for the site maintained a campus style of development with considerable permeability between buildings.

Previously permitted proposals included substantial development on the current site. 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. In contrast, the current proposals feature a building of monolithic mass surrounded by car parking and access/ servicing areas resulting in a less happy relationship with the listed building. 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 forward of it, thus making it more dominating in its impact. The design of the proposed building is not greatly articulated, thus emphasising its monolithic qualities, and in terms of height it will equal the ridge height of the mansion; the large scale detail of features of the new building, such as the windows, will emphasise the excessive size of the building and its lack of sympathy with the scale and design of the listed building.

Paragraph 013 of the National Planning Practice Guidance also draws attention to the fact that setting may not only be affected visually but by other environmental factors arising from other land uses in the vicinity. The level and frequency of traffic movements likely to be associated with the proposed use (including movements by HGVs) would also be likely to have a greater impact on the setting of the listed building than would have been the case with the previous scheme. Works for vehicular access will be more extensive than previously was the case and will have a greater impact on the setting of the mansion.

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Whilst not forming part of the current application, the proposed use is likely to generate demand for a high level of advertising on the site and at its entrance; this is likely to further detract from the setting of the listed mansion.

In conclusion, therefore, I consider that the proposals would cause harm to the significance of the listed Springfield mansion because of the various impacts on its setting as set out above. Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for development within the setting of heritage assets "to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably". The current proposals, in my view, neither preserve the setting of Springfield nor better reveal its significance. The level of harm caused probably does not satisfy the high test for substantial harm. However, where less than substantial harm is likely to result, Paragraph 134 of the NPPF requires that this harm be weighed against the public benefits of the proposal. Paragraph 7 of the NPPF outlines in general terms what these might be under headings of economic, social or environmental progress. Under the environmental heading, one of the expressed aims is the protection and enhancement of the historic environment; I believe that these current proposals fail to fulfil that aim.'

- 3.14 **MBC Economic Development:** Object to the development on the grounds that it would be likely to prejudice the Council's preferred strategy for the delivery of comparison goods retail floorspace which is directed to the sequentially preferable site at the Maidstone East/former Royal Mail site within the Town Centre.

4. REPRESENTATIONS

- 4.1 Cllr Harwood has requested the application is brought to the Planning Committee in the event of a recommendation for refusal for the following reasons:

'A significant consultation process has been undertaken by the North Ward Councillors and the results indicate there is clearly a democratic requirement to test this application at Committee.

Key local concerns leading me (and my fellow North Ward councillors) to this view include:

There is very considerable unease at the negative impacts arising from the volume of residential development recently built or planned for North Ward. North Chatham Road super-output area (SOA) is the most deprived under the Government's 'Living Environment' indices of deprivation, while the Ringlestone SOA comes in 3rd (Park Wood SOA is number 2). The reason for this scoring is largely down to an absence of social, health and recreational facilities and poor health and injury outcomes.

North Ward has little open space, no child care facilities no medical facilities, no supermarket (with affordable and healthy fresh food expensive) and low car ownership.

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There is a local view that an accessible supermarket and the provision of semi-natural open space will enhance local quality of life.

The proposed use of the site under this application is considered by many residents to have a far less negative impact upon the biodiversity of the application site and the landscape and wildlife of the wider Medway Valley than the alternative housing block use. The applicants describe the provision of 6,100 square metres of native habitat as an element of this application – local people do not believe that anywhere near this generous provision would be delivered by an alternative use such as high density housing.

There is considerable local unease at the impact upon local quality of life and landscape arising from the historic permission and recent MBC plans for the East Station in North Ward. The Springfield proposal is considered as a potential defence against unwelcome changes to an important element of the local townscape.

The potential for accessible employment opportunities within a deprived area of the town is identified as a positive benefit of the proposals in the view of a number of local residents.

The low rise nature of the development proposal and the significant area of semi-natural open space proposed is viewed locally as potentially a far better neighbour for the fine Listed Springfield House than high residential blocks.

A retail use is locally considered to have less potential for anti-social activity than the alternative residential blocks. The fact that a retail use will not generate disturbance, problem pets and un-restrained parking is also flagged-up as positive.

The application raises local hopes that the long-awaited St. Faith's Hall and even a medical surgery may become practically deliverable. North Ward is perceived as a black hole for social infra-structure and this application offers at least hope of delivery.

The high quality and sustainability of design and semi-natural open space proposed is seen by many residents as an exemplar planning approach for a key gateway to the town, which contrasts with very unremarkable and unsustainable recent permissions for housing (Springfield Library for example) and retail (Next at Junction 7 for example).

Local Policy Concerns: The reading of the National Planning Policy Framework by the local Ward Councillors indicates that this application is compliant with national planning policy. The evolving Local Plan currently carries little weight and recent changes to retail policies have not been tested at public consultation or before an Inspector. Further, the three Lib Dem Borough Councillors for the Ward and County Councillor reject the entire premise of the MBC Conservative administrations evolving Local Plan, and have indicated their intention to change key parts of the document should the political situation change.'

- 4.2 Forty-five copies of a proforma letter objecting to the application signed by residents from throughout the local area have been received. Objections are raised on the following (summarised) grounds;

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- There is no need for a supermarket in this location.
- The Town Centre has plenty of vacant retail space and the development would take trade away from the Town Centre.
- There is no need for another petrol station, there are others already close-by.
- The local area is well served by convenience stores which meet local needs. This development will jeopardise these businesses.

4.3 A petition with 143 signatures opposed to the development has been received.

4.4 Seventeen individual letters of representation have also been received. All object to the proposals. Objections are raised on the following (summarised) grounds:

- The development will, in opening up the access from the site to Moncktons Lane be likely to allow illicit access/intrusion, into the adjoining Lee Heights development and potential resultant damage to property.
- The use of the pedestrian access will have an adverse impact on the privacy and amenities of residents in Kerry Hill Way.
- Can the access be gated to prevent access to the path open space from dusk to dawn?
- There will be additional litter, noise and light pollution and anti-social behaviour.
- The (rear) access is very close to bedrooms in Lee Heights.
- Inadequate parking is proposed that will just add to existing parking problems on the Springfield site.
- The development will make access onto Royal Engineers Road from both the Springfield site and the Ringlestone Estate even more lengthy and hazardous than it is currently.
- Whilst it is stated that 300 jobs will be created, they applicants don't mention the impact on existing jobs at existing retail outlets/small businesses in the area.
- There is no need for another supermarket in the area.
- The community involvement process was not as heavily in favour of the proposals as intimated by the applicants.
- Loss of property value.
- There is no need for another petrol filling station in the area, trade will just be taken from the existing ones.
- There must be adequate boundary treatment and fencing to protect the privacy and amenity of gardens to houses in Kerry Hill Way.
- The proposed Public Open Space should be secured in perpetuity.
- Loss of trees.

4.5 The agents acting in relation to Maidstone East and its potential development partners have objected to the application, primarily in relation to the applicant's consideration of the sequential approach.

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- The Springfield site is Out of Centre whilst Maidstone East is Edge of Centre in terms of the sequential test and therefore sequentially preferable in terms of the NPPF.
 - Maidstone East is confirmed as being available for development and is allocated for retail development. The developers are working actively with prospective foodstore operators to submit an application. Solum is confirmed as willing to bring forward development and these objections demonstrates their concerns regarding the threat of out of centre retail.
 - Maidstone East is confirmed as suitable for development and is confirmed as such in the Council's 2013 Maidstone Town Centre Assessment (August 2013), which confirms that the Maidstone East and Royal Mail site has the potential to accommodate a retail-led scheme of an appropriate scale and content. The site has good connections to the Town Centre and can accommodate all Network Rail's requirements.
 - The site is viable for a foodstore development and the supporting station infrastructure.
 - They consider that Springfield Park would prejudice any development coming forward that will meet the Council's broad policy aspirations for Maidstone East given the current state of the market and the limited number of operators available or willing to invest in new space in Maidstone. The development at Springfield fails the NPPF impact test as well.
- 4.6 A letter of objection has also been received from agents acting on behalf of the owners of Len House (Robins and Day Peugeot dealership) Mill Street.
- In respect of Len House, it is confirmed that contrary to the applicant's contention in the retail impact assessment/sequential test submitted with the application that the site is available. It confirms that the site is too large to meet the modern requirements of a motor dealership and given the costs of maintaining the building and the limited ability to adapt the building due to its listed status to meet current requirements it is highly likely the business will need to relocate certainly within the plan period.
 - The letter confirms that the agents have been instructed by Peugeot Citroën to advise on options for securing fit-for-purpose accommodation for the car dealership. A number of options can be identified which do include relocation or retaining part of the site as a dealership and releasing part of the site for a foodstore. They state that the site can be considered to be available.
 - They also contend that the Len House site is suitable at around 6500m² over two-storeys and with scope for additional buildings. They also states that there are numerous examples of foodstore developments occurring in listed buildings and the land around the building allows scope to adapt and extend or develop new buildings to meet format requirements of operators.
 - They also contend that in viability terms that the current requirements of a car dealership do mean smaller premises are required in both floorspace and site area terms and that relocation is likely to release capital rather than being

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unviable as the applicants have suggested. They state that a foodstore use is, contrary to the claim by the applicants, precisely the use to secure the future of the listed building and secure modern accommodation for the existing business.

- The Len House site is stated to be available suitable and viable as well as being sequentially preferable to the Springfield site which should not be approved.

4.7 The owners of the mansion have written in support of the application commenting as follows:

- We purchased Springfield House from Mountgrange in 2005 and spent a year undertaking its renovation. It is now a successful, flexible business office location, which even through the recession was averaging 80% plus occupancy.
- One of our concerns has always been the completion of the landscaped area to the south of Springfield, which was a condition of the original consent to construct large scale offices at Springfield Park. Seven or eight years later, this remains the case.
- We are pleased to see that your new proposals include the landscaping of this area. In view of the extensive delay, it would be useful if you could confirm that, should consent be granted, your clients would be prepared to undertake these landscaping works at the outset of the construction phase, ideally with an obligation for completion of say six months.
- We are developers ourselves and we may be prepared to acquire this land and undertake the obligation to complete the landscaping works, subject to your clients meeting all costs. It makes sense for us to look after its long term management, along with the rest of the gardens.
- In the meantime, our planning consultants will be writing to Maidstone Borough Council broadly supporting your planning application, subject to these comments. In my view, there is not demand for large offices with huge floor plates in Maidstone, and this is as sustainable a location as any for food retail use.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 Springfield Park is located on the west-side of the A229 Royal Engineers Road, some 500m north of the junction of Royal Engineers Road/Staceys Street/Fairmeadow on the edge of Maidstone Town Centre and 1500m south of junction 6 of the M20 at the 'Running Horse Roundabout'. Entrance to the complex is gained via an arm off a roundabout junction that also serves Invicta Park Barracks and Chatham Road.

5.1.2 The site amounts to some 2.1ha in area.

5.1.3 The buildings within the site with the exception of the Mansion have been demolished; all that remains are substantial mounds of rubble and the foundations of some of the demolished buildings closest to the A229.

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- 5.1.4 The site itself has a range of levels within it. The site rises approximately 4.3m from the southern boundary towards the main entrance from the A229. In a westerly direction, the site falls from the A229 towards the River Medway by over 10.5m in a series of banks and sections created by retaining walls and the remains of the previously existing buildings.
- 5.1.5 The mansion building is located adjacent to the northern boundary of the site and is listed Grade II. Beyond this is the completed residential phase of the 'Gensler' scheme known as Lee Heights and the former County Library building and tower now vacant.
- 5.1.6 A number of individual trees and groups of trees within the site are subject to Tree Preservation Order no. 11 of 2001.
- 5.1.7 The site is located within the defined urban area of Maidstone. It has no designation on the Maidstone Borough-wide Local Plan (MBWLP) Proposals Map 2000. However, immediately to the west is the Medway Valley Area of Local Landscape Importance (ALLI) subject to saved policy ENV35 of the MBWLP. Royal Engineers Road (the A229) that forms the eastern boundary of the site is subject to saved policy T2 of the MBWLP which seeks to promote the provision of public transport preference measures.

5.2 Proposal

- 5.2.1 The application is a full application and seeks permission for the erection of a food superstore with an ancillary cafe three smaller retail units and space above these units. A petrol filling station that was initially also proposed as part of the development has now been removed from the scheme.
- 5.2.2 The proposed retail store extends to two storeys in height and includes 5,503m² gross internal floorspace, which will be provided above an undercroft car park accommodating space for 315 vehicles (including 16 accessible bays and 12 parent and child) and 30 cycle spaces. The store will include an ancillary customer cafe at second floor level along with a series of smaller retail units designed to meet local community needs such as a pharmacy. The area above these units is said to be suitable for a Doctor's surgery. The floorspace within the development breaks down as follows:-

	Floorspace m ²
Foodstore Gross Internal Area (including atrium)	5,503
Foodstore Net Sales	3,252
Net Convenience Retail Space	2,439
Net Comparison Space	813
Café	158 (included within GIA)

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Retail units x3 (Class A1-3)	76 x 3 = 228
Doctors surgery (Class D1)	441
Car Park Spaces	315

- 5.2.3 Access to the site is proposed from the existing Springfield roundabout. A second mini roundabout immediately then separates the delivery vehicle traffic from the customers to the foodstore. The customers would use the access road sited between the store and the mansion down (towards the river) to descend to the car park located underneath the store. A small area of the car park extends out from under the building to its west. This would be screened by new tree and shrub planting. Escalators will connect the car park to the store and will be housed in a glazed, double height atrium space running adjacent to Springfield House.
- 5.2.4 As part of the proposals the landscaped setting on the western side of Springfield House will be renewed. The openness of the former tennis court area is shown to be maintained with a new broad lawn, edged informally with borders and shrubs. A new staircase will connect through the repaired stone wall down to the level where the old Kent County Council car park used to be. This will be cleared and the soil restored to create a new meadow with woodland planting and a new surface water swale. Paths will be laid (suitable for pedestrians and cyclists) through the new spaces and will connect via the existing access route, to Monkton's Lane.
- 5.2.5 The northern elevation of the proposal has significant relationship with the Grade II Listed mansion that it lies to the south of. The proposed material palette is influenced by this building using red brick to frame large areas of glazing which seeks to provide activity to this facade. These openings are further articulated by dressed stone surrounds echoing the language that was originally used to frame the windows of the listed building. Timber columns sit within these expressed brickwork frames. Timber louvres provide privacy screening to the upper floor where the staff accommodation is positioned along the atrium.
- 5.2.6 The massing of this elevation steps down from the focal entrance down to the river, reflecting the stepping of the natural topography along this axis. It is approximately 10.8m in height above ground level at its main entrance point (the north east corner of the building), and 13.7m above ground level at the opposite extent of this elevation as the natural topography falls towards the River Medway. The building is approximately 62.5m in width and 77m in length with the retail unit/doctors surgery section projecting a further 7m approximately overall.
- 5.2.7 Further active frontage is provided along the flank elevation running adjacent to Royal Engineers' Road. This facade shares the same material palette as the

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north elevation, and again steps down slightly from the focal corner at the site entrance.

- 5.2.8 Large areas of clear glazing provide views of activity within the built form, with the smaller retail units and doctors surgery above running along this elevation. This two-storey mass is approximately 9.5m in height. Further along this elevation is a brick service yard wall which serves to screen the activity within the yard. This also reflects the architectural language of the store. Bays within expressed brickwork piers provide space for the 'artwork walls' as indicated on the elevation drawings.
- 5.2.9 The western elevation (facing towards the River Medway) has a significant relationship with the major west facing elevation of the mansion. Views from the opposite side of the River Medway show this flank elevation of the proposal alongside the decorative facade of the mansion.
- 5.2.10 The brick framed language is continued on this elevation, as it wraps around from the atrium to turn the corner and provide a focal feature of this elevation. This language is repeated at the opposite end of this facade but would be hidden from this view by an area of dense landscaping and existing trees. Between the brick, stone and glazed elements, composite cladding panelling is proposed, the cladding is punctuated by generous areas of high level glazing.
- 5.2.11 This material palette wraps around onto the Southern elevation of the proposed store., although the majority of this elevation would be screened from view by well established trees behind the site, the Service Yard corner is expressed by the inclusion of two red brick frames addressing a key view from a southern approach to the site along Royal Engineers' Road.
- 5.2.12 The roof of the store is proposed as a sedum roof and would be lit by a series of linear rooflights.
- 5.2.13 It is indicated in the application that approximately 323 (F.T.E.) jobs could be created by the development.
- 5.2.14 It is proposed that the development would seek to achieve a BREEAM Very Good rating in terms of its construction and efficiency.
- 5.2.15 The application is accompanied by proposed draft Heads of Terms for a s106 agreement should permission be granted. These are as follows:
- 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

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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 £80,000 towards improvements proposed in the Town Centre.
- A sum of £10,000 requested by KCC towards improvements to nearby bus stops serving the site.

5.2.16 The application was accompanied by a Planning Statement, Design and Access Statement, Retail Impact Assessment, Arboricultural survey report and implications assessment, Phase One ecological survey and reptile, invertebrate and bat surveys, Transport Assessment and draft Travel Plan, Noise assessment, Air Quality Assessment, Geo—environmental assessment, Flood Risk assessment, Drainage strategy, Heritage Statement and Landscape Strategy.

5.3 Principle of Development

5.3.1 As stated above, the site has no specific designation in the Maidstone Borough-wide Local Plan 2000. It is allocated for residential development as part of a larger allocation in the Regulation 18 Consultation Draft of the new Local Plan under Policy H1.

5.3.2 However, policy R2 of the adopted Local Plan does require for a sequential analysis to be undertaken for retail development outside the Town Centre – along a similar line to the NPPF. This matter is set out below, but should any applicants for development of this scale be unable to demonstrate that they have met this requirement; the proposal would fail to accord with this policy. As set out below, I do not consider that this has been met, and as such, I am of the view that the proposal fails to comply with this policy, which is consistent with paragraph 24 of the NPPF.

5.4 Sequential Test

5.4.1 The applicants have submitted a retail impact assessment as part of their planning application in accordance with policy R2 of the Borough-wide Local Plan and the NPPF. The Council has received independent advice on this submission, and also in terms of the submissions made on the sequential sites analysis.

5.4.2 In terms of the sequential analysis the applicants have identified a number of sites within and around Maidstone that may be considered suitable for a retail proposal of this scale. In drawing up this list, the applicants have liaised with

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Council Officers in order to ensure that the appropriate sites are being considered.

- 5.4.3 For retail applications of more than 2,500 square metres within 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.
- 5.4.4 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).
- 5.4.5 Further guidance on the application of the sequential and impact tests is provided in the National Planning Policy Guidance on Ensuring the vitality of Town Centres at paragraphs 008, 009, 013 and 015 in particular. This advises that the sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy). It applies only above a floorspace threshold of 2,500m² as set out in paragraph 26 of the National Planning Policy Framework.
- 5.4.6 The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.
- 5.4.7 The Regulation 18 consultation draft of the Maidstone Borough Local Plan is consistent with the NPPG and NPPG regarding retail development in the Borough and particularly the Town Centre. The current application site is not within the defined Town Centre (policies SS1 and SP1) and policy DM19 which relates to main town centre uses and advises that they should be located in existing centres. In addition, policy RMX1 allocates the Maidstone East and Maidstone sorting office site for comparison and convenience retailing and residential.

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5.4.8 I would advise Members that the floorspace headroom for convenience shopping within the Borough to 2031 is 6100m². It is the Council's strategy to seek that this is provided on the allocated Maidstone East/former Royal Mail sorting office site.

5.4.9 The applicants have assessed the following sites and their assessment has been assessed by independent advisors:

- Maidstone East and adj. former Royal Mail Sorting Office.
- King Street Car Park and adj. former bowling alley (combined site);
- Len House;
- The Mall (Former TJ Hughes store)

Site 1: Maidstone East Station and Adjacent Former Royal Mail Sorting Office (combined site)

5.4.10 This site is edge-of-centre in NPPF terms (being located within 250m of the existing and proposed PSA) and has good pedestrian links with the town centre via Week Street. The site is very accessible, being adjacent to Maidstone East Station and close to the A229 dual-carriageway, and occupies a prominent location off Sandling Road. It is therefore sequentially-preferable compared with the application site. The applicants state that the site is available and the Council concurs with this view.

5.4.11 The combined site measures approximately 3.6 hectares and, in our view, is the largest site on the edge of Maidstone Town Centre which is suitable for retail development. The site is identified for convenience goods retailing within the emerging Local Plan, and has recently been the subject of an EIA Screening Opinion and pre-application discussions for large scale retail development anchored by a new food/non-food superstore.

5.4.12 The applicants agree that the site is suitable for retail development in principle; however; they do not consider it suitable for the proposed new foodstore (principally due to car parking requirements).

5.4.13 The Council's assessors have discussed this issue with the agents for the site's prospective developers (Solum); a substantial new superstore could be accommodated on the site with sufficient car parking to serve the superstore, station users and other town centre visitors. In addition, the applicant's claim that the foodstore-led scheme has been "shelved" is at odds with recent discussions with the agent instructed for the site. Indications are that an application is to be submitted in the near future. Whilst it is understood that there is currently no named operator for the superstore, it is unreasonable for the applicants to conclude that the site is not a suitable or viable option for a

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substantial new foodstore for this reason. It is noted that the proposed new superstore advocated in this application also has no named operator.

- 5.4.14 Therefore, in the view of the Council's consultants a view with which I concur, the site is available, suitable and viable to accommodate the proposed new food/non-food superstore (potentially as part of a wider mixed-use scheme comprising the proposed supporting retail units).

Site 2: King Street Car Park and Adjacent Former Bowling Alley (combined site)

- 5.4.15 The site is edge-of-centre in NPPF terms (being identified as part of Maidstone Town Centre's Secondary Shopping Area, which is closely related to the Core Shopping Area, and being closely related to the PSA proposed within the emerging Local Plan). The site occupies a highly accessible and prominent town centre location (opposite the major retailers of BHS and Boots) and benefits from excellent pedestrian links to the wider PSA, town centre car parks, the bus station and Maidstone's railway stations. It is therefore sequentially-preferable compared with the application site.
- 5.4.16 The applicants state that the site is available and the Council and its advisors concur with this view; the King Street Car Park is owned by MBC and the adjacent Former Bowling Alley has recently fallen vacant. The combined site measures approximately 0.45 hectares. The applicants state that the site is too small to accommodate the proposed new foodstore, and would require multi-storey car parking above. Whilst not of a sufficient size to physically accommodate the 'footprint' of the proposed development and surface level car parking, we consider that with due flexibility on the part of the applicant (as required by paragraph 24 of the NPPF), this combined site would be a suitable and viable alternative to the application site.
- 5.4.17 Therefore, in our consultants' view with which I concur, the site is available, suitable and viable to accommodate the proposed new foodstore if the applicant were to demonstrate flexibility on issues such as scale and format.

Site 3: Len House

- 5.4.18 The site is edge-of-centre in NPPF terms (being located within 300m of the existing and proposed PSA) and occupies a prominent location off the A229 dual-carriageway to the south of Maidstone Town Centre. It is therefore sequentially-preferable compared with the application site.
- 5.4.19 The site is currently occupied by a car dealership (Peugeot) which, we understand, is seeking to relocate within the emerging Local Plan period. As such, there is no long term future for the site in its current use and is therefore considered available in the short to medium term.

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- 5.4.20 This site measures approximately 0.4 hectares including the outside forecourt. WYG state that it is too small to accommodate the proposed new foodstore and would not be suitable for operator requirements in its current form. Whilst not of a sufficient size to physically accommodate the 'footprint' of the proposed development and surface level car parking, we consider that with due flexibility on the part of the applicant (as required by the NPPF), this site would be a suitable, sequentially-preferable alternative to the application site.
- 5.4.21 It is acknowledged that the site comprises a Grade II listed building, which would be likely to constrain development to some degree; however this would not necessarily rule out some retail development. The applicants are advised to explore further the viability of adapting the existing building to accommodate a large food/non-food store before concluding that it is not a viable option.
- 5.4.22 Therefore, in our view, the site is available, suitable and potentially viable to accommodate the proposed new foodstore if the applicant were to demonstrate flexibility on issues such as scale and format.

Site 4: The Mall (namely Former TJ Hughes Store)

- 5.4.23 The site is in-centre in NPPF terms (being located within the existing and proposed PSA). It is therefore sequentially-preferable compared with the application site.
- 5.4.24 The Mall as a whole is currently not available for the proposed development. However, there are vacant units within The Mall (namely the Former TJ Hughes Store) which are available in the short term. This is acknowledged by the applicants in their sequential assessment.
- 5.4.25 The store measures approximately 6,000 sq m gross over three floors; including approximately 1,700 sq m at ground floor and 2,500 sq m at upper floor with the remainder at basement for back-of-house functions. This quantum of gross floorspace is sufficient to accommodate the proposed new superstore, albeit in a different format, subject to flexibility on the part of the applicant (as required by the NPPF).
- 5.4.26 The store is situated at the eastern end of The Mall; close to the bus station, the Sainsbury's foodstore and other key town centre retailers. It is also adjacent to The Mall's multi-storey car park, which includes over 1,000 spaces and serves the wider town centre. For these reasons, we consider that the store could be a viable alternative to the application site. Members may recall that when The Mall first opened, a Sainsbury's supermarket occupied some of the space within what became the former TJ Hughes store.

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5.4.27 In response to further comments from the applicant on the Council's consultant's critique of their retail assessment and sequential test, the following further comments were made regarding the sequential test.

- 'We maintain that the following sites are sequentially-preferable alternatives and, with due flexibility on the part of the developer (as reinforced by the new NPPG), potentially capable of accommodating a large new foodstore:
 1. Maidstone East (with or without the Adjacent Former Royal Mail Sorting Office);
 2. King Street Car Park and Adjacent Former Bowling Alley (combined site);
 3. Len House; and
 4. Former TJ Hughes Store, The Mall.
- In order to satisfy the sequential test, we maintain that the developer should demonstrate flexibility and investigate sequentially-preferable sites for the 3 no. proposed supporting retail units. MDA's sequential assessment still fails to explore the scope for such flexibility.
- We therefore consider that the application fails the sequential test set out in the NPPF (and as reinforced by the new NPPG).'

I concur with these conclusions and do consider that the proposed foodstore fails the sequential test as set out in the NPPF and the new NPPG guidance published on 6 March 2014.

Retail Impact

5.4.28 The relevant Development Plan policy to consider here is Borough-wide Local Plan Policy R1, which requires that proposed retail development will not threaten the overall economic vitality and viability of established retail centres. For an application such as this, which is outside a town centre and not in accordance with an up-to-date development plan, the NPPF (paragraph 26) also requires assessment of:

- "the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made."

5.4.29 In seeking to assess impact the applicants prepared and submitted an impact assessment. It is standard practice in such assessments to use a methodology to quantify the impact of a proposal on town centre trade. The assessment calculates how much of expenditure spent in town centre shops/existing retail provision will be diverted to the new store. This is broken down into percentages, and a gross percentage given from town centre diversion.

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- 5.4.30 As indicated earlier, the Council has sought advice on the retail impact of the proposal from external consultants. As set out within the report submitted with the application, there is no necessity for the applicant to demonstrate need; however, the local planning authority is required to assess the potential harm of any proposal, in particular upon Maidstone town centre.
- 5.4.31 The critique that the Council has received with regards to this does not disagree with the submission that the proposal would not have a significantly detrimental impact upon the existing retailers within the town centre, or in fact that there may be the capacity for two supermarkets to be provided *over the plan period*. I concur with this view. There may well be capacity for two convenience stores to be provided over the plan period. However, this proposal would clearly make Maidstone East less likely to be developed, in the short to medium term, and as this is the Council's highest priority sequentially preferable site, this would be contrary to the objectives of the authority. The proposed development therefore fails the test of impact upon planned public and private investment in the town centre as set in the NPPF.
- 5.4.32 Given that the development as proposed is considered to fail both the sequential and impact tests as set out in the NPPF and reinforced by the new National Planning Practice Guidance I consider that there are clear objections to the principle of the development as proposed.
- 5.4.33 Members will also be aware that the application site is part of a larger site allocated in the Regulation 18 Consultation Draft of the Local Plan for residential development. Clearly the development of the site for retail purposes would not be in accordance with that proposed allocation.

5.5 Design and Visual Impact

- 5.5.1 The proposed development due to its intended use is of a significantly different mass and form to the extant 'Mountgrange' permission which proposed a series of office and residential blocks. The residential blocks in that scheme were located closest to the mansion and dropped down the site towards the river utilising the land levels on the site.
- 5.5.2 As stated above, the Grade II listed mansion lies immediately adjacent to the proposed development site and the impact of proposals on the setting of listed buildings is an important consideration.
- 5.5.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall

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have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The impact of proposals on the setting of listed buildings is an important consideration acknowledged by the NPPF in Paragraph 129. Setting is defined in the NPPF as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve."

- 5.5.4 The NPPF (paragraphs 129, 132-134) and the National Planning Practice Guidance (Decision taking: Historic environment; paragraphs 008, 009, 017, requires decision takers to assess the significance of the heritage asset and whether substantial harm is caused to the heritage asset. In general terms the advice states that substantial harm is a high test that may not arise in many cases. *'It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.'* (NPPG para 017)
- 5.5.5 I concur with the Conservation Officer's view that the original parkland setting of the mansion has long been lost, erosion having started in the 1930s with the development of the KCC headquarters complex, and his concern to ensure the continued importance of protecting as far as possible the setting which remains for the listed building.
- 5.5.6 In such consideration 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. 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.
- 5.5.7 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 Conservation Officer 'a less happy relationship with the listed building.'
- 5.5.8 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.
- 5.5.9 Paragraph 013 of the relevant section of the NPPG also draws attention to the fact that setting may not only be affected visually but by other environmental factors arising from other land uses in the vicinity. The level and frequency of traffic movements likely to be associated with the proposed use (including movements by HGVs) would also be likely to have a greater impact on the

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setting of the listed building than would have been the case with the previous scheme. Works for vehicular access will be more extensive than previously was the case and will have a greater impact on the setting of the mansion.

5.5.10 I generally concur with the view of the Conservation Officer that the proposals would cause harm to the significance of the listed Springfield mansion because of the various impacts on its setting as set out above.

5.5.11 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for development within the setting of heritage assets "to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably".

5.5.12 The current proposals do not in my view, either preserve the setting of Springfield House nor better reveal its significance. I concur with the Conservation officer's view that the level of harm caused probably does not satisfy the high test for substantial harm.

5.5.13 However, where less than substantial harm is likely to result, Paragraph 134 of the NPPF requires that this harm be weighed against the public benefits of the proposal. Paragraph 7 of the NPPF outlines in general terms what these might be under headings of economic, social or environmental progress. Under the environmental heading, one of the expressed aims is the protection and enhancement of the historic environment. These current proposals fail to fulfil that aim.

5.5.14 I do consider however, that the re-introduction of the open space to the western side of the mansion will improve its setting and preserve to a significant degree important views from the west bank of the Medway from within Whatmans Park of this important elevation of the listed building.

5.5.15 The buildings is as stated above substantial and the need to maintain a level sales floor on a sloping site has largely dictated its form. Its overall height matches the ridge height of the adjacent listed building.

5.5.16 The design of the proposed building is not considered to be greatly articulated, thus emphasising its monolithic qualities, and in terms of height it will equal the ridge height of the mansion; the large scale detail of features of the new building, such as the windows, will emphasise the excessive size of the building and its lack of sympathy with the scale and design of the listed building. To my mind the development is also not well related to Royal Engineers Road given the development is set back from it with an access road and service yard prominent

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in the foreground. The extant scheme showed buildings set closer to and well related to Royal Engineers Road creating an acceptable street scene.

- 5.5.17 The proposed/indicated pallet of materials is generally considered acceptable however. In addition, the proposed provision of a sedum roof and the commitment to achieving a BREEAM Very Good rating are welcomed.

5.6 Residential Amenity

- 5.6.1 Concern has been expressed by a number of residents in particular Bambridge Court, Lee Heights and Kerry Hill Way, regarding the potential impact on their amenity. The proposed superstore is located to the south of the existing mansion building which lies between the site and the adjacent residential development. Access to the car park is also located to the south of the mansion beyond the proposed open space area.
- 5.6.2 I consider that the separation between the car park and the new store and the existing residential properties is appropriate and that activity associated with the use of the access road will not have such an adverse impact as to warrant and sustain an objection on these grounds. Access to the store from Royal Engineers Road utilises the existing main access to the Springfield site which again I consider provides adequate separation from the existing residents on the site.
- 5.6.3 I also note the concerns of local residents regarding the opening up of a pedestrian and cycle link to Moncktons Lane from the proposed open space area and the site as a whole. The route has not been used for a number of years due to the enclosure of the current site that prevents access and as such residents have become used to this. However, it is the case that as part of the extant 'Mountgrange' scheme the path would have been used as a pedestrian/cycle access to the development on the Springfield site giving access to Moncktons Lane and the riverside towpath/Whatmans Park. I therefore raise no objections to the intended use set out in the current application. If permission were to be granted I consider that it would be possible to ensure appropriate access at suitable times to the site to prevent the late-night disturbance anti-social behaviour feared by the residents.
- 5.6.4 I raise no objections to the development with regards to impact on residential amenity.

5.7 Highways

- 5.7.1 Members will note from the comments set out in the report that the Highways Agency have raised no objections to the development and its impact on the Strategic Road Network in this case the M20 in the vicinity of Junction 6.

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- 5.7.2 Kent Highway Services have also considered the submitted transport assessment and the potential impact on the local road network. Whilst they conclude that there would be a slight increase in the total trips attracted to the site in the weekday PM peak with the proposed development in place compared to the extant permission (some +157 arrivals), they consider that the majority of these trips would be secondary in nature, which is not the case with office uses. There would be less movements (-171 arrivals) in the weekday AM peak compared to office development.
- 5.7.3 It is considered therefore that the impact of the development on the capacity of the A229 Royal Engineers Road/Chatham Road/Flower Rise Roundabout would be de-minimus in nature. There is therefore no objection on highway capacity grounds.
- 5.7.4 No objections are raised also to the development on highway safety grounds.
- 5.7.5 The proposed level of car parking provision is also considered to be appropriate with sufficient extra capacity on the site to ensure that overspill parking at busy times does not affect nearby residents/streets.
- 5.7.6 A Travel Plan would be required as part of any permission and it is considered appropriate to secure a contribution of £10,000 to improve existing 'bus stops in the vicinity of the site. This would be achieved through a s106 agreement.
- 5.7.7 Whilst the comments in the representations relating to parking provision and traffic impact are noted, no objections are raised to the development on highway grounds.

5.8 Landscaping and Ecology

- 5.8.1 Arboricultural and ecological surveys have been undertaken and reports submitted to accompany the application, together with a landscape strategy, that includes some additional planting to enhance the site's frontage to Royal Engineers Road.
- 5.8.2 Subject to the indicated ecological enhancements being provided within the site, including within the proposed open space area to the west of the mansion and store, there are no objections to the development in terms of its impact on ecology.
- 5.8.3 The Landscape Officer has raised objections to the loss of the group of protected trees towards the site frontage. These were successfully retained under the extant Mountgrange scheme and provide an amenity feature at the front of the

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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. I consider that the loss of these trees would be regrettable and would cause harm to the appearance of the site and area.

5.9 Other Matters

- 5.9.1 The Environment Agency have now withdrawn their objections to the proposals in terms of the potential impact on groundwater and source protection zones that the site sits within as a result of the withdrawal of the petrol filling station from the scheme. Subject to safeguarding conditions regarding surface water drainage and contamination issues (the latter also requested by the Council's Environmental Health team) they have no objections to the development.
- 5.9.2 Issues relating to air quality have been addressed as part of the application and I am satisfied that they could be addressed by means of the condition suggested by the Council's Environmental Health team.
- 5.9.3 With regard to the proposed doctors' surgery, Members will have noted the views of NHS Property Services which include comments from NHS England set out earlier in the report.
- 5.9.4 Within Maidstone town centre, the NHS has already delivered two new surgery premises and there is a further development proposal in the early stages of design. This, together with existing surgeries will provide the capacity required for now and the immediate future although there remains a need to plan for the longer term future.
- 5.9.5 However as Members will have noted, it is deemed that the scale of the development does not warrant a stand-alone facility. NHS England is now supporting much larger practices serving populations in excess of 10,000 patients and within areas of greatest need. Even with the relocation of an existing service into the area, the predicted growth would not warrant a new facility.
- 5.9.6 Instead, NHS England would request that developers pay a fair contribution towards the creation of extended facilities across the town, building on existing infrastructure and commissioned services as opposed to creating another centre with a relatively small list size. Such an approach offers practices the ability to have a stronger commissioning position, a wider patient base to serve and the ability to bring a range of services closer to home for patients. Smaller scale practices are unable to offer that potential quite so easily.

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5.9.7 I conclude therefore that the proposed doctors' surgery is unlikely to be deliverable on this site as it would not attract NHS funding and this facility that has been mentioned as a benefit would not exist.

5.10 S106 obligations

5.10.1 As indicated earlier draft s106 heads of terms have been proposed by the applicants as follows:

- 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 £80,000 towards improvements proposed in the Town Centre.
- A sum of £10,000 requested by KCC towards improvements to nearby bus stops serving the site.

5.10.2 Members will be aware that all potential s106 obligations must be assessed against and meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. All obligations must 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.

5.10.3 The proposed 'bus-stop improvements will enhance facilities for public transport users accessing the site and I consider that such a contribution would meet the three tests outlined above.

5.10.4 In respect of the other suggested contributions I would advise Members that in my view and also having had the benefit of legal advice on the issue, that I do not consider that the other suggested contributions meet all the required tests as set out above. The proposed development is a foodstore and I do not consider that the proposed contributions are necessary to make the development acceptable in planning terms. There is also some doubt in my mind that the community hall contribution and the green space contribution could be argued to be directly related to the development, this failing at least two of the three tests.

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6. **CONCLUSION**

6.1 There are some benefits that would clearly arise from this scheme.

- It would see the redevelopment of a site that has been largely vacant and boarded-up since KCC vacated the Springfield campus over 10 years ago.
- A new open space area that would improve the setting of the listed mansion and also the setting of the existing development at Lee Heights/Bambridge Court would also be provided.
- The development could provide the equivalent of 320 F.T.E. jobs and represents a substantial inward investment into the area.

6.2 However, as set out earlier in the report, there is a fundamental objection to the development in that it clearly fails the sequential test as set out in the NPPF and the National Planning Practice Guidance. There are in my view and that of the Council's retail consultants sequentially preferable sites within the Town Centre particularly the Council's preferred site for such development Maidstone East.

6.3 Furthermore, I also consider that to approve the scheme on this site would be prejudicial to the delivery of development at the Maidstone East site which would be contrary to the Council's strategy for development of the Town Centre.

6.4 Members will have noted the comments of the NHS set out earlier in the report. Given these views, it is my opinion that the proposed doctors' surgery is unlikely to be delivered.

6.5 The development would also result in the loss of significant and prominent protected trees of public amenity value, which would be harmful to the area's character and appearance.

6.6 The location, scale and form of the development would cause harm to the setting of the adjacent designated heritage asset and also the surrounding area in general due to its poor relationship with the streetscape.

6.7 I consider therefore that despite the benefits that would arise from the scheme, these would be outweighed by the harm that would result from the development. As such the following recommendation is appropriate.

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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.

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Representations

Two neighbour representations have been received raising the following (summarised) points:

- Poor design.
- Objection to pedestrian walk way due to loss of privacy, light and noise pollution, and anti-social behaviour.
- Access is not suitable.
- Highway issues

A representation has been received from 'Tesco' raising the following (summarised) points:

- The application is contrary to the NPPF on retail development.
- Material submitted is not sufficiently robust to demonstrate the development should be permitted contrary to the Government's town centre first policy.
- Question retail statement and consider it provides an over-estimation of trade diversion, does not address loss of linked trips to the town centre, and overestimates the potential of the new store to divert trade from existing stores in the catchment.
- It would lead to a significant adverse impact upon the vitality and viability of the town centre.
- There are sequentially preferable sites such as Maidstone East/former Royal Mail sorting office.

A further letter of representation has been received from Solum Regeneration who are a partnership between Network Rail and Kier Property working towards a scheme to deliver a new supermarket, substantial non-food retail, a new station with station car parking and improvements to the public realm. The letter is accompanied by a letter from Network Rail and southeastern. The purpose of these late submissions is to provide an update with regard to the redevelopment of the Maidstone East site and to quash the rumours that the sorting office is no longer available. It is stated that a planning application is due to be submitted fairly soon.

Officer Comment

These issues have already been raised through representations on the planning application and are considered in the main report.

In terms of retail impact, as outlined in the main report, following advice from external consultants, the Council does not disagree with the assertions in the impact assessment. However, it is considered that the proposed development does not comply with the Council's strategy for future retail development in Maidstone, does not follow the sequential approach required by local and national policy, and 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.

RECOMMENDATION

My recommendation remains unchanged:

REFUSE PLANNING PERMISSION
