

APPLICATION: MA/09/0998 Date: 8 June 2009 Received: 15 June 2009

APPLICANT: Simon Lace, Maidstone Borough Council

LOCATION: MAIDSTONE CORPORATION, MUSEUM, ST. FAITHS STREET,
MAIDSTONE, ME141LH

PROPOSAL: Amendment to MA/07/1366 (Redevelopment of Maidstone Museum east wing comprising of two/three storey extension, glazed atrium cafe and external landscaping) being replacement of proposed glazed atrium cafe with new display gallery and replacement of proposed hard landscape to forecourt with soft landscaping shown on drawing numbers 126/GA-00 Rev P3, 126/GA-01 Rev P3, 126/GA-02 Rev P5, 126/GA-03 Rev P3, 126/GA-05 Rev P3, 126/GA-06 Rev P3, 126/GA-07 Rev P3, 126/GA-08 Rev P3, 126/GA-09 Rev P3 received on 11/06/09 and a letter from the agent dated 10/06/09.

AGENDA DATE: 23rd July 2009

CASE OFFICER: Louise Welsford

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

- The Council is the applicant

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49.

South East Regional Plan 2009: CC6, BE6, TC2.

Government Policy: PPS1, PPS6, PPG15, PPG16, PPS23.

HISTORY

Extensive history, the most recent being:

MA/09/0561 - An application for listed building consent for the excavation alongside existing foundations under the chapel floor for the insertion of a post tension ring beam to tie the failed underpinning together and lime mortar pointing to stonework and redecoration to remove cracks – APPROVED

MA/07/1365 & 1366 - Redevelopment of Maidstone Museum east wing comprising of two/three storey extension, glazed atrium cafe and external landscaping- APPROVED.

MA/04/1511 An application for listed building consent for the installation of a platform lift in the lobby of the Regimental Gallery to allow disabled access, this includes the fixing of oak posts to the wall - APPROVED

MA/04/1484 An application for listed building consent for the installation of a ramp to provide wheelchair access to the front entrance of the museum, this comprises a blocked paved ramp behind a seat backed by railings carrying the handrail on the west and east sides, and the removal of existing planting beds to provide a circulation, performance and seating area - APPROVED

CONSULTATIONS

ENGLISH HERITAGE: No written response to date.

(Officer comment: I understand from internal sources that English Heritage officer Tom Foxall visited the site in the week commencing 29th June and advised verbally that he had no objections to the proposal).

MAIDSTONE BOROUGH COUNCIL CONSERVATION OFFICER: No objections to these relatively minor amendments. Condition required re submission of large scale details of the proposed junctions of the new glazed screens with the existing buildings.

KENT COUNTY COUNCIL HERITAGE CONSERVATION UNIT: No response to date.

LANDSCAPE OFFICER: No objections, subject to a condition regarding a tree pit for the proposed foxglove tree.

PARKS AND OPEN SPACES: "Our conclusions are that the re-graded grass bank is to be preferred to the previously planned step set scheme. However, it is pertinent to point out that to achieve the grading indicated within the computer generated illustration, a considerable volume of soil will need to be dug and re-graded, as the Station Road corner of that area holds a significant depth of material. In this process, using recent experience from the far end of the Park, it should be noted it is likely human remains may be discovered during excavation and contingencies in this respect should be put in place. Our only other comment would be to point out that whilst there are bollards shown across the pathway entrance to prevent undue vehicular access, the re-graded area shown in the schematic leaves no barrier at all to those who would wish to flout the law and either enter the site via the re-graded grass area, or indeed park on it. We would recommend that some form of low-level barrier is considered for approval and that Community Safety Department is consulted".

(Officer comment: The Community Safety Department is not a statutory consultee. The impact with regards to crime and disorder has been considered, however, in this case, it is not considered reasonable to refuse the application upon that basis).

BUILDING SURVEYING MANAGER: Recommends that the existing cafeteria allows for a provision of an access for all w.c. and associated facilities.

CULTURE & TOURISM: No response.

REPRESENTATIONS

CPRE have submitted a letter of support for the application, stating that the retention of the cafe in its original location is appropriate, the canoe gallery is exciting and the replacement of the hard steps and retaining wall with soft landscaping is welcome. It would enhance the cultural scene of urban Maidstone.

CONSIDERATIONS

SITE AND SITUATION

The application site is the Grade II* listed Maidstone Museum, located in the Chillington House Conservation Area, close to Maidstone Town Centre. It also falls within an Area of Archaeological Potential. The building occupies a prominent position opposite Fremlins Walk and has Elizabethan origins, although the building was substantially restored and extended in the Victorian era. The front facing St Faith's Street is e-shaped and is constructed of red brick with detailed gables. The east elevation faces Brenchley Gardens, and historically was flanked by a gatehouse, which was destroyed by enemy action in 1940. To the rear of the main façade and adjacent to a footpath through the gardens is a store, of no significant character, which was erected in the 1970s.

The street scene is of varied appearance. To the east, is a timber framed building of much historical character, with flat roofed offices adjacent. Opposite are a row of Listed Almshouses dating from 1700 and constructed of red brick, and the modern Fremlins development, with its curves and imposing canopy feature. The Library, to the west, is housed in a building of typical circa 1960s design.

PROPOSAL

Planning Permission was previously granted, under reference MA/07/1366, for the redevelopment of the east wing, including the construction of two / three storey extensions, including a glazed atrium café, internal refurbishment and landscaping. Two main extensions were proposed – one to the south east corner, between two gables and one to the north of the eastern gable, adjacent to a 20th century store. Both extensions were of modern design and were partially glazed, and partially clad in TECU Gold copper alloy shingles. Landscaping comprised tree planting (detailed later in the report), a sweep of Snowdrop bulbs and an extension to an existing retaining wall, together with the construction of some new steps to the east of the building.

Planning Permission is now sought for relatively minor changes to the approved scheme. These broadly consist of the following:

- The omission of the new glazed atrium café and its replacement with a smaller exhibition gallery to display a 9 m long Solomon Islands war canoe. The omission of the cafe would create a courtyard in the area between the Great Hall and the Canoe Gallery.
- A new freestanding glazed screen fixed to a small retaining wall towards the north of the complex (between Lower Court Lodge and the Lower Store) to ensure clear views through to Brenchley Gardens, whilst providing security to the courtyard.
- The air handling unit (part of the previous application) above the new gallery will be concealed with a storey high screen clad in TECU Gold copper alloy shingles, to match the other new elevations.
- The previously proposed steps and extension to the existing retaining wall along Station Road / St Faith's Street will be omitted and replaced with soft landscaping. This includes the re-grading of the lawn to form a banked, elliptic-shaped edge to the existing pavement. A small area of hard landscaping will form the transition between the lawn and pavement and will allow for the installation of the new street lamp and feature specimen tree. No change to the number, location and type of trees (since the previous application) is proposed.

PLANNING CONSIDERATIONS

Heritage Issues

The key issues arising from this application relate to the impacts upon the character and appearance of the Grade II* Listed Building, its parkland setting and the Conservation Area.

The principle of the extensions and their design have already been agreed by the previous permission. This application is purely for minor changes to some aspects of the proposals.

The scale and design of the main extensions to the east elevation would remain unaltered from that previously approved. The canoe gallery would occupy an area to the east of the main part of the building, adjacent to a 20th century store. The glazed design of the ground floor elevation of the canoe gallery would ensure minimal impact upon the historic character and appearance of the surrounding elevations, to which I consider it would relate sympathetically. The 'TECU Gold' copper alloy cladding to be used above the glazing is already to be used upon the main parts of the extensions and this additional section would not be of an excessive scale, being in the region of 4 m x 3 m. It would have a relatively low overall height in relation to the roofs of the Museum and would therefore appear subordinate to it. (The section facing the courtyard is shown to be approximately 5m lower than the ridges of the gabled sections of the Museum and slightly lower than the eaves of the 20th century store).

In my view, the changes and additions to the building would have a satisfactory impact upon its historic fabric, character and appearance.

The Conservation Officer is also of the opinion that the changes are acceptable.

The proposed glazed screen would be small in scale and unobtrusive.

With regards to the changes proposed to the landscaping, the current proposal would result in a softer edge adjoining the road, which, in my view, is more appropriate to the historic landscape setting of the building. The softer edge would, in my opinion, be more in keeping with the character of the historic park than the previously approved steps. All of the tree planting, including the ornamental Foxglove tree close to the corner extension, and the species of tree planting (as shown on the landscaping plan submitted under reference MA/07/1366) would remain as previously approved. (Previously tree planting comprised two Limes, a Foxglove, a Bird Cherry, a Plum, an English Oak and a Field maple and this was as approved by Members).

I conclude that there are no significant adverse heritage impacts arising from these minor changes and that the character, appearance and setting of the Grade II* Listed Building, the Chillington House Conservation Area and its parkland surroundings would be preserved.

Impact on the Street Scene

The canoe gallery area to be altered lies to the northeast of the main building and beyond existing buildings in relation to the road, so those changes would not impact upon the character or appearance of street scene, because they would not be seen from there. As stated above, the changes to the landscaping would provide a softer edge more appropriate to the parkland setting and welcome within this urban environment. The changes would enhance the appearance of the development in the street scene in my view and the presence of a more open green space would enhance the built environment, because it would have a softer appearance, which would be a welcome relief from the hard and densely built surrounding development and, as stated, it would be more in keeping with the character of the historic park than the previously approved steps.

Other Issues

There are no new archaeological issues (and an archaeological condition is proposed) , nor significant residential amenity issues, as street lighting was previously proposed (and discussed within the previous report) and the changes to the proposed canoe gallery area are fairly central to the Museum complex, rather than close to any residential property. There are no significant noise and disturbance issues associated with the air handling unit as, again, this was previously proposed and it would be fairly centrally located, rather than close to any residential properties.

With regards to crime and disorder, Parks and Open Spaces have raised concern that vehicles could enter the park across the grass bank, and, for example vehicles may drive around the park at night. However, there is an existing vehicular entrance into the park, from which it is already possible to gain access to Brenchley Gardens and park upon grass. Whilst consideration has been given to the issue of crime and disorder (in line with Section 17 of the Crime & Disorder Act), in this particular case, it is considered that the visual benefits to the setting of the Grade II* Listed Building and the Conservation Area from introducing this green open space would outweigh any adverse effects caused by the potential for vehicular access.

CONCLUSION

The proposed minor alterations to the approved scheme would preserve the character, appearance and setting of the Grade II* Listed Building and the Chillington House Conservation Area and would provide a satisfactory appearance to the parkland surroundings of the building. The proposal is considered to comply with the Development Plan and central Government Guidance and I therefore recommend approval.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until written details and samples of the materials to be used in the construction of the both the external and internal surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. These details shall also include a large panel of the metal cladding (at least five shingles by five) and details of the internal/external floor surface finishes, including those to the courtyard and around the entrance block;

Reason: To preserve the character and appearance of the Grade II* listed building and Conservation Area, in accordance with Policy BE6 of the South East Regional

Plan 2009 and PPG15.

3. No development shall commence until full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-
 - a) Construction detail showing all connections with the existing building, in the form of 1:20 scale plans and sectional drawings.
 - b) Construction detail in the form of 1:50 scale construction working drawings in section of the two extensions, both longitudinal and cross-sectional.
 - c) New joinery in the form of large scale drawings.
 - d) 1:10 scale details of all glazing elements.
 - e) Alterations to staircase behind Great Hall.
 - f) Works to medieval external doorway in room behind the staircase behind the Great Hall, including repairs/stone treatment.
 - g) Openings between new 1st floor gallery and both Upper Bearsted Gallery and Bentliff Art Gallery 2 and the new opening into the new staircase from the Upper Bearsted Gallery.
 - h) Details of ceilings and rooflights.
 - i) Fixings for courtyard glazing and roof into the historic structure.
 - j) Large scale details of the proposed junctions of the new glazed screens with the existing buildings.

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

Reason: To preserve the character and appearance of the Grade II* listed building and Conservation Area, in accordance with Policy BE6 of the South East Regional Plan 2009 and PPG15.

4. All soft landscaping works shall be carried out strictly in accordance with the landscaping details submitted upon drawing no. 126/GA-02 Rev P5;

Reason: To preserve the setting of the Grade II* listed building and the character and appearance of the Conservation Area, in accordance with Policy BE6 of the South East Regional Plan 2009 and PPG15.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any

variation;

Reason: To preserve the setting of the Grade II* listed building and the character and appearance of the Conservation Area in accordance with Policy BE6 of the South East Regional Plan 2009 and PPG15.

6. No development shall commence until full details of a tree pit for the proposed Foxglove tree have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: To preserve the setting of the Grade II* listed building, the character and appearance of the Conservation Area and to protect the proposed tree, in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000, Policy BE6 of the South East Regional Plan 2009 and PPG15.

7. No development shall commence until full details of the construction detail for the access road the retaining wall, including cross-sections where appropriate, together with a method statement for these works, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: To preserve the setting of the Grade II* listed building, the character and appearance of the Conservation Area and to protect existing trees, in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000, Policy BE6 of the South East Regional Plan 2009 and PPG15.

8. All trees to be retained must be protected in accordance with the Tree Protection Plan and Method Statements received on 03/09/07 under reference MA/07/1366 before any equipment, machinery or materials are brought onto the site and protection measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to preserve the character and appearance of the Conservation Area in accordance with Policies ENV6 of the Maidstone Borough Wide Local Plan 2000 and BE6 of the South East Regional Plan 2009 and PPG15.

9. No development shall commence until details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To preserve the setting of the Grade II* listed building and the character and appearance of the Conservation Area, in accordance with Policy BE6 of the South East Regional Plan 2009 and PPG15.

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of:

(i) archaeological field evaluation works in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority; and

(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further investigation and recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest, in accordance with PPG16.

11. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;

Reason: To prevent pollution of the water environment in accordance with PPS23.

12. In the event of a ground source heat pump system being utilised, full details of the system shall be submitted to and approved in writing by the local planning authority, together with a contamination report. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of good planning and pollution prevention pursuant to PPS23.

13. In the event of external lighting being utilised, full details of any such lighting shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To preserve the character, appearance and setting of the Grade II* Listed Building and Conservation Area and to protect residential amenity, in accordance with policy BE6 of the South East Regional Plan 2009, PPG15 and PPS1.

Informatives set out below

The applicant's attention is drawn to the letter from Southern Gas Networks dated 15/08/07, which gives details of the location of pipework and information regarding working in such areas.

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

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

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

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

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

The applicant is strongly encouraged to keep external lighting to an absolute minimum.

St. Faith's churchyard was the last stand of Maidstone's Royalist defenders during the Battle of Maidstone (1648) and the English Oak has a commemorative link with the English Civil War. The proposed English oak tree in the scheme of landscaping could be planted with ceremony by the Mayor/Leader of the Council, being commemorated by a plaque or marker.

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