

APPLICATION: MA/10/0254 Date: 17 February 2010 Received: 17 February 2010

APPLICANT: John Foster, Maidstone Borough Council

LOCATION: TOWN CENTRE REDEVELOPMENT, HIGH STREET & KING STREET,  
MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Application for the provision of new ramps, steps and landing areas on the south side of Bishops Way to improve pedestrian connection from the High Street to the Bridge and the closure of one existing subway, relocation of the canon and its placement on a new plinth, removal of 4no. existing Plane Trees and their replacement with 8no. Cherry and 7no. Hornbeam Trees, provision of illumination for the Queen's Monument, the relocated canon and other listed buildings and ancillary works thereto, together with other works including the realignment and re-paving of carriageways and pedestrian areas and crossing points, the relocation of 'bus stops and shelters, taxi ranks, loading bays and disabled parking bays and the removal/relocation and/or provision of new street furniture including benches, lighting, leaning-posts, telephone boxes, removal of planters and shrubs and the relocation of the existing CCTV pole by the canon in accordance with High Street Lighting Proposal, Design and Access Statement, Design and Light Level Calculations, and drawing numbers 728-004; 001; 005; 006; 009; 010; 011; 012; 013; 014; 015; 100, 110 and tree measurement list submitted on 17 February 2010.

AGENDA DATE: 8th April 2010

CASE OFFICER: Chris Hawkins

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

- The Borough Council is the applicant.

## **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV7, T13

South East Plan 2009: BE1, BE6, MA1, SP2, SP3, AOSR7

Village Design Statement: N/A

Government Policy: PPS1, PPS5, PPG13

## **HISTORY**

There have been a significant number of planning applications within the High Street and King Street, however, none of these are considered to be relevant in the determination of this planning application.

### **1.0 EXTERNAL CONSULTATIONS**

- 1.1 English Heritage** have been consulted and advise that this application should be determined in accordance with the policies within the Development Plan and following the Councils 'in house' Conservation advice.
- 1.2 The Environment Agency** were consulted and no comments have been received to date. If received, these will be included within the urgent update.
- 1.3 Southern Water** were consulted and no comments have been received to date. If received, these will be included within the urgent update.
- 1.4 Kent County Council Archaeology** were consulted and have raised no objections to this proposal subject to the imposition of a suitable condition requiring the provision of an archaeological assessment – a condition has been suggested within this report.
- 1.5 Kent Police** were consulted and no comments have been received to date. If received, these will be included within the urgent update.
- 1.6 EDF Energy** were consulted and no comments have been received to date. If received, these will be included within the urgent update.
- 1.7 Scottish Gas** were consulted and no comments have been received to date. If received, these will be reported within the urgent update.
- 1.8 Kent Highway Services** were consulted and have made the following comments: -
  - 1.8.1** 'The High Street scheme, involving only works to an existing highway and within the highway boundary will not need planning consent for the highway works, just a S278 agreement. I have no objection to the principal of the scheme, however we still need to approve the Stage 1 technical and safety audit to progress the works.'
- 1.9 The Disabled Liaison Group** have been consulted and no comments have been received to date. If received, these will be reported within the urgent update.

### **2.0 INTERNAL CONSULTATIONS**

**2.1 Maidstone Borough Council Landscape have** made the following comments:

-

2.1.1 'The considerations below relate to the following documents/plans:

- Tree Attribute list and Tree Condition List by Barry Mckenna, 5/2/2010;
- Tree proposals and layout, plan no. 009.

2.1.2 The High Street currently contains 15 trees; 6 London Plane, 5 Honey Locust, 2 Field Maple and 1 Swedish Whitebeam. It should be noted one London Plane tree outside Coleman House, has already been removed due to its condition. All the existing trees are located within the Maidstone Centre Conservation Area.

2.1.3 In the current layout there is little continuity with regards to the location and species of the trees but there has historically been difficulty in achieving landscaping within the High Street area due to the extent and location of services underneath the ground.

2.1.4 Of the existing trees, there is only one tree which is of any significant amenity value, this being the London Plane outside the Town Hall. This tree does, however, cause a significant trip hazard where its roots have lifted the surrounding surfacing and, like a number of the other trees in this area, it needs regular cutting back to clear the adjacent buildings, structures and CCTV cameras. Its removal would ensure the paving problems could be addressed whilst opening up views of the Town Hall to enhance the overall design concept for this area.

2.1.5 In summary, whilst the removal of trees in the High Street will initially have an adverse impact on the appearance of the Conservation Area, the proposal to replant with 15 trees; 7 fastigate Hornbeam within the upper section and 8 Prunus avium "Plena" along the lower section will provide, in the long term, a more structured and sustainable, scheme appropriate to the setting.'

**2.2 Maidstone Borough Council Conservation Officer** have made the following comments: -

2.2.1 'These proposals have been the subject of a competition and much discussion. They are generally acceptable and welcome, but I do have some concerns re the lighting proposals regarding the number of light fittings proposed to be fixed to the Natwest Bank at the top of Bank Street and the fixing of light fittings to the ceramic-tiled façade of 94-95 High Street which are likely to damage the original Victorian tiles.'

2.2.2 \*Officer Comment: The matters with regards to the lighting are covered within the listed building application which was submitted alongside this planning application.

### **3.0 REPRESENTATIONS**

3.1 All neighbouring occupiers within the High Street, King Street, and immediately adjacent to these properties, were consulted and 4 letters of representation have been received. The main concerns raised within these letters were as follows: -

- The proposal should incorporate a tram system to enable the Council to recoup their money;
- Access to the existing shops will be compromised;
- There will be high levels of noise and disturbance during construction, likewise dust;
- Within Bank Street bollards are in place to protect the historic buildings, and their removal will put the buildings at risk;
- The footpath will no longer be defined, to the detriment of pedestrian safety.

### **4.0 CONSIDERATIONS**

#### **4.1 Site Description**

4.1.1 The application site covers the full length of the High Street from its junction with Fairmeadow, running up through the High Street, running up to the junction of King Street and Wyke Manor Road. This covers a total of 1.2 hectares. The most westerly part of the application site forms part of the A229, at the junction of Fairmeadow and Bishops Way. This is a particularly well used highway, carrying significant volumes of traffic through the centre of Maidstone, linking the Medway Towns to the north and Hastings to the south. At present a subway runs beneath this road for pedestrian movements, as well as a pelican crossing at road level.

4.1.3 As one moves eastwards into the core town centre the pavements follow the lines of the existing buildings which splay out on the southern side, producing a wider central area, which currently houses a cannon. There are bus stops located on the southern side of the street, and a bus lane on the opposite side of the street running eastwards. The High Street at this point is lined by a mixture of buildings, some of significant age, whilst others are of a more recent construction.

4.1.4 A junction with Mill Street results in all through traffic being directed away from the main shopping centre. This is a traffic light controlled junction, with a pedestrian crossing linking into Bank Street. It is at this point that the shopping area effectively 'splits' into two distinct streets – Bank Street running to the

south, and the High Street continuing on the northern side. There are small flower beds on the northern side of the High Street at the junction with Mill Street.

- 4.1.5 This area lies within the core of the Maidstone Conservation Area, and is fronted by a number of historically significant buildings, many of which contain historic shop-fronts or facades. The greatest concentration of listed buildings are clustered around the Upper High Street area and within Bank Street. This area also contains the Town Hall, a Grade II\* listed building, which dates back to 1764. Bank Street contains many buildings dating from between 1500 and 1700, and is of significant historical importance. At present, this road is part pedestrianised, with limited vehicular movements allowed (subject to time of day, deliveries etc.).
- 4.1.6 There are vehicular movements within the Town Centre at present – buses and taxis predominantly, as well as providing an element of disabled parking on street. There is a relatively wide pavement on the north side of the High Street at this point, which is relatively free of clutter.
- 4.1.7 To the north-east of the Town Hall is an open area, which contains the Queen Victoria statue, located centrally within the highway. This area has a cluster of bus stops on either side of the street and a central area set aside for waiting taxis. Pedestrian movements at this point of the street are limited to two narrow pavements on either side of the road (whilst not physically narrow, the siting of the bus stops makes them appear as such).
- 4.1.8 Further eastwards, and the character of the street changes significantly. There is a pedestrian crossing that links The Mall shopping centre and Week Street (this is constructed of pavers, denoting the change in its use), and beyond this, traffic controls which prevent private cars from entering the area from the east. This area is flanked predominantly by rather unremarkable buildings to the north, and the shopping centre to the south. Much of this area falls outside of the Conservation Area.
- 4.1.9 Overall, it can be seen that the site contains areas which vary significantly in their character, despite all being within the core town centre area.

## **4.2 Proposal**

- 4.2.1 This application forms part of a regeneration project for alterations to be made to this part of the town centre, to create a more 'pedestrian friendly' environment. The plans submitted show all aspects of the proposal, however, not all elements of the works require the benefit of planning permission. As such, I will outline the elements that require planning permission, and thus are for consideration.

4.2.2 The only elements of the scheme that require planning permission, and **are** for consideration are as follows: -

- The provision of new ramps, steps and landing area on either side of Bishops Way;
- The closure (i.e. the physical blocking up) of the existing subway underneath Bishops Way;
- The relocation of the existing cannon, and its placement upon a new plinth;
- The removal of the existing trees and their replacement with 15 new trees;
- The provision of lighting upon the Queen Victoria monument.

4.2.3 It is only these elements that require planning permission, by virtue of the General Permitted Development Order. Schedule 2, Part 12, Class A of this Order allows for the following works to take place without the benefit of planning permission: -

4.2.4 *'The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of: -*

*(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;*

*(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, and similar structures or works required in connection with the operation of any public service administered by them.'*

4.2.5 In addition, Schedule 2, Part 13, Class A of the Town and Country Planning (General Permitted Development) Order allows for the following to take place without the benefit of planning permission: -

4.2.6 *'The carrying out by a local highway authority on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.'*

4.2.7 The following elements of the proposed high street improvements **do not** form part of this application, and **are not** for discussion, nor determination as part of this planning application: -

- Re-alignment of the highway;
- Re-paving of the carriageways, pedestrian areas and crossing points;

- The relocation of 'bus stops, shelters, taxi ranks, loading bays and disabled parking bays;
- The removal/relocation and/or provision of new street furniture (including benches, lighting, leaning posts, telephone boxes);
- The removal of planters and shrubs;
- The relocation of the CCTV pole by the cannon.

4.3.8 Conservation Area consent is also being applied for concerning the loss of the existing trees within the site, and listed building consent for the relocation of the cannon and additional lighting upon the Queen Victoria statue.

### **4.3 Principle of Development**

4.3.1 There are no specific policies within either the Maidstone Borough Wide Local Plan, nor the South East Plan which would preclude a development of this nature. However, there are a number of government documents that support improvements to public realm including By Design (CABE), and Manual for Streets. Policy TC2 of the South East Plan (2009) refers directly to providing *'safe, secure and attractive environments for people to live, shop and work.'*

4.3.2 Furthermore, as stated above, this application assesses only a small number of the overall elements of the High Street improvement plan, and the principle of making such small alterations to public realm is accepted, subject to suitable design. As such, it is not considered that there is any principle objection to the proposal.

### **4.4 Visual Amenity**

4.4.1 Maidstone High Street currently consists of wide areas of highway, with the provision of bus stops and car parking areas (currently used for taxi parking). The majority of the highways are constructed of tarmac, with a mixture of other materials used for the paving. There is also a significant amount of 'clutter' around the highways. By clutter, I refer to signage, barriers, traffic lights, and other street paraphernalia. The combination of this clutter and the volume of traffic using the High Street has a significant impact on the ability to view (particularly from a long distance) many of the important historical buildings, and monuments within the area. Furthermore, the materials used at present are in many instances unattractive, and utilitarian and do little to address the historic fabric of the buildings that line the streets.

4.4.2 In addition, whilst there is soft landscaping within the High Street at present, this is perhaps not located within areas which best frame these buildings, nor make the most of the spaces that surround these buildings – instead trees appear to be located simply where there is space, rather than having been

planted as a continuous framework aligned with the highway as with many tree lined streets.

- 4.4.3 In determining this application, it is therefore important to assess whether the proposal would improve the visual appearance of the town centre, whilst ensuring that the historic fabric and character is maintained or improved.
- 4.4.4 As set out within the proposal above, some elements of the overall scheme are not for discussion, as they do not require the benefit of planning permission. As such we can only assess the impact of those that do upon the visual amenity of the area. As such I will address these elements individually, prior to providing an overall assessment of the scheme.
- 4.4.5 The creation of new ramps, steps and landing areas upon the south side of Bishops Way, together with the closure of the existing subway. This end of the High Street is not particularly 'pedestrian-friendly', with an uninviting subway provided for pedestrians, together with a number of barriers surrounding the pelican crossing. This proposal would see the loss of the subway – which is not considered to be to the detriment of the character of the area. The subway is a relatively inhospitable environment, and does little to contribute positively to the character of the area. Likewise, the approach to the subway on either sides of the road does not provide high quality public realm. The new ramps, steps and landing areas would not only provide a clear route across the highway, but would also remove the underpass, with a more open space, constructed of granite. This change would also remove a significant level of clutter that currently exists around this junction.
- 4.4.6 The removal of the existing trees within the application site, would result in the loss of features of some merit. As stated above however, no objections have been raised with regards to this proposal from the Borough Councils Landscape Officer concerning the loss of trees within the High Street, subject to suitable replacements being planted following their removal. It is the Landscaping Officers opinion that there would be an overall benefit to the character of the area, on the basis that this would be well managed, with suitable species proposed, within a well considered layout. The trees would help to frame the building, and would also be located in areas that would benefit the end users – i.e. shoppers who may wish to sit under their shade (they are proposed to be located near to seating areas). The Landscape Officer concludes that the proposal would provide, in the long term, a more structured and sustainable scheme which is more appropriate to its setting than the existing landscaping within the town centre.
- 4.4.7 It is proposed that new trees be planted within the High Street, which would see an improvement in the soft landscaping within this area of public realm. In addition, the trees that are to be planted are species that are indigenous to the



area, and reflect much of the character of the surrounding area. The trees that would be lost are currently located to the north-east of the Town Hall, along King Street, On the northern side of the High Street, and at the lower end of the High Street. Replacement trees would be located in King Street (4), to the north-east of the Town Hall (3), and within the Lower High Street (11). These would be planted along a relatively regular axis, providing a tree lined 'avenue' effect alongside the proposed highway. This has two effects, firstly it ensures that there is soft landscaping visible throughout the whole development, and secondly, it would provide areas of shading for some of the seating areas.

- 4.4.8 However, as many of the existing trees are mature, they do contribute to the character of the area. Therefore any replacement trees planted must be of a suitable size, so that they immediately have an effect on the setting of the High Street. Following further consultation with the Council's Landscape Officer, I have therefore suggested the conditions set out below to ensure that firstly, they are of a suitable size, and secondly, they are replaced should they die, or be damaged, within the first ten years.
- 4.4.9 Whilst it is regrettable to lose the existing trees by virtue of this development, I consider that as there would be a more suitably managed and sustainable landscape scheme than at present, there would be an overall benefit to the character and appearance of the area.
- 4.4.8 This application also considers the implications of moving the cannon, with the erection of a new plinth. The cannon would be relocated from its existing position, within a lower High Street, closer to 64-65 High Street, Maidstone. The cannon plinth would be some 7.5 metres away from these properties. It is proposed that utilities cabinets are also sited within this location, although these would turn their back on the cannon itself. The new plinth is to be constructed on a granite surface, with granite cladding on any vertical elevation. The plinth would step down to the west – towards the river. It would have an overall length of 19 metres, with a maximum width of 5.7 metres. Visually, the relocation of the cannon will make it a more prominent feature within the High Street. At present, it is in a relatively isolated, and inaccessible position, effectively located on a large traffic island. This existing setting does not give the cannon any real presence within the High Street, and as such it appears somewhat as a forgotten item. The proposals will raise the profile of this feature, and would make it more prominent within the Town Centre. I see this as a positive contribution to the historic fabric of the High Street.
- 4.4.9 To conclude, I consider that the changes proposed would have a positive impact upon the character and appearance of the High Street, as it would open up the space for pedestrian use, and would provide a better setting to a number of historic buildings. The additional trees planted would further soften the character and appearance of the High Street, and this, together with the additional hard

landscaping, would provide a more pleasant area for future users. The alterations to the listed structures and monuments would give them a greater presence within the High Street, emphasising the historic elements of this area, and generating a more attractive setting. I therefore consider that the proposal would accord with the policies within the Development Plan in these respects.

#### **4.5 Impact upon the Listed Buildings/Structures**

- 4.5.1 As Members can see from the Agenda, there is also a listed building application submitted, which relates to changes to the cannon, statue, and also a number of listed buildings which are to be provided with external lighting. I will therefore assess, as part of this application, the broader impact that the proposal would have upon the setting of all listed buildings, by virtue of the changes as set out as part of this planning application.
- 4.5.2 The decision to place additional lighting around the Queen Victoria statue would provide additional interest in the structure, and also highlight this structure during the evening hours. There would be eight up-lighters proposed, four located within the ground, and four within the statue itself. Due to their design, they would be fitted flush into the ground, or within the base of the statue, and would not affect its form. No objections have been raised with regards to this proposal, and I see no reason for this to prove to be unacceptable. I therefore consider that this element of the scheme to be acceptable.
- 4.5.3 The changes proposed to the High Street, that require the benefit of planning permission would provide many of the listed structures and buildings a better setting, and make them more apparent within the street scene. Changes to the landscaping, for example, has been carefully considered to enable better long distance views of one of the most important buildings within the High Street – the Town Hall – particularly from the east. The line of trees proposed, would draw ones eye onto the building, and provide a suitable framing.
- 4.5.4 Other changes proposed would have less impact upon the setting of any listed buildings – such as the changes to the subway.
- 4.5.5 I therefore consider that this proposal would preserve, and in some instances enhance the setting and appearance of the listed buildings within the High Street, and as such the proposal complies with the policies within the Development Plan and PPS5.

#### **4.6 Highways**

- 4.6.1 The overall proposal would see significant alterations to the way in which traffic flows through the town centre of Maidstone, allowing only buses and taxis to run in a north-easterly direction only. However, the alterations of the traffic flow and

the re-alignment of the highway are not for consideration as part of this planning application.

- 4.6.2 I therefore conclude that there would be no highway safety issues that would arise from the approval of this planning application, and as such, it complies with the policies within the Development Plan.

#### **4.7 Disabled considerations**

- 4.7.1 As set out above, the relocation of the 8 disabled parking spaces from the High Street does not require planning permission. Moreover, the works that do require planning permission do not give rise to the relocation of these spaces, therefore the consideration of this planning application does not include this relocation. It is noted that no objection has been raised by Kent County Council Highway Services with regards to the proposal. Furthermore, I have discussed this matter with the Highway Authority, who inform me that the matter of the loss of disabled parking will be fully assessed as part of their Stage I audit of the development. Should there be insufficient replacement parking within, or adjacent to the application site, this would fail to meet one of the criterion of this audit.
- 4.7.2 The alterations to the pedestrian crossing at the western end of the High Street would be provided with a shallow gradient ramp, which would allow for access for all potential users. Furthermore, the alterations to the cannon would make it more accessible for all (although there would be steps up to the cannon, I do not consider the existing location any more accessible for the physically challenged), by virtue of the additional pedestrian space around this feature. With regards to the other proposals set out above, I do not consider that these would prove to make the High Street less accessible for any disabled users.

#### **4.8 Other Matters**

- 4.8.1 This proposal would not give rise to any detrimental impact upon the residential amenity of occupiers within the locality.
- 4.8.2 Changes to the street lighting within the High Street will form part of the highway works, and as such does not form part of this planning application.
- 4.8.3 Comments have been received from KCC Archaeology, who have requested a study be produced before the development commences. Due to the sensitive nature of the area – being of some historic importance, should permission be granted, I suggest a suitable condition be imposed.

#### **5.0 Conclusion**

5.0.1 It is therefore concluded that the small number of changes to the High Street covered by this planning permission proposal (which form part of an overarching plan for the redevelopment of the area) would be of a high standard of design, and would reflect the remainder of the work taking place. These proposals would improve the appearance of the High Street, would provide an overall (long term) improvement in soft landscaping, and would provide a better setting for the existing monuments within the High Street. I therefore see no reason to refuse planning permission for these proposals, and as such recommend that Members give this application favourable consideration, subject to the conditions as set out below.

### **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. The materials used within the development hereby permitted shall be as submitted as part of this planning application (granite). There shall be no deviation from the approved materials throughout any part of the development.

Reason: In the interests of visual amenity, and to preserve the setting of listed buildings of important historical and/or architectural interest, in accordance with PPS1, Kent Design Guide, Policies BE1, BE6 of the South East Plan 2009 and PPG15.

3. Any replacement tree which dies or becomes seriously damaged or diseased within five years of being planted must be replaced with another of similar size or species within the course of the next planting season, unless the local planning authority give written consent to any variation;

Reason: In the interests of visual amenity in accordance with PPS1, Kent Design Guide, Policy BE1 of the South East Plan 2009 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

4. No development shall take place until the applicant or their agent, or successors in title, has secured the implementation of a watching brief to be undertaken by an

archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with PPS5.

5. Any trees planted within the development hereby permitted shall be of a Heavy Extra Standard (14-16cm diameter and an overall height of at least 3.5metres) and shall be of the species as shown on the approved plans.

Reason: To ensure that the proposal is appropriately landscaped from the outset, responding to its important and public location, providing a high quality response to the design constraints, in accordance with PPS1 and the Kent Design Guide.

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.