

Item 10 Pages 25 to 61

Len House, Mill Street / Palace Avenue, Maidstone

20/501029/FULL & 20/501030/LBC

Content

This UU presents three matters:

1. Officer presentation
2. Further information from the Applicant regarding the River Len / Mill Pond
3. Proposed Conditions

1 Officer Presentation (uploaded attachment 1)

The link to the Officer presentation has been uploaded. Members should note that the presentation is principally based upon photographs and CGI images, as, due to the scale and complexity of this development, the technical planning and listed building drawings do not reproduce an appropriate level of detail within a PowerPoint presentation. However, the submitted drawings, together with the supporting documentation and associated material can be viewed on the Council's website.

2 River Len / Mill Pond (attachment 2)

Following the publication of the agenda, the Applicant has submitted a further note (uploaded attachment 2) that seeks to explain the reasons why the updated scheme does not retain the commitment to bring forward the 'daylighting', ie, the de-culverting of the River Len, which passes under the eastern part of the site. The note also explains their revised landscaping scheme.

The Applicant has sought to emphasise that they had always wished to proceed with the daylighting scheme, but in addition to the anticipated costs of such a scheme, there are also engineering and other considerations / uncertainties such as, for example, the potential need to construct the new culvert on a different alignment, the impact and complexity of the associated engineering works and the need to establish the view of the Environment Agency on the potential need to dam the watercourse during its construction – matters which cannot be answered within the timeframe of the planning application.

Discussion

Members can, if they wish, assess the alternative scheme that has been submitted and consider whether it is acceptable.

Alternatively, following the submission of the Applicant's note, Officers have discussed the matter further with the Applicant, who has agreed to the suggestion of a planning condition require further investigations as to the feasibility and costs of 'daylighting' this section of the Len, but in doing so the Applicant has indicated their desire to ensure that this does not delay the rest of the scheme and thus the granting of permission.

Officers consider that the condition could require the necessary assessments to be carried out within an agreed time period of say 6-month period, which should tie in with the discharge of other conditions, listed building remedial works, ground investigations etc. The Applicant has agreed to cover the costs of the engineering and other assessments necessary to carry out the feasibility and cost study. The terms of reference could be set by the Council in terms of engagement with, for example, the Environment Agency and KCC.

However, one critical requirement is that if the works are identified to be feasible, but the developer is unable to fund them within the constraints of the development, they would

be required to offer to transfer that part of the site under which the Len passes (excluding access points) to the Council in order that it can seek to fund and implement the works.

Background

From a heritage perspective it is a key priority, now that the building is vacant, that survey and remedial works start as soon as possible to avoid further deterioration in the fabric, which would only increase costs and risk and reduce an already delicate viability position. The developers advise that they can only commit to the remedial works such as the window restoration programme with the security of planning permission and listed building consent and are therefore keen to find a way of balancing the need to secure planning permission, whilst addressing Members concerns over the Len.

Members should note that the MBC Approved Planning Brief for the site states that any developer should assess the "*Potential for opening up culverted river. Alternatively retained for car parking*", ie, it is an opportunity that is identified, rather than a fixed obligation. The Council's Brief continues by stating that if the River remains culverted here, this space should be detailed with high quality materials, given its visibility from Palace Avenue and setting to Len House.

Whilst Officers have emphasised the importance of this objective, we have to balance this against the recognition that this is a listed building of national significance and thus great weight has to be afforded to its successful restoration. In the absence of a specific obligation in the Local Plan or the Site Brief, Officers considered that whilst the removal of this element is regrettable, we could not demand it be delivered by the developer at the potential cost of the overall scheme becoming undeliverable as a result. However, the possibility of the river being transferred to the Council to deliver, is an opportunity that justifies further investigation.

Should the working group identify that the formal daylighting of this small part of the Len is either not feasible or viable, then the revised landscaping scheme, which incorporates water features and appropriate planting, would, in the view of Officers, be an acceptable townscape response.

Conclusion

The recommendation remains unchanged, subject to the inclusion of a specific condition to address the Len (the detailed working of which will need to be agreed with the Applicant).

Suggested Condition

(Notwithstanding the landscaping drawings hereby approved) Prior to the commencement of the new build elements above slab level (or within a period of no later than 6 months from the grant of planning permission, whichever is the sooner), a feasibility and viability assessment of the 'daylighting' of the River Len within the application site shall be submitted to and approved by the local planning authority. Should the assessment identify that the works are feasible, the submitted scheme shall include details of landscape and biodiversity measures, phasing / timing options and future management measures. In addition, the submitted scheme shall set out a delivery strategy, including the option for the transfer of the land to the Council to deliver the scheme.

Reason: The 'daylighting' of the River Len would deliver key townscape and ecological benefits and the Council, in accordance with its approved Planning Brief for the site, wishes to ensure that the potential opportunity to deliver such works is fully investigated.

3 Conditions

Attached are the draft conditions that Officers recommend be attached to both the planning and listed building consent decisions. As well as covering traditional matters they specifically address, for example; biodiversity enhancement, the proposal to provide a

boardwalk over the Mill Pond, matters of detail relating to the restoration of the listed building, public realm details, the requirement to provide acoustic insulation details to manage the potential impacts of adjacent leisure uses and limitations on the range of potential uses within the listed building.

Due to the specialist nature of the conditions, Officers request delegated approval to finalise wording prior to the relevant decision letters being issued.