

REPORT SUMMARY

REFERENCE NO - 20/504860/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for Variation of condition 16 (to remove: upgrading of the existing pedestrian crossing on King Street to provide additional crossing detectors and reconfiguration of the controller) pursuant to application 17/504428/FULL for - Creation of a new 48 space public car park, together with 30 flats in a stepped block backing onto Queen Anne Road. A row of 6 semi detached houses fronting Union Street and two terraced rows arranged as a 'Mews' providing 11 houses, together with a new estate road, allocated parking and soft landscaping.		
ADDRESS Maidstone Borough Council Car Park Corner Of Union Street Queen Anne Road Maidstone Kent		
RECOMMENDATION – APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION - The development is considered to be in accordance with the Development Plan and there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE - Maidstone Borough Council was the applicant on the original application under planning application reference 17/504428/FULL.		
WARD High Street	PARISH/TOWN COUNCIL	APPLICANT Purelake New Homes Limited AGENT DB Architects
DECISION DUE DATE 27/01/21	PUBLICITY EXPIRY DATE 21/12/20	OFFICER SITE VISIT DATE 30/11/20

RELEVANT PLANNING HISTORY

17/504428/FULL – Creation of a new 48 space public car park, together with 47 residential units a new estate road, allocated parking and soft landscaping – Approved – 07/03/2018

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The redevelopment of the site pursuant to 17/504428/FULL is currently under construction. The application site is to the south of Union Street and turns the corner to Queen Anne Road which is to the east and southeast.

2.0 PROPOSAL

2.01 The Applicant seeks to vary condition 16 of 17/504428/FULL

The relevant part of Condition 16 states:

No building hereby permitted shall be occupied until the following off-site highways works have been fully implemented:

.....Upgrading of the existing pedestrian crossing on King Street to provide additional crossing detectors and reconfiguration of the controller.

Reason: In the interests of highway safety and sustainable transport use.

- 2.02 The applicant now seeks to make a financial payment in lieu of this upgrade for the reasons set out below in this report.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP12, H1(12), DM1

4.0 LOCAL REPRESENTATIONS

- 4.01 No responses received

5.0 CONSULTATIONS

- 5.01 KCC Highways – No objection, subject to a contribution of no less than £40,000 towards off-site highway improvements at the pedestrian crossing to the Queen Anne Road junction with King Street.

6.0 APPRAISAL

- 6.01 The site is allocated in the Local Plan under policy H1(12) and this application seeks to remove the requirement for an upgraded pedestrian crossing on King Street prior to occupation of any dwelling, with an alternative financial payment offered. All other matters are in accordance with the previous planning permission and the key consideration for this application is only this single point.

Highways

- 6.02 Condition 16 of the original permission is consistent with advice provided previously by KCC Highways in response to the original application which stated:

"Pedestrians walking to/from the town centre via Queen Anne Road, which provides the direct route to the Bus Station and The Mall, can also utilise the controlled pedestrian crossing facility on King Street that is positioned close to the Queen Anne Road junction. On account of the additional pedestrian demand that will be generated at this location, the applicant should be required to upgrade this crossing to a puffin facility as part of a Section 278 Agreement."

- 6.03 In further correspondence to the original application, KCC Highways set out that the upgrade to the crossing on King Street would involve changing the display equipment and sensors to a puffin specification and it is estimated to cost in the region of £40-50k.
- 6.04 KCC Highways has outlined in their response to this application that no material changes have occurred to the development which would reduce the need for this crossing improvement and it is therefore no less required than when planning permission was granted under application reference 17/504428/FULL. However, since the granting of planning permission it has become apparent that the systems in the existing crossing are outdated to the extent that fully replacing the existing crossing would be necessary to achieve the required upgrade.
- 6.05 Paragraph 55 of the National Planning Policy Framework sets out that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

- 6.06 KCC Highways has set out in their response to this section 73 application that the costs of the upgrade would exceed the originally quoted £40-50k and has agreed that it would be disproportionate for this development to have to pay for the entire cost of the upgrade to the crossing. It is therefore considered that for this development to pay the entire cost of the upgrade would not be reasonable and therefore not meet the sixth test as set out above.
- 6.07 At present the existing crossing is out of use and has been replaced with temporary lights to accommodate a cycle lane. KCC Highways has outlined that following the cycle lane trial scheme that is intended to be removed in early 2021, permeant solutions will be sought for improving King Street in general, on the basis of public consultation feedback from the trial. However, no timeline has been provided for when the general improvements to King Street are to be completed, but KCC has outlined that it would be preferable for a payment in lieu of the crossing upgrade to allow the enhanced crossing to be brought forward as part of the wider active travel improvements in the area.
- 6.08 Until the upgraded crossing is provided, the current crossing on King Street will remain in place which will continue to maintain existing opportunities for pedestrian permeability and linkages to the surrounding area in accordance with policies SP23 and DM1 of the Local Plan. Other developments are likely to come forward in the vicinity which could also make financial contributions

7.0 CONCLUSION

- 7.01 As the applicant has no direct control over the ultimate delivery of the crossing it would be unreasonable for the occupation of much needed homes to be delayed until KCC design a solution. As the development will add a modest load to the crossing, a financial payment in lieu is both proportionate and reasonable.
- 7.02 The development with this amendment would accord with the Local Plan and it is recommend that planning permission be granted subject to the prior completion of a legal agreement to secure the financial contribution to the upgrading of the King Street crossing. All previous conditions will be attached where relevant. Condition 16 of the original permission would be replaced with condition 14 of this new permission).

8.0 RECOMMENDATION:

Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development BE DELEGATED POWERS TO GRANT to grant planning permission, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms

1. £40,000 towards improvements for the provision of an upgraded pedestrian crossing infrastructure on King Street, Maidstone.

CONDITIONS to include

1. The development shall be carried out in accordance with the proposed slab levels approved under application reference 18/504494/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

2. The development shall be carried out in accordance with the transport related air pollution offsetting schemes approved under application reference 18/504285/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of protecting health.

3. The development shall be carried out in accordance with the Remediation Method Statement (RMS) approved under application 18/504286/SUB unless otherwise agreed in writing with the local planning authority.

A Closure Reports shall be submitted upon completion of the works. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

4. The development shall be carried out in accordance with the surface water drainage scheme approved under application reference 18/506607/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

5. The development shall be carried out in accordance with the noise exposure assessment approved under application 18/504713/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of amenity.

6. The development shall be carried out in accordance with the materials approved under application reference 18/5047079/SUB, or in accordance with any alternative materials that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure a satisfactory appearance to the development.

7. The ragstone walls shall be constructed in accordance with the sample and details approved under application reference 19/505908/SUB, or in accordance with any alternative sample and details that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure a satisfactory appearance to the development.

8. The development shall be carried out in accordance with the surface materials approved under application reference 18/505612/SUB, or in accordance with any alternative materials that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure a satisfactory appearance to the development.

9. The development shall be carried out in accordance with the fencing, walling and other boundary treatments approved under application reference 18/504493/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

10. The development shall be carried out in accordance with the details of the external meter cupboards, vents, pipes, flues, and guttering approved under application reference 19/502906/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To secure a high standard of design.

11. The development shall be carried out in accordance with the lighting details approved under application reference 18/504413/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: In the interest of residential amenity and safety.

12. The development shall be carried out in accordance with the details of photovoltaic panels approved under application reference 18/504814/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

13. The approved details of the access points as shown on drawing no. A(0)103 RevE under application reference 17/504428/FULL shall be completed before the commencement of the use of the land or buildings hereby permitted and include the provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the accesses with no obstructions over 0.6m above footway level.

Reason: In the interests of road safety.

14. No building hereby permitted shall be occupied until the following off-site highways works have been fully implemented:

Provision of a bus shelter at the northbound bus stop on Sittingbourne Road (to the northeast of no. 1 Sittingbourne Road upon the railway bridge).

Modifications to the existing footway on Union Street due to the new access points.

Reason: In the interests of highway safety and sustainable transport use.

15. No building hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

16. The sustainable drainage scheme shall be implemented, maintained and managed in accordance with the approved details under application reference 19/502904/SUB, or in accordance with any alternative scheme that may be submitted to (and approved in writing by) the local planning authority pursuant to this condition.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

17. The semi-detached and terrace houses hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

18. All planting, seeding and turfing specified in the approved landscape details (drawing nos. TD895_01B (sheet1) & TD895_02B (sheet 2)) approved under application reference 17/504428/FULL shall be carried out either before or in the first season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

19. The approved details of the vehicle parking/turning and cycle parking areas associated with the residential development (including the provision of one disabled parking bay) approved under application reference 17/504428/FULL shall be completed before the commencement of the use of the land or buildings to which they relate and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety and sustainability.

20. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect groundwater resources.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no extension of any residential properties or enlargement of any roofs shall be carried out without the permission of the local planning authority; Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

22. The development hereby permitted shall be carried out in accordance with the approved plans listed on the Drawing Issue Sheet 100 Series, Drawing Issue Sheet 200 Series, and Drawing Issue Sheet 300 received on 07.12.17; and plans TD895, TD895 01B, and TD895 02B received on 24.11.17 approved under application reference 17/504428/FULL and drawing numbers A(0)102 Rev G - Site Plan and A(1)300 Rev D - Block 1 Elevations approved under application reference 19/504494/NMAMD.

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

INFORMATIVES

Case Officer: Adam Reynolds

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.