

REFERENCE NO - 21/501019/FULL	
APPLICATION PROPOSAL Demolition of the existing public house.	
ADDRESS 301 Loose Road Maidstone Kent ME15 9PY	
RECOMMENDATION Approve subject to conditions	
SUMMARY OF REASONS FOR RECOMMENDATION The proposed demolition works can be managed by conditions to ensure that impacts on amenity and congestion are minimized.	
REASON FOR REFERRAL TO COMMITTEE Call in by Cllr Wilby and the works relate to a MBC supported infrastructure project.	
WARD South	APPLICANT Kent County Council AGENT WSP
TARGET DECISION DATE 06/05/21	PUBLICITY EXPIRY DATE 14/04/21
RELEVANT PLANNING HISTORY None	

MAIN REPORT

1. DESCRIPTION OF SITE



- 1.01 The Planning Application Site comprises the Wheatshaf public house, located on the junction of Loose Rd (A229) and Sutton Road (A274). The building has been vacant since late 2019, having been acquired by Kent County Council.
- 1.02 The site comprises a 0.39ha plot which is broadly triangular in shape. The building comprises the former PH and beer garden. The main building is three storeys in height and has been extended over time, with annex and outbuildings. The history and character of the building is considered in Section 6 below.

- 1.03 Surrounding properties are principally residential, with a number of commercial properties along the 'Weatsheaf parade'. Both the immediate townscape setting and environment are dominated by the traffic conditions associated with this busy junction.

2. PROPOSAL

- 2.01 Planning permission is required for the demolition of the building by virtue of Article 4 of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2017, which removes permitted development rights for the demolition of any pub.
- 2.02 Members should note that this Planning Application is only concerned with the demolition of the existing building. Whilst the demolition is proposed in order to enable the the highway improvement scheme to be delivered, the specific details of the proposed new junction scheme are not before the Council for assessment under this application. Those works would be delivered by KCC under permitted development rights (Part 9 of the General Permitted Development Order 2015).
- 2.03 However, in assessing whether any adverse impacts arise from the proposed demolition, Members are able to consider what weight they might afford to the planned infrastructure works that the demolition may subsequently enable.
- 2.04 The planning application is accompanied by the following assessments:
- Demolition Method Statement (DMS), incorporating a noise and vibration assessment.
 - Construction Traffic Management Plan (CTMP)
 - Dust Management Plan (DMP)
 - Preliminary Bat Roost Report
 - Design Site Waste Management Plan
- 2.05 The DMS is an overarching document that covers the processes from site risk assessment, through survey to mitigation measures processes and management processes. Should permission be granted, adherence to the document will be conditioned and, for example, residents would be able to monitor site activity against it.
- 2.06 The DMS assesses the proximity of potentially sensitive receptors and their individual sensitivities. The demolition programme is identified as follows:
- Condition survey of site surrounds, pavement condition, adjacent structures etc
 - Provision of site compound and hoarding
 - Disconnection and isolation of utilities
 - Asbestos survey
 - Soft strip
 - Structure demolition
 - Break out of slabs / foundations
- 2.07 Standard hours of works are stated as 0800 - 1800 Monday to Friday and 0800 - 1300 Saturday, which accords with the Council's guidelines. On Sundays, only 'no noise' activities such as security, survey/monitoring will be permitted.

- 2.08 Traffic access to the site will be managed by banksmen, with advanced pedestrian warning signs surrounding the site. Community liaison and a contacts/complaints process will be put in place.
- 2.09 The DMS incorporates a noise and vibration assessment. Whilst a relatively generic report, it identifies measures to reduce impacts such as:
- Use of mains electricity in favour of generators
 - Use of electrical rather than mechanical equipment
 - Application of silencers where available
 - Equipment not being allowed to idle when not in use
 - Application of 'push-over' rather than pneumatic demolition when possible
- 2.10 The purpose of a CTMP is to set out the measures to manage traffic visiting the site and mitigate their impacts. However, what has been submitted is in effect a 'generic framework' rather than a detailed CTMP. Should planning permission be granted, having regard to the site's location, a condition is recommended that seeks approval of details such as the following, the purpose being to ensure that, for example, vehicles do not route via or wait on residential roads or create obstruction that adds to congestion:
- Vehicles types, timings and frequencies
 - Vehicle routes
 - Booking / waiting strategies
- 2.11 The strategy for managing dust and air quality is set out in the DMP and is based upon a series of measures including:
- Not permitting unnecessary engine running
 - Using LE vehicles and plant
 - Prohibiting on-site burning of materials
 - Cleaning vehicles prior to departure
 - Washing down site fencing / hoarding
 - Managing water run off

3. POLICY AND OTHER CONSIDERATIONS

- 3.01 Relevant policy considerations are set out in:

Maidstone Borough Local Plan 2017

- SS1(11) Spatial Strategy & Infrastructure Schemes
- DM4 Non-Designated Heritage Assets
- DM6 Air Quality
- DM21 Transport Impacts
- Para 4.159 Highway Improvement Schemes

North Loose Neighbourhood Plan 2016

- HWTA 1 Healthy Communities
- HWTA 2 Air Quality
- HWTA 3 Transport Matters
- SD 1 Public Realm Improvements
- BCE 2 Loss of commercial premises

National Planning Policy Framework (NPPF)

- 8a Infrastructure should be coordinated with sustainable growth
- 197 Assessing impacts on non-designated heritage assets

National Planning Practice Guidance (NPPG)

Kent County Council's Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 Five representations were received from local residents. Two neither objected nor supported, but requested measures to reduce impacts, two principally focussed upon the replacement junction rather than demolition work. The relevant points raised included:

- The area already suffers from congestion and air pollution
- Works should not take place in the summer when dust levels will be higher
- Works should not take place at night
- Works should be carried out during school summer holidays to minimise disruption
- This is an iconic building that has been around for almost two hundred years, removing it will destroy a piece of history.
- This is an iconic and historical building. Far too many of Maidstone's old buildings have been destroyed. Please don't allow yet another one to go
- The Wheatsheaf is a meeting place for local people and that will be taken away.
- Without the Wheatsheaf the Hastings Road will be turned into yet another featureless and unmemorable part of Maidstone and finally, instead of trying to reduce the use of cars that cause air pollution and noise, by giving a green light to have the pub destroyed to make space for a larger junction you are actively promoting even more traffic.
- Air quality and noise assessments should accompany this application, demonstrating how the adverse effects of the proposal on properties currently shielded by The Wheatsheaf can be mitigated. There are properties on Loose Road shielded from traffic on Sutton Road and vice versa. The Wheatsheaf acts as a barrier block to these properties.

4.02 Residents raised a number of matters that principally related to the proposed junction design / infrastructure planning strategy rather than this application for demolition and are not material considerations to this assessment.

5. CONSULTATIONS

North Loose Residents Association/Neighbourhood Planning Forum

5.01 Have no comment to make regarding the above application.

KCC Highways

- 5.02 A Construction Traffic Management Plan has been produced to cover demolition works. Any footway or lane closures will need to be agreed, with alternative footway arrangements in place, with clear signage, including temporary signal crossings, if appropriate. Any lane closures will need agreement and ideally take place between 09:30 and 16:00, outside of the normal peak traffic hours. Sign-off on any temporary management plans prior to works completing.
- 5.03 Confirm that provided the following requirements are secured by condition or planning obligation, they would raise no objection on behalf of the local highway authority.
- Submission of a construction management plan.

Environmental Protection Team MIDKENT Environmental Health

- 5.04 Note that both Construction Traffic Management Plans, a General Arrangement Plan, a Site Waste Management Plan and a Demolition Method Statement have been provided in support of this application.
- 5.05 A Dust Management Plan has also been submitted, (ref 70043445-REP-030 dated April 2020). Find no mention in any of the plans of an intention to use dust sheeting around any parts of the building to help control dust, but consider that it would be best practice to do so.
- 5.06 The nearest Air Quality NO₂ diffusion tube monitoring site is Maid 53, which is less than 2m from the site. There are also tube monitoring locations at 196 Loose Rd (Maid 19) and 243 Loose Rd (Maid 56). There is also an Air Quality Monitoring Station with continuous automatic monitoring of Nitrogen Dioxide and Particulate Matter.
- 5.07 The site is within the Maidstone Town Air Quality Management Area and consider that the passive monitoring technique proposed for monitoring dust from the is insufficient. To ensure that the site activities do not cause exceedances of air quality objectives for PM₁₀ & PM_{2.5}, an additional more accurate quantitative & continuous monitoring method for measuring particulate matter should be required by condition. There should be at least 3 boundary monitors (in particular near houses on the eastern boundary since the predominant wind direction is from the West).
- 5.08 It is also important that the Plant & Vehicle Emission Control Procedures set out in the DMP are adhered to, particularly the use of low emission vehicles and plant.
- 5.09 Any demolition or construction activities may have an impact on local residents and so the usual conditions/informatives should apply in this respect. The building being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.
- 5.10 No objection, subject to comments above plus conditions and informatives below.
- Particulate Matter Monitoring
 - No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

KCC Archaeology

- 5.11 The public house is the Wheatsheaf Inn and it is identifiable on the 1st Ed OS map as an inn. The inn may be of Post Medieval or earlier origin and could be of historic and archaeological interest, especially in view of its location at a key junction of routeways. It is not a designated heritage asset but even as a non-designated heritage asset, suitable assessment of the archaeological significance needs to be undertaken, in accordance with paragraph 189 NPPF.

- 5.12 This application is not supported by any assessment of archaeological issues and there is insufficient information on the archaeological significance of the building as a 19th century or earlier inn. On this basis, recommend that this application is not determined until the applicant has provided a suitable understanding of the significance of the building, especially as the proposed harm is complete demolition.
- 5.13 As such I recommend an archaeological buildings assessment is undertaken prior to determination of this application.

6. APPRAISAL

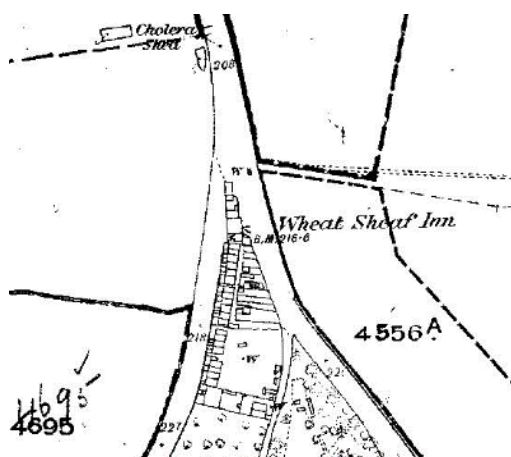
Main Issues

- 6.01 The key issues for consideration relate to:
- Loss of the existing building
 - Heritage considerations
 - Townscape impacts
 - Loss of the commercial use
 - Potential impacts on residential amenity
 - Potential impacts on highway safety
 - Potential ecological impacts

Loss of the Existing Building

Heritage and Townscape Considerations

- 6.02 The existing building was built in 1836, although public records of licensees date back to at least 1786, so it is likely that a form of inn has existed on the site for a considerable period prior the existing building.



1876 – 1895



1880



1936 – 1946



c1950

- 6.03 Despite its age, the building is not listed, nor does it lie within or close to a conservation area. However, having regard to its historical significance, it is considered to be a non-designated heritage asset.
- 6.04 Policy DM4 of the Local Plan requires the relevant tests of the NPPF to be applied. Paragraph 197 of the NPPF states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.05 The test is different to that for designated heritage assets whereby, whilst there is a duty to have regard to the significance of the asset and to undertake a balanced judgement, the duty to specifically assess public benefits is not formally required.
- 6.06 The application is not accompanied by any assessment of heritage issues. Nevertheless there is a clear record of the building and its history. It is clear that the site has a historical significance in terms of being a location of an inn on significant local route / junction and that the presence of the public house has played a significant contribution in the history of the immediate area and has been a local landmark of significance in terms of both its built form and function.
- 6.07 The existing building, although much altered both internally and externally, still retains much of its original form and retains its prominent setting, facing towards the town centre. As identified in the Neighbourhood Plan it is clearly a local landmark experienced by many, even if they were neither regulars nor irregulars of the public house and this must be afforded some weight in terms of its significance in terms of the history of the area and its townscape.



- 6.08 Its significance therefore lies in its historic role and its townscape contribution. However, the fact that the building is much altered, not statutorily listed and does not lie within a conservation area must also bear weight in the assessment process.
- 6.09 Both Paragraph 199 of the NPPF and Policy DM4 of the Local Plan require that where development may involve the loss of a non-designated heritage asset, measures should be taken to ensure that the significance of the asset is recorded, albeit that this in itself should not be justification for its loss.
- 6.10 In the absence of a heritage assessment to accompany the application and the fact that the proposals would lead to the loss of the building and a significant change in the character and function of this junction, should planning permission be granted, it is recommended that, as required by Policy DM4 and paragraph 197 of the NPPF, a condition be imposed requiring a detailed physical, photographic and historical audit of the building and that the findings of this be made available to the local authorities and other interest groups and local archives.
- 6.11 Whilst beyond the scope of this application, Officers would also encourage Committee to ask the Applicant to bring forward, as part of the new highway and landscape works, a scheme for the new landscaping that offers the public a lasting insight into the site's history. This could take the form of local history information boards or public art, using the site's history to inform the hard and soft landscaping scheme.

Archaeology

- 6.12 Having regard to KCC's comments regarding the potential archaeological significance of the site, paragraph 189 of the NPPF states in relation to archaeology that:
- ".....Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*
- 6.13 The applicant was invited to respond, but has not so far, instead seeking to suggest that a pre-commencement evaluation condition be imposed. In this instance with records suggesting that the site may have been the location of an inn significantly pre-dating the present building, having regard to the historical significance of this function in this location, it is considered that an archaeological investigation is warranted.
- 6.14 As this is an application for demolition rather than redevelopment, a condition could be imposed requiring no excavation below slab level prior to such an evaluation and a scheme for further ground investigation being approved. The issue for the LPA is that once the existing non-designated heritage asset is demolished, then the Highway Authority would be able to implement the application as permitted development. As such a prior to commencement condition is suggested.
- 6.15 Members must therefore consider whether a condition would offer sufficient opportunity to assess and record / preserve the archaeological potential of the site.

Land Use

- 6.16 The Local Plan does not afford protection to a commercial or community use in this location. The site does not form part of a designated centre or parade where the loss of such a use triggers a policy consideration.
- 6.17 Whilst the Neighbourhood Plan identifies the site and the parade to the south as a local centre, Policy BCE 2 is entitled changes of use and does not specifically refer to

public houses. As such it is not considered that it affords protection to the existing use.

Residential Amenity

- 6.18 Whilst traffic conditions dominate the environmental conditions of the site, demolition processes have the potential to impact upon residential amenity through factors such as noise from demolition works and traffic, dust and associated air quality impacts.
- 6.19 The Applicant has submitted various reports to demonstrate how they would seek to manage impacts on residential amenity by managing the impacts of the demolition process and associated activities on, for example, noise and air quality. These are broadly acceptable, but as they are relatively high level 'framework' reports surrounding residents may require further detail. However, as these measures are controlled under the Noise and Control of Pollution Act, and as the Applicant is KCC, it is considered that an informative highlighting the further detail to be brought forward would be acceptable.

Highways

- 6.20 KCC Highways raise no objection to the principle of the demolition works in terms of highway safety.
- 6.21 As the Applicant is the Highway Authority, they clearly have a parallel duty to ensure that any impact from the works is managed accordingly. As such the proposals comply with Policies DM21 and HWTA 3.

Ecology

- 6.22 As a bat survey identified evidence of potential roosts within the structure, a condition is proposed requiring further assessment of the site prior to the commencement of works.

PUBLIC SECTOR EQUALITY DUTY

- 6.23 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 From the above assessment, it is considered that the existing building is a non-designated heritage asset, the loss of which would be considered to be harmful. The LPA has afforded material weight to this in the overall assessment process. Unlike a designated asset, there is no formal 'public benefit' test, however, this harm should be weighed against other matters.
- 7.02 The delivery of highway infrastructure to support growth as part of the present Local Plan is a key requirement as set out in 4.159 of the Local Plan. It is also a key element of the Council's Strategic Plan and the County Council's Local Transport Plan.

- 7.03 The delivery of infrastructure will not only support growth, but also address the local impacts of congestion and air quality. Improvements to air quality in this location should be afforded significant weight and is supported by policies DM6 and HWTA 2.
- 7.04 On balance, whilst the loss of this non-designated heritage asset is regrettable, the benefits that would be enable by the scheme are considered to outweigh that harm.

8. 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) Prior to commencement of any development works, a scheme for at least 3 automatic continuous monitors for measuring particulate matter outside the perimeter of the demolition site, should be submitted for approval by the local planning authority. The plans must specify the types of monitoring equipment to be used.

Reason: To ensure that the air quality impacts of the demolition processes are monitored and allow for agile mitigation measures.

- 3) The developer shall arrange for 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. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the local planning authority;

Reason: To enable the recording of any items of historical or archaeological interest.

- 4) Within 6 months of the completion of the demolition works hereby approved a final report detailing all archaeological results and finds resulting from the approved scheme of archaeological work shall be submitted to and approved by the Local Planning Authority. The report shall include a full photographic archive of the building and any finds to a level 1 recording standard as specified in Historic England's publication 'Understanding Historic Buildings: A Guide to Good Recording Practice 2016'. Copies shall be made available to the Local Planning Authority for inclusion in the Historic Environment Record. In addition, the record shall include acceptable quality reproductions of all available photographic and documented historic images of the site.

Reason: To ensure that the heritage benefits associated with archiving the building's history are secured.

- 5) The works shall be carried in accordance with the following submitted reports:

Demolition Method Statement (DMS), incorporating a noise and vibration assessment.

Construction Traffic Management Plan (CTMP)

Dust Management Plan (DMP)

Preliminary Bat Roost Report

Design Site Waste Management Plan

Reason: To ensure that the amenity of surrounding occupiers is safeguarded and to ensure that the safety of users of the adjacent highway are protected.

INFORMATIVES

- 1) When designing the new public realm associated with the junction scheme, the Applicant is encouraged to develop a scheme which offers appreciation of the site's history.

Case Officer: Austin Mackie