

REPORT SUMMARY

REFERENCE NO - 16/507398/FULL			
APPLICATION PROPOSAL Relocation of steps.			
ADDRESS Scotney Gardens St Peters Street Maidstone Kent			
RECOMMENDATION Approve subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed replacement steps are not dissimilar to the existing steps currently at the site. The proposals are considered to be compatible with requirements set out in the Maidstone Borough-Wide Local Plan and the government guidance in the NPPF. The replacement steps will not have any significant adverse impact on The Riverside Zone of Special Townscape Importance and the setting of the nearby industrial units, the Scotney Gardens development or the Medway River. Kent Highways and Environment and Transport Services raise no objection on grounds of pedestrian safety and flooding.			
REASON FOR REFERRAL TO COMMITTEE Maidstone Borough Council is the Applicant			
WARD Bridge	PARISH/TOWN COUNCIL		APPLICANT Mr John Foster AGENT Mr Ian Upton
DECISION DUE DATE 12/12/16	PUBLICITY EXPIRY DATE 17/11/2017	OFFICER SITE VISIT DATE 27/10/2016	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None			
<i>Summarise Reasons</i>			
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site are the steps at the northern flank of Riverside Walkway, located immediately to the north east of the amenity space at the rear of the development known as Scotney Gardens. The steps links Riverside Walk to Public Rights of Way (KMX15 footpath), which runs along the northern boundary of the Scotney Gardens development. The site is within the Maidstone Town Centre boundary as defined on the Maidstone Borough Wide local plan (2000).
- 1.02 The steps forms part of the Riverside Walkway and links the walkway to St Peters Street. The site has Maidstone Industrial Centre to its north western boundary and the Scotney Gardens development to its south western boundary. The Riverside Walkway is set along the western banks of the Medway River, stretching from the rear of St Peters Wharf Retail Park to the south eastern corner of the Maidstone Industrial Centre Building.

2.0 PROPOSAL

- 2.01 The application proposes to relocate the existing steps at the end of Riverside Walk to allow the extension of Riverside Walkway. The proposed replacement steps would have a 300mm tread width and a 170mm rise to match existing, incorporating a retaining wall and matching paving handrails. It would be constructed with concrete and have inserts to make the nosing more apparent.
- 2.02 The information submitted in support of this application states that the applicant is Maidstone Borough Council (MBC). The supporting information further states that the new steps would comply with requirements of a 'general access stair', with continuous handrails on each side. Materials to be used in the construction would be concrete, stone and painted steel balustrade to match existing.

3.0 PLANNING CONSTRAINTS

- 3.01 The Riverside Walkway forms part of the Riverside Zone of Special Townscape Importance and identified in the Maidstone Borough Wide Local Plan as an important element of Maidstone Town Centre. Consequently, the criteria set for developments in this area focuses on aspects of detailed design considered to be important in achieving a high quality riverside environment. The site also falls within flood zone 2 and 3.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) Paragraph 21,64 and 69
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Borough Wide Local Plan Policy ENV7 and ENV37

6.0 LOCAL REPRESENTATIONS

- 6.01 The owners/occupiers, owners and users of neighbouring commercial premises were notified of the application by letter and a site notice displayed. No response supporting or objecting to the application was received by the Local Planning Authority.

7.0 CONSULTATIONS

- 7.01 **KCC Highways and Transportation;** Raises no objection to this application and comments that "this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements".
- 7.02 **KCC Growth, Environment and Transport Services;** Raises no objection to the application and comments that Public Rights of Way KMX15 footpath runs outside the northern boundary of the site and should not affect the application. It recommends an informative relating to the applicants responsibility to ensure that the Public Right of Way is not stopped, diverted, obstructed (this includes any building materials or waste generated during any 2 of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The application is supported by the following drawing/documents;
- Design and Access Statement
 - Risk Assessment
 - Management Systems Plan
 - Drawing number 4 Site Location Plan
 - Drawing number 5 Block Plan Existing
 - Drawing number 6 Block Plan Proposed
 - Drawing number 7 Plans Existing
 - Drawing number 8 Sections Existing
 - Drawing number 9 Plans Phase 1
 - Drawing number 10 Sections Phase 1
 - Drawing number 11 Plans Phase 2
 - Drawing number 12 Sections Phase 2

9.0 APPRAISAL

Principle of Development

- 9.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises The Maidstone Borough-Wide Local Plan (2000).
- 9.02 Policy ENV7 of the local plan states that within the Riverside Zone of Special Townscape Importance, development would not be permitted unless it enhances the quality of the Riverside and pays particular regards to the relationship with the river and other riverside developments, with a particular focus on achieving a high standard of design.
- 9.03 Policy ENV37 states that a development which would harm the character, nature conservation, archaeological and recreational importance of watercourses and corridors will not be permitted.
- 9.04 Government guidance in the National Planning Policy Framework NPPF (Para 21) encourages Local Planning Authorities to support sustainable economic growth by identifying priority areas for economic regeneration, infrastructure provision and environmental enhancement. Paragraph 56 of the NPPF attaches great importance to the design of the built environment, emphasising that good design which is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.
- 9.05 Paragraph 69 of the NPPF emphasises the need for safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas. The NPPF further states that (para 64) permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.06 The principle underpinning the proposed relocation of the steps at this site (Riverside Walkway) is consistent with government guidance and the Maidstone Borough-Wide Local Plan policies listed above. The extension of Riverside Walkway will further enhance the recreational potential of this location and improve the visual appearance

along this section of the Medway River, within the Riverside Zone of Special Townscape Importance.

Visual Impact

- 9.07 The key issue for consideration is the impact of the development proposed on the setting of the river and the Riverside Zone of Special Townscape Importance. The scale, height and appearance of the replacement steps proposed which would involve erection of a retaining wall and paving handrails to match existing handrails is acceptable in the context of the location. In terms of design, the steps proposed replicates the existing set of steps on the site and would not be considered to have a harmful impact on the character and appearance of the vicinity. Overall, the replacement steps and railings are of similar appearance to existing and apart from the change in orientation, there would be no significant harm to the setting of the river and neighbouring residential and commercial properties.

Residential Amenity

- 9.08 The type of development proposed and its location is not considered to give rise to any significant concerns around residential amenity issues. The proposal would enhance pedestrian movement along the River and improve the visual appearance of the locality. It would also enhance the recreational potential and public patronage of the water front.

Accessibility

- 9.09 The scheme has been designed to improve pedestrian movement along Riverside Walk and links the existing public footpath to St Peters street. Kent Highways does not raise any overriding concerns in relation to design limitations of the replacement steps proposed that might compromise pedestrian safety. The new steps complies with 'general access requirements', and would have a continues rail on each side, which represents an improved design when compared with the existing stairs on the site. Consequently, the replacement steps are considered to be acceptable in terms of accessibility.

9.10 Flooding

The work proposed does not affect the existing river wall, any existing drains or drainage routes or areas of permeable surfaces and would not increase the risk of flooding.

10.0 CONCLUSION

- 10.01 The proposed replacement steps is not dissimilar to the existing one currently at the site. In planning policy terms, the proposal is considered to be compatible with requirements set out in the Maidstone Borough-Wide Local Plan and the government guidance in the NPPF. The replacement stairs will not have any significant adverse impact on The Riverside Zone of Special Townscape Importance, the setting of nearby dwellings, industrial units or the Medway River. Kent Highways and Environment and Transport Services raise no objection on grounds of pedestrian safety and flooding. It is recommended that planning permission be granted for the proposal subject to planning conditions.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

(1) The work 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 external surfacing materials to be used on the work hereby permitted shall match the respective external surfacing materials used on the existing steps;

Reason: To ensure a satisfactory appearance to the work proposed.

(3) The work hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans, drawing numbers received 17.10.16;

- Drawing number 6 Block Plan Proposed
- Drawing number 9 Plans Phase 1
- Drawing number 10 Sections Phase 1
- Drawing number 11 Plans Phase 2
- Drawing number 12 Sections Phase 2

Reason: To ensure the quality of the work is maintained and to prevent harm to the setting of the Medway River and residential amenity of neighbouring occupiers.

INFORMATIVES

The granting of planning permission confers no other permission or consent on the applicant. No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Waste

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

NOTE TO APPLICANT: In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to

Planning Committee Report
12 January 2017

development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering pre-application advice, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance, the application was acceptable as submitted and no further assistance was required. The application was approved without delay; and the application was considered by the planning committee where applicant/agent has the opportunity to speak to the committee and promote the application.

Case Officer: Francis Amekor

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.