

## REPORT SUMMARY

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| <b>REFERENCE NO:</b> - 22/504023/LBC                                                                                                                                                                                                                                                                                                                               |                                     |                                                      |
| <b>APPLICATION PROPOSAL:</b><br>Listed Building Consent for installation of a communication cable through the spire vents.                                                                                                                                                                                                                                         |                                     |                                                      |
| <b>ADDRESS:</b> Maidstone Cemetery Chapel, Sutton Road Maidstone Kent ME15 9AF                                                                                                                                                                                                                                                                                     |                                     |                                                      |
| <b>RECOMMENDATION:</b> GRANT – Subject to conditions set out in Section 8.0 of the report                                                                                                                                                                                                                                                                          |                                     |                                                      |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION:</b><br>For the reasons set out in this report, it is considered that the proposed installation of a communication cable through the spire vents would be acceptable and would not cause significant harm to the listed building. The proposed works are considered to be in accordance with current policy and guidance. |                                     |                                                      |
| <b>REASON FOR REFERRAL TO COMMITTEE:</b><br>The application is a Maidstone Borough Council submission and therefore needs to be reported to the Planning Committee.                                                                                                                                                                                                |                                     |                                                      |
| <b>WARD:</b><br>Shepway North                                                                                                                                                                                                                                                                                                                                      | <b>PARISH/TOWN COUNCIL:</b>         | <b>APPLICANT:</b> Miss Sharon Smith<br><b>AGENT:</b> |
| <b>CASE OFFICER:</b><br>Chloe Berkhauser-Smith                                                                                                                                                                                                                                                                                                                     | <b>VALIDATION DATE:</b><br>28/10/22 | <b>DECISION DUE DATE:</b><br>27/01/23                |
| <b>ADVERTISED AS A DEPARTURE:</b> NO                                                                                                                                                                                                                                                                                                                               |                                     |                                                      |

### Relevant Planning History

No relevant planning history.

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

- 1.01 The application relates to a Grade II listed Chapel located within the urban settlement boundary, south of the town centre.
- 1.02 The chapel is within the cemetery and has recently been refurbished to allow the chapel to be used by the public again.
- 1.03 The chapel is a striking, Victorian building, with all the proportions and details expected of a building of this type.
- 1.04 The Chapel, by Peck & Stephens, was erected in 1858 in the Gothic style, constructed of stone under a tiled roof with a tower and spire on the Northwest corner. The walls are a Polygonal Kent Ragstone with quoins, dressing and spire in an oolitic limestone. The windows have ornate tracery and the whole building is adorned with fine carving in the decorated style

#### 2. PROPOSAL

- 2.01 The application is for Listed Building Consent for the installation of a communication cable through the spire vents. The cable would allow internet access to offer music, visual tributes and webcasts to families who use funeral services at Maidstone Cemetery.

### **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031): DM4, SP18  
Maidstone Borough Council – Local Plan Review, draft plan for submission  
(Regulation 22): LPRSP15, LPRENV1  
The National Planning Policy Framework (NPPF): Section 16  
National Planning Practice Guidance (NPPG):

### **4. LOCAL REPRESENTATIONS**

- No comments or objections received.

### **5. CONSULTATIONS**

MBC Conservation Officer

- 5.01 No objection to this application on heritage grounds and recommend approval.

### **6. APPRAISAL**

The key issue is the impact on the setting and appearance of the Grade II Listed building

- 6.01 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy DM 4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets.
- 6.02 Policy DM 4 requires that the relevant tests in the National Planning Policy Framework are applied when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting. It requires applicants to ensure that new development affecting heritage assets conserves, and where possible enhances, the significance of the heritage asset. It points out in paragraph 6.30 that small scale changes over time can erode the special character of places such as listed buildings. Policy DM4 requires a proportionate Heritage Assessment which takes account of the significance of the asset and the impact on the identified significance. Paragraph 6.33 also advises that regard will be given to paragraphs 131 to 135 of the NPPF.
- 6.03 Policy SP18 of the local plan requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings.
- 6.04 Chapter 16, Paragraph 189 of the NPPF states that heritage assets “are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.
- 6.05 Paragraph 199 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”. It states that this is irrespective of the degree of harm amounting from any proposal.
- 6.06 The proposed cable would be visible on the approach to the church and would result in less than substantial harm to the setting of the listed building. In line with the NPPF the public benefit of the proposal needs to be balanced against the harm. The

proposed installation of a communication cable through the spire vents would allow for internet access to offer music, visual tributes and webcasts to families who have a funeral at Maidstone Cemetery. It is considered to be the most appropriate and least harmful method of providing this service.

- 6.07 It is therefore considered that the public benefits would outweigh any harm to the setting as it would enable the chapel to improve its function.. It is also noted that the conservation officer does not object and there would be no loss of important historic fabric.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.08 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 For the reasons outlined above, it is not considered there would be significant harm to the appearance and setting of the listed building. The proposal is therefore considered to comply with local and national planning policies and is recommended for approval.

#### **8. RECOMMENDATION**

##### **GRANT planning permission subject to the following conditions**

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

#### CONDITIONS:

- 1) The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form - Received 15/08/2022

Site Plan - Received 15/08/2022

Outhouse Elevations - Received 15/08/2022

Front and Side Elevations - Received 03/10/2022

Rear and Side Elevations - Received 03/10/2022

Site Location Plan - Received 28/10/2022

Reason: To clarify which plans have been approved.

Planning Committee Report  
19<sup>th</sup> January 2023

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