

**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/504311/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of an open walkway linked extension. Conversion of an existing agricultural building into a café and florists.		
<b>ADDRESS:</b> Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, ME14 5LG		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• The site is in the Maidstone urban area which the local plan says is the focus for new development.</li> <li>• The character and appearance of the proposed works are acceptable in design and appearance and represent new facilities and improvements to this important facility.</li> <li>• The proposal is acceptable in relation to residential amenity and highways impacts.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The applicant is Maidstone Borough Council.		
<b>WARD:</b> Boxley	<b>PARISH COUNCIL:</b> Boxley	<b>APPLICANT:</b> Maidstone Borough Council <b>AGENT:</b> GDM Architects
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 04/10/23	<b>DECISION DUE DATE:</b> 26/07/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant planning history**

- The application site has an extensive planning history, but nothing relevant to the current application.

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The application site is in the Maidstone urban area. As well the built facilities on site linked to the crematorium, there are well maintained garden areas with pedestrian paths and woodland.
- 1.02 An existing disused agricultural building (gardener's storage) building lies within woodland to the northwest of the crematorium with the building in the ancient woodland buffer zone. Directly accessed via an existing tarmac path from the front of the site. The building is constructed from local ragstone under a slate roof with timber doors and cladding and has wide forecourt yard to its front (south).

**2.0 PROPOSAL**

- 2.01 There are three elements to the proposal and elements are described in turn below:
  - a) open walkway linked extension.
- 2.02 The floral cloisters are a 'U' shaped partially open building to the south of the committal service cluster. Constructed in 1997 they are predominantly brick, under a timber apex roof with slatted ceiling and open eaves. The floor finish is a mixture of brick and concrete.
- 2.03 The existing building design results in visitors being exposed to the sun/rain and wind when leaving the cloisters. An aim of the current application is to provide shelter from the elements by connecting the buildings.

b) conversion of existing agricultural building to a café and florists.

2.04 The agricultural building converted to a cafe and a florist will be used in connection with the crematorium and for use by visitors to the site. The florist would occupy the eastern end of the building and the cafe the western end of the building with both uses provided with separate entrances.

c) soft and hard landscaping to facilitate the development.

2.05 New pedestrian pathways are proposed to link the café and florist to the gardens and chapel cluster and to provide level access and connection to existing paths.

2.06 A tarmac access from the front of the site to the yard and outbuilding is to be retained. Openings in the hedge for gardeners to access the yard from the memorial gardens and buildings are to be widened to create a focal point. The existing yard is to be resurfaced in a permeable finish.

2.07 Other works to improve the general operation of the site include additional seating, refurbishment of the existing pond. The existing concrete slabs will be removed, and a raised courtyard deck built to enable water to drain naturally.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

#### Maidstone Borough Local Plan Review (2024)

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. Strategic level legal challenges were made to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Maidstone Borough Local Plan 2017 policies are therefore now superseded. The relevant LPR policies are as follows:

Policy LPRSS1- Maidstone Borough Spatial Strategy

Policy LPRSP15- Principles of Good Design

Policy LPRSP11 - Economic Development

Policy LPRSP14(A) - Natural Environment

Policy LPRQD 2 - External lighting

Policy LPRTRA4 – Parking

Policy LPRTRA2 - Assessing the Transport Impacts of Development

#### The National Planning Policy Framework (2023):

Section 2 – Achieving sustainable development.

Section 4 – Decision making.

Section 12 – Achieving well designed places.

#### National Planning Practice Guidance (NPPG):

### **4.0 LOCAL REPRESENTATIONS**

#### Local residents

4.01 No representations were received.

#### Boxley Parish Council

4.02 No objection

### **5.0 CONSULTATIONS**

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where necessary)

#### Forestry Commission

5.1 No objection (standing advice)

#### KCC Highways

5.2 No objection (outside consultation protocol).

5.3 MidKent Environmental Health  
No objection.

5.4 Natural England  
No objection.

5.5 MBC Tree Officer  
No objection.

5.6 KCC Ecology  
No objection

## 6.0 APPRAISAL

- 6.01 The key issues are:
- Site location
  - Character and appearance
  - Residential amenity
  - Highways

### Site location

6.02 The site is in the Maidstone urban area. Policy LPRSS1 states "...Maidstone urban area will be the principal focus for development in the borough. Best use will be made of available sites within the urban area".

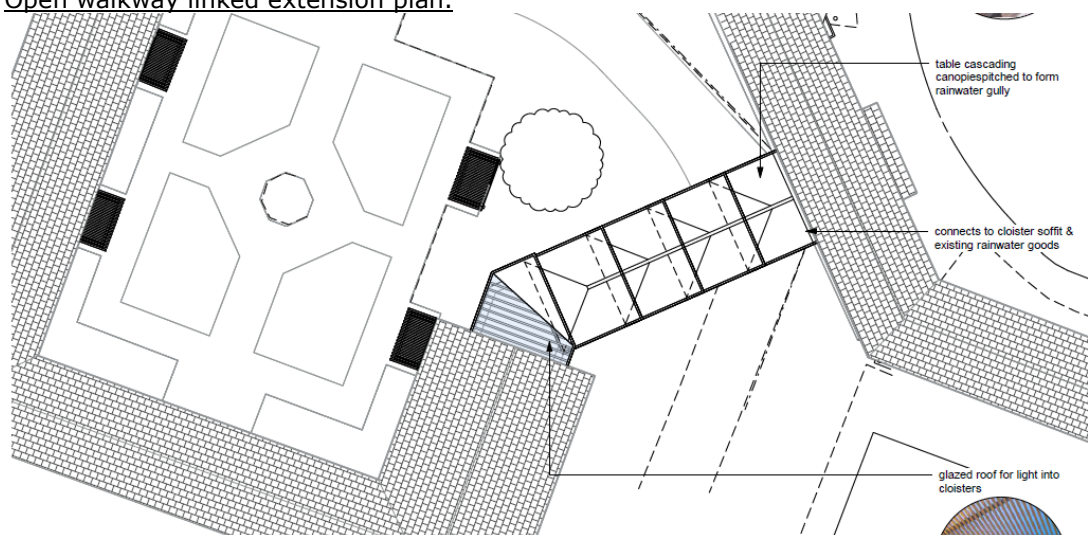
### Character and appearance

6.03 Policy SP15 states that development must "Respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage". Each element of the proposal will be assessed individually

a) open walkway linked extension.

6.04 The application would 'cover' the memorial cloisters to provide shelter for visitors. The below image is used to demonstrate this.

Open walkway linked extension plan.



6.05 The design is contemporary, but in keeping with nearby buildings. A planning condition is recommended requiring the applicant to submit material details to ensure quality construction. The application also proposes the remodelling of the courtyard area and improvements to seating, pond refurbishment and a raised courtyard deck.

b) conversion of existing agricultural building to a café and florists.

- 6.06 The existing Kentish ragstone building structure is retained, including an interior stone wall separating interior areas and uses.
- 6.07 The timber doors will be replaced with dark powder coated aluminium double-glazed doors with timber louvre slat screening to provide shade from the midday sun for visitors. The character of the existing horizontal timber cladding would be retained but reapplied vertically. The existing failed black UPVC rainwater goods are replaced with cast iron style UPVC rainwater goods.
- 6.08 The existing compacted earth forecourt/yard will provide outside seating for the café. The area will have a non-slip permeable surface for outside seating and accessibility.
- 6.09 The storage building is within ancient woodland buffer zone and approximately 5m from the ancient woodland itself. Following the submission of additional information and revised tree assessments the MBC tree officer has no objection to the application making the following comments:
- Only two tree removals are required, a Holly and a section of Leylandii hedge. These are justified.
  - No mature trees in the woodland edge are to be removed, instead, appropriate branch removal is required, not affecting materially the ancient woodland.
  - Clear from the submitted information that the works are to be carried out with tree protection in mind.
  - Works need to proceed in accordance with the submitted information with agricultural supervision during works.
- 6.10 Conditions are recommended to require works to only proceed in accordance with the submitted details including tree protection measures.

c) soft and hard landscaping to facilitate the development.

- 6.11 The pond and courtyard deck are the most significant alterations. The 13 sqm pond is raised at 450mm and enclosed by a brick plinth with planters on each corner. The corner planters provide a natural frame within which there is potential to place slatted seating. The surrounding failing brickwork may be remedied by white painted render.
- 6.12 The horizontal plane of the pond provides no vertical centerpiece as a focal point and a sculptural water feature installation may also provide a screen between the floral tribute cloisters and the exit from the chapel, buffering one funeral party from the next.
- 6.13 The drainage from rainwater goods is shallow and prone to overflowing. Furthermore, by nature of design, the courtyard forms a box with approximately 100mm upstand all round which retains the water when it floods. It is proposed to remove the existing concrete slabs, excavate and replace with a shingle bed through which the water may drain, installing a raised deck to meet the existing cloisters level, allowing the water to naturally flood below.
- 6.14 In terms of the alterations to the hardstanding. These areas are of their time and feature significant portions of hard surfaces which are visually poor and cause issues during poor weather including inadequate drainage. The redesign with soft landscaping would represent a significant improvement visually and ecologically over the existing arrangements.

**Residential amenity**

- 6.15 There are no residential dwellings within the vicinity of the development.

**Highways**

- 6.16 The development would be used by existing visitors to the site. It is concluded that the development would not cause any highways harm.

### **Biodiversity net gain and ecology**

- 6.17 Unless in the list of specified exemptions, biodiversity net gain is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).
- 6.18 The current planning application is a non-major application but was made before the commencement date of the 2 April 2024. The development is as a result exempt from statutory biodiversity net gain requirements. A planning condition is recommended seeking ecological enhancements which is a separate requirement.
- 6.19 The potential impact of the development on bats has been assessed following a consultation response. With the nature of the works, it is concluded that the works will not impact upon bats or other protected species.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.20 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.

### **CONCLUSION**

- 6.21 The site is in the Maidstone urban area which the local plan says is the focus for new development. The character and appearance of the proposed works are acceptable in design and appearance and represent new facilities and improvements to this important facility. The proposal is acceptable in relation to residential amenity and highways impacts.

### **8.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions , with delegated powers to the Head of Development Management 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.**

- 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) The development shall be carried out in accordance with the following plans and documents:  
4012/P002 Existing and Proposed Block Plan  
4012/P102 Existing Roof Plan  
4012/P103 Proposed Roof Plan  
4012/P200 Existing South and North Elevations  
4012/P201 Proposed South and North Elevations  
4012/P300 Section A-A and B-B  
4012/P400 3D View  
Design and Access Statement Inc Tree Survey  
230852-P-10 Rev A Plan  
Flood Risk Assessment  
P001 Site Location Plan  
4012/P050 Outbuilding Existing Plan and Elevations,  
4012/P051 Outbuilding Proposed Plan and Elevations  
4012/P100 Existing Ground Floor Plan  
4012/P101 Proposed Ground Floor Plan  
BNG Feasibility Report  
Preliminary Ecological Assessment  
Tree Schedule, 230852-P-10 Rev A, Tree Survey Plan 230852-PD-11 and Arboricultural Impact Assessment.  
Reason: To ensure the development is carried out to an acceptable visual standard.7
- 3) The development hereby approved shall not commence above ground level until, written details and samples of the materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.  
Reason: To ensure a satisfactory appearance to the development.

- 4) The converted agricultural building shall be used for Class E.(a) (display or retail sale of goods) and (b) (sale of food and drink on the premises) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).  
Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 5) The development hereby approved shall not be brought into use until details for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the building structure by means such as swift bricks, bat tube or bricks as well as enhancements around the site such as bird boxes and insect habitats.  
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 6) No development including site clearance shall take place until tree protection is in place for all trees both within the red line application site boundary, and within falling distance of the red line application site boundary. The tree protection shall be in accordance with BS 5837 and maintained until all equipment, machinery and any surplus materials have been removed from the site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. All construction activities, tree protection, access facilitation pruning and pre-emptive root pruning shall be carried out in accordance with the approved recommendations of the submitted tree protection details contained within document 230852-PD-11 (Arboricultural Impact Assessment) 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
- 7) The development hereby approved shall not commence above ground level until a hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall:  
(a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012)  
(b) show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,  
(c) provide details of new on-site planting in a planting specification (location, spacing, species, quantity, maturity).  
(d) provide landscape implementation details and timetable  
(e) provide a [5] year landscape management plan  
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 8) All planting, seeding, turfing or other landscaping specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the first occupation of the property, are removed, 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.  
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.