

**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/504311/FULL		
<b>APPLICATION PROPOSAL:</b> Conversion of an existing storage building into a Café and Florists. Erection of an open walkway linked extension .		
<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> The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application is made by Maidstone Borough Council. To ensure public scrutiny, the application is referred to planning committee for a decision.		
<b>WARD:</b> Boxley	<b>PARISH/TOWN 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> 27/09/2024
<b>ADVERTISED AS A DEPARTURE:</b> No		

**MAIN REPORT**

**1. APPRAISAL**

1.01 The application was reported to planning committee on 18/07/2024 with an officer recommendation for approval and the original report is attached as an appendix. The agreed reasons for the deferral of a decision were as follows:

- a) Amend the title of the application from “agricultural building” to “storage building”.
- b) Seek further information about the ancient woodland in the 15 metre ~~five meter~~ buffer zone from the storage building.

1.02 The matters raised in the reasons for deferral are considered in turn below:

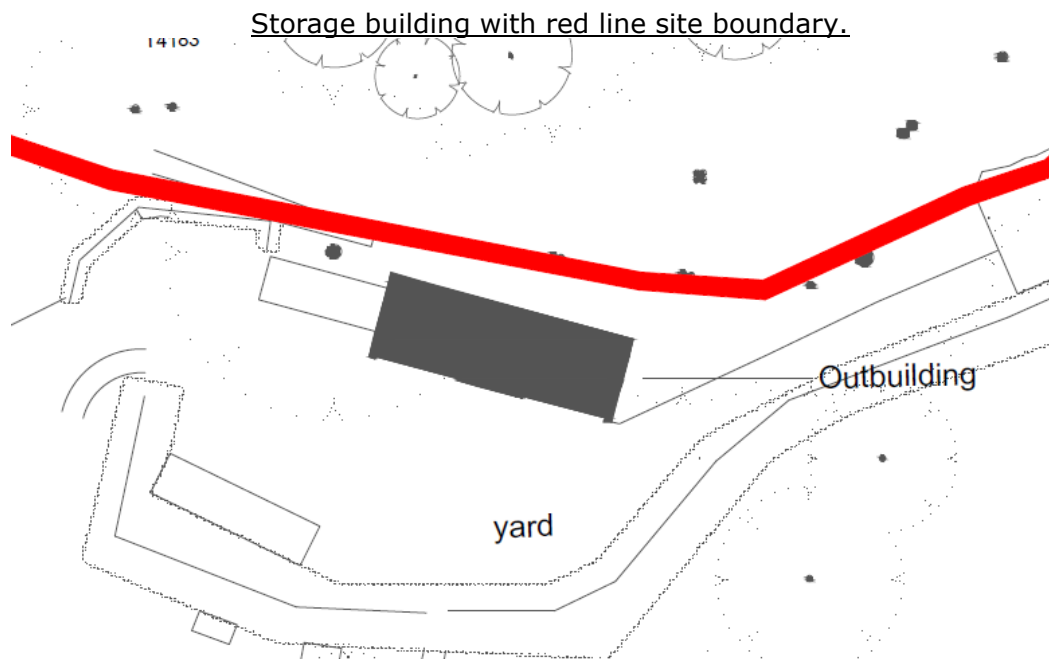
**a) Amendment from “agricultural building” to “storage building”.**

1.03 The description of development has been amended as follows:

*“Conversion of an existing storage building into a Café and Florists. Erection of an open walkway linked extension”.*

**b) Further information on potential ancient woodland impact, with the existing storage building located in the 15 metre buffer zone.**

1.04 The existing storage building is within the 'Natural England' 15 metre ancient woodland buffer zone and approximately 2.5 metres from the ancient woodland boundary itself. The image below shows the existing outbuilding to be converted to a café and florist and the red line application site boundary which is also the extent of the ancient woodland designation.



1.05 Government guidance on development in or adjacent ancient woodland states that decision making should consider:

- conserving and enhancing biodiversity
- avoiding and reducing the level of impact of the proposed development on ancient woodland and ancient and veteran trees

1.06 Government guidance advises that direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understorey (all the vegetation under the taller trees)
- damaging or compacting soil
- damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland
- increasing levels of air and light pollution, noise and vibration
- changing the water table or drainage
- damaging archaeological features or heritage assets
- changing the woodland ecosystem by removing the woodland edge or thinning trees - causing greater wind damage and soil loss

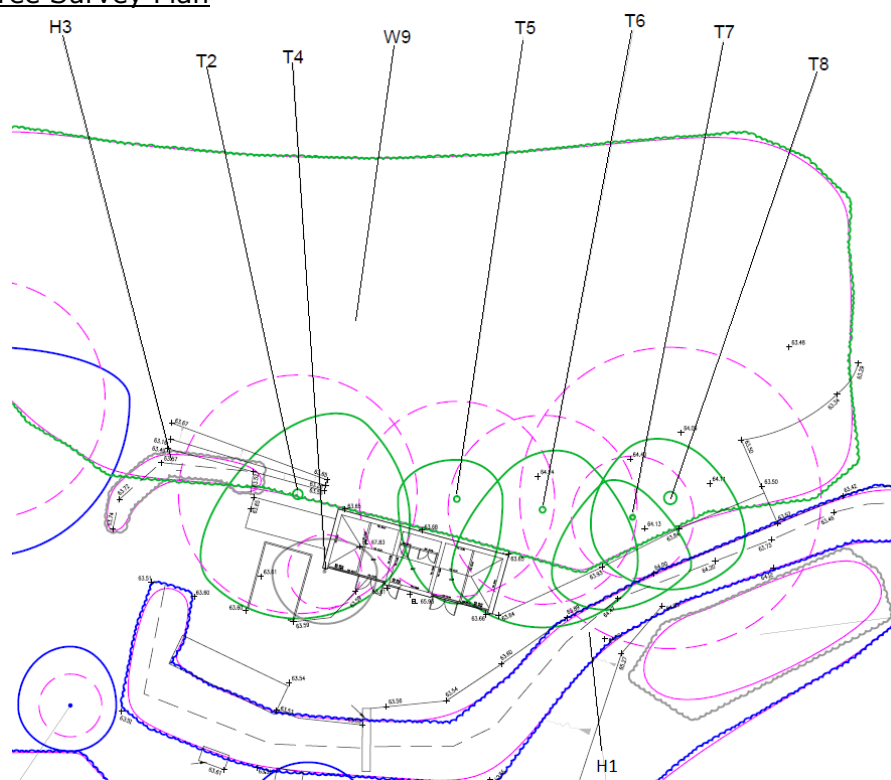
1.07 Government guidance also advises that indirect effects of development can also cause the loss or deterioration of ancient woodland, ancient and veteran trees by:

- breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species, such as bats or wood-decay insects

- reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species
- reducing the resilience of the woodland or trees and making them more vulnerable to change
- increasing the amount of dust, light, water, air and soil pollution
- increasing disturbance to wildlife, such as noise from additional people and traffic
- increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas
- increasing damaging activities like fly-tipping and the impact of domestic pets
- increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration. changing the landscape character of the area.

1.08 Local Plan Review policy LPRSP14 (A) states that new development will be expected to protect positive landscape character including areas of ancient woodland, veteran trees and trees with significant amenity value. The NPPF advises that ancient woodland is an irreplaceable habitat. The greatest value is the ancient woodland soil composition and structure.

Tree Survey Plan



1.09 Generally, in most cases the assessment of potential impact on ancient woodland relates to new built development. In the current application the building is currently present in the ancient woodland buffer zone. As the building is existing, the current application needs to consider the potential impact from the change in the use of the building including the greater intensity in the building use.

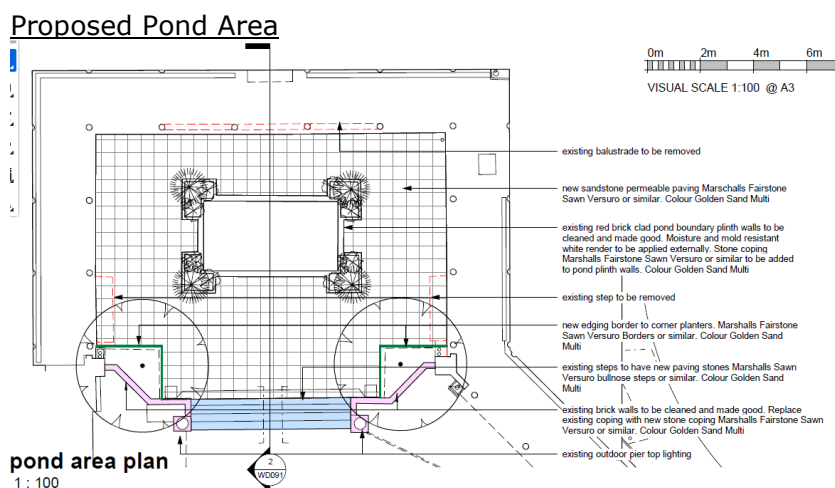
1.10 Almost all the area to the front and sides of the existing building is currently hard surfaced/significantly compacted. The wider area around the storage building is currently a 'working' area and has a storage container, parked vehicles, pallets, and other paraphernalia discarded/stored in the area. There would be vibrations, noise, and light pollution currently from the existing uses.

- 1.11 The application would encourage a greater number of visitors to the crematorium to go to the application building which is in the ancient woodland buffer zone. Concerns were raised during the committee meeting that future users of the café and florist building would go into the ancient woodland, with the resulting impact through soil compaction and the unique ecology of the ancient woodland.
- 1.12 The future visitors to the café and florist use are likely to be visitors to the crematorium, and the proposed uses would be unlikely to attract significant amounts of 'new' visitors to the site. It is highlighted that there are existing memorials (approximately 20 metres to the west of the application building) which also attract visitors to the ancient woodland buffer zone. These memorials do not appear to result in visitors straying into the designated ancient woodland.
- 1.13 The potential to use new planting to restrict access to the ancient woodland has been investigated. The location is constrained in terms of space available and therefore it is not thought possible to establish additional soft landscaping to prevent access. Condition 7 does require native planting (shade adaptable plants such as Holly) to be located behind the application building.
- 1.14 Accepting there would be some decline during the winter months, the ancient woodland in this location is very dense. Whilst access is not impossible it is very difficult, with only one "obvious" access point to the west of the building.
- 1.15 It is recommended that condition 7 is amended. The amendment would require the applicant to submit details of post and wire fencing tightly around the outside spaces of the café/florists building to restrict ancient woodland access. Other conditions are recommended to require works to only proceed in accordance with the submitted details including tree protection measures.
- 1.16 In terms of the alterations to the hardstanding. These areas are of their time and feature significant portions of hard surfacing with poor permeability which are visually poor and cause issues during poor weather including inadequate drainage. The existing hard standing is to be replaced with permeable sandstone paving and planters will be installed around the area. These alterations will not result in any visual harm
- 1.17 New footpaths will provide access to the converted storage building, these will lead off existing paths and 'start' approximately 25 metres south west of the storage building. With the requirement in condition 7 to ensure that the footpath construction does not impact on tree roots in the 15 metre buffer zone it is concluded that these footpaths would not cause harm, visual or otherwise.
- 1.18 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.
- 1.19 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.

- 1.20 As detailed above, there would be some works to some of the trees to the north of the building, which are currently extending over the building. The trees are screened by the significant hedgerow opposite the woodland. These works are unlikely to result in the trees being exposed to damage caused by wind as detailed by the above advice.
- 1.21 With appropriate conditions, the economic benefits of providing improved facilities for the existing crematorium and reuse of an existing building (rather than new building) outweigh the minimal potential harm to the ancient woodland.

**Other matters**

- 1.22 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.
- 1.23 The crematorium have confirmed there are fish in the pond and they are to remain in situ. The applicant has provided additional drawings of the pond area detailing the extent of works.



**2. CONCLUSION**

- 2.01 With everything considered, the development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. It is recommended conditional planning permission is granted.

**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 approved 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
  - 4012\_WD009 Cloisters Link & Pond Plan
  - 4012\_WD051 Existing Pond Area
  - 4012\_WD091 Proposed Pond Area
  - 4012\_WD600 Pond 3D Views
  - 4012\_WD610 Pond Details
  - BNG Feasibility Report
  - Preliminary Ecological Assessment
  - Tree Schedule
  - 230852-P-10 Rev A Tree Survey Plan
  - 230852-PD-11 Arboricultural Impact Assessment
- Reason: To ensure the development is carried out to an acceptable visual standard.
- 3) The development hereby approved shall not commence 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 storage 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) Prior to the commencement of the approved uses details of on site biodiversity enhancement shall have been submitted to and approved in writing by the Local Planning Authority. The details should provide enhancements around the site such as bird boxes and insect habitats and provide biodiversity enhancement through integrated methods into the building structure by means such as swift bricks, bat tube or bricks (or provide a reasoned justification as to why integrated methods are not possible on the existing building). If integrated methods are proven not to be possible enhancements around the site should be increased to a commensurate level in the absence of the integrated methods. The approved enhancement shall be in place prior to the commencement of the approved uses and retained and maintained thereafter.  
Reason: In the interests biodiversity.

- 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 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). Details shall specifically include native planting (shade adaptable plants such as Holly) behind the building and within 15metres of the ancient woodland where development is not proposed.  
(e) provide landscape implementation details and timetable  
(f) details of post and wire fencing sited tightly around the outside spaces of the café/florists building to prevent access to the ancient woodland.  
(g) measures to ensure that the construction of the new footpaths do not impact on tree roots in the buffer zone.  
(h) 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 the commencement of the approved uses hereby approved. Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the commencement of the approved uses, 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.