

# PLANNING COMMITTEE MEETING

Date: Thursday 19 January 2023  
Time: 6.00 p.m.  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford (Vice-Chairman), Perry, Spooner (Chairman), Trzebinski, D Wilkinson and Young

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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## AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 26 January 2023
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 15 December 2022 1 - 7
11. Presentation of Petitions (if any)
12. Deferred Item 8

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**Issued on Wednesday 11 January 2023**  
**Over/:**

**Continued**

*Alison Broom*

**Alison Broom, Chief Executive**

13. Report of the Overview and Scrutiny Committee - Recommended Actions Applicable to the Planning Committee Arising from the Review into the 'Council's Performance against the Waste and Recycling Strategy 2018-2023'.	9 - 41
14. 22/504023/LBC - Maidstone Cemetery Chapel, Sutton Road, Maidstone, Kent	42 - 46
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#### **PLEASE NOTE**

**The order in which items are taken at the meeting may be subject to change.**

**The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

**For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>**

#### **PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

**In order to speak at the meeting, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. on Wednesday 18 January 2023. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.**

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## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 15 DECEMBER 2022**

**Present:**

<b>Committee Members:</b>	<b>Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Holmes, Kimmance, McKenna, Munford, Springett, Trzebinski, D Wilkinson and Young</b>
<b>Visiting Members:</b>	<b>Councillor Jeffery</b>

163. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood and Perry.

164. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Springett was substituting for Councillor Perry.

165. NOTIFICATION OF VISITING MEMBERS

Councillor Jeffery indicated his wish to speak on the report of the Head of Development Management relating to application 22/503699/FULL (18 Bower Street, Maidstone, Kent).

166. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

167. URGENT ITEMS

The Chairman said that he intended to take the report of the Head of Development Management on appeal decisions as an urgent item in view of the length of time until the next meeting of the Committee. He also intended to take the update reports of the Head of Development Management and the verbal updates as urgent items as they contained further information relating to the matters to be considered at the meeting.

168. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Munford said that, with regard to the report of the Head of Development Management relating to application 22/503721/FULL (2 Wierton Corner Cottages, Wierton Hill, Boughton Monchelsea, Kent), he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

169. DISCLOSURES OF LOBBYING

All Members present except Councillor Springett said that they had been lobbied on the report of the Head of Development Management relating to application 22/502176/FULL (School House, Ashford Road, Harrietsham, Maidstone, Kent).

Councillors Brindle and Trzebinski said that they had also been lobbied on application 22/502738/FULL (Upper Little Boy Court, Boy Court Lane, Headcorn, Ashford, Kent).

Councillor Munford said that he had also been lobbied on the report of the Head of Development Management relating to application 22/503721/FULL (2 Wierton Corner Cottages, Wierton Hill, Boughton Monchelsea, Kent).

170. EXEMPT ITEMS

**RESOLVED:** That the items on the agenda be taken in public as proposed.

171. MINUTES OF THE MEETING HELD ON 24 NOVEMBER 2022

**RESOLVED:** That the Minutes of the meeting held on 24 November 2022 be approved as a correct record and signed.

172. PRESENTATION OF PETITIONS

There were no petitions.

173. 22/504747/FULL - ERECTION OF 4 NO. RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING (RE-SUBMISSION OF 21/503821/FULL) - LAND REAR OF THE TAJ OF KENT, CHURCH GREEN, MARDEN, KENT

The Committee considered the report of the Head of Development Management.

In introducing the application, the Senior Planning Officer advised the Committee that she wished to:

- (a) Amend condition 2 (Approved Plans/Documents) to refer to drawing no. 101A, not drawing no. 101; and
- (b) Amend condition 7 (New External Joinery and Details of Conservation Rooflights) as it was not a pre-commencement condition and should read "No development shall commence above damp-proof course level.....".

The Legal representative read out a statement on behalf of Marden Parish Council which was unable to be represented at the meeting.

Mr Harris, agent for the applicant, addressed the meeting.

**RESOLVED:**

1. That permission be granted subject to the conditions and informatives set out in the report, with:

The amendment of condition 6 (Materials) to specify the use of permeable block paving;

The amendment of condition 11 (Ecological Enhancements) to require the incorporation of swift bricks rather than multiple swift nest boxes; and

The addition of a pre-commencement condition requiring the submission and approval in writing of a Construction Management Plan.

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

Voting: 8 – For 3 – Against 0 – Abstentions

Note: Councillor Kimmance entered the meeting after consideration of this application (6.40 p.m.). He said that he had no disclosures of interest and that he had been lobbied on agenda item 13 (22/502176/FULL – School House, Ashford Road, Harrietsham, Maidstone, Kent).

174. 22/502176/FULL - ERECTION OF THREE DETACHED DWELLINGS. CREATION OF A NEW ACCESS. (RE-SUBMISSION OF 21/504810/FULL) - SCHOOL HOUSE, ASHFORD ROAD, HARRIETSHAM, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

Councillor Powell of Harrietsham Parish Council and Mr Bateman, agent for the applicant, addressed the meeting.

**RESOLVED:**

1. That permission be refused for the reasons set out in the report with the deletion of reasons two and three and the amendment of reason one to refer to the impact of the development on the building line and to place greater emphasis on the undesirable linear layout.
2. That the Head of Development Management be given delegated powers to finalise the wording of the reasons for refusal.

Voting: 10 – For 1 – Against 1 – Abstention

175. 22/503699/FULL - DEMOLITION OF AN EXISTING SINGLE STOREY DETACHED GARAGE AND ERECTION OF 1 NO. 2 BED DWELLING TO FORM END TERRACE WITH ASSOCIATED PARKING AND LANDSCAPING - 18 BOWER STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

Councillor Jeffery, Visiting Member, addressed the meeting.

In response to questions, the Planning Officer confirmed that the application was for the erection of 1 no. 2 bed dwelling.

**RESOLVED:**

1. That permission be granted subject to the conditions and informative set out in the report, with:

The amendment of condition 7 (Enhancement of Biodiversity) to enhance biodiversity as much as possible;

The addition of a condition requiring the hardstanding to be permeable; and

The addition of a condition restricting permitted development rights to prevent any further hardstanding being added to the site.

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

Voting:        12 – For        0 – Against        0 - Abstentions

176. 22/503584/FULL - CHANGE OF USE OF AN EXISTING POULTRY SHED INTO 2 NO. FOUR BEDROOM AND 2 NO. THREE BEDROOM HOLIDAY COTTAGES, INCLUDING ASSOCIATED LANDSCAPING AND ASSOCIATED PARKING - CHERRY TREE FARM, PETT ROAD, STOCKBURY, KENT

The Committee considered the report of the Head of Development Management.

The Legal representative read out statements on behalf of Councillor Moody of Stockbury Parish Council and Councillor Garten, Ward Member.

During the discussion:

- (a) The Legal representative suggested that, if Members were minded to approve the application, the last line of condition 12 (Enhancement of Biodiversity) be amended to read:

The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be *retained and* maintained thereafter.

- (b) The Planning Officer advised the Committee that he wished to add a renewables condition as follows:

The development shall not be occupied until details of how decentralised and renewable or low carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation and shall be retained and maintained thereafter.

**RESOLVED:**

1. That permission be granted subject to the conditions and informatives set out in the report, as amended by the Legal representative during the discussion, and the additional condition recommended by the Planning Officer relating to renewables, with the amendment of condition 4 (Occupation for bona fide Holiday Purposes Only) to require that at the end of each calendar year the operators of the site shall submit the up-to-date register of occupants to the Local Planning Authority for review.
2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 11 – For 1 – Against 0 – Abstentions

**FURTHER RESOLVED TO RECOMMEND TO THE LICENSING COMMITTEE:**

That consideration be given to whether the Council should introduce a licensing and monitoring scheme for all holiday lets within the Borough.

Voting: 12 – For 0 – Against 0 – Abstentions

177. 22/502738/FULL - ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION WITH DETACHED GARAGE (RE-SUBMISSION OF 21/504328/FULL) - UPPER LITTLE BOY COURT, BOY COURT LANE, HEADCORN, ASHFORD, KENT

The Committee considered the report of the Head of Development Management.

Ms Diamond, an objector, Councillor Titchener of Ulcombe Parish Council, and Ms Beeken, agent for the applicant, addressed the meeting.

**RESOLVED:** That consideration of this application be deferred for one cycle to enable the Officers to seek to negotiate a solution to concerns raised regarding overlooking of Upper Boy Court Oast from the proposed windows in the first-floor northeast elevation facing that property.

Voting: 12 – For 0 – Against 0 – Abstentions

178. 22/503721/FULL - DEMOLITION OF EXISTING PORCH AND ERECTION OF A PART SINGLE-STOREY, PART TWO-STOREY SIDE EXTENSION - 2 WIERTON CORNER COTTAGES, WIERTON HILL, BOUGHTON MONCHELSEA, KENT

The Committee considered the report of the Head of Development Management.

The Committee was informed that the application had been called in by Boughton Monchelsea Parish Council which was unable to be represented at the meeting due to the adverse weather conditions.

During the discussion, the Development Management Team Leader advised the Committee that she wished to:

- (a) Add an external lighting condition as follows:

No external lighting shall be installed unless full details of any such lighting have first been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The development shall thereafter be carried out in accordance with the approved details and retained and maintained.

Reason: In order to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the Greensand Ridge Landscape of Local Value.

- (b) Amend the last line of condition 5 (Enhancement of Biodiversity) to read:

The development shall be implemented in accordance with the approved details prior to first use of the extension and all features shall be *retained and* maintained thereafter.

- (c) Amend the last line of condition 6 (Decentralised and Renewable or Low-Carbon Sources of Energy) to read:

The approved details shall be installed prior to first occupation of the extension and *retained and* maintained thereafter.

**RESOLVED:**

1. That permission be granted subject to the conditions and informatives set out in the report, as amended/added to by the Development Management Team Leader during the discussion, with the amendment of the second line of condition 5 (Enhancement of Biodiversity) to read:

The scheme shall consist of the enhancement of biodiversity through ~~at least~~ ~~one~~ integrated methods into the design and appearance of the extension...

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

Voting: 10 – For 0 – Against 2 – Abstentions

179. 22/503920/FULL - CREATION OF 3G ARTIFICIAL GRASS PITCH (AGP) WITH PERIMETER FENCING, NEW MACADAM HARDSTANDING AREA, 15-METRE-HIGH FLOODLIGHT COLUMNS, SOIL BUNDLING, GOAL STORAGE AREAS AND TEAM SHELTERS - THE CORNWALLIS SCHOOL, HUBBARDS LANE, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Development Management.

Councillor Andrew of Loose Parish Council and Mr Sutton, for the applicant, addressed the meeting.

**RESOLVED:**

1. That subject to no adverse comments and any additional conditions recommended in a consultation by KCC Highways, the Head of Development Management be given delegated powers to grant permission subject to the conditions and informative set out in the report, as amended by the urgent update report, and the additional conditions and informatives set out in the urgent update report, with:

The strengthening of condition 6 (Biodiversity Enhancements) to ensure a net biodiversity gain is achieved;

The strengthening of condition 7 (Soft Landscaping Scheme) to maximise screening around the site with appropriate species to reduce light spillage, absorb sound and enhance biodiversity;

The amendment of condition 8 (Implementation of Landscaping) to increase the replacement period from five to ten years;

The amendment of condition 10 (Noise Management Plan) to cover lighting as well; and

The amendment of condition 12 (Floodlighting) to require investigation/introduction of red lighting in the interests of ecology and the environment.

2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions/informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee, this to include a review of all proposed conditions to ensure they are appropriate.
3. That the details to be submitted to discharge conditions 6 (Biodiversity Enhancement) and 7 (Soft Landscaping Scheme) are to be reported to the Planning Committee for approval.

Voting: 12 – For 0 – Against 0 - Abstentions

180. APPEAL DECISIONS

The Committee considered the report and the urgent update report of the Head of Development Management setting out details of appeal decisions received since the last meeting. During the discussion, reference was made to the need for consistency in the application of conditions backed up by evidenced policy.

**RESOLVED:** That the report be noted.

Note: Councillor Kimmance left the meeting during consideration of this report (10.05 p.m.).

181. DURATION OF MEETING

6.00 p.m. to 10.15 p.m.

# Agenda Item 12

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**19 JANUARY 2023**

#### **REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT**

##### **DEFERRED ITEM**

The following application stands deferred from a previous meeting of the Planning Committee. The Head of Development Management will report orally at the meeting on the latest situation.

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>22/502738/FULL - ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION WITH DETACHED GARAGE (RE-SUBMISSION OF 21/504328/FULL) - UPPER LITTLE BOY COURT, BOY COURT LANE, HEADCORN, ASHFORD, KENT</u></p> <p>Deferred to enable the Officers to seek to negotiate a solution to concerns raised regarding overlooking of Upper Boy Court Oast from the proposed windows in the first-floor northeast elevation facing that property.</p>	15 December 2022

## PLANNING COMMITTEE

## 19 JANUARY 2023

### Report of the Overview and Scrutiny Committee – Recommended actions applicable to the Planning Committee arising from the review into the ‘Council’s Performance against the Waste and Recycling Strategy, 2018-2023’

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Planning Committee	19 January 2023

<b>Will this be a Key Decision?</b>	Not Applicable
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Planning Committee
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight & Governance
<b>Lead Officer and Report Author</b>	Oliviya Parfitt, Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **Executive Summary**

This report provides an outline of the Overview and Scrutiny Committee’s review into the Council’s Performance against the Waste and Recycling Strategy 2018-2023, and the recommended actions arising which relate to the Planning Committee, for its consideration.

#### **Purpose of Report**

Decision

#### **This report makes the following recommendations to the Committee: That**

1. Consideration be given to the Overview and Scrutiny Committee’s recommended actions to the planning Committee, and determine which, if any, will be agreed.

# Report of the Overview and Scrutiny Committee – Recommended actions applicable to the Planning Committee arising from the review into the ‘Council’s Performance against the Waste and Recycling Strategy, 2018-2023’

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p><b>Impact on Corporate Priorities</b></p>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations may materially improve the Council’s ability to achieve all corporate priorities and have been put forward by the Overview and Scrutiny Committee following its review into the Council’s Performance against the Waste and Recycling Strategy, 2018-2023.</p> <p>An Overview and Scrutiny Recommendation Action and Implementation Plan has been included as an appendix to the report and contains officer comments on the recommended actions.</p>	<p>Director of Strategy, Insight &amp; Governance</p>
<p><b>Cross Cutting Objectives</b></p>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>Accepting the recommendations may materially improve the Council’s ability to achieve all cross-cutting objectives and have been put forward by the Overview and</p>	<p>Director of Strategy, Insight &amp; Governance</p>

	<p>Scrutiny Committee following its review into the Council's Performance against the Waste and Recycling Strategy, 2018-2023.</p> <p>An Overview and Scrutiny Recommendation Action and Implementation Plan has been included as an appendix to the report and contains officer comments on the recommended actions.</p>	
<b>Risk Management</b>	See Section 5 of the report.	Director of Strategy, Insight & Governance
<b>Financial</b>	<p>The recommendations of the Overview and Scrutiny review will need to be delivered within already approved budgetary headings. If any new funding is required for implementation this will need to be addressed as part of the annual budget process.</p> <p>An Overview and Scrutiny Recommendation Action and Implementation Plan has been included as an appendix to the report and contains officer comments on the recommended actions.</p>	Section 151 Officer & Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Director of Strategy, Insight & Governance
<b>Legal</b>	<p>In accordance with Part 1A of the Local Government Act 2000 (as amended by the Localism Act 2011) the Council is operating under Executive Arrangements. These arrangements must include provision for the appointment of one or more Overview and Scrutiny Committee to review and scrutinise the Executive Decisions made, or other actions taken relating to the exercise of the Authority and/or Executive functions. – LGA 2000, Section 9F.</p> <p>The Overview and Scrutiny Committee has exercised this power through its review and associated recommended actions for presentation to the Planning Committee.</p>	Interim Monitoring Officer, Team Leader Contentious & Corporate Governance

<b>Information Governance</b>	The recommendations will impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. The Information Governance Team will hold that data in line with our retention schedules.	Senior Information Governance Officer
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Senior Policy and Communities Officer
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Democratic Services Officer
<b>Crime and Disorder</b>	No impacts identified.	Director of Strategy, Insight & Governance
<b>Procurement</b>	No impacts identified.	Director of Strategy, Insight & Governance
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and aligns with the actions 4.1 to 4.5 of the Biodiversity and Climate Change Action Plan.  An Overview and Scrutiny Recommendation Action and Implementation Plan has been included as an appendix to the report and contains officer comments on the recommended actions.	Biodiversity and Climate Change Officer

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Across the 2 and 3 November 2022, the Council's Overview and Scrutiny Committee (OSC) conducted a review into the 'Council's Performance against the Waste and Recycling Strategy, 2018-2023' (the review). These meetings were attended by the relevant Council Officers and Lead Members, with the agenda papers and minutes for those meetings accessible through section 9 of this report.
- 2.2 The OSC produced a total of 27 recommended actions from the review, of which 2 fall within this Committee's terms of reference. An excerpt of the OSC's final report has been included on the next page, with the full report attached at Appendix 1.

RECOMMENDED ACTIONS FOR THE PLANNING COMMITTEE

**1. That the Planning Committee Members receive training in accordance with recommendation two of appendix 8<sup>1</sup> of the written information provided to the committee in conducting the review.**

*Intended Outcomes:*

*To increase Planning Committee Member's knowledge in relation to Policy CSW 3, to assist in ensuring that waste collection and waste collection facilities are appropriately considered.*

*This was an action proposed by the Major Projects Team Leader during the evidence collection process (3 November 2022).<sup>2</sup>*

*The training would cover, for example:*

- *The importance of applying the waste hierarchy (as part of the wider 'sustainability circle') when assessing relevant planning applications*
- *The wider value of planning officers adopting a positive role in terms of aligning with Corporate approaches*
- *The national policy context*
- *Existing local MBC/KCC policy and guidance*
- *The scope of waste related consideration that can be material to the consideration and determination of a planning application.*

**2. That Consideration be given to implementing additional conditions, where appropriate, concerning the waste collection facilities from commercial establishment that may generate high levels of waste.**

*Intended Outcomes:*

*The Committee felt that this would support the Planning Committee's consideration of applications where high levels of waste may be generated from the site to the benefit of the local surroundings and to support the Council's waste collection services and overall strategy.*

2.3 The Committee is asked to consider these recommended actions, alongside the comments made by the relevant Lead Officer/s within Appendix 2 to the report.

2.4 Appendix 2 is the Overview and Scrutiny Committee Recommendation Action and Implementation Plan (SCRAIP), which enables officers to comment on the recommended actions. This ensures that this Committee is given the relevant information to effectively consider the recommended

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<sup>1</sup> See link to agenda papers (appendix 8) in section 9 of this report.

<sup>2</sup> Minutes of the Meeting held on 3 November, p. 3 See Appendix 2 of the report for access link.

actions and is standard practice as part of the Overview and Scrutiny function.

- 2.5 The Committee should also be aware of recommendations 20 to 24 within Appendix 1, as these also relate to the Head of Development Management's service area. For example, one recommended action requests that the Development Management Officers receive the same training that is recommended for Planning Committee Members. However, the final decision-maker for those recommended actions is the Lead Member for Planning and Infrastructure.

### **3. AVAILABLE OPTIONS**

- 3.1 Option 1 – Agree to implement the recommended actions.

If agreed, the relevant Lead Officers will implement the agreed actions when appropriate. For example, if recommended action 1 is agreed it would not be actioned until the Committee undertakes its 2023/24 training programme.

- 3.2 Option 2 – Amend the recommended actions.

The Committee could choose to amend (and then agree) the recommended actions, although this may mean that the Officers are required to provide further comments on the amended actions suitability and/or feasibility.

- 3.3 Option 3 - Reject the recommended actions.

The Committee could choose not to implement the recommended actions, however this may mean that an opportunity to improve the Council's performance against the Waste and Recycling Strategy, as applicable to this Committees' terms of referenced, is missed.

- 3.4 The OSC will be formally informed of the decision taken by this Committee.
- 

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 There is no preferred option from an officer perspective, as this report has been produced to support the OSC in presenting its recommended action to the Planning Committee as the relevant decision-maker. However, the OSC unanimously agreed the recommended actions for this Committee.
- 4.2 The reasons for the recommended actions are contained within the 'intended outcomes' section for each action. The comments from the Lead Officer are included within appendix 2.

### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks

associated are within the Council's risk appetite and will be managed as per the Policy.

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 This is the first time that this issue has been presented to this Committee, with the actions taken by the OSC outlined briefly in point 2.1 of this report, with full details provided in appendix 1.
- 6.2 As outlined in point 3.3, the outcome of this report's consideration will be reported to the OSC at its next meeting.
- 

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If agreed, the relevant Officers will implement the recommended actions when appropriate.

## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Report of the Overview and Scrutiny Committee – The Council's Performance against the Waste and Recycling Strategy, 2018-2023.
  - Appendix 2: SCRAIP concerning the recommended actions for the Planning Committee.
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## **9. BACKGROUND PAPERS**

Agenda and Minutes for the Overview and Scrutiny Committee Meeting held on 2 November 2022: [Your Councillors - Maidstone Borough Council](#)

Agenda and Minutes for the Overview and Scrutiny Committee Meeting held on 3 November 2022: [Your Councillors - Maidstone Borough Council](#)

# **The Council's Performance against the Waste and Recycling Strategy, 2018- 2023**

**December 2022**



A review conducted by the Maidstone Borough  
Council Overview and Scrutiny Committee

## Report Contents

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## **Introduction**

In October 2022, the Council's Overview and Scrutiny Committee (the Committee) agreed to review the Council's Performance against the Waste and Recycling Strategy 2018 – 2023 (The Strategy), ahead of the strategy's refresh in 2023. The review was scheduled for November 2022.

This report outlines the review timeline and resulting recommended actions produced by the O&S Committee.

## **Rationale**

The review topic was originally put forward by the Head of Environmental Services and Public Realm and arose from the Wider Leadership Team workshop on Overview and Scrutiny, held early in the 2022/23 municipal year.

In considering the proposed review topic, the Committee expressed that waste collection services were an important service to Local Residents; the aim of the review would be to identify positive improvements to the service ahead of the Strategy's refresh in 2023.

It was further hoped that the review would increase both Member and Public knowledge of the service provided, facilitate service improvements, and highlight the importance of communicating the service's provision.

The lines of enquiry were agreed as follows, to reflect the key considerations of the service's provision:

- a) *Assess customer satisfaction with the service, including interaction with customer services and educational communications, to identify improvements;*
- b) *To identify which actions within the Waste Strategy correspond with actions within the Biodiversity and Climate Change strategy, and make recommendations to improve their shared achievement;*
- c) *Explore options for increasingly recycling rates through assessing the best practice of other Local Authorities with similar waste collection service. This will also include reducing overall waste; and*
- d) *To review the impact of shared waste collection facilities within/from new Housing Development on the achievement of Waste Strategy targets.*

## **Methodology and Approach**

The Committee agreed to hold additional Committee meetings to facilitate the review, which was better suited to Member availability as the Committee meets in the evening. The review took place across two meetings, in quick succession to support and maintain the momentum of the review.

The meetings were held on 2 and 3 November 2022, with the below written information provided to support and provide contextual background to the review. It also provided an evidence base from which the attending witnesses could be questioned.

Written information supplied:

- The Council's Waste and Recycling Strategy, 2018-2023
- Recycling Data across the period 2018-2022
- Relevant excerpt from the Council's Biodiversity and Climate Change Action Plan
- Summary of Waste Services related Communications from January 2021-October 2022
- Data on Stage 1 and 2 complaints relating to Waste Services
- Relevant excerpt of the results from the Residents Survey 2022 – Waste & Recycling Summary
- Table of Top Performing Local Authorities 2020/21 (with similar waste collection services to those provided at the Council)
- Information relating to developments with Shared Waste Collection Facilities

(See Appendix 2 to this report for the links to access this information)

To support the review, the meetings were structured to enable the Committee to consider the lines of enquiry from an 'internal' and 'external' perspective. This allowed the Committee to receive verbal evidence in a focused manner.

### **Internal – 2 November 2022**

- a) *Assess customer satisfaction with the service, including interaction with customer services and educational communications, to identify improvements;*
- b) *To identify which actions within the Waste Strategy correspond with actions within the Biodiversity and Climate Change strategy and make recommendations to improve their shared achievement.*

Attending Witnesses:

#### Officers

Louise Goodsell, Customer Services Manager

Julie Maddocks, Communications Manager

James Wilderspin, Biodiversity and Climate Change Manager

Graham Gosden, Waste Crime Manager

Jennifer Stevens, Head of Environmental Services and Public Realm

#### Members

Councillor Lottie Parfitt-Reid, Lead Member for Communities and Public Engagement

Councillor Martin Round, Lead Member for Environmental Services

### **External – 3 November 2022**

- a) *Explore options for increasing recycling rates through assessing the best practice of other Local Authorities with similar waste collection services. This will also include reducing overall waste; and*
- b) *To review the impact of shared waste collection facilities within/from new Housing Development on the achievement of Waste Strategy targets.*

#### Attending Witnesses:

##### Officers

Jennifer Stevens, Head of Environmental Services and Public Realm

Austin Mackie, Major Projects Team Leader

##### Members

Councillor Martin Round, Lead Member for Environmental Services

It should be noted that external attendees were invited to attend, however due to unforeseen circumstances and limited availability, these representatives were unable to attend the meeting. The external considerations of the review were therefore considered in discussion with the internal attendees.

### **Recommended Actions and Intended Outcomes**

The Committee's recommended actions and intended outcome for each action are listed below. These are categorised by the relevant decision-maker, Council body or Officer as applicable. The Lead Officer for the actions, where applicable, has also been included.

The direct link to a specific evidence base, where relevant, has been included in addition to the intended outcomes. This will assist in demonstrating the Committee's evaluation of the evidence provided in formulating the recommended actions. A summary of the witnesses' evidence to the review is provided in the next section of the report, with a table of the recommended actions in appendix 1.

## RECOMMENDED ACTIONS FOR THE LEAD MEMBER FOR ENVIRONMENTAL SERVICES

### **1. To lobby local manufacturers and retailers to reduce the amount of waste they produce.**

#### Intended Outcomes

The Committee felt that local manufacturers and retailers should be lobbied to reduce the amount of waste they produced, with one example given relating to the amount of plastic packaging and/or wrapping used in products.

### **2. To promote of waste collection facilities, waste minimisation and the implementation of the national deposit scheme, as a topic for review at the next Local Government Association Conference.**

#### Intended Outcomes

The Committee felt that this action would increase the visibility and importance of the issue, using a platform that is widely accessible and has close links to local and central government. This action would also coincide with, and support, the action above in lobbying at a local level.

The statements made by the Lead Member for Environmental Services in relation to the importance of partnership working and lobbying contributed to this recommended action. This took place during the evidence collection (2 November 2022) process.<sup>1</sup>

### **3. That when available, the data concerning recycling rates including good and poor performance across the borough, be presented to the Committee to ensure it remains informed following the review's conclusion.**

#### Intended Outcomes

During the evidence collection process (2 November 2022), the Committee were advised by the Head of Environmental Services and Public Realm that the waste collection service's contract re-procurement would include improved technology. This technology would allow for improved data on waste collection across the borough, that would allow for a direct, targeted communications approach in the future. Further, this would reflect the importance of ensuring that the Committee remained informed of the increased data available and the service's performance following the review.<sup>2</sup>

Lead Officer: Head of Environmental Services and Public Realm

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<sup>1</sup> See Minutes of the Meeting held on 2 November 2022, p. 4. See Appendix 2 for access link.

<sup>2</sup> See Minutes of the Meeting held on 2 November 2022, p. 4. See Appendix 2 for access link.

**4. To measure the volume of waste produced, including per person, alongside the monitoring of recycling rates.**

Intended Outcomes

The Committee felt that this would ensuring the amount of overall waste produced is being monitored, alongside the monitoring of recycling rates.

Lead Officer: Head of Environmental Services and Public Realm.

**5. To include questions on the types of actions that would and would not assist in increasing recycling rates within the Residents Survey.**

Intended Outcomes

The Committee felt that this action would help the Council in ascertaining which types of actions residents would find beneficial in supporting an increase in recycling rates.

Lead Officer: Head of Environmental Services and Public Realm

**6. To promote improved communication between Kent County Council and the Council on highway maintenance, with particular reference to the Statutory Undertakings Team at the former.**

Intended Outcomes

The Committee felt that this would make sure that the issues are appropriately addressed through the Lead Members involvement in the Kent Waste Form, minimise any impacts to waste collection routes during times of highway maintenance, as Kent County Council (KCC) is the local highways authority and provide for improved communication between the two local authorities.

During the evidence collection process (3 November 2022), the Head of Environmental Services and Public Realm outlined the good level of co-operation between KCC and the Council in avoiding waste collection routes, with the majority of issues arising from unexpected road closures. The Committee felt that increased communications between the authorities would help ensure that service delivery was not affected by road closures.<sup>3</sup>

Lead Officer: Head of Environmental Services and Public Realm

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<sup>3</sup> Minutes of the Meeting held on 2 and 3 November, p. 3 and 3 respectively. See Appendix 2 of the report for access link.

**7. To consider methods to provide information relating to waste collection to Ward Cluster meetings similarly to that provided within the Town Centre Street Scene Meetings.**

Intended Outcomes

During the evidence collection process (3 November 2022), the Committee were advised by the Head of Environmental Services and Public Realm that it was possible for information relating to waste collection service to be reported to the Ward Cluster Meetings. The Committee felt that this would assist in replicating the positive performance and information shared of the street scene meetings and could lead to increased communications on waste collection across other areas of the borough.<sup>4</sup>

Lead Officer: Head of Environmental Services and Public Realm

**8. For Officers to be requested to review the public realm design guide and include specific reference to Policy CSW 3 (Kent Waste and Minerals Local Plan 2013-2030), as part of the Design & Sustainability Development Plan Document, in relation to the provision of public waste collection facilities.**

Intended Outcomes

The Committee felt that a review of the documents would support waste collection services and improved recycling rates from publicly accessible facilities, by ensuring that these were fit for purpose.

During the evidence collection process (3 November 2022), the Major Projects Team Leader advised that this was an example of how public spaces could be improved, given that residents were now spending an increased amount of time in their local areas. The Head of Environmental Services and Public Realm gave an example where the Council's Street Cleansing Team had previously had to replace inadequate public collection facilities.<sup>5</sup>

Lead Officers: Head of Environmental Services, Interim Local Plan Review Director/Head of Spatial Planning and Economic Development as applicable.

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<sup>4</sup> Minutes of the Meeting held on 3 November, p. 4. See Appendix 2 of the report for access link.

<sup>5</sup> Minutes of the Meeting held on 3 November, pp. 2-3 see Appendix 2 of the report for access link.

**9. To publicise the Council’s enforcement action taken against those that seriously and/or recurrently breach the Council’s rules on recycling and waste disposal.**

Intended Outcomes

To publicise and highlight the positive enforcement action taken by the Council against those individuals that breach the Council’s rules on recycling and waste disposal. The communications produced in relation to fly-tipping were used as a comparative example.

Lead Officers: Communications Team in consultation with the Waste Collection Team.

RECOMMENDED ACTIONS FOR THE LEAD MEMBER FOR COMMUNITIES AND PUBLIC ENGAGEMENT

**10. See Recommendation 1 for the Lead Member for Environmental Services, as the recommended action cuts across both Lead Members portfolios and areas of responsibility.**

**11. The production of further recycling focused communications, that are accessible with inclusive language, with the use of descriptive pictures.**

Intended Outcomes

To assist in both the maintenance and improvement of the Council’s recycling rates, by ensuring that the Council’s communications were accessible and inclusive to all of the borough’s residents.

Lead Officers: Communications Team in consultation with the Waste Collection Team.

**12. The production of further communications on food storage.**

Intended Outcomes

The Committee felt that additional food communications on food storage would prevent unnecessary food wastage and provide helpful tips for residents. The previous food-related initiatives provided by the Council were highlighted to the Committee during the evidence collection process (2 November 2022).<sup>6</sup>

Lead Officers: Communications Team in consultation with the Waste Collection Team

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<sup>6</sup> Minutes of the Meeting held on 2 November 2022, p. 1. see Appendix 2 of the report for access link

**13. Increased messaging from the Council on shared waste collection facilities, including within flats.**

Intended Outcome

The Committee felt that increased messaging from the Council in this area would assist in improving the use of shared waste collection facilities, including within flats, to in turn increase the recycling rates of those facilities. This was highlighted by the Committee in the context of the ongoing work between the Council and Housing Associations to support this aim, which was highlighted by the Waste Manager during the 2 November 2022 meeting.<sup>7</sup>

Lead Officers: Communications Team in consultation with the Waste Collection Team

**14. To introduce a webpage on the Council's website that outlines which materials can be recycled, and at which locations.**

Intended Outcomes

The Committee felt that this would provide easily accessible information to residents on which materials can and cannot be recycled, and where those materials can be recycled.

During the evidence collection (2 November 2022) the importance of helpful communications in maintaining and improving the service's performance was highlighted. The Head of Environmental Services and Public Realm further advised that the Council would assist in the promotion of alternative recycling facilities.<sup>8</sup>

Lead Officers: Communications Team in consultation with the Waste Collection Team

**15. That the Overview and Scrutiny Committee be provided with Customer Services Complaints data (relating to Waste Services) on a quarterly basis.**

Intended Outcomes

The Committee felt that this would enable it to ascertain whether there were any particular issues and investigate solutions to those issues, as a direct link to line of enquiry A for the review.

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<sup>7</sup> Minutes of the Meeting held on 2 November 2022, p. 3. see Appendix 2 of the report for access link

<sup>8</sup> Minutes of the Meeting held on 2 November, p. 3 see Appendix 2 of the report for access link.

**16. See recommended action 9, as this cuts across both portfolios for the Lead Members for Communities and Public Engagement and Environmental Service.**

RECOMMENDED ACTIONS FOR THE PLANNING COMMITTEE

**17. That the Planning Committee Members receive training in accordance with recommendation two of appendix 8 of the written information provided to the committee in conducting the review.**

Intended Outcomes:

To increase Planning Committee Member's knowledge in relation to Policy CSW 3, to assist in ensuring that waste collection and waste collection facilities are appropriately considered.

This was an action proposed by the Major Projects Team Leader during the evidence collection process (3 November 2022).<sup>9</sup>

The training would cover, for example:

- The importance of applying the waste hierarchy (as part of the wider 'sustainability circle') when assessing relevant planning applications
- The wider value of planning officers adopting a positive role in terms of aligning with Corporate approaches
- The national policy context
- Existing local MBC/KCC policy and guidance
- The scope of waste related consideration that can be material to the consideration and determination of a planning application

**18. That Consideration be given to implementing additional conditions, where appropriate, concerning the waste collection facilities from commercial establishments that may generate high levels of waste.**

Intended Outcomes:

The Committee felt that this would support the Planning Committee's consideration of applications where high levels of waste may be generated from the site to the benefit of the local surroundings and to support the Council's waste collection services and overall strategy.

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<sup>9</sup> Minutes of the Meeting held on 3 November, p. 3 See Appendix 2 of the report for access link.

RECOMMENDED ACTION FOR THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

- 19. See recommended action 8, as this cuts across both portfolios for the Lead Members for Planning and Infrastructure and Environmental Services.**

That the Lead Member for Planning and Infrastructure recommend that the Head of Development Management be recommended to:

- 20. Give consideration to recommended action 18, as applicable to the consideration of planning applications.**
- 21. Amend the Development Management Officer report templates used for Planning Committee agendas to include a prompt on waste considerations, as soon as possible.**

Intended Outcomes

To ensure that Officers due consideration to waste collection facilities when presenting reports to the Planning Committee.

This supports the below recommendation on training provision and was an action suggested by the Major Projects Team Leader during the evidence collection process (3 November 2022).<sup>10</sup>

Additional Lead Officer: Major Projects Team Leader

- 22. Initiate a design review process in accordance with recommendation one of appendix 8 of the written information provided to the committee in conducting the review, alongside any supplementary planning guidance as required.**

Intended Outcomes

The Committee felt that this action would ensure that waste management is considered as part of any design review, where appropriate, with a formal process initiated as these reviews are currently carried out on an ad-hoc basis. This would be supplemented with planning guidance as required to support the process.

This was an action proposed by the Major Projects Team Leader during the evidence collection process (3 November 2022).<sup>11</sup>

Additional Lead Officer: Major Projects Team Leader

Design Review Process to be initiated for the relevant schemes, to include waste management.

<sup>10</sup> Minutes of the Meeting held on 3 November, p. 4 See Appendix 2 of the report for access link

<sup>11</sup> Minutes of the Meeting held on 3 November, p. 3 See Appendix 2 of the report for access link.

**23. Give higher prominence to Policy CSW 3 of the Kent Minerals and Waste Plan within the assessment of planning applications.**

Intended Outcomes

The Committee felt that this would promote the policy's consideration within planning applications to improve waste collection services. During the evidence collection process (3 November 2022), the Major Projects Team Leader advised that this policy could be considered where applicable, during the Council's assessment of planning applications.<sup>12</sup>

Additional Lead Officer: Major Projects Team Leader

**24. That the Development Management Officers receive training in accordance with recommendation two of appendix 8, of the written information provided to the committee in conducting the review**

Intended Outcomes:

To increase Planning Committee Member's knowledge in relation to Policy CSW 3, to assist in ensuring that waste collection and waste collection facilities are appropriately considered.

This was an action proposed by the Major Projects Team Leader during the evidence collection process (3 November 2022),<sup>13</sup> and is linked to the above action.

Additional Lead Officer: Major Projects Team Leader

The training would cover, for example:

- The importance of applying the waste hierarchy (as part of the wider 'sustainability circle') when assessing relevant planning applications
- The wider value of planning officers adopting a positive role in terms of aligning with Corporate approaches
- The national policy context
- Existing local MBC/KCC policy and guidance
- The scope of waste related consideration that can be material to the consideration and determination of a planning application

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<sup>12</sup> Minutes of the Meeting held on 3 November, p. 3 See Appendix 2 of the report for access link.

<sup>13</sup> Minutes of the Meeting held on 3 November, p. 3 See Appendix 2 of the report for access link.

## RECOMMENDED ACTIONS FOR EXTERNAL ORGANISATIONS

### **One Maidstone:**

- 25. That One Maidstone be recommended to include street cleaning provisions within their next bid (concerning town centre management)**

#### Intended Outcomes

The Committee noted that this is an existing service provided by One Maidstone in their management of the town centre. The Committee recommended that this function be retained by including it within the organisation's next bid (if applicable) for the town centre's management.

### **Kent County Council:**

- 26. That Kent County Council be recommended to provide a substitute representative when their initial representative is unable to attend a meeting of the Committee.**

#### Intended Outcome

The Committee felt that a representative of Kent County Council should attend a meeting of the Committee. At the commencement of the 3 November 2022 meeting, the Democratic Services Officer advised that a KCC representative was unable to attend the meeting, but that an informal offer of engagement had been received.

## RECOMMENDED ACTION FOR THE OVERVIEW AND SCRUTINY COMMITTEE – POST REVIEW EVALUATION

- 27. That pending the receipt of data relating to waste collection services following the new contract's commencement, the Committee consider whether any further public information and/or amendment to Council policy should be recommended.**

#### Intended Outcome

This would support the Committee in considering whether any further public information should be produced, or if any other Council policies should be amended post-review.

The above recommended could be considered as part of a future evaluation into the review's impact and is reflective of good practice in reviewing the Overview and Scrutiny Committee's functionality, benefit, and areas for improvement.

## **Summary of Verbal Evidence from Witnesses**

The below summaries have been produced from the Minutes of the meetings held on 2 and 3 November 2022.

### Louise Goodsell, Communications Manager

The Communications manager attended the meeting held on the 2 November 2022 to support the Committee in its review.

### Julie Maddocks, Communications Manager

The Communications manager provided a written summary of Waste Services related Communications from January 2021-October 2022, for the Committee to consider ahead of the review as part of its agenda papers.

At the meeting, the Committee questioned the Communications Manager on the waste-related communications produced. The Communications Manager outlined the some of the waste-related communications produced, such as the 'Insider Waste Tips', Gov Delivery Stay Connected Newsletter and the proactive approach taken by the Communications Team to provide updates to residents. This included the text messaging system available to residents. This link between the Communications and Customer Services Teams was outlined, as the latter would ask residents if they would like to sign up to the text messaging system when reporting an initial issue.

The Committee recognised that the Communications produced were helpful and made recommendations on further communications to contribute to the maintenance and improvement of the service's good performance.

### James Wilderspin, Biodiversity and Climate Change Manager

The Biodiversity and Climate Change Manager provided an updated excerpt of the Biodiversity and Climate Change Action Plan for the Committee to consider ahead of the meeting as part of its agenda papers.

During the meeting, the Biodiversity and Climate Change Manager identified the communication and engagement support provided to the applicable Council Teams and highlighted the benefits of direct engagement in this area.

### Graham Gosden, Waste Manager

The Waste Manager provided a written summary of the Council's recycling rates for the Committee to consider ahead of the review as part of its agenda papers.

At the meeting, the Committee questioned the Waste Manager on the Waste collection services provided, the various actions taken by the Council and with

external organisations to improve the service's provision and increase recycling rates and the limits of data analytics within the current service provision.

Austin Mackie, Major Projects Team Leader

The Major Projects Team Leader provided a written summary of the considerations across Development Management and Waste; the document was referenced extensively by the Committee in interviewing the Major Projects Team Leader on the 3 November 2022.

In response to questions from the Committee, the Major Projects Team Leader provided information and advice on the potential actions that could be taken to promote and improve waste collection services. Examples included reference to the ongoing Regulation 18A public consultation on the proposed Design and Sustainability Development Plan Document, the determination of planning applications in relation to vehicle turning circles and the requirement for conditions to a planning consent to be reasonable, increased training for both Officers and Members and amendments to the planning committee report template.

Jennifer Stevens, Head of Environmental Services and Public Realm

As the relevant Head of Service, this officer contributed significantly to the review. The Head of Environmental Services and Public Realm provided written evidence within the Committee's agenda papers for the review meetings and attended both meetings.

In response to questions from the Committee, the Head of Environmental Services and Public Realm provided a wide range of information relating to waste collection services. This included information on the service's delivery, oversight, communications, actions taken with partners and other organisations, including Kent County Council as the Highways and Waste Disposal Authority, enforcement action taken by the Council, and how service disruptions were managed.

## **Thanks to Witnesses**

The Overview and Scrutiny Committee would like to extend its thanks to those Officers and Members that supported the review, either through providing written evidence and/or attending a meeting of the Committee.

These individuals are listed below:

Louise Goodsell, Communications Manager

Julie Maddocks, Communications Manager

James Wilderspin, Biodiversity and Climate Change Manager

Graham Gosden, Waste Manager

Austin Mackie, Major Projects Team Leader

Jennifer Stevens, Head of Environmental Services and Public Realm

The Information Governance and the Policy, Communities and Engagement Teams

Councillor Lottie Parfitt-Reid, Lead Member for Communities and Public Engagement

Councillor Martin Round, Lead Member for Environmental Services

APPENDIX 1 – TABLE OF RECOMMENDED ACTIONS

The below table outlines the list of recommended actions and intended outcomes as put forward by the Committee as a result of the review.

Please note: The intended outcomes of each action have been included in the body of the report, and where required, the wording has been slightly amended to allow for sufficient explanation of the intended outcomes alongside the evidence presented to the Committee. The sentiments of the intended outcomes have not been amended.

<b>Recommended Actions</b> <b>(Action No. in body of report)</b>	<b>Relevant Lead Member/Committee and Council Officers</b> (as applicable)	<b>Intended Outcome</b>
To lobby local manufacturers and retailers to reduce the amount of waste they produce.  <b>(RA 1 &amp; 10)</b>	Lead Member for Environmental Services and Lead Member for Communities and Public Engagement.	To reduce the amount of waste produced locally.
The promotion of waste collection facilities, waste minimisation and the implementation of a national deposit scheme, as a topic for review at the next Local Government Association Conference.  <b>(RA 2)</b>	Lead Member for Environmental Services.	To increase the visibility and importance of the issue, using a platform that is widely accessible and has close links to local and central government.
When available, the data concerning recycling rates including good and poor performance across the borough, be presented to the Committee to ensure it remains informed following the review's conclusion.  <b>(RA 3)</b>	Lead Member for Environmental Services  Head of Environmental Services and Public Realm.	The Committee were advised that the contract's re-procurement would include improved technology. The technology would allow for improved data on waste collection across the borough, that would allow for a direct, targeted communications approach in the future. Further, this would reflect

APPENDIX 1 – TABLE OF RECOMMENDED ACTIONS

		the importance of ensuring that the Committee remained informed of the increased data available following the review.
To measure the volume of waste produced, including per person, alongside the monitoring of recycling rates. <b>(RA 4)</b>	Lead Member for Environmental Services.  Head of Environmental Services and Public Realm	To ensure that the amount of overall waste produced is being monitored.
The residents survey includes questions on the types of actions that would and would not assist in increasing recycling rates. <b>(RA 5)</b>	Lead Member for Environmental Services and Lead Member for Communities and Public Engagement  Head of Environmental Services and Public Realm.	To find out which types of actions residents would find beneficial in increasing recycling rates,
Improved communication between Kent County Council and the Council on highway maintenance, with particular reference to the Statutory Undertakings Team at the former. <b>(RA 6)</b>	Lead Member for Environmental Services  Head of Environmental Services and Public Realm.	To minimise the impact to waste collection routes during times of highway maintenance and provide improved communication between the two local authorities.

APPENDIX 1 – TABLE OF RECOMMENDED ACTIONS

<p>To consider methods to provide information relating to waste collection to Ward Cluster meetings, similarly to that provided within the Town Centre Street Scene meetings.</p> <p><b>(RA 7)</b></p>	<p>Lead Member for Environmental Services</p> <p>Head of Environmental Services and Public Realm.</p>	<p>Replicating the positive performance and information sharing of the street scene meetings could lead to increased communications on waste collection across other areas of the borough.</p>
<p>Officers be requested to review the public realm design guide, as part of the Design &amp; Sustainability Development Plan Document, in relation to the provision of public waste collection facilities.</p> <p><b>(RA 8 &amp; 19)</b></p>	<p>Lead Member for Planning and Infrastructure, Lead Member for Environmental Services</p> <p>Head of Environmental Services and Interim Local Plan Review</p> <p>Director/Head of Spatial Planning and Economic Development as applicable.</p>	<p>To support waste collection services and improved recycling rates from publicly accessible facilities, to ensure that these are fit for purpose.</p>
<p>To publicise the Council’s enforcement action taken against those that seriously and/or recurrently breach the Council’s rules on recycling and waste disposal.</p> <p><b>(RA 9 &amp; 16)</b></p>	<p>Lead Member for Communities and Public Engagement, Lead Member or Environmental Services.</p> <p>Communications Team in consultation with the Waste Collection Team</p>	<p>To publicise and highlight the positive enforcement action taken by the Council against those individuals that breach the Council’s rules on recycling and waste disposal.</p>
<p>The production of further recycling focused communications, that are accessible with inclusive language, with the use of descriptive pictures.</p> <p><b>(RA 11)</b></p>	<p>Lead Member for Communities and Public Engagement</p> <p>Communications Team in consultation with the Waste Collection Team.</p>	<p>To assist in both the maintenance and improvement of the Council’s recycling rate.</p> <p>To promote the re-use of items where possible and reduce the amount of waste produced.</p>

APPENDIX 1 – TABLE OF RECOMMENDED ACTIONS

<p>The production of further communications on food storage.</p> <p><b>(RA 12)</b></p>	<p>Lead Member for Communities and Public Engagement</p> <p>Communications Team in consultation with the Waste Collection Team.</p>	<p>To prevent unnecessary food wastage and provide helpful tips for residents.</p>
<p>Increased messaging from the Council on shared waste collection facilities, including flats.</p> <p><b>(RA 13)</b></p>	<p>Lead Member for Communities and Public Engagement</p> <p>Communications Team in consultation with the Waste Collection Team.</p>	<p>To assist in improving the use of shared waste collection facilities.</p> <p>To increase the recycling rates of shared collection facilities, particularly given the ongoing work between the Council and Housing Associations to support this aim.</p>
<p>The introduction of a webpage on the Council’s website outlining which materials can be recycled, and where.</p> <p><b>(RA 14)</b></p>	<p>Lead Member for Communities and Public Engagement</p> <p>Communications Team in consultation with the Waste Collection Team.</p>	<p>To provide easily accessible information to residents on which materials can and cannot be recycled, and where those materials can be recycled.</p>
<p>The Committee be provided with Customer Services Complaints data (relating to Waste Services) on a quarterly basis.</p> <p><b>(RA 15)</b></p>	<p>Lead Member for Communities and Public Engagement</p> <p>Customer Services Manager</p>	<p>To enable the Committee to ascertain whether there were any particular issues and investigation solutions to those issues, as a direct link to line of enquiry A for the review.</p>

APPENDIX 1 – TABLE OF RECOMMENDED ACTIONS

<p>The Development Management Officers and Planning Committee Members receive training in accordance with recommendation two of Appendix 8 to the report.</p> <p><b>(RA 17 &amp; 24)</b></p>	<p>Head of Development Management and Planning Committee</p>	<p>To increase the knowledge of Development Management Officers and Planning Committee Members in relation to Policy CSW 3, to assist in ensuring that waste collection and waste facilities are appropriately considered.</p>
<p>Consideration be given to implementing additional conditions, where appropriate, concerning the waste collection from commercial establishments that may generate high levels of waste.</p> <p><b>(RA 18 &amp; 20)</b></p>	<p>Head of Development Management and Planning Committee (linked to above recommendation)</p>	<p>To support the Planning Committee’s consideration of applications where high levels of waste may be generated, to the benefit of the site’s local surroundings and to support the Council’s waste collection services and overall strategy.</p>
<p>To amend the Development Management Officer report templates used for Planning Committee agendas, to include a prompt on waste collection considerations.</p> <p><b>(RA 21)</b></p>	<p>Head of Development Management</p>	<p>To ensure that Officers give consideration to waste collection facilities when presenting reports to the Planning Committee.</p>
<p>The initiation of a design review process, in accordance with recommendation one of Appendix 8 to the report, alongside any supplementary planning guidance as required.</p> <p><b>(RA 22)</b></p>	<p>Head of Development Management</p>	<p>To ensure that waste management is considered as part of any design reviews, where appropriate, with a formal process initiated as these reviews are currently carried out on an ad-hoc basis.</p>

APPENDIX 1 – TABLE OF RECOMMENDED ACTIONS

<p>Policy CSW 3 of the Kent Minerals and Waste Plan be given higher prominence within the assessment of planning applications, as advised by the Major Projects Team Leader.</p> <p><b>(RA 23)</b></p>	<p>Head of Development Management</p>	<p>To promote the policy’s consideration within planning applications to improve waste collection services.</p>
<p>One Maidstone be recommended to include street cleaning provisions within their next bid.</p> <p><b>(RA 25)</b></p>	<p>One Maidstone</p>	<p>This is an existing service provided by One Maidstone in their management of the town centre; it is recommended to retain this function by including it in the organisations next bid.</p>
<p>Kent County Council be recommended to provide a substitute representative when their initial representative is unable to attend a meeting of the Committee.</p> <p><b>(RA 26)</b></p>	<p>Kent County Council (via their Democratic Services Team).</p>	<p>To encompass the Committee’s view that a representative of Kent County Council should attend the meeting when requested to.</p>
<p>Pending the receipt of data relating to waste collection services following the new contract’s commencement, the Committee consider whether any further public information and/or amendment to Council policy should be recommended.</p> <p><b>(RA 27)</b></p>	<p>Overview and Scrutiny Committee; Future evaluation of the review’s impact.</p>	<p>To support the Committee in considering whether any further public information should be produced, or if any other Council policies should be amended.</p> <p>This could be considered as part of a future evaluation of the review’s impact.</p>

### Written Information

Agenda and Minutes for the Overview and Scrutiny Committee Meeting held on 6 October 2022: [Your Councillors - Maidstone Borough Council](#)

Agenda and Minutes for the Overview and Scrutiny Committee Meeting held on 2 November 2022: [Your Councillors - Maidstone Borough Council](#)

The agenda for this meeting contained the information relevant to the 23 November 2022 Meetings. The list of evidence supplied was as follows:

- The Council's Waste and Recycling Strategy, 2018-2023
- Recycling Data across the period 2018-2022
- Relevant excerpt from the Council's Biodiversity and Climate Change Action Plan
- Summary of Waste Services related Communications from January 2021-October 2022
- Data on Stage 1 and 2 complaints relating to Waste Services
- Relevant excerpt of the results from the Residents Survey 2022 – Waste & Recycling Summary
- Table of Top Performing Local Authorities 2020/21 (with similar waste collection services to those provided at the Council)
- Information relating to developments with Shared Waste Collection Facilities

Minutes for the Overview and Scrutiny Committee Meeting held on 3 November 2022: [Your Councillors - Maidstone Borough Council](#)

Agenda and Minutes for the Overview and Scrutiny Committee Meeting held on 22 November 2022:

### Committee Membership during the Review

Councillors:

English (Chairman), Cannon (Vice-Chair), Blackmore, Brice, Cleator, Conyard, Garten, Hastie, Hinder, Jeffery, Knatchbull, McKenna and T Wilkinson.

Contact details for the Committee can be found here:

[Your Councillors - Maidstone Borough Council](#)

**Overview and Scrutiny Committee Recommended Action and Implementation Plan (SCRAIP)**

The following recommended actions have arisen from the review into the 'Council's Performance against the Waste and Recycling Strategy 2018-2023'. This SCRAIP provides comments on the recommendations from the relevant Lead Officer/s such as its feasibility and possible method and timeline for implementation.

<b>Review Title:</b> Council's Performance against the Waste and Recycling Strategy 2018-2023.			
Recommendation & Intended Outcomes	Relevant Decision Maker	Officer Response	Lead Officer/s
<p><b><i>That the Planning Committee Members receive training in accordance with recommendation two of appendix 8 of the written information provided to the committee in conducting the review.</i></b></p> <p><i>Intended Outcomes:</i></p> <p><i>To increase Planning Committee Member's knowledge in relation to Policy CSW 3, to assist in ensuring that waste collection and waste collection facilities are appropriately considered.</i></p> <p><i>This was an action proposed by the Major Projects Team Leader during the evidence collection process (3 November 2022).<sup>1</sup></i></p> <p><i>The training would cover, for example:</i></p>	<p>Planning Committee</p>	<p>Training on this topic can be incorporated into the existing schedule of training sessions, the scope of which will inevitably expand as the Design and Sustainability SPD progresses.</p>	<p>Major Projects Team Leader and Head of Development Management</p>

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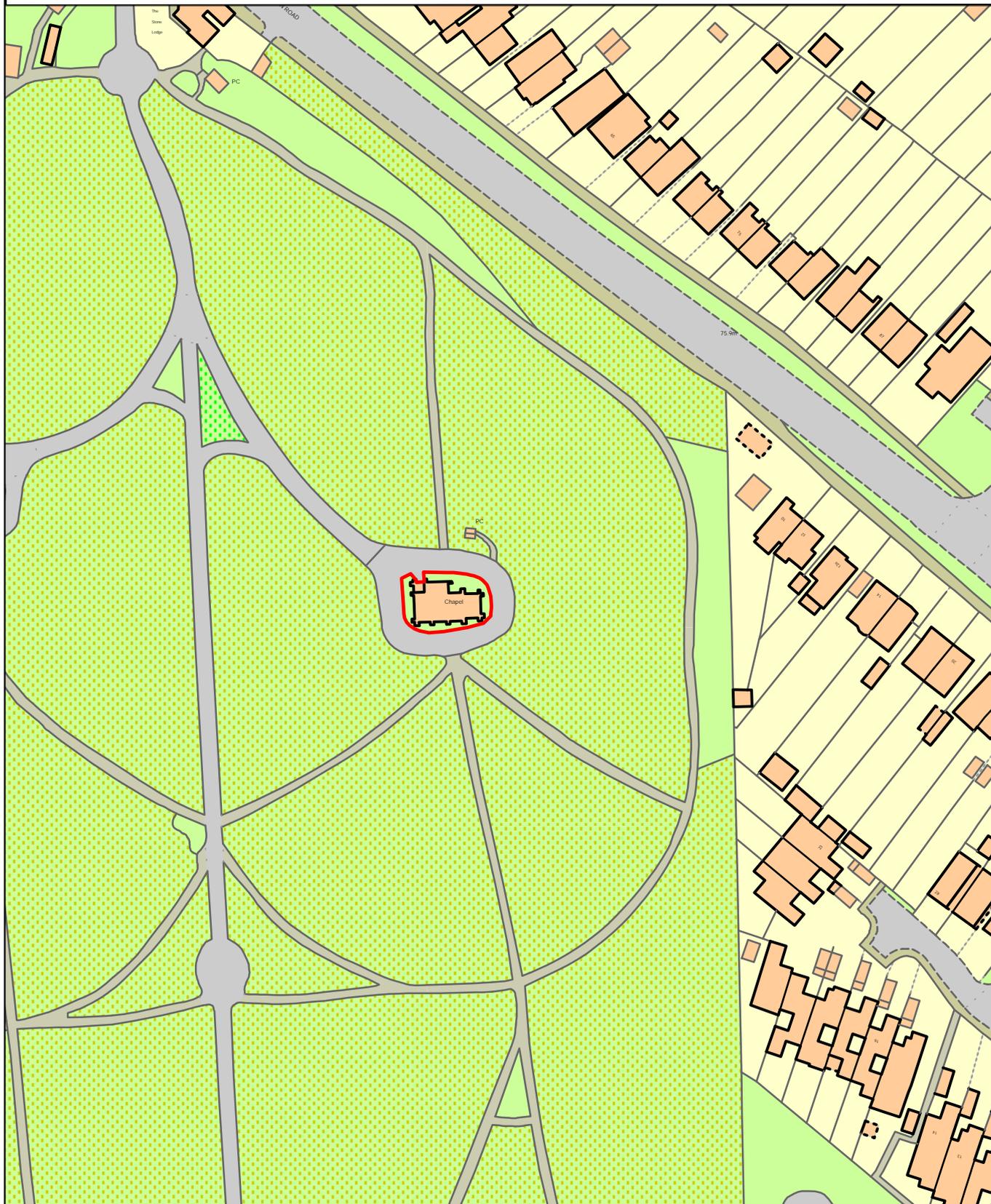
<sup>1</sup> Minutes of the Meeting held on 3 November, p. 3 See Appendix 2 of the report for access link.

<ul style="list-style-type: none"> <li>• <i>The importance of applying the waste hierarchy (as part of the wider 'sustainability circle') when assessing relevant planning applications</i></li> <li>• <i>The wider value of planning officers adopting a positive role in terms of aligning with Corporate approaches</i></li> <li>• <i>The national policy context</i></li> <li>• <i>Existing local MBC/KCC policy and guidance</i></li> <li>• <i>The scope of waste related consideration that can be material to the consideration and determination of a planning application.</i></li> </ul>			
<p><b><i>That Consideration be given to implementing additional conditions, where appropriate, concerning the waste collection facilities from commercial establishment that may generate high levels of waste.</i></b></p> <p><i>Intended Outcomes:</i></p> <p><i>The (O&amp;S) Committee felt that this would support the Planning Committee's consideration of applications where high levels of waste may be generated from the site to the benefit of the local surroundings and to support the Council's waste collection services and overall strategy.</i></p>		<p>To facilitate this, the Council needs to include specific policy in the Design and Sustainability Development Plan Document and then specific waste guidance can flow from this as a Supplementary Planning Document</p>	<p>Head of Development Management</p>

## THE MAIDSTONE BOROUGH COUNCIL

Address- Maidstone Cemetery Chapel, Sutton Road  
Maidstone, Kent, ME15 9AF

Reference -22/504023/LBC



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**Rob Jarman**  
**Head of Planning and Development**

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/504023/LBC		
<b>APPLICATION PROPOSAL:</b> 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> 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> The application is a Maidstone Borough Council submission and therefore needs to be reported to the Planning Committee.		
<b>WARD:</b> Shepway North	<b>PARISH/TOWN COUNCIL:</b>	<b>APPLICANT:</b> Miss Sharon Smith <b>AGENT:</b>
<b>CASE OFFICER:</b> Chloe Berkhauer-Smith	<b>VALIDATION DATE:</b> 28/10/22	<b>DECISION DUE DATE:</b> 27/01/23
<b>ADVERTISED AS A DEPARTURE: NO</b>		

### 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.

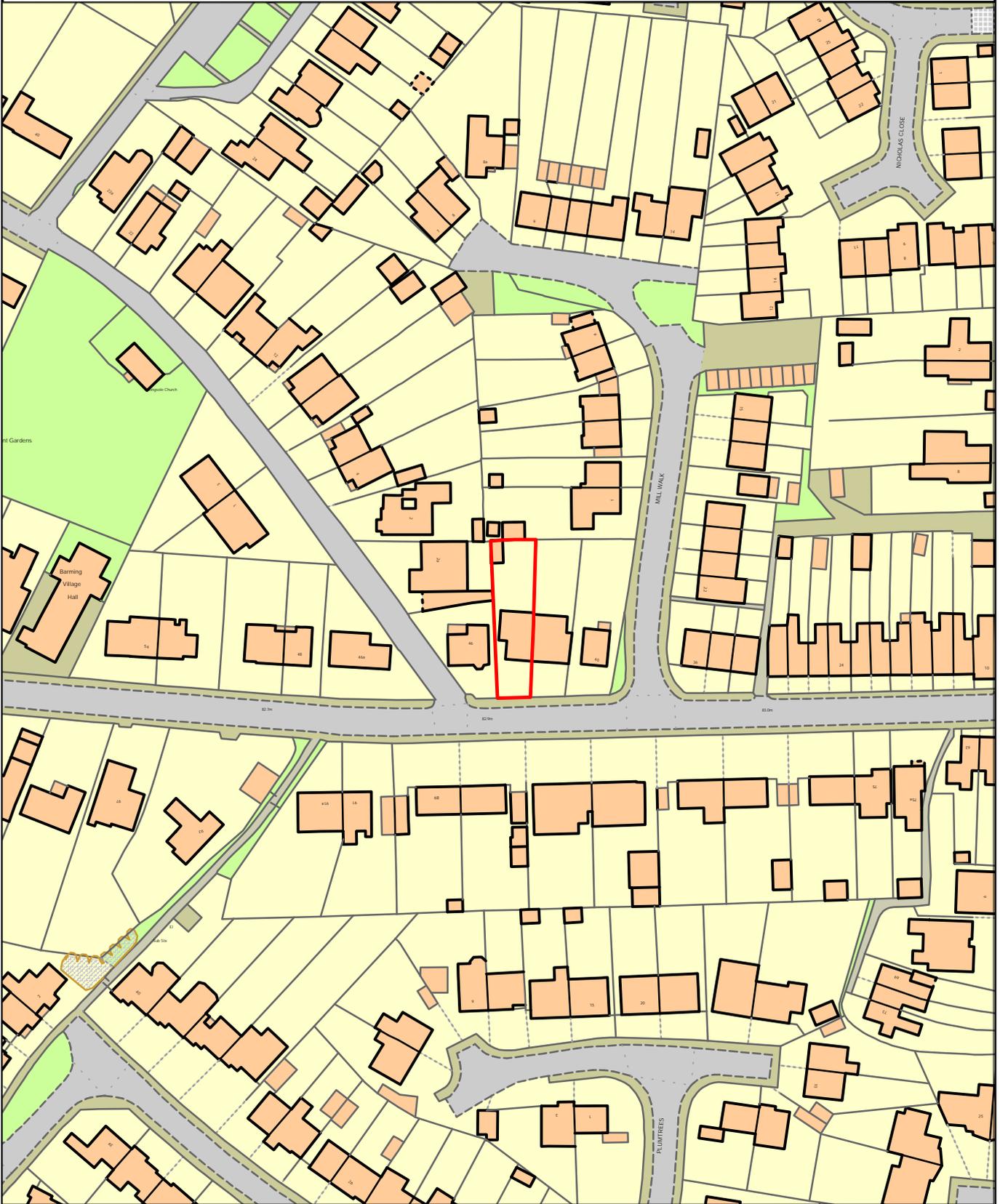
Case Officer: Chloe Berkauer-Smith

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 MAIDSTONE BOROUGH COUNCIL

Address- 44 Heath Road, Maidstone, Kent,  
ME16 9LG

Reference - 22/505681/FULL



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**Rob Jarman**  
Head of Planning and Development

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/505681/FULL		
<b>APPLICATION PROPOSAL:</b> Alterations to roof of the existing side/rear extension		
<b>ADDRESS:</b> 44 Heath Road Maidstone Kent ME16 9LG		
<b>RECOMMENDATION:</b> GRANT – Subject to conditions set out in Section 8.0 of the report		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposal would not result in harm to visual or neighbouring residential amenity and all other material planning considerations are considered acceptable, such that the proposal would be in accordance with current local and national policy and guidance.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application has been submitted by a current employee of Maidstone Borough Council.		
<b>WARD:</b> Heath	<b>PARISH/TOWN COUNCIL:</b>	<b>APPLICANT:</b> Mr & Mrs Altieri <b>AGENT:</b> ARQIS Studio Ltd
<b>CASE OFFICER:</b> Gautham Jayakumar	<b>VALIDATION DATE:</b> 06/12/22	<b>DECISION DUE DATE:</b> 31/01/23
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### Relevant Planning History

06/0803 : Erection of a single storey side and rear extension as shown on drawing number D.403 received on 2/05/06. Approved 26.06.2006

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

1.01 The application site relates to a semi-detached two-storey dwellinghouse located on Heath Road within the urban boundary of Maidstone. The streetscene is varied in terms of design, materials, finishes and types of dwellings. The site is not located on any designated land nor are there any listed buildings or TPO's near the site. The site is not located within a flood zone.

#### 2. PROPOSAL

2.01 The proposal is for the alteration to the roof of the existing side/rear extension to the dwellinghouse built under application 06/0803.

2.02 The existing roof is a mix of pitched roof at the side and a flat roof at the rear and a portion of the side elevation (Image 1)

2.03 The proposed roof alteration is a sloped roof that wraps around the existing side extensions at the side and rear of the dwellinghouse (Image 1). The proposed roof alteration would bring the ridge height of the roof to approx. 3.7m which would be approx. 0.7m higher than the existing flat roof which wraps around the rear and the side, and approx. 0.3m lower than the existing pitched roof at the side elevation.

The sloped roof at the rear includes 2 new roof lights. The proposed roof would only project approx. 0.2m further outward than the existing roof at the side elevation and would be flush with the existing roof line at the rear elevation. The new roof would be tiled using match materials to the roof tiles of the dwellinghouse.

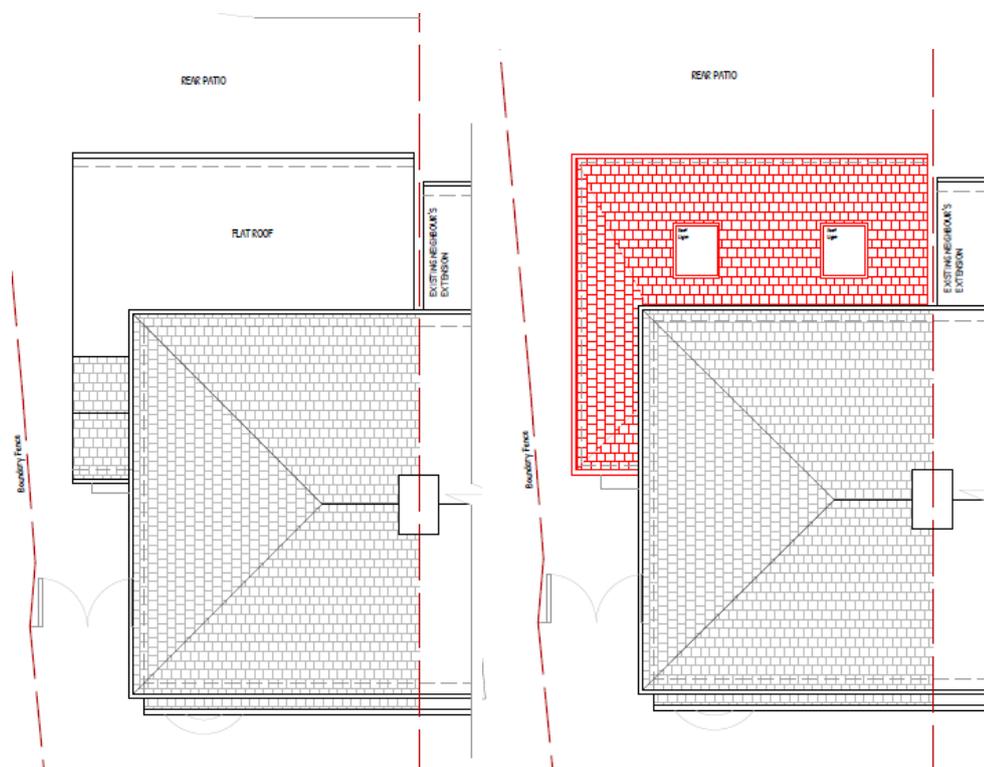


Image 1: Existing(left) and proposed(right) roof at 44 Heath Road

### 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): DM1 and DM9

Emerging Policies: Maidstone Borough Council – Local Plan Review Regulation 22 Submission. The Regulation 22 Submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and the proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public. Policy LPRSP15 – Principles of Good Design and LPRHOU 2 – Residential extensions, conversions, annexes and redevelopment in the built-up areas

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Local Development Framework: Residential Extensions SPD

### 4. LOCAL REPRESENTATIONS

No representation received

## **5. CONSULTATIONS**

None

## **6. APPRAISAL**

The key issues are:

- Policy context
- Visual Impact
- Residential Amenity
- Other Matters

### **Policy context**

- 6.01 The application site is located within the urban settlement boundary. Policy DM9 allows for residential extensions provided that:
- i. The scale height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context.
  - ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
  - iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
  - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.
- 6.02 Policy DM1 (ii) in terms of design refers to developments responding positively to the character of the area, with regard being paid to scale, height materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.
- 6.03 The Residential Extensions SPD provides further guidance in terms of design.
- 6.04 The application site is situated in a sustainable location within the urban settlement boundary and as such, the principle of development in this location is considered acceptable subject to the material planning considerations discussed below.

### **Visual Impact**

- 6.05 The proposed roof alteration, although to the side of the property, would alter the existing roof profile of the single storey side extension that is visible from the principal elevation and from Heath Road. However, the proposed roof profile would complement the existing dwelling and the character of the area in accordance with paragraph 4.28 of the Residential Extensions SPD. The proposal would also be in accordance with Policy DM9 of the Local Plan as it ensures that "the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building".
- 6.06 The new roof at the rear extension of the dwellinghouse would be approx. 0.7m higher than the existing flat roof and include 2 roof lights, as the new roof profile would be sloping, it would remain congruent with the design of the existing dwelling

house and the scale, height, form and appearance would remain subservient to the existing dwellinghouse in accordance with the policies mentioned above.

- 6.07 Overall, the proposed alterations to the roof profile are not considered to have any negative impact on the visual amenity of the existing building or the character of the area.

### **Residential Amenity**

- 6.08 The nearest neighbouring dwellings are the attached neighbour number 42 to the east of the application site, number 46 to the west and 2A Long Rede Lane to the north-west. All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposed development.
- 6.09 Number 42 has an existing part single/part 2 storey rear extension, the existing rear extension to the application site does not project beyond these additions and although the existing flat roof would be raised, there would be no greater impact on the amenity of the neighbouring property in terms of loss of light, outlook, privacy or overshadowing.
- 6.10 Number 46 is the property located to the west of the application site, it is a detached dwelling situated at a slightly lower level than the application site. A close boarded fence separates the two properties. The proposed roof alteration would see the roof slope away from the boundary and would be in the shadow of the existing dwelling, such that the proposal would not harm neighbouring amenity.
- 6.11 2A Long Rede adjoins the rear part of the side boundary of the application site, the works to the roof are considered a significant distance away such that no harm would result to neighbouring amenity.
- 6.12 Overall no harm would result to neighbouring amenity.

### **Other Matters**

- 6.13 The proposed alterations would alter the existing roof profile of an existing single storey extension. No further footprint would be created and the alterations are minimal in scale. Due regard has been given to ecological matters, however it is not considered reasonable given the nature of the proposal to require any ecological enhancements in this case.
- 6.14 The existing parking provisions at the site would remain and there are no additional bedrooms included within the proposal. Considering this, the proposal would not impact upon highway safety or parking at the site.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.15 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 The proposed roof alteration would remain subservient to the existing dwellinghouse and be complementary to the existing roof profile and the character of the area. The proposal would therefore be compliant with the local and national planning policies and is hence 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 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 hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. RA-001 Site Location and Existing and Proposed Block Plan  
Drawing no. RA-002 Existing and Proposed Ground Floor and Roof Plans  
Drawing no. RA-003 Existing Elevations  
Drawing no. RA-004 Proposed Elevations

Reason: To clarify which plans have been approved.

(3) The materials to be used in the construction of the external surfaces of the roof alterations hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

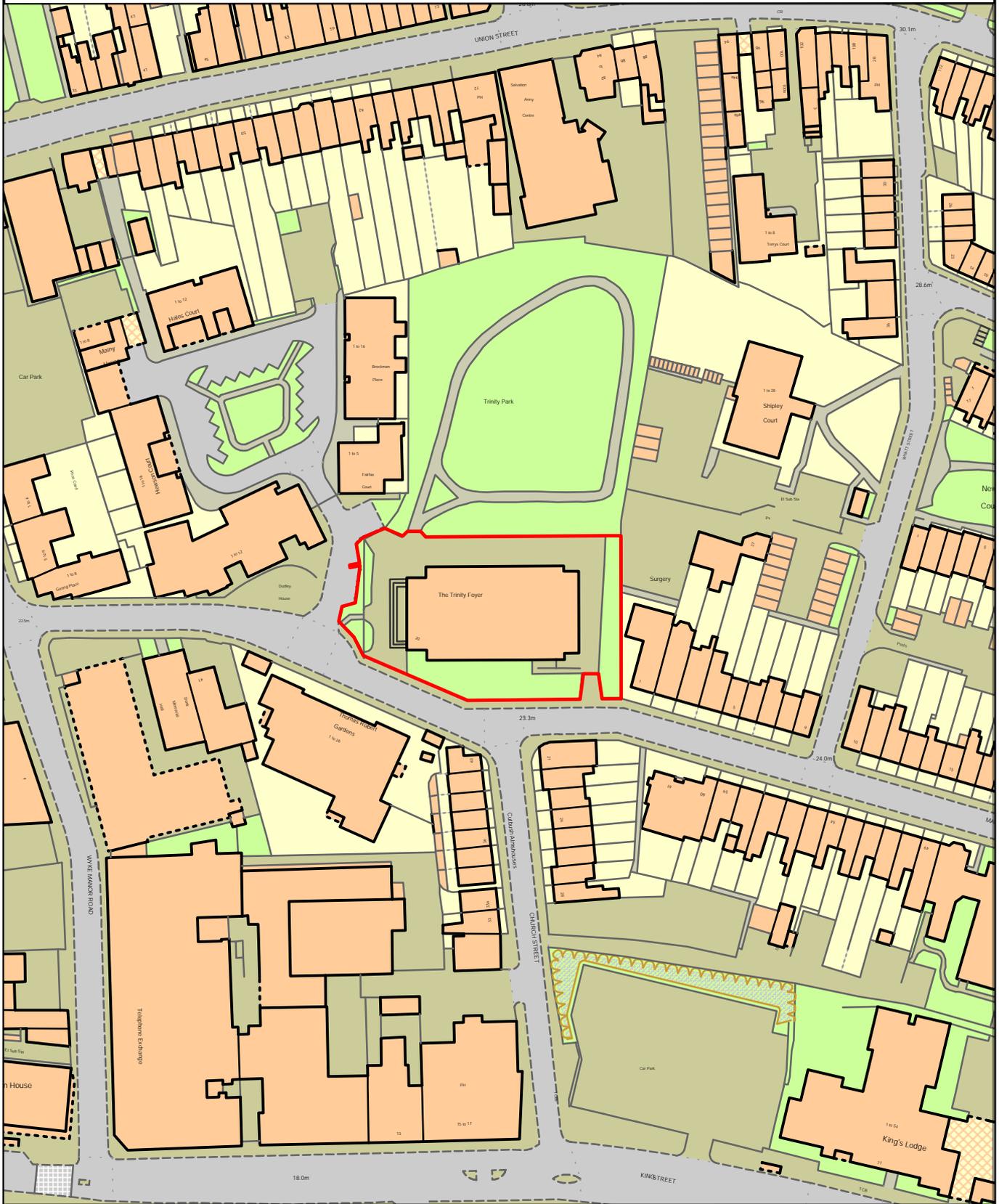
Case Officer: Gautham Jayakumar

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 MAIDSTONE BOROUGH COUNCIL

Address- The Trinity Foyer, 20 Church Street  
Maidstone, Kent, ME14 1LY

Reference - 22/501932/TPOA



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**Rob Jarman**  
Head of Planning and Development

**Tree Preservation Order Application No. 22/50132/TPOA**

**The Trinity Foyer 20 Church Street, Maidstone, Kent, ME14 1LY**

<b>APPLICATION DETAILS:</b>		
<b>Applicant:</b> Maidstone Borough Council	<b>Agent:</b> Qualitree Services	
<b>Case Officer:</b> Phil Gower	<b>Site Visit (Date):</b> 20/07/2022	
<b>Parish/Town Council:</b> Unparished	<b>Ward:</b> High Street	
<b>Date Valid:</b> 13/04/2022	<b>Consultation Expiry:</b> 12/05/2022	<b>Decision Due:</b> 08/06/2022
<b>Advert:</b> N	<b>Site Notice:</b> Y	<b>Secretary of State:</b> N

**PROPOSAL:**

Notification of works to TPOs (T1 Lime) - Lift to 1m above break & thin crown by 15% and, secondly, (T2 Pine) - Fell.

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**RECOMMENDATION:**

Application **PERMITTED** – Subject to the CONDITION(S) and INFORMATIVE(S) stated in SECTION 10

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**REASON FOR RECOMMENDATION:**

The proposed works are considered appropriate arboricultural management.

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**REASON FOR REFERRAL TO COMMITTEE:**

The trees are growing on Maidstone Borough Council-owned land and the application is made on behalf of the Council's Parks team.

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## **1. RELEVANT HISTORY**

### **1.1. Planning:**

18/500440/TPO

TPO Application - 1 x Sycamore: Reduce eastern side of crown by approx. 2m back to vicinity of boundary line. 1 x Young Ash tree: Fell tree. 1 x Sycamore: Reduce eastern side of crown by approx. 2m back to vicinity of boundary line. 1 x Lime: Re-pollard tree by pruning back, estimated resultant height on completion of works: (10m).

Approved Decision Date: 20.02.2018

22/500544/TPOA

TPO Application for group of 8 x (G1) Tilia - Remove epicormic growth, thinning crowns. Approved Decision Date: 19.10.2022

22/500594/TPOA

Notification of works to a TPO T1 (Sycamore tree) - Thinning of crown by 15% and crown lift to the east side of the tree back to boundary line.

Withdrawn Decision Date: 14.09.2022

TA/0083/11

Notification of proposed works to a tree in a Conservation Area being the trimming back one Lime Tree by 2.5m and removal of dead branches

Withdrawn Decision Date: 25.07.2011

TA/0150/11

Tree Preservation Order application: TPO No. 32 of 1973; an application for consent to remove three Lime trees T1, T2 & T3 remove arisings and grid out stumps to prevent risk of disease.

Pending Consideration Decision Date:

TA/0044/10

An application for consent to re-pollard three Lime trees and remove basal growth, fell one Holly tree and fell one Cherry tree: all trees being Subject to Tree Preservation Order No. 32 of 1973

Approved Decision Date: 08.06.2010

TA/0045/10

Notification of intention to crown lift one Sycamore tree to give a 3m clearance over adjacent property, and crown lift one Holm Oak tree to give a 5.2m clearance over highways and 2.5m clearance over footpath; all trees being located within Maidstone Holy Trinity Church Conservation Area.

No Objection Decision Date: 08.06.2010

TA/0046/04

An application for consent to remove stem and Basal suckers on 17 no. Lime Trees; All trees subject to Tree Preservation Order No. 32 of 1973

Approved Decision Date: 07.05.2004

## **2. SITE DESCRIPTION**

- 2.1.1. The trees subject to this application are located within the open green space of Trinity Park. T1, a Lime, is located on the right-hand side of a public footpath immediately left of the Southeast entrance. T2, a Pine, is located in the centre of the grass open space in the middle of the park.

### **3. PLANNING CONSTRAINTS**

#### **3.1. Tree Preservation Order(s):**

3.1.1. Tree Preservation Order (TPO) No. 32 of 1973:

3.1.2. G6 – Comprising 6no. Lime Trees

3.1.3. T14 – Pine

#### **3.2. Conservation Area(s):**

3.2.1. Holy Trinity Church Conservation Area:

#### **4. POLICY CONSIDERATIONS:**

*(When determining a tree application/notification, the LPA are not required to have regard to the development plan)*

##### **4.1. Government Policy:**

- 4.1.1. National Planning Policy Framework (2021)
- 4.1.2. Ministry of Housing, Communities & Local Government, Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

##### **4.2. Local Policy:**

- 4.2.1. Maidstone Borough Local Plan October 2017 - Policy DM 3
- 4.2.2. Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is limited, as it will be the subject of a future examination in public.
- 4.2.3. Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

##### **4.3. Compensation:**

- 4.3.1. A refusal of consent to carry out works on trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The application does not indicate that any loss or damage is anticipated if the application is refused, and the evidence submitted does not indicate that any loss or damage is reasonably foreseeable. I consider that the likelihood of a compensation claim arising is therefore very low. Not applicable if approved.

## **5. LOCAL REPRESENTATION**

### **5.1. Ward Councillors:**

5.1.1. None received.

**6. CONSULTATION**

**6.1. Parish Council:**

Unparished

**6.2. Neighbours:**

None received

## **7. SUBMITTED DOCUMENTS**

### **7.1. Site Plan(s):**

7.1.1. Tree Location Plan.

### **7.2. Photo(s):**

7.2.1. None.

### **7.3. Report(s):**

7.3.1. None.

### **7.4. Other Supporting Document(s):**

7.4.1. None.

## **8. CONSIDERATIONS AND APPRAISAL**

### **8.1. T1 – Lime, on application (G6 in TPO):**

- 8.1.1. The proposal for this tree has already been covered under another application which superseded this one. It was decided to permit the application at the September meeting of the Planning Committee and so does not require consideration as part of this application.

### **8.2. T2 – Pine, on application (T14 in TPO):**

#### 8.2.1. Condition:

*The tree is observed to be in a poor condition and has shown continued deterioration over the last 12 months. The suspected cause is red band needle blight (*Dothistroma septosporum*) (Watson, 2013; Strouts and Winter, 1994)*

#### 8.2.2. Contribution:

*This is a moderately sized tree within Trinity Park and so considered to provide some amenity value to those who use the park, however, the tree is not directly visible from a public road.*

#### 8.2.3. Retention:

*It is not my recommendation that the tree can be safely retained for any significant length of time. Due to the continued decline and loss of foliage, the tree is producing increased amounts of deadwood which pose a risk to park users. It is expected that the tree has a safe useful life expectancy of fewer than 3 years.*

#### 8.2.4. Reasons for work:

*The reason for work is to control the health and safety threat that the tree poses on the general public and park users.*

## **9. CONCLUSION**

### **9.1. Final Comments:**

- 9.1.1. The works proposed above are considered appropriate arboricultural management and necessary on the grounds of safety.

## **10. RECOMMENDATION:**

**PERMISSION** – Subject to the following CONDITION(S) and informative(s)

### **10.1. Condition(s)**

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

(2) 1 No. replacement tree selected from the following list of suitable species (below) shall be planted on or near the land on which the tree stood during the planting season (October to February) in which the tree work hereby permitted is substantially completed or, if the work is undertaken outside of this period, the season immediately following, except where an alternative proposal has been submitted to and approved in writing by the local planning authority one month prior to the end of the relevant planting season. The replacement tree/s shall be of not less than Nursery heavy standard size (12-14cm girth, 3.6-4.25m height), conforming to the specification of the current edition of BS 3936, planted in accordance with the current edition of BS 4428 and maintained until securely rooted and able to thrive with minimal intervention;

Suitable Species: Common Lime (*Tilia x europaea*), Maidenhair (*Ginkgo biloba*)

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

(3) Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

**10.2. Informative(s):**

(1) The proposed work to T1, Lime (on application), was addressed in application 22/500544/TPOA, which was permitted by Planning Committee on 22.09.2022. Therefore, this work has not been considered under this application.

(2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

(3) All cut timber/wood greater than 60cm in diameter, together with any senescent and rotting wood, should be retained, and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

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**Case Officer:** Phil Gower

Date: 04/01/2023

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

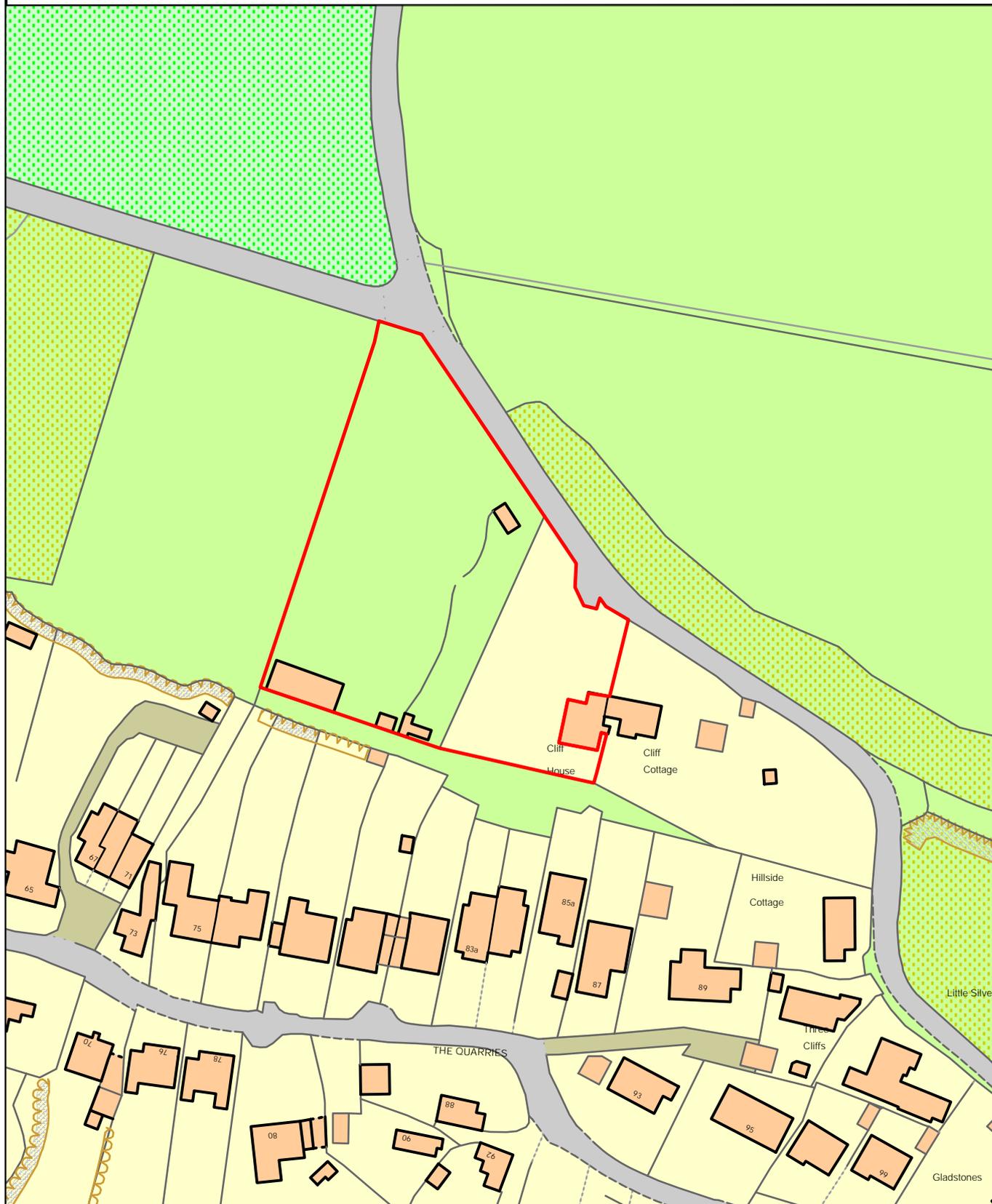
## **11. REFERENCE LIST**

- i) Strouts, R. G. and Winter, T. G. (1994) *Diagnosis of Ill-health in Trees – Research for Amenity Trees #2*. London: The Stationary Office (TSO).
- ii) Watson, G. (2013) *Tree Pests and Diseases: An Arborists Field Guide*. 1<sup>st</sup> Edition. Gloucestershire: The Arboricultural Association.

# THE MAIDSTONE BOROUGH COUNCIL

Address- Cliff House, Cliff Hill,  
Boughton Monchelsea, Maidstone, Kent  
ME17 4NQ

Reference - 22/500119/FULL



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**Rob Jarman**  
Head of Planning and Development

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/500119/FULL		
<b>APPLICATION PROPOSAL:</b> Retrospective application for the change of use to garden land and the erection of 1no. outbuilding to house home gym with associated decking, patio and hot tub area.		
<b>ADDRESS:</b> Cliff House Cliff Hill Boughton Monchelsea Maidstone Kent ME17 4NQ		
<b>RECOMMENDATION:</b> <b>GRANT</b> subject to the planning conditions set out in Section 8.0 of the report		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposal is not considered to adversely impact the character and appearance of the site, the surrounding areas or openness of the countryside, does not significantly impact on any designated heritage asset and does not harm the amenity of neighbouring properties, such that it would be in accordance with current policy and guidance.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application has been called in by Boughton Monchelsea Parish Council by reason of the recommendation being contrary to their comments (see report below for reasons).		
<b>WARD:</b> Boughton Monchelsea And Chart Sutton	<b>PARISH/TOWN COUNCIL:</b> Boughton Monchelsea	<b>APPLICANT:</b> Mr Andrew Coombe <b>AGENT:</b> Bluelime Retail LTD
<b>CASE OFFICER:</b> Jake Farmer	<b>VALIDATION DATE:</b> 02/12/22	<b>DECISION DUE DATE:</b> 27/01/23
<b>ADVERTISED AS A DEPARTURE:</b> <b>NO</b>		

### Relevant Planning History

89/0875 : Erection of detached garage with children's games room over as amended by Drawing No.8939/1/B received 24 August 1989 Approved 27.10.1989

89/0876 : Listed Building consent for garage with children's games room over as amended by Drawing Nos.8930/1/B received 24 August 1989 Approved 27.10.1989

12/0437 : Erection of a detached double garage as shown on drawing numbers 1204/01, 1204/02, 1204/03 and 1204/04, supported by a design and access statement, all received 9th March 2012. Approved 02.05.2012

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

- 1.01 The application site is located to the northeast of Boughton Monchelsea, along Cliff Hill just before the junction with Cliff Hill Road. The application site is located outside the Boughton Monchelsea settlement boundary and is considered to be countryside for the purposes on the Local Plan.
- 1.02 The red line application site boundary includes Cliff House (Grade II listed building), and the original garden of Cliff House which is immediately to the west of the house. The current planning application seeks the retrospective change of use of an area of land immediately to the west of the original garden. The existing house and original garden are within the Boughton Monchelsea The Quarries Conservation Area whilst the land for which retrospective permission is sought is just outside the conservation area.

- 1.03 This is a retrospective application with the outbuilding located on the land where permission is sought to change to garden land. The outbuilding is in close proximity to the southern boundary of the site which runs to the rear of the residential properties along The Quarries. The site is situated in an elevated position in comparison to those properties within The Quarries with an existing established hedge located on the boundary.

## **2. PROPOSAL**

- 2.01 This retrospective application seeks the erection of an outbuilding to the west of Cliff House with a change of use of part of the site to garden land to reflect this. The outbuilding is proposed to be used as a home gym ancillary to the residential property of Cliff House.
- 2.02 Along with the use of the outbuilding as a home gym, the application proposes the erection of a timber patio area to accommodate a hot tub and outdoor seating area. The outbuilding itself is approximately 16m in width, 5m in depth with a flat roof with a height of approximately 2.9m. The building is black timber clad.
- 2.03 The applicants have submitted a revised location plan and site plan to reflect the extent of change of use from agricultural land to garden land. The area of land measures approximately 30m x 90m with the front part of the site following the angle of Cliff Hill to the north.
- 2.04 This is to regularise the use of land to the west of the dwelling as residential garden; this land has not previously been included as part of the red line curtilage for the dwellinghouse.

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

Maidstone Borough Local Plan (2011-2031): Policies SS1, SP17, SP18, DM1, DM2, DM4, DM30, DM32 and DM33

Emerging Policies: Maidstone Borough Council – Local Plan Review Regulation 22 Submission. The Regulation 22 Submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and the proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

Relevant Policies:

Policy LPRSP9 – Development in the countryside

Policy LPRSP15 – Principles of Good Design

Policy LPRQ&D4 – Design principle in the countryside

Policy LPRHou11 – Rebuilding, Extending and Subdivision of Dwellings in the countryside

Policy LPRENV1 : Historic Environment

Policy LPRENV2 : Change of use of agricultural land to domestic garden land.

Neighbourhood Plan: Boughton Monchelsea

Kent Waste and Minerals Plan (amended 2020)

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Residential Extensions (2009)

Boughton Monchelsea The Quarries Conservation Area Appraisal dated February 2009

Cock Street, The Green and The Quarries Conservation Areas Boughton Monchelsea Management Plan dated April 2017

#### **4. LOCAL REPRESENTATIONS**

**Local Residents:** 2 representations received from local residents raising the following (summarised) issues

- general noise and disturbances
- position of development within the site
- overlooking to neighbouring properties
- impact upon setting of the listed building.

#### **5. CONSULTATIONS**

##### **Boughton Monchelsea Parish Council:**

- 5.01 Object to the application due to impact upon the setting of a listed building, design of the proposals, impact upon landscape and the location of the outbuilding. The application is contrary to policies PWP4, PWP5, RH1 and RH7 (*Officer comment: Policy PWP 4 is not relevant to the application as this policy relates to the provision of new housing development*)

#### **6. APPRAISAL**

The key issues are:

- Principle of development/Policy
- Impact on visual amenity
- Heritage matters
- Residential Amenity
- Other matters

##### **Principle of Development/Policy**

- 6.01 The proposed development seeks the change of use from agricultural land to residential garden land in order to facilitate the retrospective erection of an outbuilding for use as a home gym and decking area.

- 6.02 Policy DM33 of the Local Plan relates to the change of use of agricultural land to domestic garden land. It sets out that :

*'Planning permission will be granted for the change of use of agricultural land to domestic garden if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land.'*

- 6.02 The pre-amble to the policy sets out :

*'The domestication of the countryside, through the replacement of open pasture with lawns, domestic plants and garden furniture is generally harmful to the integrity and character of rural landscapes.'*

*'In some cases, applicants may seek development that results in the infill of an area between existing clear boundaries to existing built development. Where*

*development constitutes such infilling and is in keeping with the layout of the existing built environment, the impact upon the countryside is likely to be minimised.'*

- 6.03 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings and their settings and any special architectural or historic features which they possess. The court have determined that considerable weight and importance should be given to any harm found to the significance of listed buildings.
- 6.04 Section 72(1) of the Town and Country Planning Act 1990 requires that special regard is had to the question of whether or not a proposed development would preserve or enhance the special character of the conservation area. There is a presumption that development which would not do so should be refused.
- 6.05 Local plan policies DM4 and SP18 similarly seeks to preserve listed buildings and their settings, and the special character of conservation areas, in an appropriate manner and this is also carried forward into emerging policies.
- 6.06 Policy DM1 (Principles of good design) outlines the importance of high-quality design for any proposal. Amongst other things, well-designed proposals respond positively to their context in visual terms by respecting landscape character and the character and form of the host building, as well as preserving the amenities of neighbouring occupiers.
- 6.07 The countryside is a valuable and finite resource which should be protected for its own sake and for the benefit of future generations. Consequently, development there should be limited and Local Plan Policy SP17 requires that "*Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.*"
- 6.08 Policy DM30 requires, *inter-alia*, that where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area. Policy DM32 echoes similar sentiments, requiring that proposals for the construction of new or replacement outbuildings should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.
- 6.09 Relevant design guidance in the adopted SPD includes:

*Garages and other outbuildings should not impact detrimentally on the space surrounding buildings. They must be smaller in scale and clearly ancillary to the property. (Paragraph 5.28)*

*Their scale should not exceed what might reasonably be expected for the function of the building. Garages and outbuildings for domestic purposes do not normally need to exceed a single storey in height or have excessive volume. (Paragraph 5.29)*

*There should be no adverse impact on the character or openness of the countryside. (Paragraph 5.30)*

*The impact of a garage or other outbuilding would be greater if located in a prominent location where it would be highly visible (Paragraph 5.30)*

*Garages and outbuildings should not compete with the main house and consequently should be sympathetically positioned away from the front of the house and should be simpler buildings. (Paragraph 5.32)*

- 6.10 Turning to residential amenity, criterion iv of Local Plan Policy DM1 requires new development to respect the amenities of occupiers of neighbouring properties and states that it should not result in, *inter alia*, unacceptable overlooking or visual intrusion, or an unacceptable loss of privacy or light for the occupiers of nearby properties.
- 6.11 Consequently, there is general Development Plan policy which allows for the proposals sought to be regularised subject to proposals being of appropriate scale and design and having an acceptable impact on the surroundings and neighbours etc. It is therefore concluded that the proposed development is acceptable in principle. The finer detail of the proposals will now be considered.

### **Impact on visual amenity**

#### ***Change of use***

- 6.12 The proposal seeks to regularise the use of land to the west of the curtilage of the Cliff House for use as garden land. The resultant extended garden would be as shown in red on the site plan extract below, the remaining land outlined in blue as within the applicants ownership is not sought to become garden land. The area relating to the change of use would approximately double the existing garden area.



- 6.13 As set out above Policy DM33 of the Local Plan does allow for the change of use of agricultural land (the fallback use of land) to residential garden, provided that the land is not best and versatile and harm to the character and appearance of the countryside would not result.
- 6.14 The land in question is currently enclosed by a mature hedge along the northern boundary limiting views into the site from the road. Aerial photographs show that the area has been maintained by mowing for sometime (see images on the next

page) and the boundary between the garden of Cliff House and adjoining land has historically been ill-defined. It is not considered to be best and versatile agricultural land and as such its loss for such purpose is not considered unacceptable on this ground.

- 6.15 The impact of the use of the land as garden land on the character and appearance of the countryside would be limited, the character of the land to the south of Cliff Hill is a cluster of more residential properties with the application site, its neighbour and The Quarries beyond. Land to the west is highlighted in the Boughton Monchelsea Neighbourhood Plan as public open space.

Aerial photos of the application site

September 2008



July 2013



- 6.16 The change of use to garden land to regularise how the site is currently used and facilitate the use of the land for an outbuilding in association with the dwelling (discussed below) is considered in itself acceptable. However due to the sensitive location of the site, it is considered that permitted development rights for further outbuildings, hardsurfacing, accesses and fencing should be restricted by way of condition to ensure that any future development is sensitively controlled.
- 6.17 Policy PWP 5 of the neighbourhood plan seeks to improve "...landscape and amenity access between South Maidstone and Boughton Monchelsea" The submitted application is in line with policy PWP5 in that the building due to its location and external facing materials and the change of use do not unduly detract from the open and undeveloped character of the area.

***Outbuilding***

- 6.18 The application proposes the retrospective erection of an outbuilding to accommodate a 'home gym'. The outbuilding, positioned to the south-west of Cliff House, is constructed with a finishing material of timber cladding, with a flat roof and a timber porch and decking.
- 6.19 The proposed materials are considered to be suitable for outbuildings within the countryside and in accordance with the Residential Extensions SPD in terms of the materials used and the architectural design of the outbuilding.
- 6.20 In this instance, it is considered that due to the distance between Cliff House and the proposed outbuilding being such that the proposed outbuilding can be seen as ancillary to the original dwelling.

- 6.21 The building is sited 'discreetly' to the southern boundary of the site, a significant distance from Cliff Hill and screened by existing landscaping along the northern and southern boundaries. There are very limited public views of the building and in views from the road the black stained timber building is seen against the backdrop of the established hedge. With the buildings single storey nature, design and materials it would not harm visual amenity, the openness of the countryside or the street scene in general.
- 6.22 To ensure future protection, the existing hedges and planting to the northern and southern boundaries can be protected by condition to retain the open and verdant character of the countryside.
- 6.23 The proposal is in accordance with policy RH 1 of the neighbourhood plan in that whilst there is a stated "Preference...to development on brownfield land, within settlement boundaries" there is "...no significant adverse impact on the landscape or infrastructure..." from the proposal. The application through the building siting and discrete materials demonstrates how it responds "...positively to the established local character, including rural character and topography". The application sits "...comfortably alongside existing development respecting the privacy, wellbeing and quality of life of any existing residents. The application is in line with policy RH 7 of the neighbourhood plan as the building fits well in their context, and does "...not harm neighbours' amenity or privacy",

### **Overall**

- 6.24 Overall the proposed enlarged garden and outbuilding would accord with local and national policy in terms of the impact on the visual amenity of the street scene and character, appearance and openness of the countryside.

### **Residential Amenity**

- 6.25 The built outbuilding is located on the southernmost boundary of the land owned by the applicant. Beyond the southern boundary are the rear garden areas of the properties along 'The Quarries', at the base of a steep slope.
- 6.26 The properties along The Quarries benefit from reasonably deep rear gardens, resulting in a reasonable separation distance from the proposed outbuilding. The rear elevation of the proposed outbuilding does not feature any windows, meaning that there is no impact upon overlooking matters to the rear gardens of the properties along The Quarries and in any event, there is an established hedge on the boundary.
- 6.27 The outbuilding would not result in any undue impacts upon the outlook of the adjacent neighbouring properties due to the significant separation distances. The scale is also appropriate in ensuring that no unacceptable harm to residential amenity results from the development.
- 6.28 The proposed development is for ancillary residential use and as a result there are no planning grounds to refuse planning permission in relation to unacceptable levels of noise and disturbance.
- 6.29 Therefore, in light of the above, the proposed development is acceptable in terms of its impact upon residential amenity.

### **Heritage matters**

- 6.30 The land for which a change of use is sought is adjacent to the original garden of the Grade II listed Cliff House, a residential property that is listed alongside Cliff Cottage, the neighbouring property to the east. The statutory listing describes the

heritage asset as a “house pair, Later C16 or early C17, with early-to-mid C19 facade to left. Timber framed with plaster infilling to right of stack, red brick in Flemish bond under and to left of stack”.

- 6.31 The outbuilding, which is the subject of this application, is located on the land to the west of Cliff House with a separation distance of circa 50 metres. The land is outside the curtilage and currently approved garden land of the dwelling and within the setting of the Conservation Area, with the original garden and house within the Boughton Monchelsea The Quarries Conservation Area Therefore, the impact upon the setting of the listed building and impact on the setting of the Conservation Area should be considered.
- 6.32 As mentioned previously, the proposed outbuilding is located a comparatively large distance from the original dwelling. However, in accordance with guidance provided by Historic England, outbuildings and other structures should not adversely affect the setting of a listed building. The scale of the outbuilding is not considered to detract from the historic significance of the Grade II listed heritage asset.
- 6.33 The design and position of the outbuilding are not considered to detract from the setting of the Conservation Area. The building is single storey, timber clad and although fairly large in footprint, it is situated in a discreet position which is not harmful to designated heritage assets.
- 6.34 By virtue of the location of the outbuilding and its scale, the proposals would not cause adverse harm to any designated heritage assets. Therefore, the proposals are not in conflict with policies SP18 and DM4 of the Local Plan (2017) nor the policies contained within the Boughton Monchelsea Neighbourhood Plan.

#### **Other matters**

- 6.26 In itself the proposal would not result in the need for further ecological surveys, there is not considered to be any protected species which would be at risk. Policy DM1, the residential extensions SPD, the NPPF and the Boughton Monchelsea Neighbourhood Plan all promote ecological enhancement and due to the nature and extent of the proposals it is considered that biodiversity enhancements would need to be provided. Due to the retrospective nature of the proposal and the design of the outbuilding, it is unlikely that these enhancement measures can be integral therefore such measures shall be conditioned to be provided within the application site.
- 6.27 The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables. The proposal is for an outbuilding, primarily to be used as a gym, ancillary to the main dwelling. Although a sizeable building, with the low stand-alone energy requirement, together with its proposed use a requirement to provide renewable energy generation would be reasonable and would fail to meet the statutory condition tests.
- 6.28 Due to the countryside location and the site’s ability to impact on the setting of designated heritage assets it is considered that details of any external lighting should be conditioned.

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

- 6.29 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 Overall, for the reasons set out in this report, the proposed development would not be in conflict with Policies SP17, SP18, DM1, DM4, DM30, DM32 and DM33 of the Local Plan (2017), the guidance contained within the Residential Extensions SPD (2009) nor the Boughton Monchelsea Neighbourhood Plan.

## **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 development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Drawing No. BL/DRG/08092021/02.1 (Site Location Plan)
- Drawing No. BL/DRG/08092021/ 02 (Site Block Plan)
- Drawing No. BL/DRG/08092021/ 03 (Planning Drawings, As built layouts and Elevations)

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents

- 2) The change of use hereby permitted shall cease and the approved outbuilding demolished, and all materials brought onto the land for the purposes of such use and arising from the demolished building shall be removed and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority.

The Scheme shall include:

- a) a biodiversity landscape plan setting out how the development will enhance biodiversity including clear ecological enhancement for breeding birds and bats and provision of bat boxes, bird boxes, and native planting, together with a timetable for implementation
- b) A site plan showing all existing trees and hedges along the southern and northern boundaries of the site. These shall be identified to be retained and the details shall include a plant specification (including species, position and height, a maintenance schedule and a 5 year management plan.

- (ii) within 11 months of the date of this decision the Scheme shall have been approved

by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.

(iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the countryside location, in the interests of biodiversity and ecology.

- 3) Any trees or hedges identified in Condition 2ib) which within five years from the date of that decision dies 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 site plan unless the local planning authority gives written consent to removed.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 4) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The submitted details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme

Reason: To ensure lighting does not result in adverse harm upon neighbour amenity, the character of the countryside and designated heritage assets.

- 5) Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no further development within Schedule 2, Part 1 Classes E and F and Part 2 Classes A and B shall be carried out on the additional garden land hereby permitted.

Reason: To safeguard the character and appearance of the designated heritage asset; to safeguard the character and appearance of the countryside hereabouts; and in the interests of residential amenity.

- 6) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the south facing elevation of the outbuilding hereby permitted.

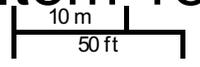
Reason : To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- 7) The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-

contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as Cliff House Cliff Hill Boughton Monchelsea Maidstone Kent ME17 4NQ

Reason: Its use as a separate unit would result in an unsatisfactory relationship with the principal dwelling and would be contrary to the provisions of the development plan for the area within which the site is located.

Case Officer : Jake Farmer



## REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

### The Maidstone Borough Council Tree Preservation Order No. 5004/2022/TPO

St Cross, Linton Hill, Linton, Maidstone, ME17 4AR

#### EXECUTIVE SUMMARY:

This report seeks the permission of the Planning Committee to confirm without modification the Tree Preservation Order No. 5004/2022/TPO, for which **1** objection has been received.

**TPO Served:** 18/08/2022

**Provisional Expiry:** 18/02/2023

#### Trees Specified Individually:

T1 – Multi-stemmed Common Ash – On the Southwest boundary to the rear of the property known as St. Cross, Linton Hill, Linton, Maidstone, Kent

#### Trees Specified by Reference to an Area:

None

#### Groups of Trees:

None

#### Woodlands:

None

#### Served on:

Mr Thomas Cole – St. Cross, Linton Hill, Linton, Maidstone, Kent, ME17 4AR.

Mrs Elisa Lyrelle Cole – St. Cross, Linton Hill, Linton, Maidstone, Kent, ME17 4AR.

#### Consultee:

Linton Parish Council – lintonpc@sherriebabington.co.uk

#### Neighbours

None

**1. RELEVANT HISTORY:**

**1.1. Planning:**

15/509940/TCA – Trees in a Conservation Area notification: Fell two Sitka Spruce. – No Objection – 05.01.2016.

20/504441/TCA – Conservation Area notification: to fell two Spruce trees (consent previously given under 15/509940/TCA). – No Objection – 01.12.2020.

22/503414/TCA – Conservation Area notification: to cut one Ash tree down to minimum height of 4 feet. – Tree Preservation Order Served. – 23.08.2022.

22/505070/TPOA – TPO Application to reduce one Ash tree to the nearby hedge height of 1.4m due to the tree blocking solar panels, blocking light into property and garden and the tree has vines growing over. – Refused – 23.12.2022.

**1.2. Enforcement:**

None

**1.3. Appeals:**

None

## **2. INTRODUCTION AND BACKGROUND:**

- 2.1.1. The Maidstone Borough Council made the provisional Tree Preservation Order No. 5004/2022/TPO on the 18th of August 2022, as attached in **appendix 1**. It protects a single individual tree (T1 on the order schedule/plan). The provisional order will expire on the 18<sup>th</sup> of February 2023, before which the Council must decide whether or not to confirm the Order, making it permanent.
- 2.1.2. The Tree Preservation Order (TPO) was made in response to a Conservation Area (CA) notification, also known as a section 211 notification, under reference 22/503414/TCA. The Local Planning Authority (LPA) can only respond by allowing the work or making a TPO. There is no scope for the Council to refuse a notification, grant consent or apply conditions.
- 2.1.3. In determining the CA notification 22/503414/TCA, which proposed the effective removal of the Ash tree in question. The proposal and the amenity value of the tree were assessed in which the Ash tree was found to merit the protection of a TPO on its amenity contribution to the local landscape, as well as being considered necessary in the wider context of the large number of Ash trees currently being lost to Ash dieback (*Hymenoscyphus fraxineus*). The proposal was viewed as inappropriate arboricultural management; therefore, it was considered expedient to make it the subject of a TPO.
- 2.1.4. A standard industry assessment, TEMPO (Tree Evaluation Method for Preservation Orders), was used to assess the tree's amenity value. A total score of 18 was awarded, which merits a TPO.

### **3. DESCRIPTION OF SITE AND TREE(S):**

#### **3.1. Site:**

##### **3.1.1. St. Cross, Linton Hill:**

3.1.2. The site is a residential property located along Linton Hill, near the junction for Wheeler's Lane. The property borders three other properties to the North, Southeast and Northwest.

#### **3.2. Tree(s):**

##### **3.2.1. T1 – Ash:**

3.2.2. A large multi-stemmed Ash tree, growing on the West boundary of the rear garden belonging to this residential property. This tree has a significant presence within the property and is likely the largest tree on the site.

3.2.3. The tree is estimated to be approximately 20m in height with an estimated radial spread of 5m-6m. The tree is considered to be in good health with good vitality when observed at the time of the site visit. The crown was viewed in full leaf. There was some minor deadwood, which is thought to be of low significance and typical of most tree species of this age which will naturally shed less productive branches in an attempt to reduce the energy costs required to sustain a larger canopy (Hirons and Thomas, 2018; Shigo, 2008) Exposed surface roots were also observed which like deadwood is regarded to be of low significance. Most temperate broadleaf trees are shown to have the majority of their rooting system in the top 50cm of soil (Roberts, Jackson and Smith, 2006) and so it is common to see exposed roots, especially of larger more mature trees, such as the Ash in question. The crown shape is considered sufficiently balanced with a suitable architecture. There were no significant defects to suggest that the tree presents an abnormal degree of risk or failure.

#### **4. OBJECTIONS AND REPRESENTATIONS:**

4.1.1. One objection was received to the making of the TPO. The objection has been replicated below, along with the council's response.

#### **4.2. Objection(s):**

4.2.1. Objection 1: Owner

*Dear Sirs,*

*We would like to appeal the decision made for the proposed TPO on a tree on our land. When we applied to have the tree taken down, we didn't realise that we needed to express all reasons. We will now explain why we would like to tree removed and also why it should not have a TPO.*

*The reason for the Councils request for a TPO is as follows*

*'the tree contributes to amenity and local landscapes character'*

*This is not the case as the tree is at the rear of our land and is NOT visible by anyone else other than us, not the public, nor any neighbour.*

*In addition to this, we have the following reasons we would like the tree removed / moved.*

*1, We have been told by a tree surgeon that the tree is in fact very dangerous. The reasons given were that the tree has large portions of the roots above ground, too many branches have been cut back prior to us buying the property and as a result the trees weight is not balanced, the weight is all at the top of the tree and is not stable. This could topple in a storm and is a danger to life. We have children and it is a huge concern for us. (pic attached of missing branches and shows weight all at top)*

*2, If you look at our EPC, since we moved in 2 years ago, we have brought the rating up from F to B, we are very conscious of the environment and have solar panels which are being blocked by the tree for large part s of the day and we are trying to get to net zero carbon as desired by the government. With the tree there, we are consuming more electricity than needed and feeding much less back to the grid.*

*3, The entire tree is covered in dead vines, this is a very serious fire hazard in these extreme temperatures. (pic attached)*

*4, Our house is in darkness for over 5 hours a day as a result of the tree blocking the sun, this is also blocking any light to large areas of our garden too.*

*This is not a request by a builder, or someone wanting to destroy their surroundings, we are extremely concerned for this tree and the safety of our children and any property damage if the tree fell. As you can see, we*

*are very environmentally friendly and we have MANY trees on our land, we are even happy to plant another tree in its place if requested or even try to have the tree moved, but we strongly oppose the TPO.*

*Yours faithfully*  
Thomas Michael Cole

#### **4.3. Council's Response to Objections:**

- 4.3.1. *The landowner has suggested that the tree is not visible. However, there are partial views of the tree's crown and upper canopy possible between and over the neighbouring properties when viewed from along Linton Hill and Wheelers Lane contributing to the broader treescape of the local area.*
- 4.3.2. *It is not considered that the exposure of surface roots indicates ill health or that the tree presents a significant risk. Exposed surface roots can be a common occurrence in mature trees.*
- 4.3.3. *There is evidence of historic pruning (for which no record of an application for permission can be found) which appears to have been done to raise the canopy. No significant defects were identified during the site visit to suggest that this previous pruning has caused any long-term or irreparable damage/decline. The canopy is considered acceptably balanced.*
- 4.3.4. *The landowner's efforts to improve their carbon footprint are acknowledged. However, as there is no 'right to light', the council does not consider these grounds significant enough to permit the removal of a mature tree of good health.*
- 4.3.5. *It is also considered that the tree's position and its effects on the solar panels' efficiency should have been anticipated at the time of installation.*
- 4.3.6. *The tree has been subject to dense Ivy growth at some point which has been severed around the base and left to die. Removing Ivy (as well as deadwood) does not require permission under current legislation (The Town and Country Planning (Tree Preservation)(England) Regulations 2012) and can be easily removed at any time.*
- 4.3.7. *As stated above, there is no 'right to light', which is not considered justification to remove a mature and healthy tree. It is also thought that the issue of restrictions to light is highly subjective, with light levels fluctuating throughout the year.*

## **5. APPRAISAL OF CASE**

- 5.1.1. The LPA considers that the Ash tree merits the protection of a TPO on amenity grounds, as evidenced by the TEMPO assessment. It is also considered that the making of TPO No. 5004/2022/TPO in response to the conservation area notification 22/505414/TCA was an appropriate response to prevent felling works that would remove a significant and valuable tree from the local landscape, diminishing biodiversity of the tree species. It should be noted that the current guidance of the Forestry Commission is not to remove healthy Ash trees where it is not necessary to do so, as those which have been unaffected by Ash dieback will be vital in passing on the immune gene for the survival and continuation of the species.
- 5.1.2. If the TPO is confirmed, the tree will be afforded continued protection conserving the tree for future generations. Any future proposed works would require a formal application to the LPA, allowing the Council to refuse or approve consent for works as considered appropriate, as well as the ability to impose conditions on any permissions granted.
- 5.1.3. The landowner has objected to the making of this TPO. Reasons provided to support the objection are not based on arboricultural grounds nor considered sufficient to outweigh the loss of a healthy mature tree.

**6. CONCLUSION AND RECOMMENDATION:**

- 6.1.1. The proposed confirmation of the TPO is considered necessary to protect the Ash tree from the threat of inappropriate works and gives the LPA control over future works. It is therefore recommended that Tree Preservation Order **No. 5004/2022/TPO** is **CONFIRMED WITHOUT MODIFICATION.**

---

**Case Officer:** Phil Gower

Date: 03/01/2023

## **7. REFERENCE LIST**

- i) Hiron, A and Thomas, P. A. (2018) *Applied Tree Biology*. Oxford: Wiley-Blackwell.
- ii) Roberts, J., Jackson, N. and Smith, M. (2006) *Tree Roots in the Built Environment – Research for Amenity Trees #8*. London: The Stationary Office (TSO).
- iii) Shigo, A. (2008) *Modern Arboriculture*. 4th edition. Durham: Shigo and Tree Associates.
- iv) The Town and Country Planning (Tree Preservation)(England) Regulations 2012 c.14.  
Available at: <https://www.legislation.gov.uk/uksi/2012/605/regulation/14/made>  
(Accessed: 28.12.2022).

**8. APPENDIX 1: Tree Preservation Order No. 5004/2022/TPO  
(Schedule and Plan)**

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**Tree Preservation Order**

**Town and Country Planning Act 1990**

**The Tree Preservation Order No.5004/2022/TPO**

**ST.CROSS LINTON HILL LINTON MAIDSTONE KENT ME17 4AR**

The **Maidstone Borough Council** in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as **Maidstone Borough Council** Tree Preservation Order No.5004/2022/TPO – St. Cross Linton Hill Linton Maidstone Kent ME17 4AR

**Interpretation**

- 2.— (1) In this Order “the authority” means the **Maidstone Borough Council**
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 18<sup>th</sup> day of August 2022

*R. L. Jarman*

.....  
Authorised to sign in that behalf  
Rob Jarman  
Head of Development Management  
Maidstone Borough Council

## SCHEDULE

### Specification of trees

TPO- 5004/2022/TPO

St. Cross Linton Hill Linton Maidstone Kent ME17 4AR

#### Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Multi stemmed Common Ash	On the South West boundary to the rear of the property known as St. Cross Linton Hill Linton Maidstone Kent

#### Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
<b>NONE</b>		

#### Groups of trees

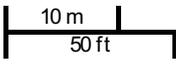
(within a broken black line on the map)

Reference on map	Description (including number of trees of each species in the group)	Situation
<b>NONE</b>		

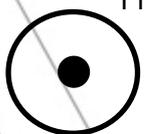
#### Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
<b>NONE</b>		



Havenhurst



T1 - Common Ash



5004/2022/TPO

Scale: 1:700

Printed on: 16/8/2022 at 17:07 PM

St Cross, Linton Hill, Linton, Maidstone, ME17 4AR

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# Agenda Item 19



**Teston Village Green**  
Scale: 1:700  
**Tree Preservation**  
Order No. 5003/2022/TPO

**Tree Schedule**  
T1 - Silver Birch

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**REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT**

**Case officer: Paul Hegley**

**The Maidstone Borough Council  
Tree Preservation Order No. 5003/2022/TPO**

**The Village Green, Church Street, Teston, Maidstone, ME18 5AJ**

**EXECUTIVE SUMMARY:**

This report seeks the permission of the Planning Committee to confirm without modification the Tree Preservation Order No. 5003/2022/TPO, for which **1** objection has been received.

**TPO Served:** 27/07/2022

**Provisional Expiry:** 27/01/2023

**Trees Specified Individually:**

T1 – Silver Birch – On the southern boundary of the green to the rear of the property known as Sylvaner

**Trees Specified by Reference to an Area:**

None

**Groups of Trees:**

None

**Woodlands:**

None

**Served on:**

Landowner – Teston Parish Council

Owner/Occupier, 'Sylvaner', The Street, Teston, Maidstone, Kent

**Consultee:**

Teston Parish Council

**Neighbours**

None

## **1. RELEVANT HISTORY:**

### **1.1. Planning:**

22/501491/TCA – Conservation Area notification: to fell one Silver Birch & grind out stump. – Tree Preservation Order Served. – 27.07.2022.

19/505694/TCA – Conservation Area notification: Crown lift 6 no. Prunus Pandora, 1 no. Indian Bean Tree, 1 no. Silver Birch tree and 3 no. Prunus trees to give a clearance of up to 3m above ground level and 3 no. Hawthorn trees to give a clearance of 2.1m above ground level and to maintain the above clearances on an ongoing basis – No Objection 24.12.2019

16/507790/TCA - Trees in Conservation Area - crown lift 3 x Hawthorn 'Crataegus Prunifolia' to give clearance of up to 6 feet from ground – No Objection – 14.12.2016

TA/0070/14 - Conservation area notification: Teston Conservation Area notification of intention of works to crown lift 1no Birch tree, 3no Cherry trees and 1no Indian Bean tree to give ground clearance of up to 2.5m. – No Objection 20.05.2014

TA/0110/13 - Conservation area notification: Teston conservation area notification of intention to crown lift three hawthorn trees to give clearance of 2m above ground level. - No Objection 05.09.2013

### **1.2. Enforcement:**

None

### **1.3. Appeals:**

None

## **2. INTRODUCTION AND BACKGROUND:**

2.1.1. The Maidstone Borough Council made the provisional Tree Preservation Order No. 5003/2022/TPO on the 27th of July 2022, as attached in **appendix 1**. It protects a single individual tree (T1 on the order schedule/plan). The provisional order will expire on the 27<sup>th</sup> of January 2023, before which the Council must decide whether or not to confirm the Order, making it permanent.

2.1.2. The Tree Preservation Order (TPO) was made in response to a Conservation Area (CA) notification, also known as a section 211 notification, under reference 22/501491/TCA. The Local Planning Authority (LPA) can only respond by allowing the work or making a TPO. There is no scope for the Council to refuse a notification, grant consent or apply conditions.

2.1.3. In determining the CA notification 22/501491/TCA, which proposed the effective removal of the Silver Birch tree in question. The proposal and the amenity value of the tree were assessed in which the Silver Birch tree was found to merit the

protection of a TPO on its amenity contribution to the local landscape. The proposal was viewed as inappropriate arboricultural management; therefore, it was considered expedient to make it the subject of a TPO.

- 2.1.4. A standard industry assessment, TEMPO (Tree Evaluation Method for Preservation Orders), was used to assess the tree's amenity value. A total score of 17 was awarded, which merits a TPO.

### **3. DESCRIPTION OF SITE AND TREE(S):**

#### **3.1. Site:**

- 3.1.1. Teston Village Green, Teston:

- 3.1.2. The site is a residential area of open space along Church Street.

#### **3.2. Tree(s):**

- 3.2.1. T1 – Silver Birch:

- 3.2.2. The Silver Birch tree is mature in age, approximately 13m tall with a crown spread of 8m. It is prominent from Church Street. It overhangs a grass area and the safety surfacing to the children's play equipment and the side boundary to the adjacent neighbouring residential property (Sylvaner, The Street, Teston).

- 3.2.3. At the time of a ground assessment, the tree was found to be in a good condition, both physiologically and structurally. The tree has a natural lean to the north, away from the neighbouring property (Sylvaner), towards the children's play equipment. The main stem divides at a height of approximately 6m and the main fork union appears structurally sound. The 'distorted' bough kinks at a distance of approximately 1.5m from the main stem but, otherwise seems structurally sound. Rough tree bark is present on the lower stem which is considered a natural characteristic of this species of tree. Some small fallen twigs were observed which again is a natural phenomenon on all mature trees.

#### **4. OBJECTIONS AND REPRESENTATIONS:**

- 4.1.1. One objection was received to the making of the TPO.
- 4.1.2. A copy of the objection is replicated below, along with the council's response (in italic).

#### **4.2. Objection(s):**

- 4.2.1. Objection 1: Owner – Teston Parish Council received 19<sup>th</sup> August 2022
- 4.2.2. The above TPO has been announced and we now request that it not be confirmed by the Council and that this provisional protection is allowed to lapse or, preferably, is withdrawn.

Our Parish Council has consistently pressed for greater "greenery" and biodiversity in Teston. **Attachment 3** gives an indication of our endeavours over past years and we believe it demonstrates our care for the natural environment, despite this challenge to the above TPO.

We find ourselves in a very unusual position. We are challenging the confirmation of this TPO, whereas we would normally show our strong support for the Council's Tree and Conservation Officers.

#### **Tree Context**

Please see the Google Earth images in **Attachment 2**; aerial and street-scene views. They give the setting and hopefully support our view that the tree should be removed.

This Silver Birch is leaning, with a distorted bough threatening to break and fall onto a neighbouring property. Removing that bough would further un-balance the tree, which is already leaning considerably towards our Play Area and litters that area with twigs and leaves. It is the wrong tree at this location.

Assessment of the tree was delegated to an external consultant (from, we believe, The Living Forest consultancy) and we are concerned that the consultant was not aware of the wider context of the tree and considered it as in isolation, rather than within the context of the Play Area and wider Village Green.

We had hoped to fell this tree and replace nearby with a more-appropriate tree as part of our Platinum Jubilee celebrations. While we have missed the long Jubilee weekend, we would at least like to do our planned work during the Jubilee year. The ideal planting time would be early Autumn to give the replacement tree a good start before summer 2023.

#### **Our Request**

We object to confirmation of this provisional protection and ask, please, that:

- it be allowed to lapse by the Council i.e. not confirmed; or, preferably
- it be withdrawn as soon as possible, so that we can plan for a replacement tree to be planted in the early Autumn, not in February as waiting for the TPO to lapse would imply, as that would not give the new tree a good start.

Should this go to Planning Committee for confirmation of TPO, we request the opportunity to speak.

**Replacement of Silver Birch with Acer Platanoides Drummondii**

Teston Village Green currently hosts a Silver Birch in its south-western corner. It is estimated to have 10-15 years life remaining. Three pictures to the right show it, without its leaves.

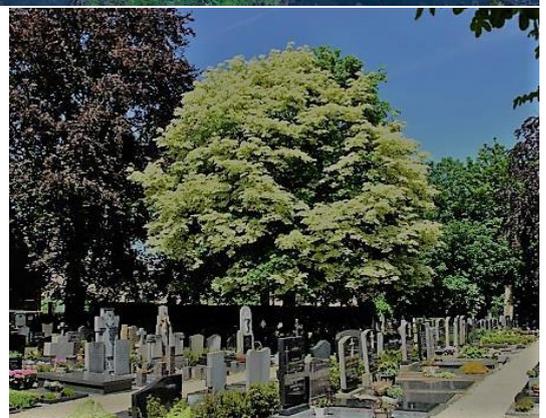
It now represents an unappealing specimen to have in this prominent part of Teston. As can be seen, it is considerably off vertical, has a distorted bough, a very rough bark and drops a considerable number of twigs onto the Play Area. A neighbour is concerned that the distorted bough is reaching towards his home and, if it fails, would cause damage.

We have received a quotation to reduce that distorted bough by 30%, with crown-thinning by 15% to endeavour to re-balance it. However, we are not convinced that the work is worthwhile, given the tree's remaining life and characteristics, and nor are we convinced that the tree would remain stable.

It is leaning towards our children's Play Area and, combined with its very rough bark and propensity to drop twigs, represents an uncomfortable situation.

We would like to take the opportunity to fell and grind-out this tree and to replace it (nearby) with an Acer Platanoides Drummondii – picture bottom right.

That would then be a belated part of Teston's marking of the Queen's Platinum Jubilee, together with a stone feature, carrying a tablet with suitable marking that has already been installed.



**Views of Teston Village Green** (Courtesy Google Earth)

The Silver Birch is the red ring. Please note the closeness of the Play Area and other trees on Village Green.



As viewed southwards from Church Street. The Silver Birch is at the centre-rear of the picture.



## **ATTACHMENT 3**

### **Our Landscape-related Initiatives**

In recent years we have:

- planted Hawthorn trees along the edge of our Village Green;
- planted trees on the Tonbridge Road (A26) at the junction with B2163, Teston Lane (with a nesting box);
- established trees, shrubs and bulbs at Ash Tree Corner, a prominent triangle of land at the junction of Tonbridge Road and Church Street;
- via Medway Valley Countryside Partnership, planted wildflowers on the wide verge of Tonbridge Road, just to the west of the junction with B2163, as well as wildflowers on the opposite verge;
- planted innumerable bulbs at various locations within our Parish;
- restricted hedgerow maintenance to out-of-nesting-season, unless pedestrian safety dictates otherwise;
- successfully acquired a "forgotten" wide verge at Courtlands via use of "adverse possession" procedure, then requested a TPO on a prominent Lime Tree on that verge and, as necessary, sought and received permission to maintain its canopy; and
- maintained trees on the Village Green, with relevant permissions.

We facilitated the establishment of Teston Land Conservation Trust (TLCT), a charity with Parish Councillors as Trustees and Paul Oldham as Trustee and Chair. TLCT's object is "for the benefit of the inhabitants of Teston, the conservation, protection and maintenance of the unspoilt rural and agricultural nature of land within or abutting the Parish of Teston ...". TLCT now owns 22 acres of land.

Via TLCT and on its land, we have then:

- in consultation with Network Rail, planted seven Oak Trees with a view to masking the visual impact of the railway level crossing at Teston in a visually important section of the Medway Valley- they are now well- established;
- given permission for three disease-resistant Elms to be planted just to the east of Teston Bridge Country Park;
- in three acres along the south side of Tonbridge Road, just to the west of the entrance to Teston Farm Shop, planted about 3,500 native saplings and a few mature trees, with some 10% of them now flourishing, and with subsequent prunings being left to provide natural habitats;
- nurtured a water meadow in a field opposite Teston Bridge Country Park; and
- made available fields for graziers with their sheep, cattle and other animals, including for the enjoyment of those walking along the river bank to the east of Teston Bridge Country Park.

#### **4.3. Council's Response to Objections:**

- 4.3.1. *In summary of the above objection, the landowner has suggested that the Silver Birch is estimated to have 10-15 years life remaining and now represents an unappealing specimen in this prominent part of Teston. It is considerably off vertical, has a distorted bough, a very rough bark and drops a considerable number of twigs. A neighbour is concerned that the distorted bough is reaching towards his home and, if it fails, would cause damage.*

- 4.3.2. *Following inspection by an independent arboricultural consultant and the Councils Landscape Officer/Arboriculturist the tree was found to be in a good condition, both structurally and physiologically with a useful safe life expectancy of at least 20 years.*
- 4.3.3. *The tree is growing off vertical with a natural lean towards the north away from the neighbouring property, towards the children's play equipment. At the time of inspection there was no visual signs of root plate movement or indication that the lean presents an increased risk of failure.*
- 4.3.4. *The distorted bough does have a kink/twisted wood fibres at a distance of approximately 1.5m from the main stem to the south but, otherwise seems structurally sound. The rough bark on the lower stem is a natural occurrence on this species of tree and again is not considered to indicate an increased risk of failure.*
- 4.3.5. *Falling twigs/branches is a natural phenomenon on mature trees and should not be taken as a sign of decline.*
- 4.3.6. *The retention of the Silver Birch tree does not prevent the Parish Council from planting the Acer platanoides 'Drummondii' in another suitable area of the Village Green.*

## **5. APPRAISAL**

- 5.1.1. With any application to fell protected trees, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the proposed felling of the Silver Birch would result in significant harm to the character and appearance of the area and, in judgement, insufficient justification has been demonstrated for the proposed felling.
- 5.1.2. The LPA considers that the Silver Birch tree merits the protection of a TPO on amenity grounds, as evidenced by the TEMPO assessment. It is also considered that the making of TPO No. 5003/2022/TPO in response to the conservation area notification 22/501491/TCA was an appropriate response to prevent felling works that would remove a significant and valuable tree from the local landscape, diminishing biodiversity of the tree species.
- 5.1.3. If the TPO is confirmed, the tree will be afforded continued protection conserving the tree for future generations. Any future proposed works would require a formal application to the LPA, allowing the Council to refuse or approve consent for works as considered appropriate, as well as the ability to impose conditions on any permissions granted.
- 5.1.4. The landowner has objected to the making of this TPO. Reasons provided to support the objection are not based on arboricultural grounds nor considered sufficient to outweigh the loss of a healthy mature tree.

## 6. CONCLUSION AND RECOMMENDATION:

- 6.1.1. The proposed confirmation of the TPO is considered necessary to protect the Silver Birch tree from the threat of inappropriate works and gives the LPA control over future works. It is therefore recommended that Tree Preservation Order **No. 5003/2022/TPO** is **CONFIRMED WITHOUT MODIFICATION**.

## 7. REFERENCE LIST

- i) Hiron, A and Thomas, P. A. (2018) *Applied Tree Biology*. Oxford: Wiley-Blackwell.
- ii) Roberts, J., Jackson, N. and Smith, M. (2006) *Tree Roots in the Built Environment – Research for Amenity Trees #8*. London: The Stationary Office (TSO).
- iii) Shigo, A. (2008) *Modern Arboriculture*. 4th edition. Durham: Shigo and Tree Associates.
- iv) The Town and Country Planning (Tree Preservation)(England) Regulations 2012 c.14. Available at: <https://www.legislation.gov.uk/uksi/2012/605/regulation/14/made> (Accessed: 28.12.2022).

**8. APPENDIX 1:** Tree Preservation Order No. 5003/2022/TPO (Schedule and Plan)

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**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No. 5003/2022/TPO The Village Green Church Street Teston**  
**ME185AJ**

The **Maidstone Borough Council** in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order-

**Citation**

1. This Order may be cited as **Maidstone Borough Council** Tree Preservation Order No. 5003/2022/TPO- The Village Green Church Street Teston ME18 5AJ

**Interpretation**

- 2.- (1) In this Order "the authority" means the **Maidstone Borough Council**
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**Effect**

- 3.- (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall-
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 27th day of July 2022

. J\_

Rob Jarman  
Head of Development Management Maidstone  
Borough Council

Authorised to sign by the Council in that behalf.

## SCHEDULE

### Specification of trees

5003/2022/TPO

The Village Green Church Street Teston Maidstone ME18 5AJ

#### Trees specified individually

{encircled in black on the map}

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>T1</b>	Silver Birch	On the southern boundary of The Green to the rear of the property known as Sylvaner

#### Trees specified by reference to an area

{within a dotted black line on the map}

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

#### Groups of trees

{within a broken black line on the map}

<i>Reference on map</i>	<i>Description (including number of trees of each Situation species in the group)</i>
NONE	

#### Woodlands

{within a continuous black line on the map}

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Planning Committee Report  
19 January 2023




**Teston Village Green**  
 Scale: 1:700  
**Tree Preservation**  
 Order No. 5003/2022/TPO

**Tree Schedule**  
 T1 - Silver Birch

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## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 19<sup>th</sup> January 2023**

### **APPEAL DECISIONS:**

- 1. 21/504879/FULL** The development proposed is conversion of existing cottage together with a two storey rear/side extension to create 1 No. two bedroom dwelling and 1 No. three bedroom dwelling. Erection of 1 No. detached four bedroom dwelling.

**APPEAL: Refused**

2 Loddington Lane Cottages  
Loddington Lane  
Boughton Monchelsea  
Maidstone  
Kent  
ME17 4AD

(Committee)

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- 2. 21/506237/FULL** The development proposed is an extension to an existing garage within the curtilage of a listed building.

**APPEAL: Allowed**

Fulling Mill House  
Caring Lane  
Leeds  
ME17 1TJ

(Delegated)

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- 3. 21/504104/FULL** The development proposed is conversion of an existing stable building to a self-contained single-storey three-bedroom dwelling with associated parking and amenity.

**APPEAL: Dismissed**

Scragged Oak Farm  
Scragged Oak Road  
Hucking  
ME17 1QU

(Delegated)