

REPORT SUMMARY

REFERENCE NO: 23/504640/FULL		
APPLICATION PROPOSAL: Change of use of existing kiosk and WC building to storage and changing rooms. Erection of single storey side extension, including replacement of flat roof with a new pitched roof and associated landscaping works.		
ADDRESS: Mote Park Kiosk, Willow Way, Maidstone, ME15 7RN		
RECOMMENDATION: APPROVE PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed uses are associated with the management of Mote Park and recreational activities so are acceptable. The natural slate pitch roof would enhance Mote Park (Grade II Registered Park and Garden) and the extensions to the building would not cause any harm. A single tree would be removed but it would be replaced and the loss of an area of grass for a surfaced access to the building would not harm the historic Park. The proposals are therefore in accordance with policies polies SP18, DM1, DM3 and DM4 of the Local Plan and permission is recommended subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE: Maidstone Borough Council is the applicant.		
WARD: Shepway North	PARISH COUNCIL: N/A	APPLICANT: Maidstone Borough Council AGENT: Andrew Wells Planning and Design
CASE OFFICER: Richard Timms	VALIDATION DATE: 20/10/23	DECISION DUE DATE: 28/03/24
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

63/0035/MK1 The erection of a refreshment kiosk and public conveniences – APPROVED

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application relates to a building formerly used as a refreshment kiosk and toilets which is in a state of disrepair. It is a small single storey building faced

with yellow bricks and has a flat roof. The building is within the north part of Mote Park adjoining surfaced paths with the A20 around 200m to the north.

1.02 Mote Park is a Grade II Registered Park and Garden and has a number of listed buildings within its grounds, notably Mote House (Grade II*) which is around 330m to the southeast. The majority of the park is also a Local Wildlife Site and this designation washes over the site of kiosk building.

2 PROPOSAL

2.01 Permission is sought to extend the building to the front and west side and construct a new pitched roof. The extensions would be faced in matching bricks with a roller shutter door on the side part. Some existing windows would be bricked and there would be two new steel doors to the front. The roof would be finished in natural slate. Additional hard surfacing is proposed on the west side to allow access to the side extension/roller shutter door.

2.02 Internally the building would provide toilets, a shower/wet room, changing rooms, and storage space, and the use of the building would change to provide storage for maintenance of the park, and the other facilities for the sailing club.

3 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SS1, SP1, SP18, DM1, DM2, DM3, DM4, DM8

Kent Waste and Minerals Plan (amended 2020): CSW3, DM7, DM9

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Local Plan Review (Regulation 22): LPRSS1, LPRSP14, LPRSP14(A), LPRSP14(B), LPRSP15, LPRENV1, LPRQ&D2

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the 'Main Modifications' the Inspector considers are required to make it sound have been out to public consultation so it is at an advanced stage.

This Council invited the Inspector to make any changes necessary to the 'Main Modifications' in order to make the Plan sound. The Inspector has done so in his Final Report (8th March 2024) and so the recommendation is simply one of adoption to PAC PI, Cabinet and, crucially, Council on the 18th, 19th and 20th, respectively, of March. However, if the recommendation to adopt is accepted then the Plan would still not have full weight because the 6 week period for judicial review would need to expire (6 weeks from the date of the Council's decision) and so, at this stage, the Plan attracts 'substantial' weight.

4 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 1 representation received raising the following (summarised) points:

- Should keep toilet facilities at this side of the park.

5 CONSULTATIONS

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

5.01 The Gardens Trust

"We have considered the information provided in support of the application and liaised with our colleagues in Kent Gardens Trust. On the basis of this we confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals."

5.02 MBC Conservation

No objections: Summary – *"Overall, the design, scale, and layout are considered appropriate from a heritage perspective and will enhance the character of Mote Park."*

5.03 MBC Landscape

No objections subject to conditions requiring a final arboricultural method statement, tree protection plan, and landscaping details.

5.04 KCC Minerals

No objections.

6 APPRAISAL

6.01 The proposed uses are associated with the management of Mote Park and recreational activities so are acceptable.

6.02 The key issues are therefore:

- Impact on Mote Park and the Setting of Listed Buildings
- Impact on Trees and the Local Wildlife Site

Impact on Mote Park and the Setting of Listed Buildings

6.03 The proposed extensions are modest increasing the building's width by around a third to the west side and the extension to the front would be flush with the front. The limited extensions and new doors would not have any harmful impact upon Mote Park or the setting of listed buildings. The increase in hard surfacing would be limited and would also not cause any harm to the wider Park.

6.04 The pitch roof will greatly improve the appearance of the building and the proposed use of natural slates will be secured by condition. Therefore overall,

it is considered the proposals would enhance Mote Park in accordance with policies SP18, DM1 and DM4 of the Local Plan and draft policies LPRSP14(B), LPRSP15, and LPRENV1 of the Local Plan Review (LPR).

Impact on Trees and the Local Wildlife Site

- 6.05 There are several trees close to the building around the west, north and east sides. The only tree that would be directly affected by the side extension is a tulip tree to the west which would need to be removed. This has been classed as a category U tree (useful life expectancy less than 10 years) under the submitted tree survey. It is proposed to remove this tree and provide a replacement tree (Alder) just to the north.
- 6.06 A crown lift 5m above ground level is proposed to the ash trees to the northeast to allow construction of the roof to which the landscape officer raises no objections. The other trees near to the development would be protected during the works as per the submitted tree protection plan.
- 6.07 The landscape officer has reviewed the submission and has raised no objections in terms of the removal, works to, and protection of trees and I consider the removal of the tree subject to a replacement would not cause harm to the Park. Conditions are required to secure the replacement, a method statement for works, and tree protection.
- 6.08 It is considered the limited hard surfacing which would result in the loss of a small area of mown grass would not have any harmful impacts upon the Local Wildlife Site in accordance with policy DM3 of the Local Plan and draft policy LPRSP14(A) of the LPR. One bat and one bird box are proposed to be attached to the building to provide some ecological enhancement which is considered proportionate to the scale of development proposed and can be secured by condition.

PUBLIC SECTOR EQUALITY DUTY

- 6.09 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 uses are associated with the management of Mote Park and recreational activities so are acceptable.
- 7.02 The natural slate pitch roof would enhance Mote Park and the extensions would not cause harm. A single tree would be removed but replaced and the loss of an area of grass would not harm the historic Park. The development would not have a harmful impact upon the Local Wildlife Site.
- 7.02 The proposals are therefore in accordance with policies SP18, DM1, DM3, and DM4 of the Local Plan and draft policies LPRSP14(A), LPRSP14(B), LPRSP15, and LPRENV1 of the LPR, and permission is recommended subject to conditions.

8 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

CONDITIONS:

Time Limit (Full Permission)

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.

Approved Plans & Compliance

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

PL/707/03 RevA
PL/707/01 RevA
PL/707/02 RevB

Reason: To clarify which plans have been approved and to ensure a high-quality development.

3. The bricks to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Reason: To ensure a satisfactory appearance to the development.

Pre-Commencement

4. No development shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result impact on trees and include details of the proposed tree works necessary to implement the approved scheme and include a tree protection plan.

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

Pre-Slab Level

5. No development above slab level shall take place until details of a replacement tree have been submitted to and approved in writing by the local planning authority. The details shall include the species, size, and location of the tree,

and a 5-year management plan. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate mitigation for the loss of an existing tree.

6. No development above slab level shall take place until written details and images of the natural slate tiles to be used for the construction of the roof hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and thereafter maintained.

Reason: To ensure appropriate mitigation for the loss of an existing tree.

7. The replacement tree approved under condition 5 shall be planted in the first planting season (1st October to end of February) following the first occupation/use of the building. If before a period of 10 years from the completion of the development the tree dies or becomes so seriously damaged or diseased that its amenity value has been adversely affected, it shall be replaced in the next planting season with a tree of the same species and size as approved under condition 5 unless the local planning authority gives written consent to any variation.

Reason: To ensure appropriate mitigation for the loss of an existing tree.

Pre-occupation

8. The bat and bird boxes shown on drawing no. PL/707/02 RevB shall be installed before the first occupation/use of the building and thereafter maintained.

Reason: In the interest of biodiversity enhancement.

9. The development shall not be occupied until details of any external lighting has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of visual amenity.