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**Report of 10 October 2013**

**East Malling & Larkfield**                      **570291 157081**    **31 May 2013**                      **TM/13/01650/FL**  
East Malling

Proposal:                      Erection of a single storey detached building to be used as a parish room  
Location:                      Church Of St James Church Walk East Malling West Malling Kent  
Applicant:                      Mrs Anna Ashbee

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**1. Description:**

- 1.1 This full application proposes the construction of a single storey detached timber framed building to provide a church meeting room, toilets and a kitchen area. The building would be 'L' shaped in plan form and be a maximum of 13.5m long and 8.5m wide with an overall height to ridge of 5.3m. The building would be finished in lime mortar panels between the timber frame with a plain clay tiled roof.
- 1.2 The development has been proposed as a means to fulfil a need for toilet facilities and a small meeting room. The applicant has considered a number of options to provide these facilities as an extension to the original church building; however, due to the layout and construction of the building, it is not possible to extend or adapt it suitably. A number of free standing options have also been considered but these have also been ruled out, for various reasons, prior to the submission of this application.

**2. Reason for reporting to Committee:**

- 2.1 Due to the level of public interest and also at the request of Cllr Woodger who feels the community need for the facility should be balanced against the loss of the trees and the impact on the listed building.

**3. The Site:**

- 3.1 The application relates to an area within the churchyard of St James Church. The church itself is a Grade I listed building and the churchyard contains a number of listed tombs. The site is within the village confines of East Malling and within the East Malling Conservation Area.

**4. Planning History:**

TM/94/00377/TC                      no objection                      6 December 1994

Remove lower branches from 11 yew trees and 4 conifer trees and higher branches from one yew tree

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TM/03/00494/TNCA	No Objection	3 April 2003
Reduce height and spread of canopy of Common Yew tree ( <i>Taxus Baccata</i> ) by 25%		
TM/06/02961/TNCA	No Objection	18 October 2006
Reduce 1 no. Yew tree		
TM/13/00450/TNCA	No Objection	26 March 2013
Undertake works to trees T6, T7, T11, T12, T13, T16, T17 and T34 as recommended in tree report		
TM/13/01651/LB	Application Not Proceeded With	6 June 2013
Listed Building Application: New parish room including WC's and kitchen to be formed within the curtilage of the Grade 1 listed Church Of St James		

## 5. Consultees:

- 5.1 PC: Consider that the site should be visited by Borough Councillors prior to any decision being made. Would not want the yew tree removed until such time that the new building works are definitely going ahead. If the Borough Council is minded to approve then conditions should be attached to control the use of the building, its hours of operation, controlling of signage, appropriate noise attenuation measures, retention of the stone paving to the front of the church, landscaping and slab levels and it should be built in accordance with the approved plans.
- 5.2 KCC (PROW): No objections subject to the works not obstructing the PROW through the churchyard.
- 5.3 EMCG: Object to the siting of the building, the loss of the tree, impact on the Church, Court Lodge and the Conservation Area are not acceptable. Proposal does not accord with duty to preserve or enhance Conservation Areas as the scheme does not complement its neighbours.

Private Reps: 13/0X/16R/35S + site and press notice.

16 letters of objection received raising the following concerns:

- Yew tree should not be removed.
- Building should be sited in a less prominent location to the southwest of the church.

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- Building should be set diagonally in the north western corner of the churchyard to avoid the need to remove the yew.
  - Building would deface the look of the lovely church and would appear 'shoehorned' in between two listed buildings to the detriment of the setting of both.
  - Building should be made, or clad, in stone to respect the appearance of the existing church.
  - Borough Councillors should undertake a site inspection prior to making a decision so that they can see the impact on the Conservation Area and the neighbouring property.
  - Impact of the works on the stability of the adjacent retaining wall.
  - Detrimental impact on the important vista along Church Walk towards the Church from the High Street.
  - Not appropriate unless adequate screening and tree retention can be guaranteed.
  - Facilities are available at the Institute Hall, 150m yards away.

35 letters supporting the application and making the following observations:

- Facilities much needed to support the congregation and the community.
- Provide suitable accommodation for Sunday School and Mother and Baby groups.
- Loss of tree is regretted but new planting is proposed to compensate.
- Provision of disabled facilities welcomed.
- Not appropriate to just have a portaloo for such a well used church.

## **6. Determining Issues:**

- 6.1 The principal considerations with this application are the principle of development in this location, the impact of the development on the character of the Conservation Area and the surroundings and impact on the trees on the site.
- 6.2 The development has been proposed as a means to fulfil a need for toilet facilities and a small meeting room. There are no objections in planning policy terms to the principle of such a building adjacent to a church and indeed it is similar to facilities at a number of other churches within the Borough. The northwest corner of the church yard is within the village confines as indicated on the Proposals Map and

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there are no policy objections to the principle of enhancing a community facility within the village. The development is therefore considered to accord with Policy CP13, development in rural settlements.

- 6.3 The proposed building is within the grounds of the Grade I listed church building and also within the East Malling Village Conservation Area. The siting of the building in the northwest corner of the churchyard would limit its impact on views through the Conservation Area, such as along Church Walk. The building has been designed with a ridge height similar to the height of the parapet wall at the base of the church tower. This existing feature is well screened in views towards the church and it is therefore considered that the new building would not be detrimental to the character and setting of the listed building or the general character of the Conservation Area and that it respects the views through the area as set out in the East Malling Conservation Area Appraisal.
- 6.4 The building would be sited adjacent to the boundary with the neighbouring property, Court Lodge. The works would not have an impact on the residential amenity of this dwelling itself due to the layout of the site. The neighbour does have concerns regarding construction in this area though, due to the fact that the churchyard is approximately 1.5m to 2.1m higher than the land level in the grounds of Court Lodge. The applicant has indicated that to address the issue of the land levels they propose to construct the new building off piled foundations that should not put any load on the old retaining wall to Court Lodge.
- 6.5 The construction of the building in this location in the churchyard would necessitate the removal of a yew tree in the north western corner of the church yard. The loss of this yew is regrettable. However, when the need for the development is balanced against the overall landscape issues, it is considered that the removal can be supported. The yew is a relatively young specimen and is not clearly visible in the wider setting of the conservation area. Also building in this location would keep the works away from the mature yew trees to the front and southern side of the church.
- 6.6 The application is supported by a proposed landscaping scheme, the details of which propose the planting of a replacement yew and a native boundary hedge around the building. The proposed landscaping is considered to adequately mitigate the impact of the loss of the tree and the construction of the building on the site and the surroundings.
- 6.7 With regard to the other points of concern raised by local residents, it is considered that the materials are appropriate for an ancillary building to a church as such a structure would use timber construction so as to not compete with the church building. It is not considered that the new building would increase the level of noise and disturbance experienced by surrounding properties. The use of the building would be similar to that of the church and so would not add to the

disturbance currently experienced. It is acknowledged that there are other halls and similar accommodation within the village but none provides immediate access to the church itself.

- 6.8 Overall, whilst it is regretted that the development would result in the loss of the yew, it is considered that, on balance, the development is acceptable subject to conditions relating to materials, landscaping and levels.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following details: Letter dated 09.09.2013, Report SITING OF PROPOSED PARISH ROOM dated 09.09.2013, Survey 31/SY-02A dated 09.09.2013, Proposed Plans 31/L-08A dated 09.09.2013, Proposed Elevations 31/L-11A dated 09.09.2013, Letter dated 31.05.2013, Design and Access Statement dated 31.05.2013, Site Plan 31/SY-04 dated 31.05.2013, Proposed Elevations 31/L-09 East dated 31.05.2013, Proposed Elevations 31/L-12 North dated 31.05.2013, Proposed Elevations 31/L-14 South dated 31.05.2013, Email dated 05.07.2013, Letter dated 05.07.2013, Tree Report dated 05.07.2013; and subject to:

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

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4. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
  - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
  - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

5. The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

6. The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

7. The building hereby approved shall be used only as an ancillary facility for the functioning of the church and for no other purposes.

Reason: To limit the noise and disturbance experienced by nearby residential properties.

8. Prior to the commencement of development details of all external lighting existing and proposed shall be submitted to and approved by the Local Planning Authority. Any scheme shall be then permanently retained and not be varied without the prior written approval of the Local Planning Authority.

Reason: The protection of the locality and residential properties from light pollution in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007

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