

**Ightham**

Wrotham, Ightham And  
Stansted

**5 May 2021**

**(A) TM/21/01278/FL**

**(B) TM/21/01279/LB**

Proposal (A)	Construction of a relocated parking area in the lower section of Mount Field to the east of the Walled Garden and the existing parking area; removal of the temporary visitor reception building and the erection of a replacement visitor reception and shop building, Glasshouse and Bothy within the restored Walled Garden together with associated landscaping and drainage works
Proposal (B)	Listed Building Application: construction of a relocated parking area in the lower section of Mount Field to the east of the Walled Garden and the existing parking area; removal of the temporary visitor reception building and the erection of a replacement visitor reception and shop building, Glasshouse and Bothy within the restored Walled Garden together with associated landscaping and drainage works
Location:	Ightham Mote Mote Road Ivy Hatch Sevenoaks Kent TN15 ONT
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**1. Description:**

- 1.1 These applications seek both planning permission and listed building consent for works for the construction of a parking area in the lower section of Mount Field, the removal of the temporary visitor reception building and the erection of a replacement visitor reception and shop building, glasshouse and bothy within the restored walled garden and associated landscaping and drainage works.
- 1.2 These applications are resubmissions following the refusal of an earlier scheme by APC2 held in May 2020 (our references TM/19/02842/FL & TM/19/02843/LB). The grounds of refusal given are material considerations in the determination of the current applications and were given as follows:

TM/19/02842/FL:

*The proposed development insofar as it relates to the new car park, by virtue of its overall scale, siting and layout amounts to inappropriate development which is harmful by definition and also causes material harm to openness and further planning harm to the localised landscape which is designated as an Area of Outstanding Natural Beauty and which cannot be adequately mitigated. The Local Planning Authority does not consider that the wider scheme that would be derived from the provision of the new car parks would result in benefits that would clearly outweigh those identified harms in totality. As such, the proposed development is contrary to the requirements of adopted policies CP3 and CP7*

*of the Tonbridge and Malling Borough Local Plan and paragraphs 143, 144, 145, 146 and 172 of the National Planning Policy Framework 2019.*

TM/19/02843/LB:

*The proposed development necessitates works to the cluster of Grade I and Grade II Listed Buildings which form part of Ightham Mote and which, in the absence of any acceptable associated development, are not justified which is contrary to paragraph 198 of the National Planning Policy Framework 2019.*

- 1.3 The latest scheme seeks to overcome the grounds of refusal by proposing a reduced scale car park within Mount Field. The new car park will provide 93 surfaced car parking spaces and 58 spaces located on all weather grass. The remainder of the 146 surfaced car parking spaces will be retained on the north drive and adjacent to the walled garden. This scheme will retain Mill Field as a temporary overflow car park for use up to 28 days a year.
- 1.4 As per the previous scheme the proposal will seek to remove parking from the walled garden. A new visitor's reception/shop, glasshouse and bothy will be erected in/around the walled garden with the remainder restored to active use. The scheme also includes landscaping to the south lake and the formation of an attenuation basin within Mill Field.
- 1.5 To clarify, listed building consent is specifically sought for:
- Re-instatement of Walled garden to formal garden area;
  - Attachment of glasshouse to listed walled garden;
  - Attachment of bothy to listed walled garden;
  - Attachment of Visitors Reception to listed walled garden
- 1.6 The report that follows assesses and makes recommendations on both the development requiring planning permission and the works requiring listed building consent given the interrelationship between the different aspects.

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

- 2.1 Due to special circumstances and the recent planning history of the site.

**3. The Site:**

- 3.1 The wider site of Ightham Mote consists of a 533 acre (216 hectare) holding which comprises the Mansion, historic cottages and outbuilding, lakes, farmhouse and associated Coach House, farm buildings, agricultural fields and woodland. The land was acquired by the National Trust in 1985.

- 3.2 The application site which falls within the red line of these applications falls centrally within the wider site. It includes the North Drive, the Walled Garden, the existing Visitor Reception area, and the field adjacent to the existing car park known as Mount Field.
- 3.3 The application site lies within the Metropolitan Green Belt and within the North Downs Area of Outstanding Natural Beauty. The site is also wholly within an Area of Archaeological Potential. The walled garden, visitors' reception and the main formal gardens of Ightham Mote fall within the Ightham Mote Conservation Area. Public Right of Way MR430 runs around the southern extent of the site and Mote Road runs through the middle of the estate. Mount Field is designated as Grade II agricultural land.
- 3.4 The mansion of Ightham Mote is a Grade I Listed Building, with adjacent Grade II\* listed cottages and standing structures. The mansion, mote, adjacent gardens to the north and gardens to the west including the land occupied by the cottages area are designated as a Scheduled Monument (Ightham Mote Medieval Moated Site). All these, including the grade II listed dwelling of East Mote Oast, lie outside the red line of the application site but form part of the wider setting of Ightham Mote.

**4. Planning History (relevant):**

TM/85/11472/FUL grant with conditions 21 November 1985

Alterations to vehicular access; provision of car and coach parks and associated works.

TM/85/11476/FUL grant with conditions 28 October 1985

Conversion of coach house to shop and toilets in association with and on land adjoining Ightham Mote.

TM/85/11478/LBC grant with conditions 18 November 1985

Alterations to coach house.

TM/88/10320/FUL grant with conditions 14 June 1988

Timber built tea bar.

TM/93/00720/FL grant with conditions 4 March 1993

Extend existing tea pavilion and temporary consent for the whole structure

TM/94/00756/FL grant with conditions 30 November 1994

Erection of temporary prefabricated ticket office and exhibition building

TM/95/51422/FL Grant With Conditions 9 May 1996

modification of existing car park , including new entrance, realignment of roadway, new entrance to walled car park and associated landscaping

TM/95/51423/LB Grant With Conditions 19 April 1996

create opening in listed wall to create a new entrance into existing car park

TM/96/01510/LB Grant With Conditions 11 December 1996

Listed Building Application: creation of opening in Listed wall to create a new entrance into an existing car park (revised application to that approved under ref: TM/95/51423/LB)

TM/98/00206/FL Section 73 Approved 24 March 1998

S.73 application seeking to vary condition 01 of planning approval ref: TM/93/0016 to allow temporary siting of tea pavilion for a further 5 years

TM/99/02686/FL Section 73A Approved 24 March 2000

retention of temporary prefabricated ticket office and exhibition building

TM/04/03847/FL Section 73A Approved 28 February 2005

Renewal of temporary permission for Exhibition and Entrance Building

TM/06/01931/FL Grant With Conditions 9 August 2006

External covered seating area to rear of restaurant

TM/07/04351/FL Approved 25 January 2008

Renewal of temporary permission for exhibition and entrance building

TM/11/01111/FL Approved 26 July 2011

Application to retain existing entrance and exhibition building for a period of 5 years

TM/19/02842/FL Refuse 1 June 2020

Construction of a relocated car park in the lower section of the field to the east of the Walled Garden and the existing parking area; the restoration of the North Drive, the removal of the temporary Visitor Reception building, the reinstatement of the Walled Garden and the erection of a replacement Visitor Reception and Shop, Glasshouse and Bothy within the restored Walled Garden together with associated landscaping and drainage works

TM/19/02843/LB

Refuse

1 June 2020

Listed Building Application: construction of a relocated car park in the lower section of the field to the east of the Walled Garden and the existing parking area; the restoration of the North Drive, the removal of the temporary Visitor Reception building, the reinstatement of the Walled Garden and the erection of a replacement Visitor Reception and Shop, Glasshouse and Bothy within the restored Walled Garden together with associated landscaping and drainage works

TM/20/00076/FL

Approved

30 March 2020

Change of use of land to the west of the Mansion and to the south of the Mote Cottages car park from paddock land to use by the estate gardeners with the construction of glasshouses, hardstanding area and vehicular access drive on the land to provide replacement facilities following the removal and relocation of the existing Gardeners' Compound. Full planning permission for the use of the existing Gardeners' Compound as a picnic lawn

## 5. **Consultees:**

### (A) TM/21/01278/FL

- 5.1 Ightham Parish Council: At the meeting of Ightham Parish Council on Tuesday 15th June 2021, following careful consideration of the application and representations from Members of the public and Ightham Mote, Ightham Parish Council raised no objections to the applications. We would like to raise the following comments:

We would like to see a blanket 30mph speed limit on all roads surrounding Ightham Mote, Ightham Parish Council has approached Kent Highways with a Highways Improvement Plan to include this.

- 5.2 Shipbourne Parish Council: Following consideration of the plans and representations at the Parish Council meeting on 14th June, Shipbourne Parish Council would like to register the following comments:

One member felt that the plans were much improved from the previous application and would not raise any objections. The majority of members raised the following concerns and comments and object to the proposal as it stands:

Car parking:

The proposal is still a large incursion into the greenbelt and AONB and is providing for cars that could be accommodated on the existing site whilst still affording the opportunity to conserve and enhance the heritage garden. We ask for further consideration to be given to try and achieve a more compact parking plan with less impact than the incursion of inappropriate development into the Green Belt and AONB.

Staff parking could be provided in the current area (32) and the proposed 8 provided for behind the cafe presently under used (proposed as a picnic site, which could be provided elsewhere on the whole estate). This would save 40 spaces.

The number required to be accommodated by the loss of parking in the walled garden is 60 spaces. The proposed car park would provide 157 spaces – nearly 100 spaces over that which would be required if this alternative option was taken.

Traffic flow:

A one way system into and out of the car park could be introduced that would ensure easy flow (An argument put forward by the National Trust is that the new car park is required to ease traffic flows backing up onto the highway.)

The timed ticket provision also would ensure easy traffic flows, we understand that the current booking system will be retained.

With careful organisation and rationalisation of the existing site the major intrusion into the AONB and the Green Belt could be avoided.

We are also concerned about the potential increase of traffic in the surrounding narrow lanes.

The new reception and visitor area :

The proposed visitor/reception area does not need to be so imposing and take up so much of the walled garden indeed it reduces the opportunities for the conservation/restoration of this heritage asset. A smaller well designed building taking in the café area as well could provide the necessary replacement of the existing temporary structure and leave more space for full restoration of the walled garden.

The National Trust say that they have looked into options but no alternative plan has been shared showing how car parking could be provided and improved on the existing site, or indicating a more modest sensitively located visitor

reception/shop/interpretation area. Wider thinking around redevelopment of the café site as part of relocating the reception/ interpretation area/ café/ shop which could then provide better accessibility for disabled visitors could be investigated.

AONB and Historic England have indicated that they have no objections to the plans as submitted but given a workable alternative the exceptional circumstances would not exist and the need for 'finding the best compromise 'to ameliorate the impact on the AONB and Green Belt would not have been necessary'.

There are strong defensible reasons to refuse this application provided by paras 134c, 143 144, and.170, 172 of the NPPF:

- there are no exceptional or very special circumstances that justify the size of this inappropriate incursion into the Green Belt and AONB.
- there is no impact of refusing this on the local economy, there is no national need
- the 'needs' of the National Trust can be provided in a different way where there would be less impact
- the proposed car park despite the mitigation provided by landscaping/tree planting would have a major impact on the environment and designated AONB and Green Belt for many years until the canopy of the trees has matured
- alternative options are available as suggested which would be far less intrusive, involve less earth moving and have a reduced carbon footprint i.e.:- o Minor works required to improve the existing car parking and o Provision of a smaller car park of 60 spaces to replace that lost from the proposed visitor reception building and restoration of part of the walled garden

### Summary

We would support a suitably landscaped small car park for 60 cars and 3 coaches approximately half the size of that proposed. With suitably landscaped with earth bunding and tree planting it could be accommodated as a double line of car parking on the Mount field parallel to the existing bunds around the Trust site. This would provide for the loss of parking spaces in the walled garden with far less intrusion into the GB and AONB. In terms of justification the visitor centre should be reduced in size and relocated out of the walled garden so that full restoration of the garden can be achieved, thus providing a better case for justifying the need for 60 car parking spaces on a new site, inappropriate development in the Green Belt and AONB.

- 5.3 Historic England: Historic England is satisfied that the low level of harm arising from this application has been minimised and justified in line with national planning policy requirements (Paragraphs 190 and 194 of the NPPF). We therefore support this application on heritage grounds. It will be for your Council to weigh the low level of harm against the public benefits of the proposal as per paragraph 196 of the NPPF. We think a number of heritage benefits in the form of enhancements to the setting and thus to the significance of the grade I Ightham Mote apply to the weighing exercise. These include:
- Reinstating burst view from North Drive
  - removal of car parking from the Walled Garden
  - Re-landscaping walled garden
  - Opening up view of Ightham Mote from the Walled Garden to enhances an appreciation of its role and connection to the ornamental gardens;
  - improved drainage to offset damaging stormwater.
- 5.4 Kent Downs AONB: The site is located in the Kent Downs AONB. The application should therefore be tested against the purpose of the designation, to conserve and enhance the natural beauty of the Kent Downs AONB and the way that this purpose is represented in local and national policy.
- 5.4.1 The primary legislation relating to AONBs, which underpins national planning policy, is set out in the Countryside and Rights of Way Act 2000. Section 85 of this Act requires that in exercising any functions in relation to land in an AONB, relevant authorities, which includes local authorities, shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. This is known as the 'Duty of Regard'.
- 5.4.2 National planning policy is set out in the National Planning Policy Framework. Paragraph 172 of the revised NPPF states that:
- 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty...'*
- 5.4.3 National policy relating to AONBs is reflected in Tonbridge's adopted Core Strategy, with policy CP7 stating that development that would be detrimental to the natural beauty of the AONB will not be permitted other than in respect of major development that is in the national interest or other development that is essential to meet local social or economic needs.
- 5.4.4 Under the Countryside and Rights of Way Act, local authorities are required to prepare an AONB Management Plan which must "formulate the policies for the

management of the AONB and for carrying out their functions in relation to it". The Kent Downs AONB Unit produces a Management Plan on behalf of the local authorities within the AONB. The Management Plan has been formally adopted by the local authorities in Kent in which the AONB occurs, including Tonbridge & Malling Borough Council. The national Planning Policy Guidance revised last month, confirms that Management Plans can be a material consideration in planning decisions. The NPPG now also provides additional guidance on new development in National Parks and AONBs (Paragraph: 041 Reference ID: 8-041-20190721). This specifies that 'all development within nationally protected landscapes needs to be located and designed in a way that reflects their status as landscapes of the highest quality' and reiterates the need for development in AONBs to be limited in scale and extent, in view of the importance of conserving and enhancing their landscape and scenic beauty.

5.4.5 The following policies from the Management Plan are considered to be of particular relevance to the current application:

- MPP2 Individual local authorities will give high priority to the AONB Management plan vision, policies and actions in Local Plans, development management decisions, planning enforcement cases and in carrying out other relevant functions.
- SD1 The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.
- SD2 The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements which are adopted as components of the AONB Management Plan.
- SD3 New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.
- LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.
- HCH1 The protection, conservation and enhancement of the historic character and features of the Kent Downs landscape will be pursued and heritage-led economic activity encouraged.
- FL1 The AONB will retain the principally farmed character for which it is valued.

- FL7 Conversion from agricultural to leisure use and the creation of non-agricultural structures will only be supported where there is not a cumulative loss to the principally farmed landscape of the AONB.

Impacts on the Kent Downs AONB

- 5.4.6 The site of the proposed car park is located on lower ground in a location that is generally well contained in visual terms. Once the proposed planting around the perimeter and within the proposed car park area have matured, we agree that there would be very limited visibility of the site from the surrounding Public Rights of Way network.
- 5.4.7 The application substantially reduces the area of proposed new car parking from the previously refused application and accordingly the visual and landscape impacts on the Kent Downs AONB are reduced. Following pre-application discussions with the AONB Unit, we are pleased to note that the internal layout has been further broken up with additional hedgerow and tree planting.
- 5.4.8 Taking the above matters into account, the AONB Unit raises no objection to the proposal. Should the Council be minded to approve the application, we consider it would be appropriate to require advance planting of the proposed mitigation landscaping to ensure that the shorter term visual impacts of the proposal are minimised as far as possible. It will also be essential to ensure a long term management plan, and in the light of the increasing impact of tree diseases, replacement plan (circa 25 years) be secured.
- 5.5 Environment Agency: Due to the scale, nature and setting of this proposal and the supporting information submitted, we do not object to the proposal in principle providing the suggested conditions are placed on any permitted development.
- 5.6 KCC (Heritage): This scheme is extremely complex and may have an impact on designated and undesignated significant archaeological remains. However, I understand the applicant has been in discussions with Historic England and the current details reflect the guidance provided by HE. As such I will focus my comments on non-designated buried archaeology and archaeological landscape features and historic structures.
- 5.6.1 This application is supported by a Heritage Statement by ASE. This is a thorough, detailed and comprehensive report and extremely useful guiding document. Also submitted with this new application is a Setting Assessment by Jeremy Lake and Nicola Bannister. This report is extremely high quality and provides clear, comprehensive and pertinent comments on the site, scheme and setting issues. Both these reports are welcome and provide good support for this complex and sensitive application.

- 5.6.2 I consider heritage issues have been assessed to a high level but I would still stress the need to undertake early and robust archaeological fieldwork to ensure any buried archaeology is highlighted at an early stage. The two baseline assessments should be used as guidance throughout the programme of archaeological works. Subject to the findings of an archaeological evaluation, it will be essential as a minimum to ensure that all works, including groundworks and works to structures, should be intensively monitored by a suitable archaeologist, familiar with Ightham Mote site. A phased programme of archaeological works and provision for safe-guarding measures can be addressed through a pre-commencement condition.
- 5.6.3 I would now be happy to recommend a condition to address archaeological issues. Condition suggested.
- 5.7 KCC (Flood and Water Management): It is understood that the drainage design has been modified from the first planning submission, of which originally relied fully upon infiltration. Infiltration testing has been undertaken on site and has shown variable rates of infiltration, for which are characteristically low. It is accepted that full infiltration alone cannot be relied upon therefore, a restricted discharge of 2.7 l/s into a nearby ditch is acceptable.
- 5.7.1 The LLFA acknowledge that permeable pavement is proposed for the parking spaces and is understood that the system will not be tanked, to allow infiltration to occur. Should levels within the sub base rise, it will then be conveyed by a piped system to the attenuation basin on the southern portion of the site. It would be our recommendation that a permeable liner is installed under the permeable sub base to allow for infiltration and easier maintenance.
- 5.7.2 Whilst we have no objections to the strategy, we do seek to highlight a discrepancy between the Below Ground Drainage Layout Sheet 4 and the Microdrainage calculations provided. The outfall to the ditch (S29) on the drawing has its invert (84.649m) different to that as provided within the microdrainage calculations (84.1m). It is essential that the outfall to the ditch is positioned correctly to not cause erosion. The drainage drawings do have topographic levels provided but do not appear to cover the base of the ditch and as such we would advise that this level is obtained to assist in the outfall design.
- 5.7.3 Further to the above, we would request that full construction drawings are provided to show the permeable paving arrangement and the attenuation pond (cross-sectional drawings).
- 5.7.4 To facilitate the procurement of this additional information, the LLFA would advise that a detailed design condition is attached to this application. Should the applicant seek to provide this information prior to determination then the condition would not be required.
- 5.8 Natural England: No comments.

5.9 Environmental Protection: No comments.

5.10 Conservation Officer: This proposal is a lesser version of the previous application for a larger car park relocation. That scheme had some very positive heritage advantages which this proposal has had to omit in order to facilitate a smaller car park extension. From a heritage perspective this is unfortunate as some of the benefits that have been omitted focused on enhanced visitor experience when entering the site by significant improvements through the relocation of the car park by the entry road and its replacement with heritage based landscaping themes, open views and a better sense of arrival. This was a major benefit not carried through into this scheme.

The main thrust of the proposal, is twofold as previously and includes the provision of additional parking with a new area of car park for the site and the improved visitor centre.

In relation to the relocation of the car park there was extensive work carried out in the previous application in regard to siting and that work and its conclusion remain pertinent and my views on that assessment remain the same in that the conclusions seem robust.

The new car parking proposal retains the existing parking on the entry road and along the outside of the walled garden and proposes a much smaller car park extension in the adjacent field to accommodate the existing parking within the walled garden to be relocated and the proposed increase in number of spaces.

The new visitor centre remains as it was proposed in the previous application and my previous comments below are applicable:

- The new Visitor Centre within the walled garden does not benefit from relocation from a less desirable location in heritage terms. It will impact on the openness of the walled garden, even though the walled garden is currently a carpark. None the less the rejuvenation of the walled garden and the benefits of enhanced visitor experience that the visitor centres proposed location will provide may well outweigh the impact on the openness of the walled garden. Operational benefits may also provide justification to offset potential for harm. The quality of design may also be a significant factor in determining acceptability
- Previous discussions confirmed that alternate locations for the visitor centre are unlikely to be satisfactory from an operation viewpoint.
- The design is quite bold and contemporary which sets it apart from the general architecture of the site. This is not an inappropriate philosophy within the context of this site and shows clearly the distinction between the historic buildings and the new visitor facilities. The large clerestory element does have a drawback in that its use during late evenings is likely to cause

an element of light pollution in an area of otherwise low night time lighting within the site. It would be appropriate to request additional details on the proposed evening use of the building, outlining number of occasions during the year that this may be an issue, an assessment of light spillage and proposals to moderate the light pollution by physical means (electric blinds or louvers, reduced internal light levels etc), for evening use. This could be requested up front or required by condition for submission prior to first use.

From a heritage viewpoint, only the impacts on the heritage assets are strictly relevant in determining if there is harm to the historic environment, the Planning Case Officer would take into account the impacts overall.

From a heritage perspective the heritage benefits need to be offset against heritage harm from relocation of the car park and the introduction of the visitor centre. In comparison with the previous application the car park extension is much smaller and therefore the harm is less, however the heritage benefits have equally been reduced.

The benefits include:

- Restored walled garden with well designed glasshouse and bothy, repairs to the existing historic fabric and formal walled garden landscaping
- A better visitor experience of the heritage assets.

The harm caused by the visitor centres location within the walled garden is low when compared to the current use as carpark and the impact on heritage caused by the relocation of the car park is low to medium. When this level of harm is assessed against the proposed benefits outlined above I believe the proposal is justified.

5.11 Private Reps + Site + Press notice 1X/24R/3S (as of 23/07/21):

Objections summarised as follows:

- Harm to the AONB
- Harm to the Countryside
- Harm to Green Belt - No very special circumstances
- Harm to Ecology/wildlife
- Highways- Traffic (increased visitor numbers)/ Safety (on surrounding roads)/Travel Plan insufficient (estimates)/ Discrepancies in parking numbers
- Pollution/Carbon emission

- Still contrary to policies as per 2020 applications
- Heritage Harm - Harm by modern shop/reception in walled garden
- Lack of demand (car park often empty)
- Loss of arable land
- Impact on amenity of the area (PROWs)
- Alternatives should be considered- less harmful

Representations in support summarised as follows:

- All in green belt (replacement)
- No increase in traffic
- Balance of legacy (heritage) with protecting setting
- Restoration of walled garden
- Landscape benefits

(B) TM/21/01279/LB

- 5.12 Ightham Parish Council: As per TM/21/01278/FL above
- 5.13 Shipbourne Parish Council: As per TM/21/01278/FL above
- 5.14 Historic England: As per TM/21/01278/FL above
- 5.15 Conservation Officer: As per TM/21/01278/FL above
- 5.16 Private Reps + Site + Press notice 1X/15R/3S (as of 23/07/21):

Objections summarised as follows:

- Restoration of walled garden will not outweigh harms
- Harm by shop/reception in walled garden
- Bothy harmful to walled garden

Representations in support summarised as follows:

- Balance to managing the legacy of the asset
- Increased significance of walled garden by restoration

**6. Determining Issues:**

Introductory matters:

- 6.1 In support of these proposals the National Trust have undertaken their own exercise to assess the constraints for the wider estate of Ightham Mote. This exercise was undertaken to consider the various potential options for car parking within the site with a view to proposing the most suitable option, in their view, before proceeding with an application. The findings of this are included within Section 3 of their Design and Access Statement and considers factors such as heritage sensitivity, ecology, landscape character, routes, highways, viewpoints and visual sensitivity (under headings A-G). Notwithstanding this exercise, it is the role of the decision maker to assess the merits of the proposals now under consideration.

Development in the Green Belt:

- 6.2 The entire site lies within the Metropolitan Green Belt and as such restrictive policies apply. Policy CP3 of the TMBCS is the adopted development plan policy pertaining to the Green Belt and sets out that national Green Belt policy will be applied generally within the Borough. National policy is contained at Section 13 of the NPPF (revised version published July 2021).
- 6.3 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.4 Paragraph 138 goes on to outline the five purposes of the Green Belt which are;
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.5 Paragraph 147 then sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.6 It continues at paragraph 148 that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the

potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.7 Paragraph 149 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. It then goes on to set out a number of exceptions to this, as follows:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6.8 Paragraph 150 sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Relevant to this application these exceptions include:

- b) engineering operations
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

- 6.9 The development proposed by this application involves several distinct elements all forming part of the plan of the National Trust to rationalise the parking at the site and provide wider benefits to the visitor experience. Each of these will require assessment against the Green Belt policy individually before concluding on the overall acceptability within the Green Belt.
- 6.10 Firstly, the creation of the new car park within Mount Field amounts to a material change of use of land with associated engineering operations to facilitate its creation. The key test in establishing whether this amounts to inappropriate development is whether these aspects preserve the openness of the Green Belt and do not conflict with the five purposes of including land within it.
- 6.11 The car park would undoubtedly result in a spread in development onto a currently undeveloped piece of land, resulting in encroachment into the countryside. The associated engineering operations to create the bund to surround the car park and the surfaced area, would have an impact on openness too. Although transient in nature, the car park in operation would also serve to reduce openness by virtue of a volume of cars being parked on the land along with infrastructure to facilitate the parking such as the roadway and gravel bays. Whilst it is appreciated that to some extent these impacts would be mitigated by the landscaping strategy, this aspect of the development is considered for these reasons to be inappropriate development within the Green Belt, which is harmful by definition. Further, there would be some material harm to openness. Very special circumstances that clearly outweigh this (and any other) identified harm will therefore be required to be demonstrated for this element of the development.
- 6.12 In addition to this, works are proposed to alter the parking area and north drive approach to the site. The western most bays along the entrance road are to be removed and the area is to be re-landscape with lower level planting. There are also slight changes to the alignment of the north drive itself to create a straighter approach down to the walled garden. Taken alone these elements, due to their modest nature and lack of wider visual impact, would, in my view, be an engineering operation that would not have a greater impact on openness to accord with the requirements of Paragraph 150 (b) of the NPPF.
- 6.13 The proposal also includes other engineering operations being the works to undertake the cut and fill strategy and surface water drainage for the site including the formation of the attenuation basin. These works would be modest in scale and have both been scaled down due to the smaller car park now proposed. I am of the view that these works would not result in a greater impact on openness than existing, would preserve the reasons for including land in the Green Belt and are also not considered to be inappropriate development also according with the requirements of Paragraph 150 (b) of the NPPF.

- 6.14 I now turn to the various aspects of built development proposed (the visitor centre, bothy and glasshouse). Firstly, the new visitor centre is intended to replace an existing reception building. There are a number of relevant tests that need to be considered in this respect. Firstly, whether the replacement building is in the same use and is materially larger than the one it replaces (the exception provided for at paragraph 149 (d) of the NPPF). In these respects, the existing building is a modest timber structure whereas the proposed visitors' reception and shop is of a larger more permanent construction. I consider that whilst remaining in the same use, it would be materially larger than what it seeks to replace and as such I do not consider the exception provided at paragraph 145(d) can reasonably be said to apply in this instance.
- 6.15 However, it is necessary to establish whether any of the other exceptions set out in paragraph 149 could be reasonably said to apply. Paragraph 149 (g) provides an exception for new buildings that would amount to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt. This part of the site clearly amounts to previously developed land given the presence of the existing reception building. Notwithstanding the fact that it is accepted the replacement building would, on a straightforward comparison, be materially larger (and as such the exception at paragraph 149 (d) cannot apply), I do not consider that the replacement building would have a greater impact on openness. This is because the building would be sited within a cluster of significant existing development and be seen clearly against the backdrop of that. For the same reasons, it is my view that the new glasshouse and bothy (which fall within the curtilage of developed land which is outside of a built up area meaning they also would be situated on previously developed land within the context of the definition contained within Annexe 2 of the NPPF) would not have a greater impact on openness when seen against the backdrop of the established cluster of development, including the large Mansion house itself. I am therefore satisfied that the proposed new buildings meet the exception set out at paragraph 149 (g) and are not considered to be inappropriate development and do not require very special circumstances to be demonstrated.
- 6.16 In light of the above, the formation of the car park alone is considered to be inappropriate development within the Green Belt and should not be approved except in very special circumstances. For the purpose of the report, I will assess the remainder of the relevant planning considerations before going on to take a view on a case of very special circumstances based on the harms and benefits identified.

*Countryside designation:*

- 6.17 In addition to the Green Belt policies considered above, it must also be recognised that the site lies within the designated countryside more generally.

In this respect, policy CP14 of the TMBCS outlines that development within the countryside will be restricted to the following:

- (a) extensions to existing settlements in accordance with Policies CP11 or CP12 ; or,
- (b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use; or
- (c) development that is necessary for the purposes of agriculture or forestry, including essential housing for farm or forestry workers; or
- (d) development required for the limited expansion of an existing authorised employment use;
- (e) development that secures the viability of a farm provided it forms part of a comprehensive farm diversification scheme supported by a business case; or
- (f) redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability, or
- (g) affordable housing which is justified as an exception under Policy CP19; or
- (h) predominantly open recreation uses together with associated essential built infrastructure; or
- (i) any other development for which a rural location is essential.**

**[my emphasis added]**

- 6.18 Ightham Mote lies within a rural location and would require a certain level of infrastructure and associated facilities to support visitors and the longevity of the asset. Given its location, there is plainly nowhere else that such facilities can be reasonably located meaning that the rural location is essential for the development proposed. As such, the proposal meets the requirements of policy CP14.

Listed Buildings:

- 6.19 There is a statutory duty on decision-makers to have special regard to the desirability of preserving listed buildings and their settings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.20 Similarly, Section 72 of the Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of these areas, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 6.21 Paragraph 194 of the NPPF requires LPAs, in determining applications, to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.22 Paragraph 195 of the NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.23 Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.24 Paragraph 199 of the NPPF requires 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.25 Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from

development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

6.26 Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

6.27 Paragraph 202 requires that when a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.28 The associated planning practice guidance makes it clear that the significance of a heritage asset derives not only from its physical presence but also from its setting. The guidance requires potential harm to designated heritage assets to be categorised as either substantial (which includes total loss) or less than substantial harm, in order to determine which of the policy tests should be applied. However, within the category of “less than substantial harm” it is accepted in case law that a decision maker must take a view as a matter of planning judgement as to the level of harm within that category.

6.29 It is vital therefore to identify the relevant heritage assets; identify the settings of the relevant heritage assets; and determine whether the proposal will result in substantial harm or less than substantial harm, and if less than substantial harm the level of that less than substantial harm. Further guidance on such matters can be found in the NPPF and Historic England’s The Setting of Heritage

Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017.

- 6.30 In these respects, I will firstly address the physical works to the listed structures and then move on to matters pertaining to setting.
- 6.31 To clarify, not all works subject to this application require listed building consent. The only works which specifically require listed building consent would be those that would have a material impact on a listed or curtilage listed structure. These are the re-instatement works to the walled garden including any ground works necessary to remove the current hard surface adjacent to the wall, the erection of the bothy and glasshouse which have a physical attachment to the listed wall, and the erection of the visitor's reception.
- 6.32 Turning firstly to the reinstatement of the walled garden, key elements to its restoration include the following aspects:
- Removal of the hard car parking surface;
  - Rainwater capture and distribution;
  - Creation of pathways - crushed stone and timber edging;
  - Conservation and repair of the walls;
  - Installation of new gates to close the wall openings;
  - Attachment of a new working glasshouse, bothy, dipping pond and a shelter for visitors.
- 6.33 It is proposed to restore the walled garden to a classical quarters design. The application outlines that submitted designs for the walled garden are illustrative to the design approach and that a more detailed design would be forthcoming once archaeological excavation is completed, which in these circumstances is expected. The principle of these elements is considered to be acceptable, subject to the detailed work, which could be reasonably and suitably secured by conditions.
- 6.34 The bothy itself is proposed to be a simple timber clad structure with a brick plinth, allowing the building to be set into the ground to match the existing contours, under a green roof. A traditional style glasshouse is also proposed which is intended to assist in the cultivation of plants for the walled garden itself. Although the two structures are to both be lean-to, the level of physical attachment to the fabric of the listed wall are minor in their nature and would not cause any harmful interference. Similarly, their scale and nature would not give rise to any harmful impacts to setting.

- 6.35 Turning to the new visitors' reception, I note that the Design and Access Statement outlines the various options that were considered before the final scheme was decided upon. The submission indicates that the scheme as submitted was chosen because it was of a form and appearance that would minimise the impact on the wall's structure. The building is proposed to measure 22m (length) x 13.5m (width), at an overall height of 5.2m, which varies dependant on the surrounding ground level. The flat roof design seeks to keep the eaves height below that of the garden walls to minimise its visual impact with only the clerestory (providing necessary light and ventilation) proposed to be above that level. The building is proposed with an exposed timber frame with a lime render finish and a sedum roof. Whilst modern in design, the building suitably seeks to replicate the use of traditional materials. This approach is considered to be acceptable in listed building terms, subject to full details of materials and joinery being secured by condition. The building is not proposed to be physically attached to the listed wall but rather directly adjacent with sections of cladding/fencing between it and the listed wall. This would result in a very minor physical attachment that would not cause any harm to the listed fabric.
- 6.36 In light of the above, I am satisfied that the physical works are modest in nature and are not considered to alter or harm the significance of these heritage asset in accordance with Paragraph 195 of the NPPF. They would also adequately preserve the heritage asset as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 6.37 I will now turn to the impacts on setting arising from the proposed development. In this respect, the application is accompanied by an Ightham Mote Heritage Settings Assessment produced by Jeremy Lake dated April 2019. This document has not been updated since the previous submission; however as an assessment of impacted heritage assets and their significance it remains valid. This document identifies the heritage assets affected by the proposal, and considers their significance and how their setting would be impacted by the proposal, an exercise required by the NPPF in such circumstances and the contents of which are discussed as follows.
- 6.38 The assessment firstly considers the heritage value of the site which includes an assessment of evidential value, historic value, aesthetic value and communal value. In all cases the assessment ranks the site as either "Outstanding Value" (being of national or international value as an example of its type and date) or "High Value" (being of more than local significance as an example of its type and date, illustrating regional and national developments). It then goes on to assess the heritage value of the character areas. The core designated area (medieval house, SAM, North Lawn, Stable courtyard etc.) is considered to be of "Outstanding Value" with the remainder of the character areas assessed being considered to be of "High Value". The assessment then goes on to consider the wider estate and defines areas which make a greater

contribution to significance, depending on to what extent the historic landscape character survives. Views from the woodland to the north of the Mansion, which survive as intact medieval landscape features and contribute to the knowledge and appreciation of the historic landscape setting, are considered to have a high important contribution to the significance of the designated heritage assets. It however considers that viewpoints to the east and the west, including the proposed site of the car park, are considered to have a “Moderate Value” due to the heavily modified field boundaries.

- 6.39 The Design and Access Statement has outlined the various options that were considered for the location of the proposed car park as well as for the proposed visitors’ centre. The Heritage Settings Assessment also considers those potential options albeit focusing on the heritage perspective. Both documents note that each location would pose risks in terms of their potential harm to the heritage significance of Ightham Mote and the setting of any other designated or non-designated heritage assets. The report concludes that following from the analysis they have undertaken the option to develop in Mount Field is the least damaging in terms of its potential effects on the intrinsic significance of each site and the setting to the core designated area of Ightham Mote.
- 6.40 Further regard has been given to parking options since the refusal of the last scheme; however this principally relates to the evolution of the design within Mount Field rather than re-considering the other options as this position was considered the most appropriate option as per the conclusions of the heritage impact assessment.
- 6.41 Historic England have been engaging with the applicant through the preparation of this submission. They were supportive of the previous application on heritage grounds and have provided a further representation for these applications which again provides general support. In their view they are satisfied that the low level of harm that will arise from this application has been minimised and justified in line with national planning policy requirements (Paragraphs 195 and 200 of the NPPF). As before, they outline that it will be for the decision maker, in this case the planning committee, to weigh the low level of harm against the public benefits of the proposal as per paragraph 202 of the NPPF. They suggest there are a number of heritage benefits in the form of enhancements to the setting and thus to the significance of the grade I Ightham Mote apply to the weighing exercise. These include the reinstating burst view from North Drive, removal of car parking from the walled garden, re-landscaping walled garden, opening up view of Ightham Mote from the walled garden to enhance an appreciation of its role and connection to the ornamental gardens and improved drainage to offset damaging stormwater.
- 6.42 As per the previous application, officer judgement is that the requirements of paragraph 194 of the NPPF have been met in that the applicant has identified and assessed the particular significance of the heritage assets in terms of both

the listed buildings, SAM and Conservation Area and sought through their assessment of the options to avoid conflict between the heritage assets and the proposal (to the degree a proposal of this nature is able to).

- 6.43 The submission states that the main heritage value is within the designated core on the lower ground containing the Mansion building, its Mote and landscaped gardens. The walled garden also contributes to its significance. As above there is a general agreement between heritage professionals that this is a correct reflection of the significance of the heritage assets affected by the proposal. The works which require listed building consent would be for the proposed buildings (glasshouse and bothy) which have an attachment to the listed walled garden wall as well as the minor works to the walled garden to accommodate the visitors' reception. The main impact is therefore on the setting of the primary heritage asset with little impact on any historic fabric itself. The harms identified would arise from the change in the historic landscape and setting of the heritage asset by virtue of the formation of the car park. There would also be the reduction in openness of the walled garden by the introduction of the proposed visitors' centre. I also note that there would be harm to East Most Oast and Mote Cottages by virtue of the alteration to the landscape which forms their immediate setting. The principal heritage interest of East Mote Oasts would lie in its form as an example of an Oast building of that time rather than the use or function of the building within the area.
- 6.44 Having given due regard to the submitted information in these respects and having given consideration to the representations of Historic England, I again conclude that the harm to setting would be less than substantial and, when taking into account the range of mitigation measures particularly the landscaping of the site and lack of harm to the historic fabric of the heritage assets, I consider that the harm would be less than substantial on the lower end of the scale in heritage terms. In accordance with the NPPF tests, this must be weighed against the public benefits of the proposal.
- 6.45 The applicant within their planning statement has sought to put forward the various public benefits they are seeking to achieve from the proposed development. These include;
- the enhancement to the setting of the heritage assets through the redevelopment of the historic walled garden with a garden of productive use together with glasshouse, bothy and new visitors reception/shop
  - the opening up of burst views west from the location of the existing visitors reception (to be removed) and from the north drive
  - Enhanced public experience of the heritage asset.
- 6.46 In weighing the public benefits of the scheme against the harms identified, while the relocation of the car park will itself cause harm within the wider landscape

setting of the primary heritage asset and to the setting of East Mote Oast this will be on the lower end of the less than substantial scale. There are also clear heritage gains to be made by the proposal by moving the existing parking away from the more immediate setting of the primary heritage assets and the restoration of the walled garden. The opening up of the burst views also enable an increased appreciation of the primary heritage assets removing the modern intrusions to these views closer to what would have historically been appreciated. With these in mind the public benefits of the proposal would outweigh the less than substantial harm identified, as is the relevant test within Paragraph 202 of the NPPF. Although to a lesser extent than the previous scheme considered it would go beyond the policy requirement and clearly outweigh these harms resulting in an overall gain in heritage terms arising from the development taking place.

Archaeology:

- 6.47 In addition to the consideration of above ground heritage assets, an assessment also needs to be undertaken into the impact on potential buried archaeology. Paragraph 199 of the NPPF requires 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. This includes non-designated heritage assets such as below ground archaeological remains.
- 6.48 To support the submission, the applicant has provided a Heritage Impact Assessment produced by Archaeology South-East. The report sets out that research carried out as part of this desk-based assessment has shown that the site forms part of a historic designed landscape which has its origins in the medieval period; the eastern and south-eastern parts of the site have lain in fields since at least the late 17th century. Existing records suggest that the site has a moderate potential for prehistoric archaeology and high potential for Romano-British, medieval and post-medieval archaeology. There is a low potential for early medieval archaeology.
- 6.49 The assessment in the report concludes that there are known designated heritage assets within the site and that there are a range of heritage assets from all periods within the wider study area, including the scheduled monument of Ightham Mote, which lies directly outside the site boundary. Previous archaeological investigations have been carried out within the site including to the walled garden in 2019 which revealed no archaeological features or finds. There has also been a Geophysical survey undertaken for Mount Field which identified little evidence for archaeological features including the roman road. It also notes that that past activity has impacted the archaeological resource within the site, particularly within the current carparking areas such as the walled garden. The report does however acknowledge that the site has moderate to high potential for as yet unknown non-designated heritage assets (below-ground archaeological remains), particularly those dating to the

Romano-British, medieval and post-medieval periods, to be present. Where remains are present they may be impacted on by the proposed groundwork, particularly in areas where new foundations, services, surfacing and landscaping is proposed.

- 6.50 The assessment contained in the report takes the view that the known archaeological features will not be adversely impacted by the proposal. Their investigation suggests however, based on previous records and mapping, that there is potential unforeseen archaeology from various time periods which will need to be further monitored.
- 6.51 Kent County Council Heritage team have set out that they consider that the heritage issues have been assessed to a high level but would still stress the need to undertake early and robust archaeological fieldwork to ensure any buried archaeology is highlighted at an early stage. They suggest that two baseline assessments should be used as guidance throughout the programme of archaeological works. Subject to the findings of any archaeological evaluation all works should be monitored by a suitable archaeologist, familiar with the Ightham Mote site. They therefore suggest that a phased programme of archaeological works and provision for safe-guarding measures can be addressed through a pre-commencement condition. I consider this to be a reasonable and justified approach to meet the requirements of paragraph 199 of the NPPF given the complexity and historic importance of the site. The condition would be recommended to be imposed as requested by Kent County Council Heritage in their representation dated 17<sup>th</sup> June 2021.

Conservation Area:

- 6.52 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.53 Chapter 16 of the NPPF addresses conserving and enhancing the historic environment which would include development within Conservation Areas. Paragraph 206 of the NPPF sets out that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.54 The Ightham Mote Conservation Area covers the central area of Ightham Mote including the Mansion, its formal gardens, walled garden, café, gardener's compound, south lake and Mote Farm to the south west. The works to the walled garden and the staff parking area are therefore directly impacting on the Conservation Area whereas the remainder of the works would be considered against impact on its setting.

- 6.55 The Heritage Impact Assessment produced by Archaeology South-East dated March 2021 provides an assessment of the impacts Conservation Area arising from the development. It identifies the walled garden, western wall to the staff car park and a wall of the gardeners' compound (outside the application site) as being curtilage listed structures. The proposal has the potential to impact on these structures. The analysis highlights that the current parking situation substantially detracts from both the illustrative and aesthetic value of the walled garden itself and the character and appearance of the Conservation Area and diminishes the contribution it makes to the Ightham Mote site. The relocation of the parking and the restoration of the walled garden is considered in the report of have considerable heritage gains. This includes the removal of the beech hedge to restore the visual link between the walled garden and the remainder of the site. It also considers that whilst the proposed visitors' reception would inevitably have a visual impact on the Conservation Area it would sit comfortably behind the garden walls and would be relatively unobtrusive in terms of scale, design and use of materials.
- 6.56 I would agree with the analysis that the current parking arrangement and use of the walled garden are currently detrimental to the character of the Conservation Area. The restoration of the walled garden and the removal of the car parking would therefore be a clear enhancement and would comply with the NPPF objective to better reveal its significance. Although not expressly addressed within the Heritage Impact Assessment, I also consider that it is important to take into account the impact of the proposed car park on the wider setting of the Conservation Area as part of this assessment. The change from open field to partially surfaced car park would result in some harm to the setting of the Conservation Area, albeit mitigated by planting and use of the topography of the land. Whilst this would result in harm to the setting of the Conservation Area as a heritage asset, taking the proposal as a whole it is my view that the benefits to the Conservation Area by virtue of the removal of parking and restoration of the walled garden would outweigh the harm to its setting and modest impact of the visitors' reception. There would therefore be an overall improvement. On balance the proposal is considered to enhance the character and appearance of the Ightham Mote Conservation Area.

*Area of Outstanding Natural Beauty:*

- 6.57 Section 85 of the Countryside and Rights of Way Act 2000 requires that in exercising or performing any functions in relation to, or public bodies etc. as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 6.58 Policy CP7 of the TMBCS sets out that development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their

landscape, wildlife and geological interest, other than in the exceptional circumstances of:

(a) major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way; or

(b) any other development that is essential to meet local social or economic needs. Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.

6.59 Similarly, Paragraph 176 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. It continues that the scale and extent of development within these designated areas should be limited. It continues that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 55 provides clarification on what would be considered major development and sets out that it is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. It will therefore first be necessary to consider whether the development would be considered major for the purpose of an assessment within the AONB. Given the nature of the proposed development, and consistent with the rationale of the Planning Inspectorate in dealing with a variety of development proposals in the AONB, and for the purposes of applying the policies set out above, I do not consider that the development proposed by this application is major development in the AONB.

6.60 Members will be aware that the Council has recently agreed to adopt the Kent Downs AONB Management Plan 2021 – 2026 for decision making purposes. However, that is not due to be officially published by the Unit until September and as such until that time the 2014 – 2019 management plan remains a material planning consideration for decision making purposes. The following policies from the management plan are relevant:

- **MPP2** Individual local authorities will give high priority to the AONB Management plan vision, policies and actions in Local Plans, development management decisions, planning enforcement cases and in carrying out other relevant functions.
- **SD1** The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.

- **SD2** The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements which are adopted as components of the AONB Management Plan.
- **SD3** New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.
- **LLC1** The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.
- **HCH1** The protection, conservation and enhancement of the historic character and features of the Kent Downs landscape will be pursued and heritage-led economic activity encouraged.
- **FL1** The AONB will retain the principally farmed character for which it is valued.
- **FL7** Conversion from agricultural to leisure use and the creation of non-agricultural structures will only be supported where there is not a cumulative loss to the principally farmed landscape of the AONB.

6.61 The application includes an updated Landscape and Visual Impact Assessment (LVIA) dated April 2021. The report starts with an existing landscape baseline study outlining the landscape designations, character assessment, topography and likely viewpoints. The report then goes on to describe the landscaping effects, considering the sensitivity of the landscape and the magnitude of the change. The proposal to create the car park within Mount Field is considered to have a moderate combined effect. This takes into account the landscape benefits of removing the existing parking from the closer setting Ightham Mote, the landscape mitigation measures proposed and the topography of the land. The visitors' reception and shop are considered to have a minor effect due to their enclosed position within the walled garden and building design.

6.62 The LVIA then goes on to undertake a visual appraisal of the proposed development. It has chosen 12 views points both from public vantage points from footpaths and of private properties which would have views of the proposal (Mount Cottages [8] & East Moat Oasts [7]). The more distant views of the proposed development are considered to have a combined minor or moderate impact. The LVIA attributes this to the topography of the land and the proposed screening which will reduce the impact from the wider views. The views from the west are more likely to offer views of the new visitor's reception. It sets out that the most significant impacts are to be gained from the bridleway MR430

and from East Mote Oasts which are both considered to have the potential for a major impact. It however suggests that with the earth bund, woodland planting of native species these impacts would be reduced to a moderate impact.

- 6.63 The proposed location of the car park would allow it to sit within natural topography, utilising an existing dip in land levels to the southern-wester corner of the field. Due to the reduced size of the car park now proposed there is no requirement for the terracing to mitigate its impact and therefore the amount of ground works has been significantly reduced with the development brought away from East Mote Oast which is one of the receptors indicated to be most affected. The revised layout of the car park has taken greater account of the visual impact on the wider landscape, proposing native planting to screen the more modest car park. The development as a whole will impact on the AONB through the formation of the car park; however measures are proposed to mitigate this impact and it will also provide landscape enhancements through the improvement to the walled garden, although this impact is somewhat limited given its modest vantage points. Any harm which is not to be substantially mitigated is likely to be on the local level from local viewpoints, however the proposal would not result in a significant degree of harm for the wider AONB, specifically from distant views.
- 6.64 Kent Downs AONB unit have provided a representation on the application. They acknowledge that the application has substantially reduced the area of proposed new car parking from the previously refused application and accordingly the visual and landscape impacts on the Kent Downs AONB are reduced. They also indicate that following further guidance sought from the AONB Unit the internal layout has been further broken up with additional hedgerow and tree planting and included within this submission. Kent Downs AONB unit are therefore raising no objection to the application however recommend advance planting of the proposed mitigation landscaping to ensure that the shorter term visual impacts of the proposal are minimised as far as possible. They also suggest it will be essential to ensure a long term management plan and replacement plan (circa 25 years) be secured.
- 6.65 Overall, I consider that on balance the proposed development would not result in harm to the quiet enjoyment or scenic beauty of the AONB, subject to the imposition of the planning conditions as suggested by the AONB unit. The proposal therefore accords with Policy CP7 of the NPPF, Paragraph 176 of the NPPF and accord with the policies contained within the Kent Downs Areas of Outstanding Natural Beauty Management Plan.

*Highway safety and parking provision:*

- 6.66 Policy CP2 of the TMBCS is the most relevant local policy and outlines a number of measures that should be demonstrated where new development is proposed that is likely to generate a significant number of trips, including:
- (a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres;
  - (b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities;
  - (c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking;
  - (d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated;
  - (e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and,
  - (f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.
- 6.67 Policy SQ8 of the MDE DPD sets out a number of criteria in terms of road safety and parking. It requires that:
1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.
  2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
  3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.
  4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
  5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with

appropriate mitigation measures and these must be provided before the development is used or occupied.

6.68 Paragraph 110 of the NPPF outlines that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.69 Paragraph 111 is also particularly relevant and outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.70 Paragraph 112 of the NPPF outlines that within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations

6.71 Paragraph 113 also outlines that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 6.72 In support of the application on highways grounds the applicant has provided an updated transport statement produced by GTA Civils dated April 2021 and travel plan produced by the National Trust.
- 6.73 The Transport Statement sets the proposed scheme seeks to upgrade the visitors' facilities at Ightham Mote part of which includes re-locating the parking located within the existing walled garden. They outline that these changes also provide the opportunity to improve traffic flow through and around the site, introduce more accessible parking and incorporate electric vehicle charging capacity. The report includes the same parking demand survey as submitted as part of their 2019 application which concluded that demand for parking spaces was exceeded 31 days a year requiring informal overflow parking to be used. The Transport Statement then goes on to assess the proposed development and its highways impact.
- 6.74 When assessing the impact the report outlines that the strategy to be adopted for parking going forward will be based on two elements. These are;
- The number of PFE (pay for entry) visitors will be managed and controlled via a booking system to ensure that no additional car park capacity will be required over and above the 10 additional spaces required to meet the 92.5% provision;
  - The number of visitors wishing to use the car park to explore the estate and wider countryside (non PFE) is expected to rise from the current level of 13,200 per annum (8%) to 33,000 per annum (20%) over the next decade;
- 6.75 It outlines that the car park has therefore been designed to accommodate 198,000 visitors per annum, based on current visitor patterns.
- 6.76 The statement continues that the aim is to provide sufficient spaces to meet existing demand through a combination of permanent (hard surface) parking for all year round use, with an additional area of re-enforced grass parking for part of the year when demand is higher. Occasions of further higher demand such as on special event days, or public holidays, will be managed through an availability of temporary overflow parking. A comparison to the existing and proposed parking is included at table 5.1 of the report and is shown below.

Table 5.1 – Existing and Proposed parking numbers

Use of spaces	Existing Parking	Proposed Parking
Standard Visitor spaces	212	215
Standard Visitor Spaces with EVCP	0	8
Disabled spaces	8	15
<b>Subtotal</b>	<b>220</b>	<b>238</b>
Overflow (28 day)	up to 220	220
Staff and volunteer spaces	32	40
Dedicated Coach spaces	0	3 designated
<b>Total maximum spaces</b>	<b>472 (440 for visitors)</b>	<b>498 (458 for visitors)</b>

- 6.77 Comments have been made regarding the number of spaces quoted on the application forms that differ from those contained with the planning and transport statement. It is also pointed out that the number of parking spaces have increased since the previous scheme. The above figures stated in the transport statement and those within the planning statement are understood to be a correct summary of the proposed parking as per the submitted layout. This revised application seeks to retain the option to use Mill Field as informal overflow parking using permitted development rights for the use up to 28 days in a calendar year. The quoted figure for this overflow is suggested to be 220 spaces which is understood to be an estimated figure based on the area of the field. This is larger than the 120 space overflow car park proposed for the previously refused scheme under TM/19/02842/FL & TM/19/02843/LB and therefore for a limited period of the year the total number of parking spaces available will increase over the 431 previously proposed. Members should however note that the current scheme proposes 278 designated spaces (220 gravel surfaces spaces and 58 grass) which will be available for all year-round use compared to 311 surfaces spaces for the previous scheme. It therefore represents a reduced scheme in terms of hard surfaced spaces than previously considered by the committee and an increase of 26 spaces over the existing parking provision; however it results in a decrease in the number of hard surfaces spaces from the existing provision.
- 6.78 In terms of traffic impact, the report sets out that purely in traffic terms the additional car parking will be able to better accommodate the existing visitor demand, providing a more pleasant visitor experience and improve traffic flow on the approaches to Ightham Mote. It also sets out that the increase of 80sqm to 150sqm for the reception/shop will not lead to an associated increase in visitor numbers.
- 6.79 As set out for the previous scheme, it is firstly important to recognise that the proposals for determination do not seek to provide additional facilities over those that which are already provided. The larger visitor reception and associated shop would in my view not likely result in any additional individual

trips and therefore those users would likely have visited Ightham Mote or the café in any case. The improved facilities may result in some increased traffic/visitors to the site due to ease of access; however this would not be as a direct result of what is proposed (as their main purpose would be to visit the Mansion or grounds) and is likely to be negligible. The National Trust also acknowledge the likely increase in members of the public looking to use the surrounding public footpaths for which the car park is made available for. Since the previous application has been determined the importance of having access to the countryside has been more prominent. The transport statement has suggested a 20% increase in visitors not wishing to enter the grounds within the next decade. It may be the case that this will increase over the proceeding years which is out of control of the applicant; however due to the uncertainty of that demand this cannot, in the officers view, factor into the consideration of demand.

- 6.80 Whilst I note the concerns raised through the public consultation regarding the increase of numbers of visitors and their associated noise and pollution the information available would suggest that this increase is predicted to happen regardless of the development proposed by this application. The proposed development should therefore not be considered to be trip generating in own right. The requirements of Policy CP2, Policy SQ8 (2) and those of Paragraph 113 of the NPPF would therefore not be relevant in this case.
- 6.81 Kent County Council Highways have provided a representation indicating that in their view an increase in overall spaces of 26 and 3 coach bays would not produce a severe impact on the highway network or cause a safety impact. As above the development is not considered to be a trip generating development and therefore based on the modest increase over the existing provision officer opinion is that it would not result in an adverse impact on highway safety by virtue of traffic impact and generation. The proposal would therefore be considered against the remainder of Policy SQ8 and Paragraph 110 – 112 of the NPPF.
- 6.82 The supporting information does set out demand for additional parking which is indicated to be increasing in future. There is however insufficient evidence to support a clear unmet demand to warrant weight in the planning balance. However this revised scheme is a rationalisation and alteration to the existing parking available on site to better accommodate the existing demand and allow for improved management for those less frequent busy days for example during public holidays.

*Flooding and Drainage:*

- 6.83 Paragraph 159 of the NPPF outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in

such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

- 6.84 The application site falls entirely within Flood Zone 1 according to the Environment Agency Flood maps. It is therefore considered to have a low probability of fluvial flooding. There is however the potential for pluvial flooding to occur from adverse weather events.
- 6.85 The application is accompanied by a Flood Risk and Drainage Strategy report produced by Price and Mayers dated March 2021. This report is separated into three main assessments addressing flood risk, surface water run-off and SUDS assessment. The report outlines as above that the site lies within Flood Zone 1 and is considered not to be at risk of flooding or ground water. The report sets out that a very small section of the site is at low risk of surface water flooding from the remainder of the arable field to the north.
- 6.86 Although the development is not at risk of flooding as a major development there is the requirement to provide a sustainable urban drainage system to deal with surface water run-off from the development. The report includes surface water run-off calculation and assesses the requirement for surface water drainage proposing infiltration via permeable surfacing which will be discharged into the water course via an attenuation basin. The scheme also includes swales to aid drainage to the north drive.
- 6.87 The drainage strategy seeks to provide drainage to the car park and the proposed visitor reception along with the installation of a perforated pipe to direct water from the re-aligned north drive. It therefore seeks to provide drainage to mitigate the impact on the proposed additional hard surfacing as well as provide some improvement to the existing drainage within the current car park proposed to be re-landscaped. Kent County Council as the lead local flood authority raise no objections but provide some suggestions and request further details are provided at the design stage and have requested that conditions be imposed to secure that. I consider this to be acceptable and would require the suggested condition to be imposed.

*Appearance and Landscaping:*

- 6.88 It is necessary to read this section in conjunction with the preceding discussion surrounding heritage impacts and the AONB. Policies CP24 of the TMBCS and SQ1 of the MDE DPD are the most relevant design policies and require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

- 6.89 Paragraph 130 of the NPPF sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.90 Paragraph 134 of the NPPF is also relevant and sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.91 The application proposes to make minor changes to re-align and straighten the north drive through the removal of a small section of landscaping adjacent to the access road to Mount Cottages and East Mote Oast. The western row of car parking is to be removed and trees removed from this section in favour of a lower hedge to open up view across the grounds of Ightham Mote as would have traditionally been available.

- 6.92 The proposed car park is to sit in Mount Field to the east of the existing staff parking, café and walled garden and tucked in towards the western boundary of the field. The grassed overflow car park is to the south along the same alignment. The car park is to be bordered to the north and east by a 8m wide bund planted with native hedging. Smaller hedging and trees are to be planted between the parking rows to soften the appearance of the car park. The planting proposed for the car park would be a 5m wide coppiced hedgerow suggested to provide both screening in the summer (leaves) and winter (thicket of branches). The surface materials for the car park has been indicated to reflect the hierarchy of the intensity of the use. The main roadway will be tarmac with the visitor spaces will be laid out in gravel. The overflow car park will be laid in reinforced grass.
- 6.93 In terms of the walled garden and visitors' reception the proposal seeks to re-instate the walled garden into productive use which will be a significant benefit to the visual appearance over the current car park use. The visitors' reception/shop building is proposed to be of a square form with clerestory above proposed to be of a timber frame with lime render and sedum roof. Whilst not a typical style of building for the area it will intergrate well behind the walls of the walled garden and on balance does not harm the character of the area.
- 6.94 I consider that, overall, the design, appearance and landscaping for the proposed development would be acceptable for the character of the area and meet the policy requirement of Policy CP24 of the TMBCS, SQ1 of the MDE DPD and Paragraph 134 of the NPPF, subject to the imposition of conditions.

Residential amenity:

- 6.95 The nature of the site is such that there are few dwellings which have potential to be directly impacted by the proposal. The dwellings at Mount Cottages and East Mote Oast however lie to the north and north-east of the proposed car park and therefore have the potential to be impacted. This revised scheme however seeks to provide the new car park to the south-west of Mount Field utilising the natural topography of the land which dips to this section of the site. Whilst particularly the landscaping for the car park would be visible to these properties there are now separation distances of 120m and 140m for Mount Cottage and East Mote Oast respectively and therefore, notwithstanding the relatively quiet nature of the area, the impact on the amenity of those residents would not be significantly harmful.

Ecology and Biodiversity:

- 6.96 Policy N2 of the MDE DPD requires that;
1. The biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced and;

2. The restoration and creation of new habitats will be pursued where these promote permeability and contribute to the UK and Kent Biodiversity Action Plan targets having regard to the areas of biodiversity opportunity identified

6.97 Policy N3 of the MDE DPD requires that:

1. Development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability.

6.98 Paragraph 174 of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

6.99 Paragraph 180 of the NPPF is also relevant and sets out that when determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),

adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

6.100 The applications are accompanied by a series of reports in relation to ecology and protected species. This includes an Ecological Impact Assessment report dated March 2021 and a Bat and Great Crested New Survey Report and Mitigation Strategy dated October 2019. Each of these reports were produced by Corylus Ecology. The reports assess the potential for protected species in the site. The Ecological Impact Assessment report, the most recent of the reports, covers all the protected species including bats and outlines a number of mitigation measures recommended to mitigate or minimise the impact. It also recommends the production of a Landscape and Ecological Management and Monitoring Plan.

6.101 With the mitigation measures in place, the proposals are not considered to significantly harm protected species. Moreover, it is considered that a biodiversity net gain could be achieved across the site though the edge of woodland and wildflower planting proposed which would offset the loss of the section of arable field. With these considerations in mind, and when taking into account the imposition of appropriate conditions, on balance I consider the scheme broadly complies with the requirements of policies N2 and N3 of the MDE DPD and paragraphs 174 and 180 of the NPPF.

*Very Special Circumstances:*

6.102 Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and

any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 6.103 As outlined earlier in the report this scheme only considers the change of use and formation of the new car park to be an inappropriate development within the Green Belt and therefore the harms derived this from element alone will need to be outweighed by a case of very special circumstances. For the purposes of the exercise expressly required by paragraph 148 officer view is that there would be material harm caused to the Green Belt as a result of the location and nature of the new car park. It is also accepted that harm would arise to the setting of designated heritage assets.
- 6.104 The applicant has provided a very special circumstances statement which sets out the various benefits they consider arise from the development which forms their case of very special circumstances. This can be broken down into the need for the car park and visitors' reception, heritage benefits including restoring the walled garden and works to the north drive and visitor experience benefits. The report contains a table at paragraph 4.6.1 which summarises the benefits. Please note that the gardeners compound removal and formation of the picnic lawn do not form part of this application have been approved under application TM/20/00076/FL and therefore cannot form part of this assessment.
- 6.105 The proposed scheme seeks to rationalise the existing parking arrangement to better deal with the current demand for parking on the site and to allow the National Trust to better manage future demand. As set out earlier in the report, whilst on occasion demand does exceed the available surfaced parking spaces there is insufficient evidence to support a clear unmet demand to warrant weight in the planning balance. It is also accepted that there may be a further increase in demand in the future however this is based on forecasts and therefore no certainty. The desire of the operator to deal with this future demand is not in my view a very special circumstance. The green belt assessment above concluded that the visitors' reception was not inappropriate development within the Green Belt and therefore the benefits of the provision of these facilities which is a not inappropriate form of development cannot be considered as a very special circumstance in favour of the car park.
- 6.106 The report also outlines the functional benefits of the scheme to improve access and as such visitor experience for the heritage asset which is considered by the applicant to be a benefit in favour of the scheme. At present while the parking arrangement and visitors' reception facilities could be improved they are not in officer opinion a barrier to access to the heritage asset. Whilst improved facilities would undoubtedly improve the ability to manage the visitors and thus could improve their experience this is not in officer opinion a very special circumstance which can be taken into account.

- 6.107 Finally, the report outlines the various heritage benefits that would result from the proposal. This starts with the works to the north drive. Whilst the same level of change is not proposed as was subject to the previous application it still seeks to straighten the access and open up views from the north drive approach. This (as agreed by Historic England) will have clear heritage benefits to take into account. In addition, the removal of the parking from the walled garden, setting it away from the principal heritage assets on site, will have benefits on the setting of the heritage assets along with the restoration of the walled garden itself back to a productive garden and the opening up of views from this area toward the mansion and its grounds. These are both clear heritage benefits and in officer opinion should be given great weight in the balance.
- 6.108 The scheme, as a whole, proposes a number of heritage benefits which form part of the very special circumstances for the proposal. Whilst the number of heritage benefits have been reduced since the previous scheme the proposed development for the car park has also been reduced and therefore its harm to openness would also be reduced. The benefits arising from the development taking place, as discussed in detail above and throughout this report, are considered to clearly outweigh the harms identified in totality in accordance with paragraph 148 of the NPPF.

Conclusions:

- 6.109 The development (in part) amounts to inappropriate development and causes some material harm to the openness of the Green Belt. Similarly, aspects of the development cause less than substantial harm on the lower end of the scale to designated heritage assets but those harms when weighed against the public benefits of the scheme are addressed. These harms when taken cumulatively are however clearly outweighed by very special circumstances as identified and when taken in totality. In all other respects, the development accords with adopted and national policy subject to appropriate mitigation and imposition of planning conditions.
- 6.110 In light of the above assessment, I recommend that planning permission and listed building consent be granted subject to the imposition of conditions set out below:

**7. Recommendations:**

(A) TM/21/01278/FL

- 7.1 **Grant planning permission** in accordance with the following submitted details: Email Suds dated 01.07.2021, Site Plan 1803(0)005 P3 dated 05.05.2021, Site Plan 1803(0)010 P2 dated 05.05.2021, Existing Elevations 1803(0)030 P2 dated 05.05.2021, Existing Elevations 1803(0)031 P2 dated 05.05.2021, Site Plan 1803(0)090 P3 dated 05.05.2021, Proposed Floor Plans 1803(0)100

P3 dated 05.05.2021, Proposed Roof Plan 1803(0)101 P3 dated 05.05.2021, Sections 1803(0)200 P2 dated 05.05.2021, Sections 1803(0)201 P2 dated 05.05.2021, Proposed Elevations 1803(0)300 P2 dated 05.05.2021, Proposed Elevations 1803(0)301 P2 dated 05.05.2021, Drawing P.1433.010B dated 05.05.2021, Existing Plans P.1433.101 dated 05.05.2021, Proposed Plans P.1433.102I dated 05.05.2021, Drawing P.1433.110D dated 05.05.2021, Drawing P.1433.120A dated 05.05.2021, Drawing P.1433.121C dated 05.05.2021, Drawing P.1433.122A dated 05.05.2021, Proposed Elevations P.1433.201B dated 05.05.2021, Proposed Elevations P.1433.202A dated 05.05.2021, Sections P.1433.203B dated 05.05.2021, Sections P.1433.204 dated 05.05.2021, Planting Plan P.1433.301C dated 05.05.2021, Proposed Layout P.1433.400F dated 05.05.2021, Proposed Layout P.1433.401C dated 05.05.2021, Drawing P.1433.403B dated 05.05.2021, Location Plan P.1433.020B dated 05.05.2021, Design and Access Statement dated 05.05.2021, Other Exec summary dated 05.05.2021, Planning Statement dated 05.05.2021, Sustainability Report dated 05.05.2021, Transport Statement dated 05.05.2021, Statement Very special circumstances dated 05.05.2021, Arboricultural Assessment dated 05.05.2021, Bat Survey dated 05.05.2021, Ecological Assessment dated 05.05.2021, Flood Risk Assessment dated 05.05.2021, Assessment Heritage impact dated 05.05.2021, Other Settings summary dated 05.05.2021, Travel Plan dated 05.05.2021, Landscape Statement dated 05.05.2021, Other Options appraisal for new car park dated 05.05.2021, Report Protected species dated 05.05.2021, subject to the following conditions;

### **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 Prior to the commencement of the development hereby approved, a plan and associated schedule showing how any phasing of the development of the site will proceed, in terms of those parts of the development that will be constructed in an individual phase, have been submitted to and approved by the Local Planning Authority. The plan and schedule should include, but not necessarily be limited to, details of the implementation of all physical and below ground works and the implementation of the landscaping and planting scheme across the site. The work shall thereafter be undertaken in strict accordance with the approved plan and schedule.

Reason: To ensure that the appropriate consideration is given to the factors to be assessed in the compliance with the conditions and in the interests of minimising the impact to designated heritage assets, the Area of Outstanding Natural Beauty and appearance of the locality.

- 3 No development of any phase in accordance with Condition 2 shall take place until a detailed scheme of hard and soft landscaping for that phase, including a timetable for the implementation of the said landscaping scheme, have been submitted to and approved by the Local Planning Authority. This should include details of the size and species of all planting proposed. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented in accordance with these approved details. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species.

Reason: In the interests of visual amenity.

- 4 Prior to the commencement of the development hereby approved, a construction management plan shall be submitted to and approved by the Local Planning Authority. The plan should include, but not necessarily be limited to, the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

The development shall be undertaken in strict accordance with the approved details.

Reason: In the interests of highway safety and amenity during construction

- 3 No development of any phase in accordance with Condition 2 shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within Flood Risk Assessment prepared by Price and Myers (March 2021, Version 4). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
  - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including

any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 6 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied (first use) until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 6 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- I. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - II. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- 8 No development of any phase in accordance with Condition 2 shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development within that relevant phase shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

- 9 Prior to the commencement of the use of the car park hereby approved, a scheme for the long term management plan and replacement plan (circa 25 years) for the proposed landscaping and tree planting shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be managed in strict accordance with those approved details.

Reason: In the interests of mitigating any impact to the landscape of the Area of Outstanding Natural Beauty.

- 10 No external lighting shall be installed in connection with any phase in accordance with Condition 2 until full details of a lighting scheme to serve that phase have been submitted to and approved by the Local Planning Authority. The scheme should include a full specification of the lighting and any screening or mitigation proposed. Work shall be carried out in strict accordance with those details and maintained and retained at all times thereafter.

Reason: In the interests of visual, rural and residential amenity.

- 11 Prior to the commencement of the use of the car park hereby approved, a scheme for its management shall be submitted to and approved by the Local Planning Authority. The car park shall at all times thereafter be operated in accordance with the approved details.

Reason: In the interests of visual, rural and residential amenity.

- 12 Prior to the commencement of the use of the visitors' reception hereby approved, full details of measures to prevent light spill from the clerestory of the building shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented and subsequently managed and maintained in accordance with those approved details at all times.

Reason: In the interest of preventing light spill within the Area of Outstanding Natural Beauty.

- 13 The development hereby approved shall be undertaken in strict accordance with the recommendations and mitigation strategies set out within the Ecological Impact Assessment dated 30<sup>th</sup> March 2021 and the Bat and Great Crested New Survey Report and Mitigation Strategy dated October 2019.

Reason: In the interest of protecting ecology and wildlife within the site.

- 14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

- 16 No infiltration of surface water drainage into the ground is permitted within any phase of the development hereby approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 17 Prior to the commencement of any works to reinstate the walled garden, a detailed strategy of hard and soft landscaping along with full details of all physical works to the walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and rural amenity.

- 18 No development of any phase in accordance with Condition 2 shall take place until full details of a scheme for biodiversity gain within that relevant phase have been submitted to and approved by the Local Planning Authority.

Reason: to ensure the development would contribute to and enhance the natural and local environment

(B) TM/21/01279/LB

- 7.2 **Approve listed building consent** in accordance with the following submitted details: Site Plan 1803(0)004 P3 dated 05.05.2021, Site Plan 1803(0)010 P2 dated 05.05.2021, Existing Elevations 1803(0)030 P2 dated 05.05.2021, Existing Elevations 1803(0)031 P2 dated 05.05.2021, Site Plan 1803(0)090 P3 dated 05.05.2021, Proposed Floor Plans 1803(0)100 P3 dated 05.05.2021, Proposed Roof Plan 1803(0)101 P3 dated 05.05.2021, Sections 1803(0)200 P2 dated 05.05.2021, Sections 1803(0)201 P2 dated 05.05.2021, Proposed Elevations 1803(0)300 P2 dated 05.05.2021, Proposed Elevations 1803(0)301 P2 dated 05.05.2021, Drawing P.1433.010B dated 05.05.2021, Existing Plans P.1433.101 dated 05.05.2021, Proposed Plans P.1433.102I dated 05.05.2021, Drawing P.1433.110D dated 05.05.2021, Drawing

P.1433.120A dated 05.05.2021, Drawing P.1433.121C dated 05.05.2021, Drawing P.1433.122A dated 05.05.2021, Proposed Elevations P.1433.201B dated 05.05.2021, Proposed Elevations P.1433.202A dated 05.05.2021, Sections P.1433.203B dated 05.05.2021, Sections P.1433.204 dated 05.05.2021, Planting Plan P.1433.301C dated 05.05.2021, Proposed Layout P.1433.400F dated 05.05.2021, Proposed Layout P.1433.401C dated 05.05.2021, Drawing P.1433.403B dated 05.05.2021, Location Plan P.1433.020B dated 05.05.2021, Design and Access Statement dated 05.05.2021, Other Exec summary dated 05.05.2021, Planning Statement dated 05.05.2021, Sustainability Report dated 05.05.2021, Transport Statement dated 05.05.2021, Statement Very special circumstances dated 05.05.2021, Arboricultural Assessment dated 05.05.2021, Bat Survey dated 05.05.2021, Ecological Assessment dated 05.05.2021, Flood Risk Assessment dated 05.05.2021, Assessment Heritage Impact dated 05.05.2021, Other Settings summary dated 05.05.2021, Travel Plan dated 05.05.2021, Landscape Statement dated 05.05.2021, Other Options appraisal for new car park dated 05.05.2021, Report Protected species dated 05.05.2021,, subject to the following conditions;

### **Conditions**

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Prior to the commencement of the works to construct the glasshouse, bothy and visitors' reception, full details of the junctions between the walled garden and these buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development does not harm the fabric of the heritage asset.

3. Prior to the commencement of the works to construct the glasshouse, bothy and visitors' reception, full details of all external materials to be used in their construction shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

Contact: Paul Batchelor