

Item D2

Retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

A report by Head of Planning Applications Group to Planning Applications Committee on 27 September 2023.

Application by Kent County Council Country Parks for retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Simon Webb

Classification: Unrestricted

Update for 27th September 2023 meeting following the deferral of the application from Planning Applications Committee on 16th November 2022.

1. The retrospective planning application for engineering works for the resurfacing of the overflow car park Teston Bridge Country Park was deferred from the meeting in November 2022 at the request of the Planning Applications Committee. The Committee resolved:

The application be DEFERRED in order for a landscaping scheme to be prepared by the applicant. In preparing the scheme, it is recommended that the applicant liaise with the Parish Council.

2. The report considered by Members at that meeting is attached as Appendix 1 and forms part of the consideration of the application. The application was deferred in order for the applicant to give further consideration to the concerns raised by Teston Parish Council and Committee Members, and to explore the possibility of incorporating additional landscaping into the scheme. The concerns raised largely related to the urbanisation of the country park, the lack of sufficient or substantial landscaping and screening both around and within the overflow carpark to visually soften and break up the mass of the parking area, as well as the usage and need for the overflow carpark. Members were of the view that considerable substantive landscaping, comprising a mix of trees, hedging and shrubs, both within and around the overflow carpark, should be considered to soften the impact of the resurfacing works, reduce the urbanisation to be more in-keeping within the surrounding areas of the country park. Members also recommended that the applicant liaise with Teston Parish Council in relation to the landscaping scheme prior to the submission of additional information.
3. This report provides an update regarding the proposed changes to the application to address the Committee's earlier view and to incorporate landscaping into the proposal. The report appends the original report from the November 2022 meeting as Appendix 1. In determining the application Members must have regard to both the details within this supplementary report as well as the details set out in Appendix 1.

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Background

4. The applicant has confirmed that in preparing the additional information, Kent Country Parks have liaised with Teston Parish Council on the proposed landscaping scheme and, where possible, Teston Parish Council's views have been taken into account with the scheme adjusted accordingly or clarifications made within the supporting documentation to address their queries.
5. The existing vegetation around the overflow carpark consists of a number of trees of varying ages and shrub planting. This includes a cluster of oak, sycamore and hazel trees to the west of the overflow carpark, and a band of planting continuing along the south including hazel, oak, dogrose and silver birch. This southern row of planting separates the overflow carpark from the adjacent footpath and provides some screening through mature planting. In order to address the concerns of Committee Members, a detailed landscaping scheme is now proposed. This aims to integrate the overflow carpark into the country park and provide additional screening, both within and around the overflow carpark, to visually soften and reduce the urban feel of the overflow carpark.

Summary of Landscaping Scheme

6. The landscaping scheme proposes to install an area totalling 270 square metres of native woodland understorey planting to supplement the existing landscaping to the south of the overflow carpark. This area of woodland planting would include individual trees with lower canopy heights to assist in the screening of the open views beneath the existing mature trees. This would include the individual planting of five hazel and three silver birch trees along with woodland understory planting comprising a mixture of alder blackthorn, holly, blackthorn, dog rose and bramble species. As set out in the submitted landscape plan, the proposed woodland understorey planting would be a height of 40-60cm when planted to provide lower level under canopy screening of the overflow carpark when viewed from the wider area, and therefore screening views from across the country park.
7. The landscaping scheme also proposes to excavate part of the central area of the overflow carpark and install 70 metres of native hedgerow and 9 trees in the centre of the overflow carpark. The excavation would involve the removal of a minimum 2 metre wide strip of the existing crushed aggregate surfacing and sub-base, with timber edging to match the existing, to enable a suitable planting trench and pits to be excavated for the establishment of the hedgerow and trees. The installation of the central hedgerow and trees aims to break up the 'urban massing' of the development and soften the visual appearance of the resurfacing. The native hedgerow would incorporate 416 individual plants through the centre of the overflow carpark, consisting of a mixture of hazel, hawthorn, alder buckthorn, holly, blackthorn and dog rose species. The landscape plan sets out that the native hedgerow would be planted at a height of 40-60cms, and the applicant has confirmed that the hedgerow would be maintained at a width of 3 metres and height of 1.2 metres once the planting has established, therefore totalling an area of 210 square metres within the centre of the overflow carpark. Nine standard oak trees (2.5-3 metres when planted) are also proposed to be planted at even spacings within the hedgerow to provide additional screening at a higher level, as well as being in keeping with the surrounding vegetation.

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8. In relation to maintenance of the additional landscaping, it is proposed that the vegetation through the centre of the overflow carpark would be maintained to meet the guidance of the ParkMark scheme, in that the hedgerows would be maintained at a height of 1.2 metres and tree branches kept to above 2.5 metres on mature plants. The applicant has confirmed that all planting would be maintained to encourage an appropriately dense central hedge and understory planting on the overflow carpark edges for a minimum of 5 years.

9. At the November 2022 meeting, the Committee suggested that the landscaping scheme included a mixture of tree, hedging and shrub planting both around the boundary and within the overflow carpark, and advised that these should include evergreen and ideally native species. The density and percentage coverage of the species are set out in detail in the submitted landscape plan and the applicant has confirmed that the plant species have been informed by the existing plant species that are present within the country park, as well as by the Area of Outstanding Natural Beauty hedgerow management documents (although it is noted that the site is not within the AONB). The chosen species have high wildlife value to support the country park's wildlife and are also in line with KCC's Plan Bee Action Plan which aims to support pollinators including bumblebees, butterflies, moths and beetles. The only native evergreen species currently within the country park is holly, and it is proposed that this is used within the woodland understorey planting and the central hedgerow to provide year-round screening. The applicant acknowledges that some species are thorny and spikey, but the use of appropriate native species that are currently present throughout the country park provides maximum benefits for the park's wildlife. It is proposed that the planting would be carried out in the next available planting season (November to March). The landscaping scheme plan is set out below.

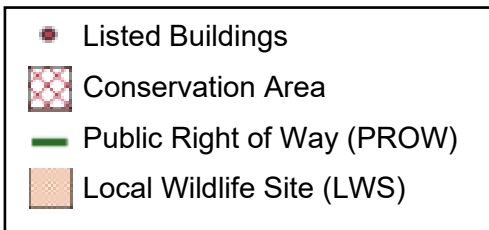
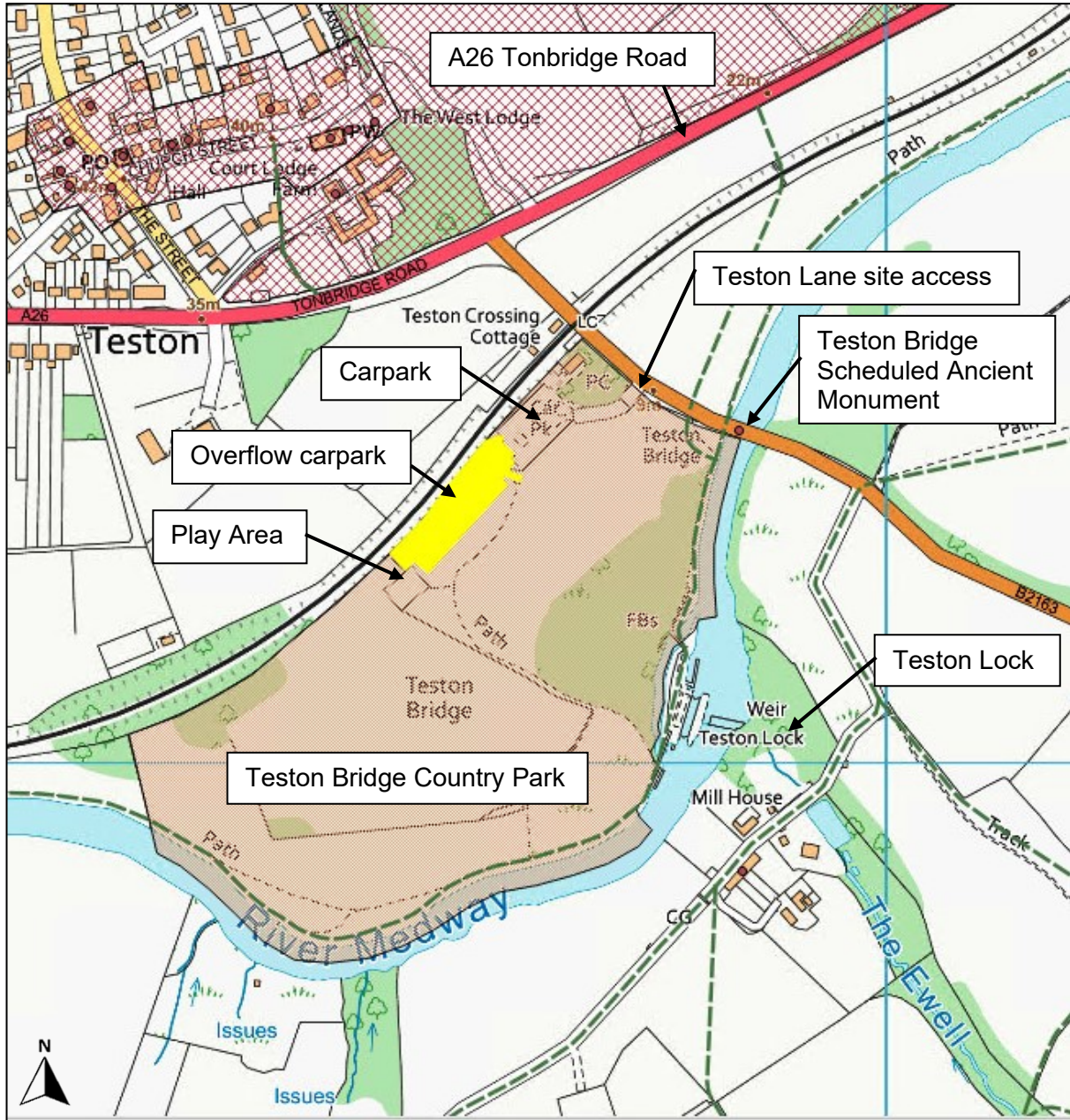
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Landscape Plan



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Site Location Plan



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Summary of Overflow Carpark Usage and Need

10. Following queries from Members during the November 2022 Committee, clarification has been sought from the applicant in relation to the number of parking spaces within the country park. The applicant has confirmed that the main carpark at Teston Bridge Country Park has a capacity of 52 parking spaces, including 4 disabled spaces. There are no changes proposed to the main carpark. The overflow carpark prior to the resurfacing had a capacity of 116 parking spaces, and the resurfacing sought to formalise these spaces and provide for all weather usage. The proposed additional landscaping would lead to a loss of 28 parking spaces within the overflow carpark, therefore providing 88 spaces within the overflow carpark and a total of 140 within the country park.

11. The Committee also raised concerns regarding the use and justification for the resurfacing of the overflow carpark and requested further details regarding when the overflow carpark is opened, why it is not available all year round, as well as the average number of visitors to the site. The applicant has set out in the supplementary information that the overflow carpark at Teston Bridge Country Park remains locked when a need for its use is not expected, preventing the carpark from being used for anti-social behaviour such as car meets when the country park is quiet. The overflow carpark is opened when the main carpark is expected to be near, or has reached, capacity. The opening of the overflow carpark is intended to avoid congestion in the carpark and the local highway network, particularly due to the country park entrance being situated in very close proximity to and directly between the railway crossing on Teston Lane to the northwest, and the single lane crossing over Teston Bridge to the east.

12. The decision on whether to open the overflow carpark is taken by the site warden each morning. The wardens return to the site throughout the day on peak days, such as weekends, and are able to assess the need for the overflow carpark as required. The café concession are also on site most days and are able to report to the wardens when required. They also have a key should they need to open the overflow carpark. Members of the country park team are able to be on site at the country park within 20-30 minutes should there be a need to open the overflow carpark during the day.

13. The overflow carpark is most likely to be required during peak periods such as weekends, school holidays, for an event, and weekdays during the spring and summer months. Other factors such as a school inset day can also mean that a local decision is required based on local knowledge, site capacity and weather to determine if the overflow carpark may be required. In the supplementary supporting statement, the applicant sets out that the usage of the overflow carpark has generally increased over the past 5 years, with total vehicle visits per annum increasing by 45% from 36,109 in 2018 to 52,710 in 2022, with a notable spike in 2020 from the Covid-19 pandemic. This can be shown in the table extracted below:

Annual vehicle visit figures for Teston Bridge Country Park (calendar year)

Year	2018	2019	2020	2021	2022
Total Visits (per annum)	36,109	47,956	64,029	61,481	52,710

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14. The applicant advises that the increased usage has resulted in the main carpark becoming easily overwhelmed and the overflow carpark being used more often. The figures within the supporting statement also set out that in 2022, the main carpark reached capacity on 88 days, 44 of which were within 5 days of rainfall and amounting to a requirement for the overflow carpark for almost 25% of the year. These days were spread across the year, with peak times including Boxing Day, New Years Day and during the summer holidays.
15. From reviewing historic maps, it is considered that the overflow carpark has been available for use on site since the park opened by KCC in 1978. The overflow carpark was previously unsurfaced, with a grass finish, which would often become muddy and uneven during and after rainfall events, creating difficult parking conditions and leading to increased surface maintenance requirements. Unpredictable weather also led to rapidly deteriorating surface conditions, leading to greater risk of accidents with the potential for vehicles to become stuck or skid on the surface, posing a danger to both pedestrians and other vehicles. The applicant has set out that the resurfacing of the overflow carpark provides suitable year-round use and also reduces the risk of dangerous parking on the narrow highway access via Teston Lane. The supporting statement also sets out that further problems were created on the surrounding roads by poor traffic flow within the site when the overflow car park was closed. Queues would form on the narrow road adjacent to the country park whilst people were waiting for spaces to become available in the main car park. In applying a hard finish to the overflow carpark, the applicant considers that safe parking is provided throughout the year leading to safer conditions for drivers on the roads around the country park.

Planning Policy

16. The policies relevant to this application are set out in paragraph 10 of the original report from the November 2022 committee attached in Appendix 1. In addition to these policies, there are some policies in the Maidstone Borough Council Local Plan (adopted October 2017) and the emerging Maidstone Borough Council Local Plan Review (2021) that are also relevant:

Maidstone Borough Local Plan (adopted October 2017)

Policy DM19 Open Space and Recreation - Open spaces should where appropriate, provide interest and activities for a wide range of users in particular meeting the needs of elderly and less able users as well as children, young people and families. Importance of high quality, publicly accessible open space can bring about opportunities for promoting social interaction and inclusion in communities.

Policy DM20 Community Facilities - Seeks to provide adequate provision of community facilities in order to build well functioning, sustainable communities and emphasises the importance of creating healthy and inclusive communities with appropriate facilities.

Maidstone Borough Council Local Plan Review 2021

This is a review of the 2017 Local Plan. It is not yet adopted but was submitted to the Planning Inspector for examination in March 2022. The policies within the review of the

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Local Plan should be given greater weight the closer it gets to adoption, and it is noted that the Inspector's Report is awaited. The relevant policies are:

Policy LPRINF1 Publicly Accessible Open Space and Recreation - Open spaces should be designed to encourage physical activity to improve mental wellbeing and health inequalities, and where appropriate provide interest and activities for a wide range of users in particular meeting the needs of elderly and less able users as well as children, young people and families, and connect with local routes.

Policy LPRINF2 Community Facilities - Seeks to ensure adequate accessibility to community facilities, including social, educational and other facilities to assist in building well-functioning sustainable communities.

Re-Consultations

17. **Maidstone Borough Council** did not provide any further comments on the application. They previously considered that whilst the materials used to resurface the car park are obtrusive, the proposed works are acceptable in terms of visual amenity and impact upon the Medway Valley Landscape of Local Value due to the accessibility it provides to the Country Park, although some additional screening may usefully be imposed. They stated that the works serve a need to ensure sufficient access to the Country Park and the screening afforded from the mature trees on the application site boundary mitigate any visual impact. They would however support the implementation of further screening along the application site boundary.

KCC Biodiversity raise no objection and set out that it is unlikely that any ecological information would have been requested (had the application not been retrospective) as it appears that only a short regularly mown area of grassland has been cleared to facilitate the works. In their previous comments on the application, they advised that if they had commented prior to works commencing on site they would have recommended that the area of vegetation within the middle of the parking area was retained and enhanced to provide habitat to benefit biodiversity and support connectivity through the site.

The Biodiversity Officer notes the updated landscaping plan which details the incorporation of a native species hedgerow in the centre of the site, as well as additional native special planning along the southern boundary. KCC Biodiversity are supportive of these measures and advise that the proposed vegetation should be actively managed by the Parks Team to ensure that it establishes to benefit biodiversity.

Teston Parish Council object on all grounds as set out in their earlier response to the application, as set out in paragraph 29 of Appendix 1. The Parish Council set out in their most recent response that they are grateful for the close attention that the Planning Applications Committee has given to this retrospective application as well as the establishment of the Teston Bridge Liaison Group. The Parish Council confirms that liaison with Teston Parish Council on the landscaping scheme took place in April via email and is of the view that this was not an iterative process. The comments from the Parish Council set out their input during the informal discussion with the Country Parks Team on the landscaping scheme and that they feel these have not been addressed adequately. These relate to the view that the country park remains significantly developed to when it opened, their view that the increase in visitor numbers does not

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justify the need for the resurfacing of the overflow carpark, the large amount of deciduous planting and lack of evergreen vegetation apart from holly, and a request for no thorny/prickly items to be included in the proposals. The Parish Council also sets out the need for plants of a significant size when planted to be present to provide a suitable level of screening from installation.

In summary, the Parish Council sets out that no adjustments have been made following the informal liaison with Teston Parish Council and clarifications do not justify the current landscaping proposal. The Parish Council considers that the cumulative effect of developments to date have substantially developed the original field to the detriment of the surrounding landscape features and the setting of Teston Bridge, a Grade I Listed Building and Scheduled Ancient Monument. The Parish Council consider the visual and visitor experience has been degraded and the proposed landscaping, even when mature, would not mask the 'desert' of hard surfacing from those enjoying the attractive views in the Area of Local Landscape Value. The Parish Council request the removal of 50% of the hard surfacing that is adjacent to the main park and reinstatement with grass, along with the remaining hard surfacing to be re-rendered almost invisible from the main park by re-defining the proposed central strip of hedging to be evergreen and of significant maturity when planted. They request that the application be deferred again to enable the Country Park team to consider the views of Teston Parish Council during the Liaison Meetings and Planning Applications Committee, requesting that the development intrusions within the country park are bought under clear control and effective management.

Local Member

18. The Local Member, Simon Webb was notified of the revised application on 21st June 2023 and responded in that he is wholly against the application being granted. Mr Webb sets out that 'there have been multiple failures throughout the process, as have been identified by Teston Parish Council, who should have been consulted as correspondees to any planning application within their remit'. Mr Webb sets out that the works which have been completed are an eye sore to the Country Park and should not have been implemented.

Review of Additional Information

19. The updated information in this report sets out additional landscaping details, along with further clarification regarding the need for the development following the deferral of the application at the 16 November 2022 Planning Applications Committee. The new landscaping scheme sets out details to address concerns raised by Members in relation to the urbanisation and over development of an area of the country park and lack of substantial landscaping and screening both within and around the overflow carpark. Members were of the view that considerable substantive landscaping, comprising a mix of trees, hedging and shrubs, both within and around the overflow carpark would be required to significantly soften the impact of the resurfacing works, reduce the urbanisation and be more in-keeping within the surrounding areas of the country park.
20. I consider that the installation of some 270 square metres of mixed native woodland understorey planting to the south of the overflow carpark, along with the installation of 210 square metres of mixed native species hedgerow and the 9 standard oak trees

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throughout the centre of the overflow carpark would significantly reduce the massing and urbanisation of the resurfacing works. The overflow carpark currently benefits from some shrub planting both to the west and south, providing a level of screening from the main amenity meadow. This existing planting provides an effective screen of the carparking area when from key vantage points including Teston Bridge and the main amenity meadow (Bridge Meadow). In my view, the mixture of species proposed for the woodland understorey planting would provide additional screening of the overflow carpark when viewed from within the wider country park. I consider that the additional woodland understorey planting would help create a denser natural amount of screening, infilling the under-canopy areas, therefore reinforcing the existing planting and reducing intervisibility between the overflow carpark and country park. I also consider that the installation of a 70 metre long, 3 metre wide and 1.2 metre high mixed native hedgerow, with associated tree planting, throughout the centre of the overflow carpark would significantly reduce the urbanisation and massing of the resurfaced area. I also consider that the hedgerow, along with the installation of the oak trees would create a visual break in the overflow carpark, breaking up the visual impact, creating an appropriate development.

21. In relation to the mixture of species of vegetation and planting proposed, it is noted that the Committee requested that native species consisting of a mixture of deciduous and evergreen trees, hedges and shrubs, be incorporated into the landscaping proposals, along with Teston Parish Council requesting limited thorny/prickly items. All of the species which are proposed within the landscaping scheme have been selected based on the species that are currently present in the country park to be in keeping with the natural surroundings and provide maximum benefit to the local wildlife and local landscape character. The plants and species have been informed by those native species existing on site as well as the Kent Downs AONB Hedgerow Management document, which reflects best practice. The species are also in accordance with KCC's Plan Bee Action Plan to support pollinators. Previously Members of the Committee informally set out the importance of evergreen planting to ensure year-round screening and it should be noted that the only native evergreen species found at the country park is holly. It is therefore proposed to increase the amount of holly to be in keeping with the current vegetation on site whilst also incorporating this into both the central hedgerow and surrounding understorey planting to provide year-round cover. The applicant has advised that following informal consultation with Teston Parish Council, the percentage of holly within the central hedgerow has increased to 30% to provide year around evergreen coverage.
22. The applicant also acknowledges the Parish Council's request for reduced thorny/prickly species within the landscape scheme, however these are also native species and provide maximum benefit for the country park's wildlife. The mixed native hedgerow species have been selected to maintain the species currently found within the country park, provide the most suitable habitat for local wildlife, increase species richness and also maintain the local landscape character. The applicant has proposed a balance of native species that are currently present on site whilst also integrating a higher level of holly to provide year-round screening. It would not be appropriate in my view to introduce species that are not currently present within the country park.
23. The submitted landscape plan sets out further details regarding the density, size and percentage of species proposed. The sizes of the plants specified are based on industry standards and ensure the best chance of survival for the vegetation. The applicant has

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confirmed that the planting would be installed during the next planting season and would be managed and maintained appropriately to ensure sufficient and efficient establishment in accordance with the country park management plans.

24. The proposed mixture of species set out in the landscaping scheme are consistent with Policy DM1 of the Maidstone Borough Local Plan 2017 in that 'particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area'. I also consider that this is consistent with Policy DM19 Publicly Accessible Open Space and Recreation through providing a 'range of planting, with appropriate mix of predominantly indigenous species, maintained to a good standard'.
25. Within the further information provided, the applicant has set out details of the usage and management of the overflow carpark along with detailed figures of visitor numbers over the last 5 years. The applicant has set out that there has been a significant increase in vehicle visitor numbers to the country park per annum, with the demand for the overflow car park increasing and the site's popularity for picnicking and informal recreation continuing to grow year on year. The overflow car park is needed following the carpark reaching capacity at peak times, and the frequency of this is predicted to increase in future years. The applicant has also set out the importance of ensuring that there is year-round access for sufficient parking on site to ensure that there are no implications on the surrounding local highway network. This is particularly important due to the location of the country park access/exit being located on Teston Lane between the railway crossing to the northeast, and single lane Teston Bridge crossing to the east. The applicant has confirmed the importance of local knowledge of potential peak days, such as summer holidays, bank holidays and inset school days, and has confirmed how the opening of the overflow carpark is managed. This increased use of the overflow car park, and a resulting need for a durable surface to enable year-round safe access and use, in my view supports the case of need previously given by the applicant and accepted in coming to the recommendation to grant retrospective permission for the resurfacing, as set out in Appendix 1.
26. Accessibility for all to the Council's country parks is a key priority and the development meets the aims and objectives of several KCC Strategies. This includes the KCC Country Park Strategy 2023-2028 which sets out a strategic aim to 'sustain and manage visitor numbers to our country parks by always providing a quality customer experience alongside a comprehensive environmental education service, facilities, events and activities that encourage increased or repeat visits', as well as an objective to 'increase the accessibility of the countryside through the deployment of landscape management techniques, effective outward looking partnership working and improved facilities that seek to provide equity of access to quality greenspace to all Kent residents and visitors'. These aims and objectives link to the wider outcomes within KCC Framing Kent's Future 2022-2023 strategic framework which includes a priority to 'improve access for our residents to green and natural spaces especially in urban and deprived areas and through our Public Rights of Way network to improve health and wellbeing outcomes'.
27. The National Planning Policy Framework (NPPF) also promotes healthy and safe communities in that development should 'aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles'. Furthermore, 'to provide the social,

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recreational and cultural facilities and services the community needs, decisions should plan positively for the provision and use of shared spaces and community facilities' to 'enhance the sustainability of communities', as well as 'take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community'. The NPPF also states that 'access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities'. This is reflected at a local level in the Maidstone Borough Local Plan 2017 in Policy DM19 Publicly Accessible Open Space and Recreation and DM20 Community Facilities which seek to ensure adequate provision of community facilities and 'high quality, publicly accessible open space' and set out that 'sports and recreation areas and facilities can contribute positively to the wellbeing and quality of those communities'. This is also reflected in the emerging Maidstone Borough Council Local Plan Review (Regulation 19 submission 2021) which has recently been the subject of an Independent Examination.

Other Matters

28. During the November 2022 meeting, the Committee recommended that the applicant liaise with Teston Parish Council. The applicant has confirmed that informal consultation with Teston Parish Council on the draft landscaping scheme was undertaken via email over a 6-week period in advance of the submission to the Planning Authority. The applicant has confirmed that the Country Park Team responded to questions and queries raised by the Parish and consideration of their comments led to amendments to the scheme through 6 revisions including an increase of holly in the central hedgerow from 5% to 30%, introduction of 20% of holly in the understorey planting to provide evergreen cover, as well as changes in the supporting statement to provide clarification on specific issues raised by the Parish Council. The applicant has advised that the landscape scheme as submitted aims to provide the most suitable outcome for the country park visitors, the local landscape and wildlife, whilst having regard to local concerns. It is noted that there is a liaison group with representatives from Teston Parish Council and the Kent Country Park Team, and continued dialogue throughout this group is encouraged. In respect of the Parish Council's request that no more changes will be permitted to the Country Park facilities without formal consultation with Teston Parish Council, I can confirm that the Parish Council is a consultee on planning applications.
29. Teston Parish Council set out concerns that the whole area was a field permitted as use of land for picnicking and other informal recreation activities when originally purchased by KCC in 1975 and has since been substantially developed. It should be noted that the site includes a toilet block, main carpark and overflow carpark which have been in their current location since the site opened as a country park by KCC in 1978, along with the addition of a play area and grazing paddocks in 1985. Teston Bridge Country Park covers an area of approximately 32 acres which is comprised of three meadows; Bridge Meadow to the north-east which is used as a picnic area, and Tutsham Meadow and Coombe Hill to the southwest which are used for cattle grazing. The applicant considers that the park has been developed into a picnicking and informal recreation area as required, whilst also providing changes and improvements where appropriate to meet the changing need of current and potential visitors as well as adapting to ensure that the country park is fit for purpose for its visitors. The site has been developed in line with requirements for access and safety whilst maintaining the original requirement of a

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picnicking and informal recreation site, meeting the requirements and expectations of the growing visitor numbers whilst ensuring the benefit to local wildlife.

30. Comments raised by the Local Member Mr Webb set out that there have been multiple failures throughout the process. I can confirm that Teston Parish Council were consulted on the original proposal as well as the landscaping scheme, their comments have been considered in this supplementary report as well as the report in Appendix 1, and as set out in paragraph 22 above the Country Park Team have liaised with the Parish Council. The planning application was submitted to Planning Authority as soon as the Country Park Team was aware that planning permission was required. Any planning application is assessed on its planning merits. Discussions have taken place with the Country Parks Team to ensure that development proposals in the future are discussed with the Planning Authority in advance of any development taking place. Whilst the arrangements are in now in place, I have included an informative in the recommendation below to remind the applicant of these arrangements.
31. I note that Teston Parish Council 'request the removal of 50% of the hard surfacing that is adjacent to the main park and reinstatement with grass, along with the remaining hard surfacing to be rendered almost invisible from the main park by re-defining the proposed central strip of hedging to be evergreen and of significant maturity when planted'. The applicant has set out that whilst this suggestion was not proposed during the informal liaison with the Parish Council on the landscaping scheme prior to it being formally submitted, it has considered the suggestion and advises that it would not meet the country park needs. The applicant advises that the hard standing within the overflow carpark is required to accommodate the current visitor requirements, and to prevent any overspill from parking on the adjacent highway which is situated between the rail crossing and single lane Teston Bridge. As set out in the additional information, visitor numbers have increased by 45% from 2018 to 2022 and are increasing approximately 10% each year (excluding the Covid-19 pandemic in 2020). It is anticipated that these numbers will continue to increase, and this combined with frequent rain periods, mean that the surfaced overflow carpark is anticipated to be required to meet the needs of country park visitors whilst also minimising disruption on the local highway. The applicant has further set out that the proposal suggested by the Parish Council would present the need for additional physical barriers to be installed to be able to shut off any unsurfaced area particularly during wet weather periods to prevent health and safety concerns.
32. Furthermore, in relation to the Parish Council's suggestion to re-define the central hedgerow to be evergreen and of a significant maturity, I would advise that the landscaping scheme sets out that the hedgerow would consist of 416 individual plants containing a mix of hazel, hawthorn, alder buckthorn, holly, blackthorn and dog rose. The landscaping scheme sets out that the hedgerow would include 30% holly to ensure that there is sufficient evergreen coverage year round, whilst also providing a native species that is present throughout the country park currently. The hedgerow would be planted at a height of 40-60cm and maintained to a height of 1.2 metres and width of 3 metres once established. The applicant advises that the proposed landscaping scheme has taken into account the feedback from the Committee and provides the most appropriate balance of meeting the needs of country park visitors all year round, improving the habitat for wildlife and also minimising disturbance and safety risks on the local highway. In light of the additional landscaping proposed, balanced against the need for the resurfacing of the overflow carpark, I am satisfied that the proposal as

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submitted is acceptable. I also consider that the resolution from the November 2022 committee has been met in that a substantive landscaping scheme has been prepared by the applicant and liaison with Teston Parish Council has taken place accordingly.

Conclusion

33. This application was originally considered at the Planning Applications Committee of 16 November 2022. It was deferred pending further consideration on need and to explore the potential for additional landscaping. The application as amended seeks retrospective permission to resurface the overflow carpark to meet community need. Following the Committee's earlier concerns it now provides substantial additional landscaping to integrate the parking area into the site. A planning assessment of the application was undertaken prior to the application being reported to the 16 November 2022 Planning Applications Committee meeting and addressed the relevant material considerations. These are set out in the original report which is attached as Appendix 1 to this report. This supplementary report advises on the changes since the original report. Both reports need to be considered in the determination of the planning application before you.
34. Following consideration of the additional information relating to the inclusion of further landscaping into the scheme, and the details provided by the applicant in terms of the use and need for resurfacing of the overflow carpark after the application was deferred from the November 2022 meeting, it is considered that the original recommendation that conditional planning permission be granted remains appropriate. The development proposed would improve the accessibility to the country park by ensuring that the overflow car park can be used to its full capacity all year round. No changes are proposed to the access or the use of the overflow parking area. The proposal is considered acceptable in terms of its siting and design, and is not considered to present any unacceptable adverse impact in terms of landscape, flood risk, biodiversity or heritage conservation. The proposed native landscaping scheme would add to the existing vegetation which currently screens the carparking area. It would significantly assist in mitigating the visual impact of the car park, with the taller species and hedgerows breaking up the visual mass of the parking area and the understory elements, along with existing vegetation, mitigating the impact of wider views into the site. The use of native species would support biodiversity objectives whilst also enabling and supporting access to recreational and open space for the health and wellbeing of communities.
35. The development is in accordance with the general aims and objectives of the relevant Development Plan Policies and the principles of the National Planning Policy Framework and therefore the recommendation is that planning permission be granted subject to a condition regarding the implementation of the landscaping scheme as submitted, and subsequent retention and maintenance of planting both within and to the boundaries of the overflow car park. I therefore recommend that permission be granted, subject to the conditions and informative set out below. In light of the retrospective nature of this application, I also recommend that an informative be added reminding the applicant of the need to discuss development proposals with the planning authority in advance of development taking place to avoid future retrospective proposals.

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Recommendation

36. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- Landscaping scheme to be implemented as shown on the submitted drawings within the first available planting season and thereafter maintained;
- Retention and maintenance of planting both within and to the boundaries of the overflow car park. Any trees that are diseased or felled shall be replaced within the next planting season with native species to be agreed with the county planning authority.

37. I FURTHER RECOMMEND that the following INFORMATIVE be added:

- i) The applicant be advised that it discusses with the Planning Authority any future development proposals in advance of development taking place, so as to be informed on the need for planning permission and to avoid the need for retrospective planning applications.

Case Officer: Chloe Miles

Tel. No: 03000 415718

Background Documents: See section heading

Appendix to Item D2 - Report to Planning Applications Committee 16 November 2022

Retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 November 2022

Application by KCC Country Parks for retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Simon Webb

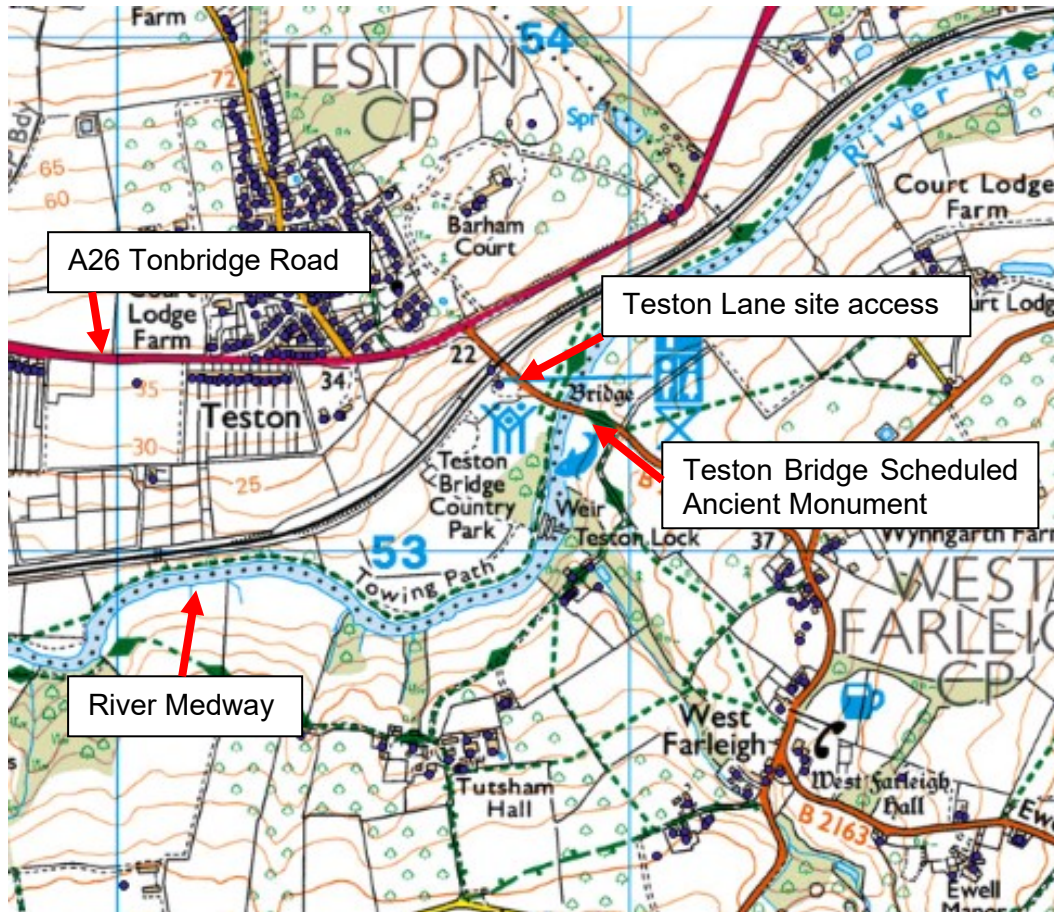
Classification: Unrestricted

Site

1. Teston Bridge Country park is located in the village of Teston in the west of the Maidstone Borough. The site area totals approximately 32 acres and is comprised of three meadows; Bridge Meadow to the north-east which is a picnic area, and Tutsham Meadow and Coombe Hill to the south west which are used for cattle grazing. The site has several walking routes throughout, including the Medway Footpath which runs along the River Medway surrounding the east and south of the site which is a Public Right of Way. The country park is used by members of the public for out-door activities including dog walking, fishing and picnicking; the site also offers a children's play area, toilets and a food and drink facility.
2. Teston Lock sits to the east of the site and the historic Teston Bridge spans the river Medway in the north-east corner which is a Scheduled Ancient Monument and a Grade I Listed Building. The north-west boundary of the site runs adjacent to the railway line.
3. Access is sought from the B2163 (Teston Lane) in the north of the site, leading to an on-site pay and display car-park. An overflow car park is accessed to the west of this car park.
4. The entirety of the site falls within the Medway Valley Landscape of Local Value and is designated as a Local Wildlife Site (MA62), the site is also within Flood Zone 3 (an area with a high probability of flooding). The site falls outside of the urban settlement boundary within the Maidstone Borough Local Plan 2017 and can therefore be considered as being in the countryside.

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General Location Plan



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Recent Planning History

5. The country park was previously an area used for grazing livestock. It opened to the public in 1978 however two of the meadows continue to be grazed as part of the site management. Planning history since then includes a planning permission for a mobile catering unit to be sited between 0900 and 1800 hours (MA/09/594).
6. There have also been two retrospective applications made to Maidstone Borough Council by the operator of the car park ticketing system; MA/18/500774 for the Erection of a 4 metre high column with Automatic Number Plate Recognition (ANPR) Camera and MA/18/500775/ADV for an Advertisement Consent for 10 Non Illuminated Pole mounted signs directing users of the Country Park to pay and display for parking.

Background

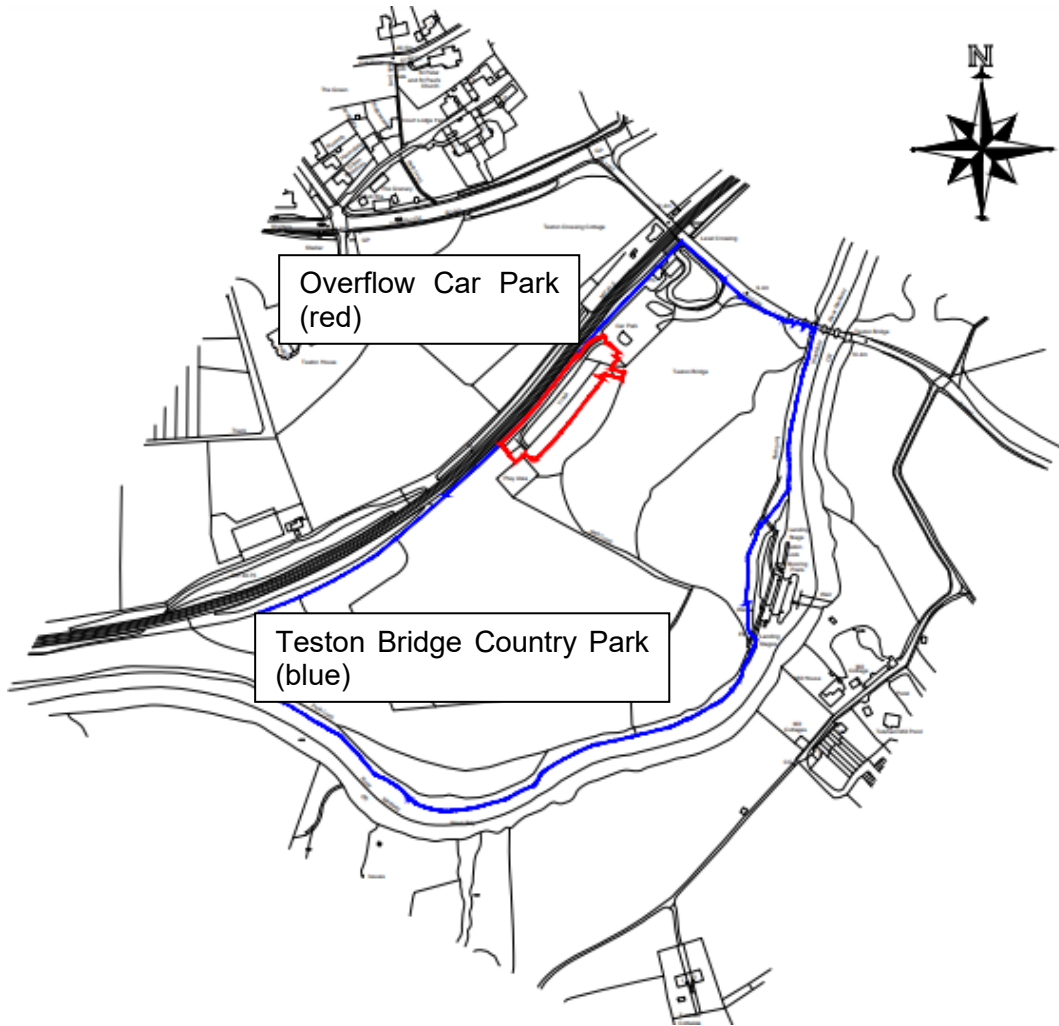
7. As well as the main car park which is accessed directly from Teston Lane, the Country Park benefits from the use of an overflow carpark. This car park is accessed through the main car park and comprised grass and made ground. It was considered by the Country Park Team that the overflow car park required resurfacing to improve its usability during periods of wet weather. Those works took place in June 2020, and are the subject of this application as planning permission was not sought at the time. The Country Park Team incorrectly considered that the works would benefit from permitted development rights and that a planning application was not required.
8. Other works which took place in conjunction to the resurfacing included the installation of diamond knee rail fence at the entrance to the overflow car park, a post and rail fence along the northern boundary of the site and the installation of double wooden gate with associated stainless steel hinges and latches. These works were carried out under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Proposal

9. This application seeks retrospective planning permission for the resurfacing of the overflow car park, with a site area totalling 3916 metres squared. The resurfacing has been carried out with the use of 150mm Ministry of Transport (MOT) type road surfacing compound with a 50mm wearing course of granite/limestone type dusting. The works have also included the installation of wooden bollards, sleepers along the northern edge of the car park and reflectors on the sleepers to demarcate parking spaces. The capacity of the car park is now 140 spaces. No trees were removed to enable the works.

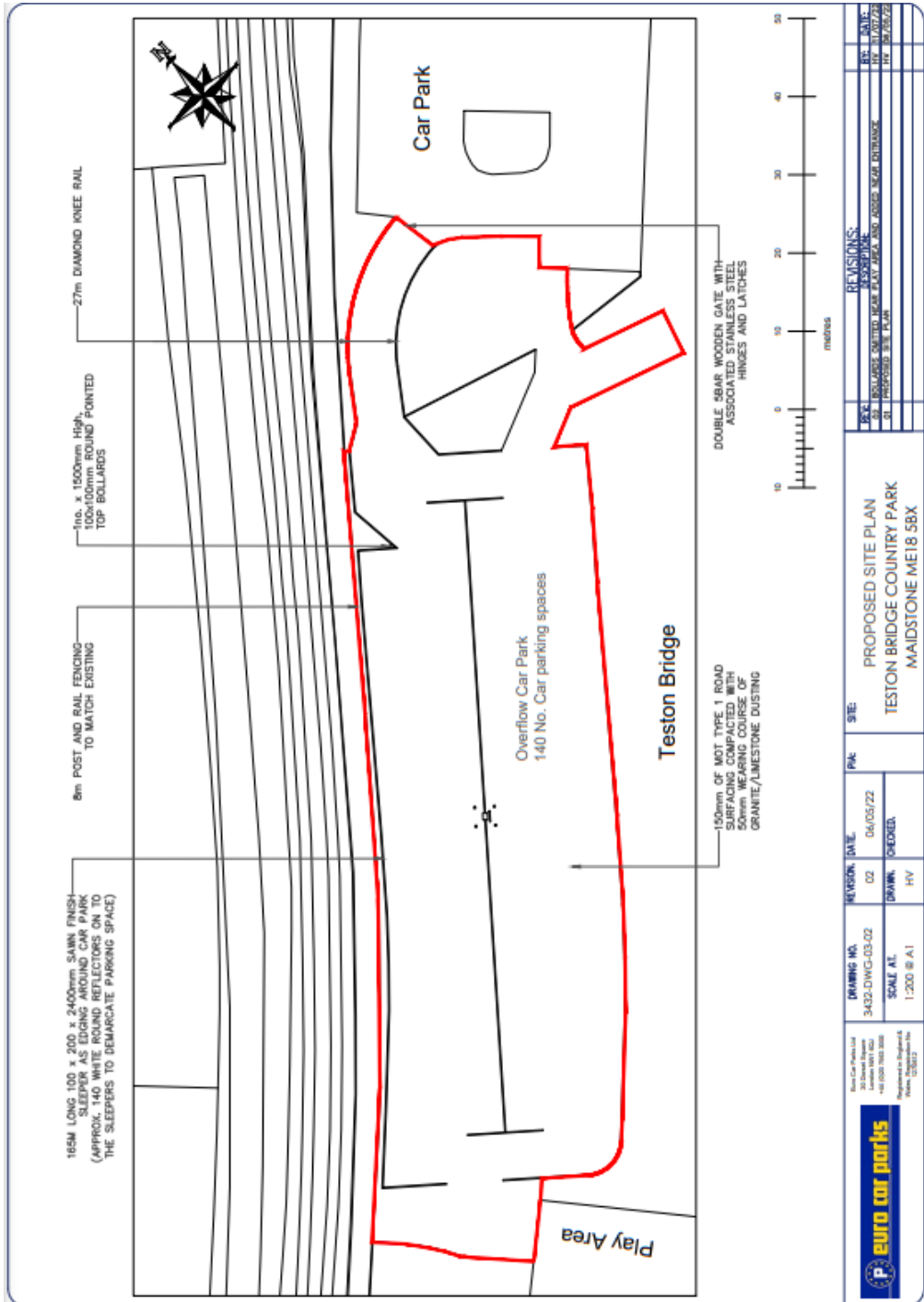
**Appendix to Item D2
Retrospective planning permission for engineering works related to
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Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX -
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Site Location Plan



Retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

Site Layout



Appendix to Item D2

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Teston Bridge overflow car park prior to resurfacing

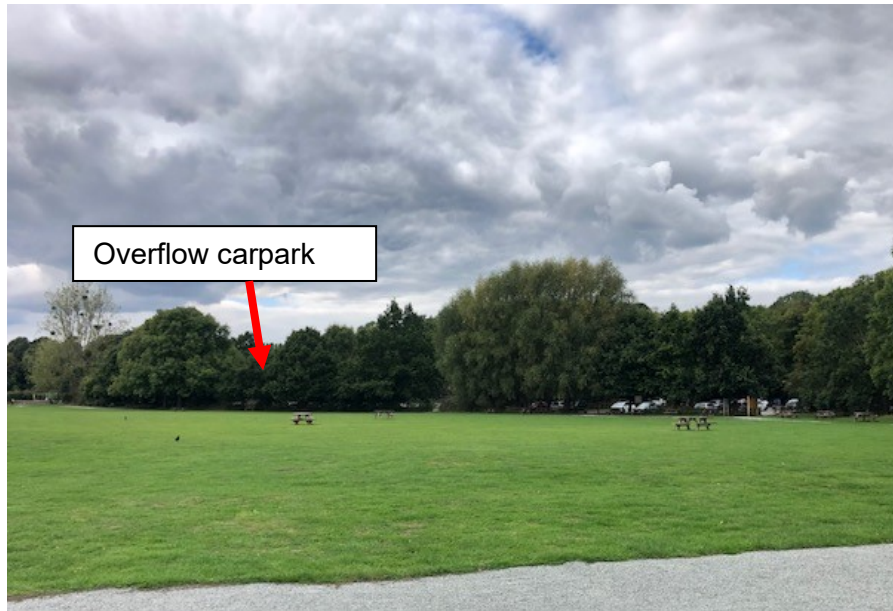


Teston Bridge overflow car park following resurfacing



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View of the overflow car park from Bridge Meadow



View of the overflow car park from Teston Bridge



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Planning Policy

10. The most relevant Government Guidance and Development Plan Policies in respect of this application are summarised below:

- (i) **The National Planning Policy Framework (NPPF)** July 2021 and **The National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to policies in the NPPF, the greater weight that they may be given).

There is an expectation within the NPPF that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take into account the local circumstances, to reflect the character, needs and opportunities of each area. Furthermore, Local Planning Authorities should approach decision on proposed development in a positive and creative way and look for solutions rather than problems. Decision makers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this proposal, the following NPPF guidance and objectives are of particular relevance:

- Providing accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being (paragraph 8);
- Achieving healthy, inclusive and safe places which are safe and accessible and encourage active and continual use of public areas and enable and support healthy lifestyles (paragraph 92);
- Provide social, recreational and cultural facilities the community needs (paragraph 93);
- Provide access to a network of high quality open spaces and opportunities for sport and physical activity for the health and well-being of communities (paragraph 98);
- Consideration of whether impacts from the development on the transport network (in terms of capacity and congestion), or on highways safety, can be cost effectively mitigated to an acceptable degree (paragraph 110);
- Achieving the requirement for high quality design, creating 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 (paragraph 130); and
- contributing to and enhancing the natural and local environment by protecting and enhancing sites of biodiversity (paragraph 174); and
- Consideration of the impact of a proposed development on a designated heritage asset, giving great weight to the asset's conservation (paragraph 199).

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(ii) **Development Plan Policies**

Maidstone Borough Local Plan (adopted October 2017)

Policy SS1 Maidstone Borough Spatial Strategy – Open spaces, rivers and watercourses and landscapes of local value will be conserved and enhanced.

Policy SP17 The Countryside - Development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

Policy DM1 Principles of Good Design – Proposals would be permitted where they create designs and layouts that are accessible to all, respond positively to, and where possible enhance, the local, natural or historic character of the area, create high quality public realm, provide a high quality design which responds to areas of landscape value, protect and enhance biodiversity features, avoid inappropriate new development within areas at risk from flooding and provide adequate vehicular parking.

Policy DM3 Natural Environment – Proposals should protect positive landscape character and avoid damage to locally designated sites of importance for biodiversity. For locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site.

Policy DM4 Development affecting designated and non-designated heritage assets- New development affecting a heritage asset must incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.

Policy DM30 Design principles in the countryside - Proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted where the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features and impacts on the appearance and character of the landscape would be appropriately mitigated.

Maidstone Borough Council Local Plan Review 2021

This is a review of the 2017 Local Plan. It is not yet adopted but was submitted to the Planning Inspector for examination in March 2022. Given the stage of the local plan process, limited weight should be afforded to the emerging policies. The relevant policies are:

Policy LPRSS1 Maidstone Borough Spatial Strategy 2022-2037 - Open spaces, rivers and watercourses and landscapes of local value will be conserved and enhanced.

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Policy LPRSP9 Development within the Countryside – Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the rural character and appearance of the area.

Policy LPRSP14(A) Natural Environment - Proposals should protect positive landscape character and avoid damage to locally designated sites of importance for biodiversity. For locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site.

Policy LPRSP14(B) The Historic Environment - New development affecting a heritage asset must incorporate measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.

Policy LPRSP15 Principles of Good Design - Proposals would be permitted where they create designs and layouts that are accessible to all, respond positively to, and where possible enhance, the local, natural or historic character of the area, create high quality public realm, provide a high quality design which responds to areas of landscape value, protect and enhance biodiversity features, and provide adequate vehicular parking.

Policy LPRQ&D 4 Design Principles in the Countryside - The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.

Consultations

11. **Maidstone Borough Council** raise no objection to the proposals. They consider that whilst the materials used to resurface the works are obtrusive, the proposed works are acceptable in terms of visual amenity and impact upon the Medway Valley Landscape of Local Value due to the accessibility it provides to the Country Park, although some additional screening may usefully be imposed. They state that the works serve a need to ensure sufficient access to the Country Park and the screening afforded from the mature trees on the application site boundary mitigate any visual impact. They would however support the implementation of further screening along the application site boundary.

Teston Parish Council object to the proposal due to concerns over flood risk, biodiversity, heritage and visual impact. They also do not consider there is an established need for the development and feel it would be more appropriate for Maidstone Borough Council to determine the application. They also raise criticism over the retrospective nature of the planning application.

Environment Agency raise no objection and provide standard advice on sustainable development, land contamination and controlled waters.

KCC Highways and Transportation raise no objection.

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KCC Biodiversity raise no objection and advise that they would have been unlikely to request ecological information to be submitted as part of the application as only short, regularly mown areas of grass have been cleared to facilitate the works. They do however state that they would have recommended the area of vegetation within the middle of the parking area was retained and enhanced to provide habitat to benefit biodiversity and support connectivity throughout the site.

Upper Medway Internal Drainage Board did not submit a response.

KCC Conservation Officer raises no objection, note that there is a WWII pill box to the west of the car park but do not believe this would be impacted.

KCC Sustainable Drainage have no comments to make on the application and consider it to be low flood risk.

Network Rail raise no objection to the proposal.

Historic England state they have no comments to make, they defer to the advice of KCC Conservation officers.

Local Member

12. The local County Member for Maidstone Rural West, Mr Simon Webb, was notified of the application on 8 August 2022. No comments have been received to date.

Publicity

13. The application was publicised by the posting of a 4 site notices throughout the Country Park and at the main vehicular access from the public highway and an advertisement in a local newspaper. The application was also publicised under Article 16 of the Town and Country Planning (Development Management) (Procedures) Order 2015 as being within 10m of railway land.

Representations

14. No representations were received on the application from members of the public.

Discussion

15. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph 10 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case comprise need for the development, visual impact and impact on the landscape character, flood risk and biodiversity.

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16. The planning application has attracted one letter of objection (from Teston Parish Council) and referral to the Planning Applications Committee for determination is therefore necessary. However even if no letters of objection were received, the application would be required to be reported to the Planning Applications Committee as a result of governance requirements arising from the applicant, Kent Country Parks, and the Planning Applications Group both falling within the current management arrangement of the Growth and Communities Division of the Growth, Environment and Transport Directorate. In these circumstances legislation requires that the decision is taken by the Planning Applications Committee even if there were no letters of objection received.
17. The application is retrospective. The applicant was under the impression prior to the works taking place that the development benefited from permitted development rights and that a planning application was not necessary. Once the applicant was aware that planning permission was required, it submitted this application to test the planning merits of the proposal.

Design and justification for the development

18. The overflow car park forms an important function in reducing local traffic congestion and ensuring the country park remains as accessible as possible during busier periods. The resurfacing works have taken place in an area of land that was previously used as a car park so no loss of the main amenities of the park (i.e. the open fields, meadows or walking routes) has occurred, therefore the continuation of this use in this location is considered appropriate. The overflow car park is accessed from the main car park which is a logical arrangement and the material used for resurfacing matches that of the main car park which ensures visual continuity and is appropriate in this location.
19. In resurfacing the car park, no changes are proposed to the access or use of the parking area. There is no objection from the Highways and Transportation authority to the proposal.
20. Where the application site was previously an area of grass and made ground, the planning application introduces hard standing which improves the areas' useability during wet weather. The objection to the application questions the need for the development, stating that the busier periods when the overflow car park would be needed are infrequent and tend to occur when the ground is dry (i.e. the summer months) so the area wouldn't be so unpleasant to park in. Furthermore, they consider that if there was an issue with accessibility, then spaces could have been reserved in the main car park for those who need them.
21. The size of the car park remains the same in terms of surface area however the planning application formalises the creation of 140 car parking spaces. As there were no spaces marked out previously, the car park probably accommodated less than this in practice. Therefore, regardless of the ground conditions during busier periods, the works have promoted greater accessibility to the site. An arrangement whereby spaces could be reserved for those who need them is not considered viable in practice and therefore the resurfacing works are considered to be a suitable solution for ensuring those who wish to visit the country park by car are able to. Maidstone Borough Council support this point of view where the state that the overflow car park was inaccessible at certain times

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of the year due to rain and mud. The proposal is considered to be in accordance with Policy DM1 (and emerging policy LPRSP15) of the Maidstone Local Plan which requires developments to safely accommodate the vehicular and pedestrian movement as well as other local planning policy and the NPPF which require open spaces to be accessible.

Landscape and visual impact

22. The development falls within the Medway Valley Landscape of Local Value, characterised by the River Medway crossed by distinctive ragstone bridges and surrounded by steep valley sides. Teston Parish Council consider the development to be at conflict with this designation and state that the materials used for resurfacing are not sympathetic to the wider rural landscape. Whilst Maidstone Borough Council were overall supportive of the scheme due to it improving the accessibility of the site, they concurred with this point somewhat where they state that the materials used are “obtrusive”.
23. It is recognised that where an area of open field or grassland is resurfaced with hardstanding there is an impact upon the natural landscape of an area. In this case, greater consideration is given to this point due to the site being subject to a landscape designation and the proximity to the Listed Building and Scheduled Ancient Monument. However, the overflow carpark is heavily screened by a belt of trees and foliage and is situated next to the existing car park which is surfaced with the same material. Therefore, the impact is considered to be minimal when viewed in the wider context of the country park and surrounding area. Photos taken of the overflow car park from further away viewpoints such as the Public Right of Way and Teston Bridge, and even closer within the park itself demonstrate that the car park is heavily screened and does not, in my view, adversely impact the natural landscape setting. It is noted that Maidstone Borough Council agreed with this assertion where they accept that the car park is heavily screened on all boundaries. However, they do suggest that the screening may be enhanced and protected through the addition of planning conditions. Given the screening effect of existing landscaping along the car park boundary it is not considered necessary to require additional planting, but a condition is proposed to ensure that the existing screening is maintained.
24. There was also criticism by the Parish Council that the impact upon the landscape is greater when considered cumulatively with other resurfacing projects which have taken place across the park. This includes a temporary access road used by the Environment Agency for works to Teston Lock, which falls outside of the remit of the County Planning Authority and a number of pathways. The planning status of these paths is currently being considered and if need be planning permission will be sought. However, due to the natural screening afforded to the overflow car park, it is not considered that there is any adverse impact when considered alone or in conjunction with other projects on site. Therefore, I consider that the application does not conflict with the purpose of the landscape designation or local and national planning policy which intends to preserve the natural landscape.

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Flood Risk

25. The application site is within Flood Zone 3 which is designated by the Environment Agency as an area with a high probability of flooding. Within their objection, Teston Parish Council raise concern over the potential increased risk of flooding due to this development as a result of replacing a grassed area with hard surfacing, stating that the site has been subject flooding events in the past.
26. The application was accompanied by a Flood Risk Assessment which concludes that due to the materials used to resurface the car park, any increased water run off would be negligible and as the application does not introduce any impermeable area it would not result in any increased flood risk within the application site or elsewhere. The Environment Agency were consulted on the application and stated that they raise no objection. KCC Flood Risk Officers were also consulted as the Lead Local Flood Authority who stated they had no comment to make and consider the development to be of low risk in terms of flooding.
27. With this in mind, and due to a permeable material being used for the resurfacing, this application is not considered to represent inappropriate development within an area at risk of flooding which planning policies state should be avoided. Therefore, it is my view that the application should not be refused on flood risk grounds.

Heritage conservation

28. The application site is approximately 180 metres away from Teston Bridge, which is Grade 1 Listed Building and a Scheduled Ancient Monument. The bridge can be considered a focal point of the Country Park and represents the type of ragstone bridge which the landscape of the Medway Valley is noted for. Therefore, careful consideration must be given to ensure that any new development conserves, and where possible enhances, the significance of the heritage asset and, where appropriate, its setting. Heritage concerns were raised by Teston Parish Council over this specific point
29. Historic England were consulted on the planning application and advised that they had no comments to make, deferring the matter to our own conservation advisers. KCC Heritage Conservation were consulted on the application and advised that they raise no objection.
30. The overflow car park area is not highly visible from the bridge itself or in the wider site context. Due to the natural screening afforded to the application site it is not considered to adversely impact the setting of this designation and conserves the significance of the heritage asset. The application is therefore considered acceptable in regard to development plan policy.

Biodiversity

31. The application site is designated as a Local Wildlife Site (MA62). None of the three meadows were impacted by the works and the area existed as a car park prior to the resurfacing taking place. Furthermore, no boundary trees or hedgerows were removed to enable the scheme to go ahead. As such, it is not considered that the application would have an adverse impact on features of ecological importance. KCC Biodiversity

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Officers concurred with this point of view, stating that they would have been unlikely to require ecological information to be submitted as part of the application as only short and regularly mown areas of grass would have been removed.

32. KCC Biodiversity also state that they may have requested the area to the middle of the car park be retained and enhanced to promote ecological connectivity throughout the site. Whilst it is unfortunate that this cannot now be achieved, it is not considered that there would be any adverse impact on biodiversity such that the application should be refused.

Governance process

33. Within the objection from Teston Parish Council, criticism is made about KCC representing both the applicant and the determining authority suggesting that the application should be determined by Maidstone Borough Council. Whilst this is not a material planning concern, it should be noted that this is not an option available to the applicant under the provisions of the Town and Country Planning General Regulations 1992, which represents the statute that the application is to be determined under. The power to determine planning applications where a local authority requires planning permission for its own development is governed by Regulation 3 of the 1992 Regulations. This legislation is typically used for projects where the County Council intends to carry out development to meet its service requirements i.e. new school development or in this case the Country Park. Where a development falls within the remit of Regulation 3 of the 1992 Regulations, then an application needs to be made to the Council's planning authority and there is no discretion. This is the same planning process that is followed by every local authority wishing to carry out its own development.
34. This is accepted by Maidstone Borough Council who note in their response that Kent County Council is the appropriate determining authority, and that they represent a consultee in this case.
35. Finally, there was criticism over the application being submitted retrospectively. The applicant was under the impression prior to the works taking place that the development benefited from permitted development rights and that a planning application was not necessary. Once the applicant was aware that planning permission was required they submitted this planning application to test the planning merits of the proposal. The matter has been reported to the Regulation Committee and the applicant has been advised they must seek advice from the Planning Applications Group prior to undertaking any future works at the site. In determining the application, it must be considered on its merits in the context of the Development Plan policies and other material considerations regardless of the fact that it has been submitted retrospectively and the development has taken place.

Conclusion

36. The proposal seeks retrospective planning permission for the resurfacing of the overflow car park at Teston Bridge Country Park. The proposal improves the accessibility to the country park by ensuring that the overflow car park can be used to its full capacity all

Retrospective planning permission for engineering works related to the resurfacing of the overflow car park at Teston Bridge Country Park Car Park, Teston Lane, Maidstone, Kent, ME18 5BX - MA/22/503881 (KCC/MA/0141/2022)

year round. No changes are proposed to the access or the use of the overflow parking area. The proposal is considered acceptable in terms of its siting and design, and is not considered to present any unacceptable adverse impact in terms of landscape, flood risk, biodiversity or heritage conservation.

37. The development is in accordance with the general aims and objectives of the relevant Development Plan Policies and the principles of the National Planning Policy Framework and therefore the recommendation is that planning permission be granted subject to a condition regarding the retention and maintenance of the planting to the car park boundaries to provide adequate screening.

Recommendation

38. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- Retention and maintenance of planting to the boundaries of the overflow car park. Any trees that are diseased or felled shall be replaced within the next planting season with native species to be agreed with the county planning authority.

Case Officer: Mrs Alice Short

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Background Documents: see section heading
