



Appeal Decisions

Site visit made on 12 December 2025

by **Tom Bristow BA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal A, ref: APP/U2235/W/25/3367413

33 Tonbridge Road, Maidstone, Kent ME16 8RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a refusal to grant planning permission.
 - The appeal is made by Maidstream LLP against the decision of Maidstone Borough Council (together the 'main parties').
 - The application is ref. 24/503337/FULL.
 - The development proposed is described on the application form as 'Alterations to the ground floor commercial unit to improve layout and accessibility. New disabled ramp/ access to the rear of the site. Creation of 3 no. flats at first floor level. Creation of new access and egress. Associated landscaping and parking.'¹
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Appeal B Ref: APP/U2235/Y/25/3367417

33 Tonbridge Road, Maidstone, Kent ME16 8RX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 'LBCA') against a refusal to grant listed building consent.
 - The appeal is made by Maidstream LLP against the decision of Maidstone Borough Council.
 - The application is ref. 24/503338/LBC.
 - The works proposed are described on the application form as in respect of Appeal A.²
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Decisions

1. Appeals A and B are allowed. Planning permission and listed building consent are thereby granted for development and works as set out in the banner headings above at no. 33 Tonbridge Road, Maidstone, Kent ME16 8RX, in accordance with the terms of applications ref. 24/503337/FULL and 24/503338/LBC, subject to the conditions set out subsequently.

Preliminary matters

The listed building in context

2. No. 33 is grade II listed. The list entry indicates it originated in the late eighteenth or early nineteenth centuries. The appellant's Heritage Statement, which follows a pre-application iteration, dates its establishment to around 1830. The appeal site encompasses no. 33 and its comparatively generous, now irregular, plot (red-edged on plan no. 0001 REV P1). Presently the sole access is via a dropped kerb

¹ Alternatively, although of no significant difference, in the Council's decision notice described as: 'Change of use of first floor to create 3no. flats. Alterations to the ground floor commercial unit to improve layout and accessibility, including new disabled ramp/access to the rear of the site. Creation of new access and egress, and associated landscaping and parking'.

² Alternatively, although also of no significant difference, in the Council's decision notice described as: 'Listed Building Consent for conversion of first floor to create 3no. flats. Alterations to the ground floor commercial unit to improve layout and accessibility, including new disabled ramp/access to the rear of the site'.

off Tonbridge Road, the A26. Access to the plot of no. 33 is at a widened section of the highway by what is marked as a loading bay next to a bus stop to the east of the dropped kerb.

3. Tonbridge Road is a key route from the western fringes of Maidstone, roughly aligned with the arcing course of the Medway, towards the town centre by Maidstone West railway station. The station is a short walk from the site (according to the appellant's Transport Assessment some 300m or so). No. 33 was evidently created as a conspicuous display of affluence in its grand, refined design, but also in its location. It is relatively prominent in the landform as the topography declines towards the town centre to the east. The listed building was originally designed to look principally towards that aspect.
4. Much of the surrounding built environment is historic. Along Orchard Place, which flanks the west of the site, and at Reginald Road to the south, properties appear Victorian or early twentieth century (with some latter infill). There are, however, now relatively few listed buildings hereabouts. As shown in the appellant's Design and Access Statement, the nearest listed buildings are nos. 1-6 Bower Terrace to the east of the site, not to be confused with Bower Place to the west of the site (a one way street connecting the A26 with Orchard Place, Hever Gardens and Bower Lane). Nos. 1-6 are 3 pairs of semi-detached quintessentially mid-Victoria Italianate properties. At the time of my site visit they appeared occupied, in the main, as flats or houses in multiple occupation with offices below.
5. Between the appeal site and Bower Terrace are understated blocks of flats of typical twentieth century appearance, apparently comprising 'Rocklands'. Rocklands appears as the name of no. 33 itself, as annotated on the 1867 map reproduced in the appellant's Heritage Statement. That may be an allusion to the nature of the ground here; the basement to no. 33, along with many boundary walls in the area, being of local ragstone. Evidently at some point part of the historic plot of the listed building has been severed to make way for what has become Rocklands.³
6. At a greater distance to the west, on the opposite side of the A26, is grade II listed Warwick House. To the south, by where Hever Gardens becomes Reginald Road, is grade II listed Hever Lodge. Both those listed building sit alone in relatively spacious plots. The relevant list entries for them indicate they trace their respective origins to a timber-framed house refaced in the eighteenth century and to 1851.
7. The nearest Conservation Areas fall a few streets away to the north around Victoria Street, the Rocky Hill Conservation Area, and to the east of the Medway beyond Maidstone West, the Town Centre Conservation Area. The former appears an enclave of fine Georgian buildings, the latter a more diverse mosaic of eras reflecting a long continuity of settlement and successive eras of development and redevelopment there. Paragraphs 2 to 7 of these decisions give a snapshot of the evolution of Maidstone, along with how no. 33 fits within that picture.
8. As Maidstone expanded westwards associated with growing economic prosperity, certain properties came into being (as at Rocky Hill and Hever Lodge). Others were

³ Which other historic maps, also reproduced in the appellant's Heritage Statement, show has in turn taken the place of former buildings including a masonic hall.

remodelled incorporating earlier buildings (such as at no. 33 and Warwick House). Hop cultivation, only in part owing to climatic conditions hereabouts, played a significant role in the historic growth of the Town. So too did the railway, after which successive waves of development from the Victorian era onwards created the network of roads and streets as they are laid out today.

9. As reflected by Rocklands, and various examples of development elsewhere, intensification has continued through to the present day. That is notably, although not exclusively, via the building of blocks of flats and dedicated offices. As above, the historic plot and surroundings of no. 33 has been altered over time. Part has been given over to what is now Rocklands. Part is now occupied by the plots of several properties along the northern side of Reginald Road.
10. Other elements of the former historic plot of no. 33, potentially incorporating or taking the place of former historic buildings, are occupied by no. 1, 1a and 1b Bower Place. At the time of my site visit no. 1 was signed 'M&S Fried Chicken & Pizza', nos. 1a and 1b 'Bower Cuts'. On the map of 1867 referenced above there is access to Rocklands via Bower Place, between what is now no. 1 and 1a. That access is now gated and, seemingly, unused.
11. Although the area around no. 33 is principally residential, there is nevertheless some diversity consistent with its proximity to the station and being peripheral to the town centre (including as reflected by no. 1, 1a and 1b Bower Place). Indeed, the established use of the ground floor of no. 33 falls within Use Class E, 'Commercial, Business and Service' as in The Town and Country Planning (Use Classes) Order 1987 as amended (the 'UCO').⁴ That reflects the longstanding use of the ground floor principally as the Margaret Preedy, Dance Studios, or the Rianos venue (formerly Use Class D2, 'Assembly and Leisure'). That was established in 2000.
12. Beyond 1a and 1b Bower Place, seemingly at no. 1 Orchard Place, is 'Bower Stores' (currently operated by Premier Stores). There is also a small parade of shops and takeaways at nos. 44 to 52 Tonbridge Road beyond Oldchurch Court opposite no. 1 Bower Place. As with Rocklands, Oldchurch Court is late twentieth century in era and plain in aesthetic (being the site of the former Westborough Congregational Church built in 1875 and demolished in 1978). Unsurprisingly, the prevalence of non-residential uses increases heading towards the station and town centre. Insofar as non-residential uses are concerned, the surrounding area might fairly be termed secondary, where main town centre uses peter out and non-residential floorspace values are comparatively lesser.

Statutory and policy context

13. I have approached the appeals in the context of sections 16(2) and 66(1) of the LBCA. Section 16(2) requires that I have special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses. Section 66(1) is comparable with section 16(2), albeit that it relates to where planning permission, instead of listed building consent, is sought. Section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended sets out that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Here

⁴ Notably as amended via The Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020. That use was confirmed via a certificate of lawfulness issued on 5 February 2024 (ref. 23/505602/LDCEX).

the development plan includes policies of the Maidstone Local Plan Review 2021-2038 (adopted 20 March 2024).

14. Recognising that heritage assets are an irreplaceable resource, paragraph 202 of the National Planning Policy Framework (7 February 2025, the 'NPPF') sets out how they should be conserved in a manner appropriate to their significance. NPPF paragraph 212 continues that great weight should be given to their conservation relative to their importance. More broadly NPPF paragraph 135.c) sets out how development should be sympathetic to local character and history.
15. Local Plan policies LPRSP14(B), LPRENV1 and LPRSP15, in summary, amongst other things, and with varying emphases, seek to achieve similar. Local Plan policy LPRHOU2, is a broader policy concerning design expectations, including in respect of boundary treatments and the implications of intensification of use. I have also had regard to all other relevant material considerations in determining these appeals in addition to the NPPF, including the Planning Practice Guidance (the 'PPG') and Historic England's Good Practice Advice in Planning Note 3 (second edition, published December 2017).

The evidence before me

16. Via correspondence on behalf of the appellant of 10 September 2025, it was brought to my attention that the Council has subsequently refused permission and consent for a similar scheme related to no. 33.⁵ The appellant explains that scheme is 'essentially the same' as the proposal before me, albeit that there are certain differences in terms of the arrangement of the plot and landscaping in particular.⁶
17. Whilst the Council and local residents have evidently had the opportunity of commenting on the subsequent scheme, the appeals before me relate to applications ref. 24/503337/FULL and 24/503338/LBC. I have therefore confined my assessment to the evidence in those respects. In any event, given the broad provisions of section 70(1)(a) of the 1990 Act, to a fair degree the arrangement of the plot and landscaping are eminently capable of being addressed via conditions (were the proposal to be acceptable as a whole).

Main issue

18. The main issue is the effect of the proposal on historic integrity.

Reasons

Special interest and significance

19. There is an intricate and multiphase history to no. 33.⁷ As above, it was established around 1830 as a grand, refined, townwards-facing residence. The largely symmetrical eastern elevation, along with other elements of the property, is principally of yellow malm stock brickwork in Flemish Bond with penny struck pointing (reflecting a high level of craftsmanship). Sash windows there at ground and first floor have gothic tracery.

⁵ Via decisions of 9 September 2025, ref. 25/502838/FULL and 25/502839/LBC.

⁶ Correspondence of 19 December 2025.

⁷ The existing floorplans being plan nos. 1101 REV P1, 1102 REV P1, 1103 REV P1 and 1104 REV P1, and elevations being plan nos. 1200 REV P1 and 1201 REV P1.

20. As illustrated on the 1867 map referred to above, the plot of no. 33 featured various paths and planting. It was evidently formally arranged historically. That contrasts markedly to the present day. Now the plot of no. 33 is essentially featureless to allow for parking (being, in the main, gravelled). The photograph of Tonbridge Road hereabouts in 1910 reproduced in the appellant's Heritage Statement also shows that at that juncture the plot of no. 33 hosted mature trees and planting, far more so than now exists. That photograph also alludes to how the rough-dressed historic stone boundary wall has previously been altered to allow for separate access to what has become Rocklands.
21. Historic integrity may not solely be embodied in the original nature of a building (whatever that may have been, and even if it remains possible to establish that with any precision). It may also be in how changes honestly attest to intangible, and historically significant, forces over time. Evidently responding to points made in the Council's pre-application advice of 6 August 2024 in that regard, there are plans appended to the Heritage Appraisal and Structural Feasibility Report of 17 July 2024 which illustrate the phasing of different elements of no. 33 as it now stands.⁸
22. At some point in the 1880s the listed building was altered to the designs of master brewer Walter Thomas Fremlin. Fremlin's success, along with that of his brothers, is part of the warp and weft of the history of Maidstone. According to the Heritage Statement their brewery was initially based at Earl Street, by the Fremlin Walk Shopping Centre, taking the place of the Pale Ale Heathorn Brewery (before the establishment of new premises in 1871).
23. Specifically, Fremlin orchestrated the enlargement of no. 33 via the creation of double two-storey canted bays at the southern elevation with a parapet wall and balcony above. Those bays have something of a quasi-rural quality; similar elements of other properties are often used as a feature to enable views out over expansive grounds. There are now uPVC window units at ground floor bay windows, which the Council states do not benefit from consent.
24. The Heritage Appraisal aptly notes that Fremlin's alterations to no. 33 are similar to those undertaken at grade I listed Milgate Park in the countryside east of Maidstone, to which Fremlin relocated after 1899. No. 33 therefore has some associative significance in that respect, albeit that is somewhat academic. To the extent that connection is discernible from the nature of the listed building, that is attested to by its refinement (the building never being in the mould of other historic building characterised by intimacy).
25. Taking the associative connection with Fremlin further, however, his success is said in the Heritage Appraisal to have led to the establishment of brewery branches by 1884 in London, Brighton, Eastbourne, Croydon and Guildford. The pre-application Heritage Statement goes further in explaining how that concern was, in 1967, acquired by Whitbread & Co Ltd. in 1967.
26. Therefore although local forces served to create no. 33 in its present form, those same forces also flowed into a national company. That is a somewhat parallel process to a national retailer now seeking to make use of the listed building. I note

⁸ The Structural Feasibility Report of 17 July 2024 incorporating the findings of surveys undertaken in October 2024. There is nothing in what I have read or seen to indicate that phasing plans are anything other than accurate.

that Whitbread has relatively recently divested in brewing interests in favour of a focus on the Premier Inn chain (the nearest, ironically, being visible across Terrace Road from within the Rocky Hill Conservation Area).

27. As is relatively commonplace with expansive historic properties, even by 1899 no. 33 appears to have become excessive in terms of its practicality for occupation as a single dwelling. The die was cast. I am told that after 1899, the listed building became the West Maidstone Constitutional Club. The phasing plans illustrate changes effected at that juncture. In short, the property was re-orientated to face towards the A26 via the creation of a somewhat ostentatious columned portico with an entrance wing either side of it.
28. The creation of that entrance wing, and other alterations around that juncture, added complexity and confusion to the property's internal arrangement.⁹ Entering via the portico, before reaching the hall beyond a second set of doors, there is an antechamber with a decoratively tiled floor. Either side of the antechamber are 2 small rooms, perhaps originally cloakrooms. Around 1899 a further 2 small rooms were added to the north of the property, which had the dual effect of rendering the footprint of the building near rectangular and compartmentalising internal space.
29. There appear also to have various other internal alterations made in association with the use of no. 33 as the former Constitutional Club. A dog-legged wall beside the hall has been created, screening a bar beyond close to the original entrance to the property. That connects with angled walls with alcoves, further subdividing the property. Beyond those are decorative arched columns which appear almost a pastiche of ironwork.
30. Judging by the finish of the foregoing features, whilst they may well have originated around 1899, they no longer possess any clear attributes in terms of historic craftsmanship; walls are covered in modern textured wallpaper and architrave is machined. It may be that those finishes resulted from remodelling after 1987, at which juncture no. 33 apparently operated as the Kimberley Clark Sports and Social Club (or subsequently).
31. Returning to the internal arrangement of the listed building as it now stands, there is a cranked staircase on the opposite site of the hall to the dog-legged wall. According to the phasing plans, that appears to have remained in its original location throughout successive remodelling. Even on cursory inspection, however it is not historic. Timbers there are lightweight, again machined, and appeared spray finished as opposed to painted in situ. There is no appreciable historic fabric to that staircase visible from the basement of the property either.
32. In 1987 planning permission was granted for a substantial function room to the west of the building. That is beyond what is, and likely ever was, the service range to no. 33 (potentially in the place of former historic buildings by what has become no. 1 Bower Place). The function room, used later as the principal dance studio, is of its time and featureless.
33. I understand that no. 33 was severely damaged by fire, and consequent water damage, in the late 1990s (at which point in time it was operated as the Oakleaf

⁹ Contributing to what the appellant refers to, not without reason, as a 'contrived' ground floor layout.

Club). That necessitated an extensive programme of remodelling, including a near-complete reconstruction of the roof structure and extensive work to upper floors.¹⁰ That remodelling has further complicated an understanding of the historic layout and fabric of the property. I am told by the appellant that floorboards salvaged from elsewhere were used at first floor, and that ground floor floorboards were turned, refinished and reused. I am also told by the appellant that remnants of coving at ground floor were used to create comparable modern finishes.

34. Despite significant remodelling over the years, including to remedy the effects of fire, the Heritage Assessment explains that 'overall the property gives the impression of a lack of investment'. That accords with my observations. That is partially explained not only by the scale of the building, but via the commentary of Margaret Preedy, who refers to the dance studios having never regained the vitality it had before the Covid-19 pandemic. No. 33 has evidently lacked some routine maintenance over time. There is evidence of marketing of the property before me since October 2022. Given the nature of the surrounding area, as described in paragraph 12 of these decisions, it is perhaps unsurprising that such marketing has been met with limited success.
35. As opposed to reasoning a countervailing view to that of the appellant in terms of special interest and significance, the Council's appeal statement appears instead to drift into supposition or irrelevant matters. The Council's position is that 'there is historic fabric [coving] remaining, as shown by the ability to replicate it'. What, precisely, original or recreated coving is said to signify is not articulated. The Council also state that 'there is a preconceived below that LB are difficult to work with because of the additional legislation and protection' (sic.). That is of no assistance in establishing historic integrity.
36. Moreover the second tranche of comments by a heritage officer reproduced in the officer reports associated with the proposal sets out that refurbishment and renovation 'should be undertaken when looking after a listed building...'. As here, however, many historic buildings fall into disrepair for a variety of reasons. To discount the current state of the building, or to suggest that all historic buildings should perpetually be kept in pristine condition is to deny reality.
37. Importantly, there is no indication that whatever has been done previously to no. 33 has been with the aim of making consent or permission easier to gain.¹¹ It appears, simply, that the state of the property as it stands is the accumulation of changes spanning many decades seeking to provide for a serviceable future to a building whose sprawling scale and now complex form has become as much a challenge as an attribute. There is, for comprehensiveness, no mention by the Council of any enforcement action considered or taken in respect of no. 33.
38. Therefore, insofar as relevant to these appeals, the special interest and significance of the listed building rests principally in its historic materials, craftsmanship and the relationship of the building to its surroundings. Those attributes, along with associations with Fremlin enable an appreciation of certain intangible historic forces in the present. There is some value in the multiphase nature of the building in that context, particular changes around 1880 and to a

¹⁰ I am told pursuant to planning permission ref. 98/0683.

¹¹ Noting PPG Reference ID: 18a-014-20190723.

lesser degree around 1899 (which are now most readily appreciable externally). Special interest and significance here is nuanced, however. There is in reality very little of value that can either be discerned or appreciated internally from its present arrangement, materials, architecture, or from the current character of its plot.

The proposal

39. As in the appellant's Planning Statement, in summary, the scheme is to create a shop with a floorspace of around 330 square metres. There would be 4 flats established above, a net addition of 3 relative to that which already exists. Externally, very little would change to the listed building itself. Alterations would largely be confined to repairs, improvements,¹² or minor works,¹³ as shown on plan nos. 3200 REV P3, 3201 REV P3 and 3202 REV P3.
40. Internally there would be extensive remodelling; intended demolition being shown on plan nos. 1400 REV P3,¹⁴ 1401 REV P3 and 1402 REV P3. At ground floor demolition would affect some historic fabric, directly or indirectly (albeit principally post 1899 fabric, there being far lesser potential in that respect in upper floors on account of the remodelling there following the late 1990s fire).
41. The effect would be, in brief, to create a far more open internal arrangement. The proposed layout that would result is shown on plan nos. 3101 REV P3, 3102 REV P3, 3103 REV P3 and 3104 REV P3. Plan no. 3101 REV P3 sets out that structural interventions are to be agreed with the Council (and that, if necessary, cornice or coving detailing could be reintroduced).
42. As is typical of construction of this era, floors are of joists braced on rudimentary pads of one form or another with boards above. As in the Structural Feasibility Report, joists will need strengthening where they are supported only by what is now loose rubble or where there is wood boring insect damage.¹⁵ There are also references in the information before me to new beams required to ensuring the structural stability of resultant open space spans (albeit provision for their installation in such a way as to minimise detriment to historic fabric could be secured via condition).¹⁶
43. Plan no. 2400 REV P3 specifies an approach to insulation, wall construction and finish. That specifies breathable insulation in relation to external walls, which would be consistent with the absence of cavity construction and with building pathology over time. In greater detail, the approach to thermal insulation is detailed in the appellant's document entitled 'Sustainability: Whole Building Approach to Retrofit for the Future', prepared in line with relevant industry guidance.¹⁷ Further details of

¹² Whilst I use improvements advisedly, that includes replacing uPVC bay windows with timber versions, making good defects to existing brickwork, joinery and leadwork, and removing unnecessary services.

¹³ Notably the provision of a freestanding masonry ramp and access doors.

¹⁴ Plan no. 1400 REV P3 carries the annotation that the staircase, referred to at paragraph 31 of this decision, would be partially removed but stored in the basement for potential reinstatement.

¹⁵ Figure 1 of the Structural Feasibility Report showing typical floor strengthening arrangements, whereby new joists are bolted to those which exist, with floorboards removed for storage and a new plywood deck installed.

¹⁶ In the Structural Feasibility Report to 'single span support beams', i.e. tied into walls with lintels (as opposed to a goalpost rolled steel joist suggested as an option previously on sketch no. SK02).

¹⁷ Including the British Standard Institute's Standard 7913: 2013 'Guide to the Conservation of Historic Buildings', and their Publicly Available Specification 2038:2021 'Retrofitting non-domestic buildings for improved energy efficiency – Specification'. There are also details given of typical window junction details, which includes annotation of retention and making good of existing shutters (plan no. 3209 REV P3).

interventions, tying in with existing fabric, provision of ventilation and fire protection, along with making good are set out in the Heritage Statement.¹⁸

44. Turning to the plot of no. 33, the proposed site arrangement is shown on plan no. 3000 REV P3, with storage shown on plan no. 3203 REV P3. A one way system would be created through the site, effectively reopening the historic entrance off Bower Place. That would necessitate some alterations to, but no net loss of, on-street parking bays there.
45. Access from the site to the A26 would be repositioned to the east of the plot by Rocklands, with the loading bay relocated westwards thereof.¹⁹ A new dedicated pedestrian access would be created via the pavement alongside the A26, complete with gate piers to match those which exist (as shown on plan no. 3204 REV P3).
46. Plan no. 3000 REV P3 also shows how landscaping would be introduced towards Tonbridge Road and around the periphery of the site, which would be enclosed by various features designed to emulate an historic aesthetic (plan no. 3205 REV P3). Plan no. 3206 REV P3 shows signage above the portico, and by way of an external totem, the precise design and location of which would need to be established.²⁰

The dispute between the main parties

47. There is no dispute between the main parties regarding the acceptability of the uses proposed.²¹ As above, the established use of the ground floor of no. 33 is as Use Class E. Use Class E now encompasses a multitude of former classes, including '(a) for the display or retail sale of goods...', and '(d) for indoor sport, recreation or fitness...'. There would be nothing, therefore, to prevent the ground floor of no. 33 operating as a shop regardless of these appeals.
48. I recognise that the proposed use is of concern to some local residents. Nonetheless that appears, in part, potentially motivated by supposition about the end user or operator.²² Who operates a shop, or any other commercial unit, is almost invariably irrelevant to planning. It is in this instance. In short, given the history to no. 33, the legislative context in which my decisions fall, and as the property falls within a principally, but by no means exclusively, residential area close to the western fringe of the town centre, the uses proposed are acceptable.
49. There is, however, some nuance to that. It appears to be the Council's contention that an alternative use or user may not seek to effect the level of alteration to no. 33 as is proposed in this instance. Whilst I will return to that in respect of the heritage implications of any interventions, the Council also appears to have conflated use and user to some extent (making unevidenced statements about other operators in this respect).²³

¹⁸ Including the use of recognised conservation materials, the use of lime based mortar, and joinery repair where feasible (or replacement with modern equivalents where not).

¹⁹ Off-site highways alterations shown on plan no. ITB19384-GA-001 REV I appended to the appellant's Transport Statement.

²⁰ Plan no. 3206 REV P3 being entitled 'Indicative signage'.

²¹ The making of any material change in use being development under section 55(1) of the 1990 Act.

²² Noting that there is reference to a 'National Retailer' at paragraph 2.19 of the Appellant's Statement of Case, and that the appellant received pre-application advice on 6 August 2024 on a scheme at that juncture appearing to be to 'allow for the conversion of the ground floor into a Tesco Supermarket, with the upper floors being converted into separate residential units'.

²³ Suggesting perhaps a restaurant use, also now Use Class E, i.e. Pizza Express or Gigging Squid may operate in a manner which is less interventionist.

50. Accepting that the proposal has evolved somewhat since pre-application discussions, it is nonetheless exceptionally challenging to get a fix on the Council's objections to the scheme (despite the requirement for planning decision notices to state clearly and precisely full reasons for refusal).²⁴ It is necessary, out of fairness, to excavate through the Council's appeal statement, the officer reports, and 2 sets of representations from heritage officers to establish their position.
51. The Council's decision notice of 13 December 2024 in respect of planning application ref. 24/50337/FULL, avers that there has been a failure 'to consider the harm to the historic significance of the building through the loss of internal walls'. Operations that affect only the interior of a building are not, however, development in planning terms (albeit they may be works under section 7 of the LBCA).²⁵ All that is otherwise left in that decision notice to explain their objection is that 'the proposal results in harm and fails to preserve the character, appearance and setting of the grade II listed application building, ('less than substantial')'.
52. Evidently the Council object to the loss of internal walls. In the first tranche of heritage officer comments reproduced in the associated officer reports,²⁶ that appears to be in terms of their 'fabric' alone. In the second tranche of heritage officer comments, again reproduced in the officer reports, that position has evolved given the reference to historic fabric not being 'the only form of significance'. That falls short of identifying what other form of significance the Council considers is embodied in ground floor walls, though that may in theory encompass historic craftsmanship and what can be read from the remaining plan of the building in terms of how it originated and evolved.
53. There appears to be an acceptance that the removal and storage of part of the staircase referred to at paragraph 31 of these decisions would not result in harm, albeit that is said in the Council's appeal statement to refer 'to the stairs only, and not the walls'. That is true enough. The Council are evidently concerned about the relationship of the Structural Feasibility Report and Heritage Statement,²⁷ to which the ability to replicate coving referred to at paragraph 35 of these decisions relates.
54. The Council also appears to be concerned about structural interventions necessary to shore up the ground floor, what are termed 'sleeper walls in the basement'. There is also some concern expressed about the effects of the proposal in terms of the pathology of the building as a whole resulting from thermal upgrades and interventions considered holistically. Their position in that respect appears to have evolved, such that the second tranche of heritage officer comments sets out that 'in terms of the thermal up-grade, the additional information is considered suitable'. There are also some observations from the heritage officer reproduced in the officer report(s) questioning the implications of repairs, works to CCTV, lighting, air conditioning and the like.
55. The Council's position in respect of external works and boundary treatments is wholly unclear, variously seeming to swing between negative, neutral or positive.²⁸

²⁴ Article 35(1) of The Town and Country Planning (Development Management Procedure)(England) Order 2015 as amended.

²⁵ Section 55(2)(a) of the 1990 Act.

²⁶ Which appear to relate to a revision 'P1' set of plans as opposed to the revision 'P3' set before me.

²⁷ The second tranche of heritage officer comments ambiguously referring to the Structural Feasibility Report which 'provides justification for the loss of fabric, but this is not a heritage assessment'.

²⁸ As in paragraph 5.1 of the Council's appeal statement.

It appears the second tranche of heritage officer comments identifies negative effects in this respect. The Council's position on access being provided to the rear of the property is similarly equivocal,²⁹ and potentially a misunderstanding that access to the building would also be via the portico (leading to proposed pedestrian access to the site).

56. The second tranche of historic officer comments explains how 'it is not good practice to rely on a number of conditions to ensure protection of a listed building when the general principles raise the concern'. Setting aside that it is difficult to establish what are the general principles at issue, that position appears flatly opposed to the general planning principle in NPPF paragraph 56.
57. NPPF paragraph 56 instead sets out how 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.' I note that there is the express power in section 17 of the LBCA in respect of preserving features, making good, reconstruction and the use of original materials. Theoretically if the layout of no. 33 were important historically as it stands, that could also be subject to a recording condition.
58. Whilst I digress into balancing any beneficial implications of the scheme, the officer reports further explain how 'considering the extent of harm caused, it cannot be concluded that there are any public benefits of the proposal...'. That is clearly wrong. NPPF paragraph 215 is that 'where 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'. The test is not to gauge whether the extent of harm qualifies public benefits in the first instance.
59. Whilst I accept that I am looking in at a process that has been ongoing for several years, there are 3 further errors that the Council appears to have fallen into. I set those out for transparency, and so as to avoid falling into them myself.
60. Firstly, in setting out that there are no public benefits, the Council has evidently not considered the additional housing proposed. Although again somewhat ambiguous,³⁰ it appears to be the Council's position that NPPF paragraph 11.d) applies in the absence of a demonstrable 5 year housing land supply in line with NPPF paragraph 78.
61. Secondly, the Council is of the view that 'the economic benefits which would still be mostly limited to the applicant'. A scheme cannot have no public benefits but also some. That position reveals a third shortcoming, which is that the Council say 'in terms of economic uses overall there are many listed buildings in the borough where alterations which would cause harm to the boroughs heritage fabric could bring economic benefits. This approach should be resisted...'. That may refer to the 'general principle' turn of phrase as in paragraph 56 of these decisions. Again, however, neither NPPF paragraph 215, policy LPRSP14(B), nor statute, sets out

²⁹ The first tranche of conservation officer comments reproduced in the officer reports setting out that 'whilst it appears that the front elevation has altered from the east elevation to the north, these would then change the entrance to the south. Whilst of limited impact, it results in the existing front elevation being altered to the rear elevation.'

³⁰ As set out in paragraphs 4.1 and 4.2 of the Council's statement of case.

that harm should necessarily be resisted point-blank (but ensures that it should be appropriately balanced relative to any benefits).

The effect of the proposal

62. Broadly following the issues touched on in paragraphs 47 to 56 of these decisions, in terms of the loss of and alteration to internal walls, in large part on account of remedying the effects of fire and water damage, there is nothing meaningful that can be discerned from the fabric or layout of the upper floors of no. 33. I acknowledge, however, some historic fabric would be lost at ground floor. That would be directly, by virtue of structural works, and indirectly, by virtue of tying in and making good. Some historic fabric would also be obscured.
63. However, as reasoned above, the opening up of the ground floor would affect principally post-1899 fabric. I have also reasoned that, whilst historic fabric is to be removed, none possesses any clear attributes in terms of historic materials or craftsmanship (attributes most clearly embodied externally in any event). There is nothing I could read from what is to be removed that aids, to any appreciable degree, an understanding of historic forces.
64. The same is true of the short section of staircase proposed for removal. In large part that staircase would remain, thereby alluding to an historic layout. Otherwise the section proposed for removal is not historic, and there is no need for it to be retained. Having paid careful attention during my site visit, the Council's position on coving or cornice detailing is without merit. Whilst I agree that different treatments were used to reflect a differential hierarchy or formality of rooms of rooms, that variance is no longer present (with most, if not all, detailing in that respect appearing a recreation). There is no need to add any artifice.
65. I accept that structural works entail potential implications for disturbance. Nonetheless plan no. 3101 REV P3 sets out that structural interventions are to be agreed with the Council. The only clearly historic fabric which remains are ground floor floorboards, which figure 1 of the Structural Feasibility Report sets out should be removed for storage in any event. Curiously, the Council has suggested only 3 bespoke conditions in the eventuality that the appeals were to be allowed related to adaptable dwellings standards, water efficiency and ecology.³¹
66. I have also reasoned how no. 33 was originally, and evolved further as, a grand property. I have set out how the layout of the building has changed and changed again such that anything it spoke to in terms of the arrangement or hierarchy of rooms has essentially been lost. There is nothing in the opening up of the property that therefore results in harm; such effects would be neutral.
67. Following on from my reasoning above, it appears that the Council now have arrived at the position that the scheme would be suitable in terms of thermal efficiency and compatible with the building's construction in that respect. Having had regard to all the evidence before me, that is also my view.
68. Externally, whilst the scheme will result in some more utilitarian elements such as building control services, as on plan no. 3201 REV P3 the proposal would also

³¹ In addition to directing me to representations received from highways consultees.

remove existing redundant features in that respect. Landscaping of the plot would render it, if anything, more consistent with the formal arrangement and level of planting which existed historically. There would be no harm in re-opening an historic entrance from Bower Place.

69. The sole element of harm that I can therefore alight upon is alterations to the historic boundary wall. That element of the scheme would entail the removal of some historic fabric, including by virtue of the creation of a new pedestrian access, meaning that the wall would be less consistent with its historic nature.

Consideration

70. It is for the decision-taker, having established that harm would result, to gauge its extent or magnitude. All told, much of the historic front boundary wall to no. 33 would remain. As set out in paragraph 20 of these decisions, that wall has previously been altered via the creation of access to Rocklands at some point. As also reasoned above, there have been various changes over time in the setting of the listed building of far greater magnitude than the alterations proposed to the boundary wall would represent. In that context it is fair to gauge the extent of harm arising as 'less than substantial' with reference to NPPF paragraph 212, and furthermore at the lowest end of a spectrum within that categorisation.
71. NPPF paragraph 215 sets out that any less than substantial harm should be weighed against the public benefits of the proposal. That is a balance to which I now turn, noting also that NPPF paragraph 213 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'. There is no prescribed way in which heritage harms and benefits need be weighed against one another. Nevertheless in this instance heritage benefits are also public benefits, given that heritage assets are irreplaceable resources, and as such I address any heritage benefits subsequently too.
72. It is not automatically the case that heritage benefits justify harm, for example where they are entirely separate undertakings. In this instance, however, any harms and benefits intrinsically relate to effecting the same scheme (and are therefore indivisible from one another).

The balance

73. In my view the proposed treatment of the plot of no. 33, including routes for vehicles and pedestrians, planting and boundary features, aside from those affecting the stone wall, would be beneficial in rendering the impression of the property more consistent with its historic nature. Similarly, in terms of reducing energy usage and establishing enduring improvements to the structure of no. 33, the programme of works in that respect would be beneficial.
74. Article 5 of the 1964 Venice Charter sets out how conservation is facilitated by making use of heritage assets for some 'socially useful purpose'. The PPG says similar.³² More broadly, and in the context of meeting the challenge of climate change, NPPF paragraph 161 encourages the reuse of existing resources,

³² Reference ID: 18a-002-20190723.

including the conversion of existing buildings. The scheme would ensure that no. 33 is maintained in optimum viable use.

75. As above, the Council has suggested that other end users might be less interventionist. Nonetheless there is evidence before me of marketing of no. 33 for sale as far back as October 2022. It is through that exercise that the ground floor layout of the listed building was identified as a particular constraint, along with the sole access for both pedestrians and vehicles via the A26. I understand that there has been engagement over the use of the building with those in the care, education, nursery and retail sector (and that all returned similar perspectives).
76. Bringing the listed building back into more productive economic use would bring with it the associated incentive for, and ability to provide, ongoing maintenance. Indeed, Local Plan policy LPRSP14(B) related to listed buildings is itself prefaced by 'to ensure their continued contribution to the economy, culture and image of Maidstone Borough...'. In all likelihood, remedying defects to the floor of the property would be needed in time in any event.
77. Reflecting on paragraphs 25 and 26 of these decisions, we have increasingly become a society of consumption and convenience. Along with being beyond my remit to do so given the provisions of the Use Classes Order, to stand in the way of a national retailer seeking to occupy the ground floor of the listed building would be to whistle in the wind. It is not the function of planning to prevent healthy retail competition.
78. More broadly, again referenced in paragraph 60 above, the scheme would be beneficial in terms of housing provision. There would also be associated economic benefits in terms of employment generation, both in undertaking the proposal, in terms of maintenance, and in job creation. As in the appellant's Biodiversity Net Gain Report, biodiversity net gain of some 21.26% is anticipated relative to the existing state of the site (a positive environmental outcome).
79. Whilst I will turn subsequently to the implications of the scheme in respect of the safe and efficient operation of the nearby highway network, collectively the foregoing public benefits provide clear and convincing justification for the scheme. Even had I found that there would have been some level of less than substantial harm resulting from the internal remodelling proposed, that logic would still hold.

Other matters

80. I have taken careful account of all representations in respect of the proposal, which concern various matters. Noting the established uses at no. 33, as its plot remains relatively spacious compared to the prevailing grain of development hereabouts, as the intensification of use would be essentially confined to the envelope of the building itself, undue effects would not result to the living conditions of those nearby.
81. The traffic implications of the scheme are evidently of local concern, with one representor commenting that there is a potential 'danger to life' here. Evidently the A26 is a well-used route, and no. 33 is presently accessed close to a loading bay and bus stop. I accept that the network of roads and streets hereabouts was not

created to accommodate the volume or type of traffic that it now does, including in terms of the alignment of junction or roads.

82. As a first principle, it is important to set the use of no. 33 proposed relative to the existing baseline context. Paragraph 5.3.1 of the appellant's Transport Assessment indicates that the development will entail approximately 50-60 two-way trips during peak hours. Appendix B to the Transport Assessment identifies peak hours, during which several hundred vehicles typically pass the site along the A26. Transport Assessment paragraph 3.4.15 further sets out that the annual average daily traffic along the A26 is c.9,000 to 9,900 vehicles.
83. Moreover some trade associated with the proposal will inevitably be passing, i.e. not all 50-60 trips will necessarily be dedicated journeys (setting aside that the established ground floor use of no. 33 is Use Class E in any event).³³ In purely numerical terms, the scheme would not place undue strain on the highway network.
84. As in section 3.4.10 onwards of the appellant's Transport Assessment, there are no personal injury incidents recorded between 2018 and 2022 immediately by the existing site access (with only one near no. 44 Tonbridge Road and one along Bower Place). Whilst I accept that there are various incidents recorded along the A26 hereabouts over that time period, those tend to cluster at the junction of the A26 with Bower Lane further westwards and where the A26 joins the A20 further eastwards.
85. Importantly, the scheme is to create a one way system through the site, and to provide a dedicated pedestrian access.³⁴ That arrangement would, in all likelihood, reduce the potential at present for conflict between vehicles and pedestrians here. Furthermore, paragraph 6.24 of the appellant's planning statement aptly explains that if the loading bay by the dropped kerb is in use, visibility of oncoming traffic from the town centre is almost entirely occluded. Instead, the scheme would relocate the loading bay to the west of site access. That would have the effect of securing good visibility of oncoming traffic.³⁵ Consequently, in my view, the scheme would be entirely acceptable in transport terms. As such no others matters alter my view regarding the overall acceptability of the scheme.

Conclusion

86. For the reasons above, having taken account of the development plan as a whole as necessary, and having considered all other relevant material considerations, I conclude that the appeals should be allowed subject to the conditions below.

Conditions

87. The first condition to both schedules below requires commencement with the relevant statutory periods in the 1990 Act and LBCA. The second condition in both schedules, for certainty and so as to ensure that the proposal is implemented as assessed above, requires adherence to the supporting plans (which are listed in the third schedule).

³³ Noting that there is furthermore nothing to indicate any restrictions on the use thereof in terms of intensity or hours of operation (with the Council suggesting no conditions governing such matters).

³⁴ Swept path analysis appended to the Transport Assessment, combined with parking bay alterations, shows that vehicular routing via Bower Place would be acceptable practically (the scheme incorporating revisions flowing from a Stage 1 Road Safety Audit at Appendix D to the Transport Assessment).

³⁵ Visibility splays as shown on plan no. ITB19384-GA-001 REV I.

88. The third condition to the first schedule, related to Appeal A and planning application ref. 24/503337/FULL, requires that development proceeds in line with agreed external materials (with the fourth condition to the second schedule related to Appeal B and listed building consent application ref. 24/503338/LBC covering similar matters). Those conditions are necessary for the same reason as the second conditions, and to ensure that the scheme is undertaken in an appropriately sensitive manner in terms of historic integrity.
89. For similar reasons, and following on from my reasoning at paragraph 17 of these decisions, I have imposed condition 4 to the first schedule requiring that an agreed approach to landscaping is implemented. Also following on from my reasoning at paragraph 85 of these decisions, and to avoid adverse effects to the local highway network in particular I have imposed conditions 5 and 6 to the first schedule addressing site layout, highways work, and provision of on-site storage. Recognising that any signage is as yet indicative, as on plan no. 3206 REV P3, I have required that an approved signage strategy is implemented (to which the fourth condition to the second schedule necessarily cross-refers).
90. To ensure that the effects of the scheme in respect of ecology and biodiversity are acceptable in line with NPPF paragraph 187.d), I have imposed condition 8 to the first schedule. That requires adherence to the recommendations of the various studies undertaken of the site in those respects, effectively addressing the substance of one of the bespoke conditions ventured by the Council. Similarly, condition 9, which would secure adherence to optional water efficiency standards is necessary in line with criterion 7 of Local Plan policy LPRS14(C).
91. Turning to the third bespoke condition suggested by the Council, Local Plan policy LPRQD6 sets out how development ‘will be expected where possible to meet the new technical standards as follows...’. Criterion 2 is ‘accessibility and adaptable dwellings standard M4(2) or any superseding standards in line with evidence of the SHMA, national planning policy and guidance’. Footnote 51 to NPPF paragraph 135.f) sets out that planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, [i.e. M4(2) and M4(3)] where this would address an identified need for such properties’.
92. Whilst I accept that M4(2) standards promote the objective of inclusivity and accessibility of housing in general terms, there is no identified need in respect of M4(2) standards in relation to this scheme or location (noting that the Council did not comment on the appellant’s points regarding accessibility standards at appeal). Moreover the requirements of Local Plan policy LPRQD6, criterion 2, are nuanced; acknowledging that site specific factors may make certain schemes less suitable for M4(2) standards, ‘particularly where step free access cannot be achieved or is not viable’. Step-free access to the proposed flats does not form part of the scheme, the logical corollary of limiting interventions in an historic building.
93. I also note that paragraph 0.13 of Building Regulations Approved Document M, updated 1 October 2024, sets out how ‘requirements for accessibility should be balanced against preserving historic buildings or environments’. Albeit in theory, achieving M4(2) standards in this instance would likely entail more significant

alterations to the existing fabric of the building than are currently proposed (with associated implications for affecting historic integrity). Consequently, and in the absence of countervailing evidence, I am not of the view that requiring adherence to M4(2) standards is required in this instance.

94. In order to minimise any adverse effects of construction to the historic fabric of the building, and to ensure any new materials are contextually appropriate, I have imposed conditions 3 and 4 to the second schedule. Notwithstanding that plan no. 3101 REV P3 sets out that structural interventions are to be agreed with the Council specifies it, for the avoidance of doubt I have also imposed condition 5 to the second schedule (to ensure that structural interventions proceed in line with an agreed schedule of works). Condition 6 to the second schedule expressly requires the removal of any existing redundant features referred to in paragraph 68 of these decisions.
95. Following on from my reasoning at paragraphs 57 and 65 of these decisions, and again notwithstanding that this is annotated in the Structural Feasibility Report, I have imposed condition 7 to the second schedule which requires that any existing historic ground floor floorboards which remain sound are stored on site rather than removed. For the avoidance of doubt, notwithstanding my reasoning in paragraph 57 above, there is no need for a recording condition with reference to NPPF paragraph 211 as the application, and these appeals, in themselves create matters of public record.
96. In imposing conditions I have had regard to relevant statute, the NPPF and the PPG. I have amended the wording of certain conditions put to me to ensure that all are appropriate in that context, without altering their fundamental aims.

Tom Bristow
INSPECTOR

Conditions Schedule 1:

(Appeal A, ref. APP/U2235/W/25/3367413 in respect of application ref. 24/503337/FULL)

- 1) The development hereby permitted shall begin not later than 3 years from the date of these decisions.
- 2) The development hereby permitted shall be undertaken in the accordance with the approved plans listed at schedule 3 to these decisions, excluding the requirement to reintroduce any plaster cornice detailing as annotated on plan no. 3101 REV P3, and also excluding the requirement to store the staircase within the basement of no. 33 as annotated on plan no. 1400 REV P3.
- 3) Before their use as part of the development hereby permitted, samples or details, or both, of all external building, boundary and surfacing materials shall have been submitted to, and approved in writing by, the local planning authority. The development shall accord with the approved samples and details.
- 4) Notwithstanding condition 2, no element of the development hereby permitted shall be brought into use until a landscaping scheme has been submitted to, and approved in writing by, the local planning authority. The landscaping scheme shall be broadly in accordance with approved plan nos. 3000 REV P3, 3203 REV P3, 3204 REV P3 and 3205 REV P3, and shall contain a programme of implementation and maintenance. The landscaping scheme shall be implemented in line with the approved details and programme of implementation, and thereafter retained and maintained as approved.
- 5) No element of the development hereby permitted shall be brought into use until pedestrian and vehicular access, circulation routes, parking provision and off-site highways alterations as shown on approved plan nos. 3000 REV P3 and ITB19384-GA-001 REV I, contained within the associated Transport Assessment (prepared by i-Transport, ref. BH/BD/ITB19384-002A R, dated 26 July 2024), have been effected. Once implemented, the foregoing elements shall thereafter be maintained for their intended purposes only.
- 6) No element of the development hereby permitted shall be brought into use until storage shown on approved plan no. 3203 REV P3 has been installed and made available for use; such facilities shall thereafter be retained as approved.
- 7) No element of the development hereby permitted shall be brought into use until a signage scheme has been submitted to, approved in writing by the local planning authority, and implemented as approved. The signage scheme shall be broadly in accordance with approved plan no. 3206 REV P3, and shall include details of all signage which is to be attached to no. 33 or any structure or wall within the site red-edged on approved plan no. 0001 REV P1, or freestanding within that site, including in respect of any illumination. Once implemented as approved, the signage scheme shall thereafter be retained.
- 8) No element of the development hereby permitted shall be brought into use until ecology and biodiversity measures are effected to the site in accordance with the recommendations in the associated Preliminary Ecological Appraisal Report (prepared by the Ash Partnership UK, dated August 2024), in the Supplementary

Bat Survey Report (prepared by the Ash Partnership UK, dated August 2024) and in the Biodiversity Net Gain Report (prepared by the Ash Partnership UK, dated August 2024). Any ecology and biodiversity measures implemented pursuant to the foregoing recommendations shall thereafter be retained as such.

- 9) No dwelling hereby permitted shall be occupied until the requirement for potential consumption of wholesome water by persons occupying that dwelling of 110 litres per person per day, under Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 as amended, has been complied with by design.

Conditions Schedule 2:

(Appeal B, ref. APP/U2235/Y/25/3367417 in respect of application ref. 24/503338/LBC)

- 1) The works hereby authorised shall begin not later than 3 years from the date of these decisions.
- 2) The works hereby authorised shall be undertaken in the accordance with the approved plans listed at schedule 3 to these decisions, excluding the requirement to reintroduce any plaster cornice detailing as annotated on plan no. 3101 REV P3, and also excluding the requirement to store the staircase within the basement of no. 33 as annotated on plan no. 1400 REV P3.
- 3) The works hereby authorised shall be carried out in accordance with the specifications set out in the associated Structural Feasibility Report (dated 17 July 2024, incorporating the findings of surveys undertaken in October 2024, prepared by BG Consulting, ref. 224198), in the Heritage Statement (Sarah Sullivan BA(Hons) MCIAT DipBldsCons(RICS), August 2024), and in the Sustainability: Whole Building Approach to Retrofit for the Future report (Sarah Sullivan BA(Hons) MCIAT DipBldsCons(RICS), November 2024).
- 4) Before their use as part of the works hereby permitted, samples or details, or both, of all external building, boundary and surfacing materials shall have been submitted to, and approved in writing by, the local planning authority. Any works affecting historic fabric which is not approved under this condition, or pursuant to conditions 2 and 3 of Schedule 2 above, shall match as far as practicable existing fabric in form, composition and appearance (as shall any works pursuant to condition 7 of Schedule 1 above). Works shall accord with the approved samples and details.
- 5) Notwithstanding condition 3, any structural interventions necessary as part of the works hereby authorised that would alter or affect historic fabric shall be undertaken in accordance with a schedule of works (which shall previously have been submitted to, and approved in writing by, the local planning authority). That schedule of works shall include, including by way of plans, drawings and photographic representation as appropriate, details of (i) the extent of works relative to the existing fabric of the listed buildings, (ii) materials to be used, (iii) a method statement in respect of demolition and construction along with any tying-in or cosmetic finishes, (iv) measures to protect the existing fabric of the building and (iv) the timing, scheduling or phasing of such works. The works hereby authorised shall be undertaking in accordance with the approved schedule of works.

- 6) Any existing features to be removed, and any repairs or making good, as shown on the approved plans including on plan no. 3201 REV P3, shall be undertaken as part of the works hereby authorised before any part of the development permitted in respect of appeal A is first brought into use.
- 7) Notwithstanding conditions 1 to 4 of Schedule 2 to these decisions, any existing historic ground floor floorboards hereby authorised for removal which remain sound shall be stored on site in accordance with the recommendations of the Structural Feasibility Report (dated 17 July 2024, incorporating the findings of surveys undertaken in October 2024, prepared by BG Consulting, ref. 224198).

Conditions Schedule 3: Approved Plans

0001 REV P1
1101 REV P1
1102 REV P1
1103 REV P1
1104 REV P1
1200 REV P1
1201 REV P1
3200 REV P3
3201 REV P3
3202 REV P3
1400 REV P3
1401 REV P3
1402 REV P3
3101 REV P3
3102 REV P3
3103 REV P3
3104 REV P3
2400 REV P3
3000 REV P3
3203 REV P3
3204 REV P3
3205 REV P3
3206 REV P3
3209 REV P3
ITB19384-GA-001 REV I