

3.2 REFERENCE NO - 15/505069/FULL		
APPLICATION PROPOSAL Erection of replacement maintenance shed, 2.5m high palisade fencing surrounding the building to create a compound in addition to a concrete hardstanding		
ADDRESS Sheerness Holiday Park Halfway Road Minster-on-sea Kent ME12 3AA		
RECOMMENDATION: REFUSE		
SUMMARY OF REASONS FOR REFUSAL The development harms the visual amenities of the area and the setting of the adjacent Scheduled Ancient Monument		
REASON FOR REFERRAL TO COMMITTEE Parish Council support		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Cosgrove Leisure AGENT Stratford Planning
DECISION DUE DATE 28/08/15	PUBLICITY EXPIRY DATE 09/12/15	

1.0 DESCRIPTION OF SITE

1.01 The application site is a holiday park, which lies on Halfway Road, close to but outside the built up boundary of Sheerness. The site abuts the Queenborough Lines, a scheduled ancient monument to the north west; Monkey Farm breakers yard to the south west; fishing lakes to the south; and open marshes to the east and north east.

2.0 PROPOSAL

2.01 This retrospective application seeks consent for a large maintenance shed. The shed is located on the north western boundary of the site, adjacent to the Queenborough Lines, and measures 18.35 metres deep, 9.12 metres wide and 6,4 metres high to the ridge of its roof. It is dark coloured, constructed of sheet metal.

3.0 PLANNING CONSTRAINTS

- Potential Archaeological Importance
- Environment Agency Flood Zone 3
- Adjacent to a Scheduled Ancient Monument.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

4.01 The NPPF gives great weight to the preservation/conservation of heritage assets. In this case, the Queenborough Lines is such an asset. The NPPF advises:

In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality*
- *the desirability of new development making a positive contribution to local character and distinctiveness*

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

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

- *the nature of the heritage asset prevents all reasonable uses of the site*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible*
- *the harm or loss is outweighed by the benefit of bringing the site back into use*

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 securing its optimum viable use.

Development Plan:

4.02 The following saved policies of the Swale Borough Local Plan 2008 are relevant:

- E1 (General Development Criteria)
- E6 (The Countryside)
- E16 (Scheduled Ancient Monuments)
- E19 (Achieving High Quality Design and Distinctiveness)
- B6 (Holiday Parks)

4.03 The corresponding Policies in Bearing Fruits 2031 – The Swale Borough Local Plan (the emerging Local Plan) are:

- DM4 (New Holiday Parks or Extensions to Existing Holiday Parks)
- DM14 (General Development Criteria)
- DM21 Water, Flooding and Drainage)
- DM25 (Important Local Countryside Gaps)
- DM34 Scheduled Monuments and Archaeological Sites

5.0 LOCAL REPRESENTATIONS

- 5.01 One representation has been received, which states the following:

Please can you confirm that there will be no noticeable impact on the visual appearance for all neighbours including the houses in Park Road, that there will be no adverse effect on any historic monuments, that the height and size of the building is not excessive and that the height is required for its usage and that the waterways nearby will not be put at risk;

6.0 CONSULTATIONS

- 6.01 The Environment Agency advises that the development is covered by their standing advice. The standing advice states that the development is unobjectionable in flood risk terms.
- 6.02 Historic England raise objection, commenting as follows:

The Queenborough Lines were built on the recommendation of the 1859 Royal Commission on the Defences of the United Kingdom to defend the Royal Naval dockyard at Sheerness from landward attack following an invasion scare caused by the strengthening of the French Navy. There were eventually some 70 forts and batteries in England that were due wholly or in part to the Royal Commission. These constitute a well-defined group with common design characteristics, armament and defensive provisions. They are the most visible core of Britain's coastal defence systems and are known colloquially as 'Palmerston's Follies' after Lord Palmerston (1784-1865), who was Prime Minister at the time. The Queenborough Lines are a line of defensive earthworks across the Sheerness peninsula consisting of an earth and shingle rampart with a wide wet ditch, a military road behind the rampart, and two narrow catch-water ditches (to regulate water levels in the ditch). At each end the ditch turned southwards to encompass gun batteries, although they were never built; the Barton's Point battery at the east end was a later addition. The west end was breached by the Sittingbourne to Sheerness railway line from the beginning.

The Lines were more or less complete by 1868 though they were never tested. They were manned again during the World Wars, which is attested by several air-raid shelters and a mortar position built into the rampart.

The Heritage Statement mentions that the original intention was to keep a distance of about 800 metres from the Lines clear of buildings and other obstructions in order to maintain a clear field of fire over approaching enemy troops. This is an important aspect of their design and important in understanding their purpose and function.

Impact

We note that the development is described as a replacement maintenance shed but we don't know what it replaces, and the application doesn't seem to give details. We note that the building was constructed on a hitherto undeveloped footprint during the early part of this year. When writing our last letter to you (on the 21st July 2015) we hadn't appreciated the height of the new building, which is why we declined to give detailed comments at that time.

We agree with the Heritage Statement that the breakers yard, caravans and flood bank on the south side of the ditch have a harmful effect on the heritage significance of the Lines and might have also reduced the sensitivity to further changes there. However, we don't think that it has entirely negated any positive contribution to the Lines' heritage significance. The surrounding development is generally low-level and dispersed so it is still possible to appreciate that there is low-lying open land to the south of the Lines. We think that the generally open aspect and views southwards are important for understanding the purpose and function of the Lines.

The height of the new building makes it distinct from the low-level and dispersed development around it. It juts up against the skyline and is consequently much more noticeable than lower building would have been. In a small segment of the vista it intrudes upon the southward view from the Lines and begins to enclose the open aspect. If more buildings of a similar height were ever constructed along the south bank the enclosing effect would quickly become very apparent.

Policy

Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para.132 NPPF). The onus is therefore on you to rigorously test the necessity of any harmful works.

Your authority should also aim to achieve sustainable development, seeking economic, social and environmental gains jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions. (para.8 NPPF). Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment (para.9 NPPF).

If a proposal cannot be amended to avoid all harm (but the harm is less than substantial) then this harm should be weighed against the public benefits of the proposal (para.132, NPPF).

The significance of a heritage asset is determined not only by the physical fabric of a place but also by its appearance, its associations with other places and its relationship with its surroundings. Setting is the surroundings in which an asset is experienced and it embraces all of the surroundings in which the asset can be experienced. Your authority should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (para.137 NPPF). However, for a scheduled monument, the requirement to consider setting is not a statutory duty.

Position and recommendation

We acknowledge that, given the large size of the fortification, other views from its rampart toward open ground continue to be available. We also acknowledge that the immediate setting of the Lines has already been compromised to some degree by modern development. However, we don't think that the effect on the heritage significance of the Lines is negligible. In our opinion, the new building is too high and as a result it juts up above the skyline, intrudes upon southwards views and begins to enclose the open vista to the south of the Lines. The effect is not large relative to the scale of the Lines but we think that there is minor to moderate harm to heritage significance. Harm to the monument would grow considerably if development on the southern side of the Lines were to proliferate. We doubt that the new building could be said to bring public benefits and so, in accordance with national planning guidance, we advise against permission being granted.

6.03 The LMIDB do not raise objection.

6.04 Minster Parish Council supports the application, commenting as follows:

The Parish Council's support is subject to adequate drainage being put in place and safeguards for the protection from pollution to the Ancient Monument (Queenborough Lines). It also supports KCCS Archaeological Officers advice that Historic England needs to be included as a statutory consultee. MPC is disturbed by the presentation of the application because the description does not show it as being retrospective and questions why SBC did not make this important information more easily available.

7.0 BACKGROUND PAPERS AND PLANS

7.01 The application is accompanied by plans, drawings, a design and access statement, a flood risk assessment and a heritage statement.

8.0 APPRAISAL

8.01 Whilst the site is at risk of flooding, the use proposed is not high risk in terms of impact on life in the event of a flood. The EA class it as being low risk and as such, I do not consider this to amount to a reason for refusal. Whilst the site lies within an Important Local Countryside Gap, it lies in an already developed area, and whilst I consider the visual impact of the development elsewhere in this report, I do not consider that the proposal is unacceptable as a matter of principle in this regard.

8.02 There would be no highway impacts arising from the proposal, and the building is located a sufficient distance from the closest dwellings (those in Park Road, on the other side of the Queenborough Lines) so as not to cause harm to residential amenity.

8.03 The site is located in the countryside, and is an existing holiday park. The adopted Local Plan and the emerging Local Plan both offer broad support for the upgrading of holiday parks, and I consider the development acceptable as a matter of principle.

8.04 The key issues here are the impact on visual amenity and on the Scheduled Ancient Monument.

Visual Impact

8.05 The landscape in the vicinity of the site is generally flat, and development is, with the exception of the houses to the north west, generally low lying and single storey. The

shed is substantial in scale, and draws the eye. Its design is utilitarian, as might be expected, and it adds nothing of merit to the character of the area. In my view it amounts to an obtrusive, prominent structure, which harms the visual amenities of the area. I am firmly of the opinion that the development is contrary to policy DM14 of the emerging Local Plan and saved policies E1 and E19 of the adopted Local Plan.

- 8.06 With regards the impact of the development on the Important Local Countryside Gap, it seems to me that whilst, by virtue of its scale, and in particular its height, the shed is prominent, it does not in itself give rise to the encroachment of development into the gap, not the piecemeal erosion of the gap. As such, I do not consider it contrary to policy DM25 of the emerging Local Plan.

Impact on the Scheduled Ancient Monument

- 8.06 The setting of the scheduled monument is particularly important to its heritage significance given the very specific nature of its physical form and the historical function it performed. In my view, Historic England have correctly identified that this setting has been compromised. However – it is important to note that decisions made in the past (in the 1950s/60s/70s) which have compromised the setting (and as a result, to some degree, an understanding of the historic function) of the structure were made at a time when the heritage significance of the structure was not really appreciated, let alone understood. The position in this respect is of course very different today, and it must be further noted that the defence structure was not scheduled until the 22nd June, 2012.
- 8.07 Leading on from this, in my view what might reasonably be deemed previous mistakes (from an overall planning and heritage management perspective) should not now be repeated given our much greater appreciation and understanding of the historic environment and the value that this provides.
- 8.08 Primarily because of the height of the storage building, and the manner in which it pierces the skyline directly adjacent to the defence structure (in contrast to the lower, other man-made structures on the south side of the structure – in what would have historically formed part of the field of fire area), the development in question impacts on the significance of the heritage asset by further compromising its setting and as a result, in terms of the proposal's consideration in the context of the NPPF, it would result in an 'impact of less than substantial harm' to the significance of the heritage asset.
- 8.09 The public benefits against which this harm must be balanced are at best very minimal/marginal and in all reality could reasonably be considered zero. On this basis, and in accordance with the NPPF, and Policies DM14 and DM34 of the emerging Local Plan and saved policies E1 and E16 of the adopted Local Plan, I conclude that the impact on the Scheduled Ancient Monument is such that planning permission should be refused.

Other Matters

- 8.10 There are obvious operational benefits at the wider park from having a maintenance building on site. However – I am unconvinced that scale of this building, nor its location, are wholly necessary. The applicant has put forward little justification for the proposal, and in the circumstances, I am unaware of any material considerations which would outweigh the harm I have identified nor the conflict with the policies of the Development Plan and the NPPF.

9.0 CONCLUSION

9.01 Given the above, I am firmly of the view that the development is unacceptable, and I recommend that planning permission is refused.

10.0 RECOMMENDATION – REFUSE for the following reasons:

- (1) By reason of its location, height and overall bulk, the storage building amounts to an obtrusive and prominent structure, which harms the visual amenities of the area, and which intrudes significantly into the skyline from locations where the Queenborough Lines scheduled monument can best be appreciated and understood. As such, the already compromised setting of the designated heritage asset is further compromised in a manner which harms its overall heritage significance. Whilst the harm in this respect is not considered to be substantial within the terms of the National Planning Policy Framework, the identified 'less than substantial' harm is not outweighed by any public benefit, and the development therefore fails to accord with the guidance set out in the NPPF on Conserving and Enhancing the Historic Environment. The development is contrary to saved policies E1, E16 and E19 of the adopted Swale Borough Local Plan 2008, and policies DM14 and DM34 of the emerging Local Plan (Bearing Fruits 2031).

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.