

TABLED UPDATE FOR ITEM 2.3

21/506474/FULL - Burntwick The Street Upchurch Sittingbourne Kent ME9 7EU

Heritage Impacts

Members will note from the main report that no material harm was identified to heritage assets and that the Conservation officer raised no objection to the scheme.

The Conservation and Design Manager has since provided further written comments on the scheme as reported below in full (in italics). Members will note that in fact a small degree of harm has been identified, insofar that the existing undeveloped character of the land makes a small contribution to the setting of the conservation area and Grade I listed church, and which would be lost through development of the site. The Conservation and Design Manager advises that this would be at the lower end of “less than substantial” harm.

Members will be aware that planning legislation places a duty on local planning authorities in the consideration of planning applications to pay special regard to the preservation / enhancement of the setting of listed buildings and conservation areas. The NPPF states that great weight should be given to the conservation of a heritage asset, irrespective of the level of harm identified, and that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this should be weighed against the public benefits of the proposal.

Members will note from the report that the site occupies a backland location, and lies approximately 65m from the Grade I listed church. The report sets out that the site is discreet, does not impact upon any important views of the conservation area, and is some distance from the church, with intervening built form between. Whilst I agree with the Conservation and Design Manager that there would be some impact through the development of open garden land, for the reasons set out above I agree that such harm would be at a low level.

Taking into account the lack of a 5-year housing supply and need to assess the application under paragraph 11(d) of the NPPF, I do not consider the impacts on the setting of the conservation area and listed building would provide a clear reason for refusing the development. With regards to the public benefits associated with the development, the scheme will make a contribution to the local housing stock and the proposal has the potential to provide short term employment opportunities to those working in the construction industry should the scheme be implemented. The prospective very limited harm to the heritage assets is not considered to significantly and demonstrably outweigh the benefits of the proposal. On this basis, the proposal is considered to be acceptable from a heritage perspective, subject to the conditions which have been requested by the Conservation Officer.

As an update to the conclusion in paragraph 9.1 of the report, I consider the very limited harm to the setting of heritage assets and development of land outside the built confines would not significantly or demonstrably outweigh the benefits of the development.

'Scheme assessment

- *Following the revision to the proposed siting and elevational treatment of the proposed dwellings, including making them into semi-detached units, whilst it would be preferable for the site to remain undeveloped in terms of the modest contribution that makes to the setting of the Upchurch Conservation Area and the grade I listed parish church, development of the site with two modest, semi-detached units, with good associated frontage landscaping, would*

Planning Committee 23 June 2022

result in only a low level of heritage impact harm, towards the lower end of the 'less than substantial harm' category in NPPF terms. It will therefore be for you to weigh this limited identified heritage harm against any public benefit(s) you consider the scheme may provide.

- In the event that you consider an on-balance approval would be appropriate, I would advise that it would be critical to remove PD right for alterations and extensions, solar/PV panels and outbuildings and fences/walls, given how tight the site is and given that it forms part of the wider setting to the grade I listed church at the heart of the Upchurch Conservation Area.*
- As well as conditioning the facing and roofing materials to be used, I'd also recommend that we should condition critical construction details such as the window products to be used, the associated reveal depths, and then verge and eaves and half-dormer detailing. Finally, a condition requiring a detailed landscaping scheme to maximise the amount of trees in the scheme (in place of those which would be lost) and to also control the type of boundary treatment(s) to be used, should be imposed.*

Conclusion

- Whilst from a conservation area management and listed building setting management perspective, leaving the site undeveloped would be the more desirable option, I do accept that development of the site would result in only a low level of harm which you may or may not consider is possibly outweighed by any public benefit(s) the proposed development brings. In the event that you are minded to recommend approval, planning conditions can and should be used to ensure that the low level of heritage impact harm I have identified does not increase to a higher level. In this light, I would advise that all the conditions I have recommended be imposed in the event of an on-balance recommendation of approval, would on the face of it, appear to pass the critical condition test of 'reasonableness.'*

Further representations

Cllr Palmer submitted further comments on the scheme on 12th June. The comments further set out his opposition to the scheme.

- Concern is raised regarding emergency access for fire vehicles, although he accepts this is a building control matter
- Impacts on heritage issues and visual amenities – these are covered above and in the main report.
- Impact on living conditions – this is covered in the main report.

Other than noting the written consultation comments, new public comments and the amendment to the condition below, the officer recommendation for approval remains unchanged.

'19. The proposed new dwellings as illustrated on the approved plans shall not be subject to further development, whether permitted by Classes A, AA, B or E of Schedule 2 Part 1, Class A of Schedule 2 Part 2 or Classes A and B or Schedule 2 Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, without the prior permission in writing of the Local Planning Authority.

Reason: In the interest of maintaining the visual and neighbouring amenity of the area and the setting of the conservation area.'