



Historic England

Mr Richard Timms
Maidstone Borough Council
Maidstone House
King Street
MAIDSTONE
Kent
ME15 6JQ

Direct Dial: 0207 973 3655

Our ref: P01158270

11 February 2020

Dear Mr Timms

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND WEST OF CHURCH ROAD OTHAM KENT ME15 8SB
Application No. 19/506182/FULL**

Thank you for your letter of 14 January 2020 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

Historic England objects to this planning application which we do not consider proposes any heritage benefits, but would remove our objection if the application contained greater heritage benefits in the form of a dedicated church car park. Overall we consider that the harm to heritage significance, which we think is high, would be caused by the proposed residential development and primarily the introduction of 421 dwellings in to rural land which makes a positive contribution to the significance of the grade I listed Church of St Nicholas. Any additional harm caused by a dedicated church car park would be low. We note the visual impact of such a car park could, in our view, be successfully mitigated by a traditional hedge. We would be pleased to discuss how our concerns might be addressed if helpful to the Local Authority, the applicant and members of the PCC of Otham and Langley.

Historic England Advice

This application seeks full planning permission for 421 residential dwellings with associated infrastructure, drainage, open space and landscaping on land west of Church Road, Otham. Historic England provided detailed advice on an outline application for up to 440 dwellings (19/501600/OUT). I repeat here our assessment of significance and the contribution of setting to significance for the grade I listed Church of St Nicolas before setting out Historic England's recommendation for the full planning application.



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





Designated Heritage

The grade I listed Church of St Nicholas and the grade II listed Church House lie directly north of the site while the grade II Rectory lies to its south and the Otham Conservation Area, several hundred metres to its east. Proposals here therefore have the potential to affect a range of designated heritage though Historic England's remit is chiefly about impacts to highly graded heritage.

Significance of the Church of St Nicholas

Built to serve the hamlet of Otham, St Nicholas is principally significant as a very handsome multi-phase medieval rural parish church located in an area historically characterised by small settlements dependent on farming the rich agricultural land surrounding them.

The church's rural setting, including fields to its south and east also contribute to its significance. Forming an attractive group with the grade II listed Church House, it remained isolated from other significant development (and some distance from the hamlet it served), surrounded by agricultural fields and wooded areas until the 20th century development of Maidstone to its north. However, suburban areas of Maidstone are on the whole reasonably well screened and fields to the south and east of the church mean that it still preserves a strongly rural setting. This is appreciable in views of the church and its prominent spire from Church Lane where fields on either side of the lane (including the application site) form the foreground in long views and in views from within the application site and a field to its east. These fields thus contribute to the significance of the church as they help illustrate and explain its location in countryside to serve a rural community. To a lesser degree, they also help sustain an understanding of the church's historic isolation from a main settlement because modern development to the north is not overly visible in long views towards the church from its rural hinterland. In this respect they also contribute to an understanding and appreciation of an aspect of the church's historic character.

Impact

The LVIA includes a number of viewpoints from outwith the site and though it does not show wireframes of the development, we nevertheless conclude that the development would be visible in the long views depicted of the church (especially 5, 9, 11, 12 and to a lesser extent view 13). In these views it is likely the upper parts of the proposed housing and associated infrastructure such as street lighting would be visible meaning that the church would no longer be appreciated in a predominantly rural setting. Impacts to an appreciation of the church's rural setting however, would be greatest from within the site (not shown in the LVIA), in which the church is highly visible from multiple viewpoints. While we note the development does include both a landscape buffer zone to the south and south-west of the church and that a view of the church





from the centre of the site is secured by the proposed layout, we nevertheless conclude that the rural character of the church's setting, which makes a strong contribution to the significance of the building, would be fundamentally altered by this proposal to one which is heavily urbanised. Increased noise and light pollution from the development would add to the level of harm to heritage significance. Overall we consider the development would seriously erode the rural landscape character of the church's setting and we conclude this would cause a high level of harm to the significance of the grade I church.

Policy and Historic England position

The site is a strategic allocation in Maidstone Council's Local Plan. Policy H1 (8) West of Church Road, Otham is allocated for development of approximately 440 dwellings and notes that planning permission will be granted if certain criteria are met. Relevant criteria for the historic environment are as follows:

Design and layout

- An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.
-
- The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.
-
- The hedge line along the eastern boundary of the site with Church Road shall be retained and strengthened where not required for access to the site.
-
- Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.

As well as the dedicated policy for the site, Maidstone Council's Local Plan heritage policy DM4 also applies. Those parts of the policy which are most relevant for decision taking are as follows:

- Applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.
- The council will apply the relevant tests and assessment factors specified in the National Planning Policy Framework when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





As noted in Policy DM4, heritage policies from the National Planning Policy Framework (NPPF) also apply. Paragraph 184 notes that heritage assets “are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for existing and future generations.”

In reaching a decision on this proposal, your Council will need to be mindful of Paragraph 190 which sets out a requirement to avoid or minimise harm and paragraph 194 which requires that harm should have clear and convincing justification. Your Council will then need to weigh the harm against the public benefits of the proposal in the manner set out in Paragraph 196.

Historic England has previously accepted the principle of development on the site and this continues to be our position on the basis that it is an allocated site, provided that your Council is satisfied that your own policies for development here are capable of being met. We also accept that it is unlikely the overall harm can be reduced given other constraints on the site and thus that the proposal in its current form is capable of meeting NPPF requirements to minimise and thus also justify harm.

However, while we accept the principle of development we have serious concerns about the impact this may have on the long-term sustainability of the grade I listed Church of St Nicholas. The NPPG notes that “when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation” (Paragraph: 013 Reference ID: 18a-013-20190723).

Land provided for a dedicated car park for the Church of Nicholas was included in the outline application. However, this has been removed from the full planning application. Parking for the church is restricted to on-road only and in reality the narrow Church Lane and roads within the Downswood Estate represent the only feasible options to park. This means these roads can be congested when the church is in use, and without a pavement on Church Lane pedestrians have to walk in the road or on the verge to visit the church. We note the church has an average attendance of 50 for Sunday worship as well as other weekend and weekday activities and is therefore actively used by the local community. We are aware that parking already represents a challenge to users of the building and we consider that an increase in vehicular movements on Church Lane, might have the effect of discouraging people from using the church, which could damage its economic viability.





We are also not clear whether the transport assessment takes account of existing vehicular movements and parking associated with the use of the church and suggest that this is clarified.

We understand members were concerned about the impact of a dedicated church car park (shown in the outline application) because of its proximity to the grade I listed church. However, while we accept it is not ideal, we think the visual impact of a car park to the south-west of the church is capable of being mitigated by a traditional hedge (responding to the existing landscape character) and that a well screened car park would only marginally increase the overall level of harm to the grade I listed Church. The majority of the harm to heritage significance arises from large scale development around the church and not from a dedicated church car park to the south-west of the church, which actually also brings a benefit to the future success of the church. On balance we favour a balanced outcome that provides for the future needs of the church, while causing minor additional harm to its setting.

Recommendation

Historic England objects to the application on heritage grounds and considers that without a dedicated church car park in the application area there is less heritage benefit which might outweigh the harm arising from this application. We would very much welcome the opportunity to discuss our concerns with the Council, applicant and members if helpful and would remove our objection if the scheme was amended to include a satisfactory area of parking to help sustain the church in use as a place of worship.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

Alice Brockway



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





Historic England

Inspector of Historic Buildings and Areas
E-mail: alice.brockway@HistoricEngland.org.uk

cc: Paul Robertshaw



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.