

M20 Junction 10a

TR010006

Appendix 15.1 Letter from Historic England

APFP Regulation 5(2)(q)

Revision A

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure)

Regulations 2009



Volume 6.3
July 2016

M20 Junction 10a

TR010006

Appendix 15.1 Letter from Historic England

Volume 6.3

This document is issued for the party which commissioned it and for specific purposes connected with the above-captioned project only. It should not be relied upon by any other party or used for any other purpose.

We accept no responsibility for the consequences of this document being relied upon by any other party, or being used for any other purpose, or containing any error or omission which is due to an error or omission in data supplied to us by other parties

This document contains confidential information and proprietary intellectual property. It should not be shown to other parties without consent from us and from the party which commissioned it.

Content

Chapter	Title	Page
1.	Historic England Letter	7

1. Historic England Letter



Historic England

SOUTH EAST OFFICE

Mr ROLAND MILLS
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

Direct Dial: 01483 252035

Our ref: P00434887

15 February 2016

Dear Mr MILLS

Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015

**LAND ON THE NORTH SIDE OF, HIGHFIELD LANE, SEVINGTON, KENT
Application No 14/00906/AS**

We have received amended proposals for the above scheme.

Summary

Amendments have been submitted to the above application for commercial development on fields to the east and north-east of St Mary's Church, Sevington, a grade-I listed building. We concluded in a previous letter of 23 October 2014 that the application would do substantial harm to the significance of the church and severe harm also to Sevington's various grade-II listed houses and farm buildings on the basis of the almost wholesale proposed loss of their agricultural setting and impacts on the church's ongoing conservation.

The scheme has consequently been altered to mitigate both aspects of that harm: firstly by reducing, moving and softening the edges of the development, and, secondly, by providing a financial contribution for physical alterations to secure the church's ongoing viability. The residual harm to heritage significance remains very serious, but we now think that on the basis of these changes it is capable of being treated as 'less than substantial'. That conclusion is, however, predicated on further detail being provided to quantify the extent and type of mitigation proposed to the church building itself.

Under paragraph 134 of the NPPF your Council would of course still need to satisfy itself that there is clear and convincing justification for the serious harm that would still be caused (NPPF 132), including demonstrating that this harm has been minimised (NPPF 129) and that there are sufficient public benefits to outweigh it (NPPF 134). You will also need to ensure that you fulfil the statutory requirement to give 'special regard' to any listed buildings and their settings (Planning (LB&CA) Act 1990).



EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

Telephone 01483 252020
HistoricEngland.org.uk





Historic England Advice

Significance

The significance of the site remains unchanged since our previous letter of 23 October 2014 and is therefore not repeated here.

Impact

In our letter of 23 October 2014 we set out our serious concerns that the church's setting would as a result of this scheme be dominated by commercial sheds, rather than the agricultural land within which it is currently experienced and which we have previously explained is a key contributor to its significance. We were also seriously concerned that by marooning the church by roads and commercial development the probability of it remaining in use and in good condition would be considerably reduced. The Planning Practice Guide is clear 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 (PPG, para. 13).

On the basis of analysis set out in detail in our previous letter, we concluded that the overall harm to the significance of St Mary's Church would be 'substantial', and not, as is suggested at paragraph 6.33 of the applicant's current Heritage Impact Assessment, a 'moderate adverse effect' (i.e. less than substantial harm). We nonetheless agree with the applicant that the harm in this case is capable of being mitigated to a level where it may be treated as 'less than substantial'.

Amendments to mitigate the harm have consequently been made to the current scheme. The nature of development remains the same, but the total footprint of units, their disposition around the site and allowance for soft landscaping and other forms of visual buffering are changed on the latest indicative masterplan. These amendments would allow for greater separation of the new units from the church, more attractive immediate surroundings to the church and a new viewing and footpath corridor running between the two largest proposed units across the site from east to west corresponding with an existing public footpath. The latter is particularly important in maintaining the visual connection between the church spires at Mersham, Sevington, Willesborough and Ashford, and therefore retaining a sense of one of their historic functions as waymarkers in the landscape.

Although the masterplan is only indicative at this stage, we think it is reasonable to assume that these changes could be secured through more detailed landscaping proposals and through careful treatment of any future reserved matters applications.

The current application also proposes a financial contribution to the church to help



EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

Telephone 01483 252020
HistoricEngland.org.uk





SOUTH EAST OFFICE

address the impacts of the scheme on its future sustainability. We welcome the offer of financial assistance to help secure the church's ongoing conservation, and think you should treat this as an essential means of reducing harm to its significance (i.e. by countering the scheme's negative impacts on use of the church). Such a contribution should be secured by a s106 agreement, or similar.

The financial contribution currently proposed is £100,000, but in this case we think any final sum should be determined by the specific needs of the building, rather than a convenient round number, and may need to be more than this. However, we think it would be fair for this mitigation to be shared between the applicants both for the current scheme and for Junction 10a, because each plays a part in the overall harm to the significance of the church.

We suggest that the needs of the church should be broken down into a package of works, to be submitted as an addendum to the current application. It should cover any necessary repairs to its external envelope and re-ordering of the interior to make a warm, comfortable and usable space for both sacred and secular activities, all designed to cater both for the new development and existing community. I suggest that you should be led by the parish priest and the church's inspecting architect in defining these works, but Historic England stands ready to assist in this process. We also recommend that you should ensure that the church is well served by footpaths from Mersham and Sevington (including with dedicated pedestrian and cycle routes across any the new roads) to give the church every possible chance of remaining in active use.

Despite the above mitigation, we think that the residual harm to the church remains very serious because the scheme would still result in loss of much of its characteristically rural setting and the new buildings, particularly on plots 1 and 2, are likely still to compete in scale with its spire. However, we conclude that the above steps taken to mitigate this harm are capable of reducing the degree of harm to just below the substantial threshold.

Policy

Subject to receipt of more detailed proposals for the church, the 'less than substantial harm' in this case will need to be weighed against the public benefits of the application in the manner set out in paragraph 134 of the NPPF. All harm to the significance of heritage assets nonetheless requires 'clear and convincing justification' (para. 132) and should not simply be dismissed if treated as less than substantial.

The NPPF requires that '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' (para. 132). The church of St Mary, Sevington is a grade-I listed building and is





Historic England

SOUTH EAST OFFICE

therefore of the highest order of significance. It therefore demands that the greatest weight should be given to its conservation when determining this application.

In deciding this application you should also be aware of a number of recent Court of Appeal decisions that have confirmed that the 'special regard' requirement of Section 66(1) of the Planning (LBs & CAs) Act 1990 should be interpreted as requiring 'considerable importance and weight' to be given to listed buildings and their settings in the determination of planning applications [e.g Barnwell Manor Wind Energy Ltd vs East Northamptonshire District Council, English Heritage, National Trust and SoS for CLG, paras 16-29].

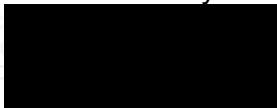
Recommendation

Historic England welcomes improvements made to the current scheme, which would partially mitigate the harm to heritage significance of the previous application (14/00906/AS), and particularly to that of St Mary's Church, Sevington.

We conclude that the harm in this case remains very serious. However, providing that the indicative changes made to the masterplan can be fully secured, and any impacts on the future sustainability of the church are countered with a fully detailed package of improvement works to the building (secured by means of a s106 agreement or similar), we conclude that the harm may be treated as 'less than substantial'. On that basis the current planning application could be considered against NPPF paragraph 134 and not 133. You would of course in those circumstances still need to be satisfied that you have clear and convincing justification for the serious harm that would be caused (NPPF 132), that this harm has been minimised (NPPF 129) and that there are sufficient public benefits to outweigh it (NPPF 134).

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

Yours sincerely



Tom Foxall

Inspector of Historic Buildings and Areas

E-mail: tom.foxall@HistoricEngland.org.uk



EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

Telephone 01483 252020
HistoricEngland.org.uk

