

**Planning Ref: 18/02093/OA**

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### **Heritage Consultation Response**

Application Address: Field at Corner of Lavenders Road and Swan Street, West Malling

#### **SUMMARY**

This application is in outline form (details of all matters but the access is reserved) and proposes the construction of up to 80 residential dwellings with associated services. The site is situated adjacent to the West Malling Conservation Area, though a small part of the site is also located within the Conservation Area because of its former use as part of the classically-laid out gardens to the grade II\* listed Went House, as surveyed by the Kent Historic Gardens Trust. It is also located adjacent to the complex of highly graded listed buildings forming part of the St. Mary's Abbey complex, which is also a Scheduled Ancient Monument. Other listed buildings are located near to the site.

In accordance with paragraph 189 of the NPPF, a heritage statement has been submitted with the application which identifies those heritage assets which may be affected by the proposals, and comments on the potential impact of the proposed development on the significance of the heritage assets identified. However, the statement is, in my view, incomplete as it does not appear as though the Historic Environment Record for Kent has been referenced (this, in accordance with paragraph 189, should be the minimum for desk based assessment) as the report does not acknowledge that the abbey site is a Scheduled Ancient Monument – an abbey established and built by the Bishop who built the White Tower at the Tower of London. The assessment of significance of each of the heritage assets that are identified in the report includes a discussion of their settings and how these contribute towards significance. In my view, much of this is incorrect and in particular fails to take into account the high importance of the spatial relationship of the abbey site with the town. The report concludes that no harm is caused to significance, even though it does acknowledge that there would be impact on setting. Impact (and what, to me, is to be read as harm) is limited to mostly visual impact and does not take into consideration other factors that may form part of the setting.

In my view, less than substantial harm, on the higher end of the scale, would be caused to the conservation area and the individual, and grouping of, listed buildings at St. Mary's Abbey, and less than substantial harm to a lesser degree to the non-designated heritage

assets identified (the oast kilns to the east) and some of the other listed buildings nearby. I also cannot support the application being in outline form, with all matters other than access reserved, given the high national importance of the heritage assets that would be affected by a housing development of this size.

#### POLICY

Paragraph 190 requires that local planning authorities also identify and assess the significance of heritage assets that may be affected by the proposal. In this case, the main issue is impact on setting, although a small part of the conservation area is directly affected as it is located within the site. With this in mind, paragraph 18a-013 of the NPPG applies, which discusses setting. It states that 'a thorough assessment of the impact on setting needs to be taken into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.' I consider the heritage statement does not meet this requirement, given the high importance of the heritage assets (a group of grade II\* and grade I listed buildings, which are also designated as a scheduled ancient monument) affected, and this is demonstrated by the fact that the report concludes that no harm is caused to the setting of these. The main reason for this, I believe, is that setting factors are mostly limited to views, and the contention that much of the development would be screened. The NPPG paragraph also states that 'the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places'.

The NPPG paragraph is further supported by the Historic England 'Good Practice Advice in Planning Note 3: Settings and Views' (GPA3), which provides a framework for assessment of contribution towards significance of a setting, and what factors of the setting may be a consideration.

As mentioned above, the heritage statement mainly limits the setting of the listed buildings and conservation area to the inter-visibility of each with the site, or incorrectly concludes that the assets' curtilages are well-confined and tightly bound within their curtilages (setting and curtilage are separate factors, as concluded by caselaw). It also concludes that the proposed landscaping of the site, indicative layout and density mean that the development would be somewhat hidden. This does not take into account the increased activity and other associated changes to character of an area that are the result of a new residential development.

Paragraph 192 of the NPPF requires that local planning authorities take account of the 'desirability of new development making a positive contribution to local character and distinctiveness'. The heritage statement does not discuss this policy. In my view, the access points would introduce hard landscaping to the rural setting of the abbey complex and the conservation area. The indicative volume of residential development, layout and density bears no relationship with the historic grain of the settlement here and in the vicinity. The design and access statement contends that it is a mix of local density types, but this, in my view, is not successful as mixing lower and higher densities in one small site results in a layout that appears completely at odds with local character and distinctiveness.

Paragraph 193 states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’ This paragraph supports my view that the high degree of importance of the heritage assets adjacent, at St. Mary’s Abbey, has not been given sufficient consideration in the heritage statement. The assessment in the statement of impact on significance is not sufficiently rigorous considering the importance (high grade, type of significance, and scheduling) of many of the heritage assets affected, as advised in the NPPF. Harm would be caused by fundamentally changing the way in which the abbey complex has been historically appreciated. This is linked with the impact on the setting of the conservation area as the spatial relationship between the abbey site and the town is a very important element of the significance of each, as discussed below in detail.

Paragraph 194 of the NPPF states 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’. Paragraph 196 then states: ‘where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.’ Justification for the proposal in the form of public benefits has not, in my view, has not been provided in the application. For instance, it has not been demonstrated that there are no other sites that could accommodate this volume of residential development that would cause less, or no harm to heritage assets. The heritage statement, in paragraph 5.4, concludes that the application proposals would change the settings of the listed buildings adjacent, and the conservation area. However, it then concludes that this effect would not be harmful, relying on the screening of the site from the development-free buffer zones and the planned green open space as indicatively shown in the parameters plan. Firstly, this shows that an outline application has not allowed for an adequate assessment of impact of a residential development in this location on significance. Secondly, it disregards any other considerations than inter-visibility of the development as indicated on site with the heritage assets affected, and use of the parts of the land intended to remain open. I disagree, therefore, with this conclusion and provide further details below.

Finally, paragraph 197 directs local planning authorities to apply similar considerations in the paragraphs relating to impact on designated heritage assets, to non-designated heritage assets, but proportionate to their status and the scale of harm or loss. In my view, as discussed in detail below, less than substantial harm would be caused to the setting of the oast kilns as part of an isolated rural historic farmstead separated from the built form of the town by fields in agricultural use, and by the Abbey.

#### IMPACT ON HERITAGE ASSETS

As the heritage statement discusses each heritage asset identified, I will also take each in turn using the GPA3 framework.

##### **Setting of the listed buildings in the Abbey grounds**

The report concludes that the setting of the listed buildings is limited to the curtilage defined by the walls, and that they are best appreciated, therefore, in close proximity. This fails to

take into consideration, in my view, the historic surroundings of the abbey and the relationship of it to the other forms of development or landscape in the area. Step 3 of the suggested assessment in GPA3 provides a non-exhaustive checklist of potential attributes of a development that may affect setting. Of these, the proximity to the Abbey grounds, the conspicuousness of the development despite the landscaping (also taking into consideration seasonal change to this), the introduction of movement and activity, the lighting effects, the change to suburban character, the change to land use and the permanence of the development would all have a harmful impact on this historically open piece of land which forms part of the rural setting of the Abbey and market town.

For instance, with the grand houses such as Went House and Lavender House, the land formed part of a pattern of wealthy land ownership which began first with the abbey buildings and later included large houses with extensive landscaped gardens, some of which were associated with the wealth of the town. The exception to the low density is the market town of West Malling, the history and settlement of which directly relates to the Abbey, as the charter for the market was granted to the Abbess. There is a very important spatial relationship historically, therefore, between all of the designated (and non-designated) heritage assets in the area and the proposed development does not reference this relationship. It would, in fact, cause harm to it, and this is a relationship that has barely changed over time. In the case of the listed buildings in the Abbey grounds (also a scheduled ancient monument), it would blur the distinctive relationship, in built form and spaces between, of the town and the abbey complex by adding a substantial number of houses to the immediate setting of each, at odds with the historic development. This harm would be less than substantial, but in my view the fundamental change to the rural setting of each, and the presence of a housing development to the side of the Abbey where the market town did not extend, would cause less than substantial harm on the higher end of the scale. As stated above, paragraph 193 of the NPPF sets out that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

#### **Effects on the setting of the Cascade**

I do agree with the conclusion that the setting of the Cascade as a folly (that which contributes towards its significance) is mainly limited to the visual relationship it has with the designed landscape here, and therefore, given that there would be no inter-visibility with the site, no harm would be caused to its significance.

#### **Effects on the setting of Went House and attached wall, gate and railings**

It is concluded in the heritage statement that no harm would be caused and that only a minor change to setting would occur. This limits the considerations to visual relationship with the site. In regards to the step 3 check list, the piece of land in the conservation area on the site is identified as being part of the open designed landscape of Went House. Whilst this is to be maintained, the housing development would be formed around this open space and no longer provide the rural setting from which it was historically appreciated. This is also true of the house itself. I disagree that the green undeveloped nature of the site, as part of the setting, would be maintained by the development just because of the proposed buffer zones. Less than substantial harm would therefore be caused.

**Effects on the setting of Lavenders House**

The house is one of the handful of large country estate houses related to the wealth of the market town and Abbey, and it is meant to be appreciated as a country house and not one within a larger settlement. In my view, therefore, in regards to some of the attributes in the Step 3 checklist, less than substantial harm would be caused to its setting.

**Effects on the setting of the Church of St Mary**

The assessment of the change to the setting of the church is correct – it will introduce built form into the view of the church when looking from the station, which is historically isolated from the town with the Abbey and fields between. The rural context of the church (spire in distance, fields in foreground) would therefore be harmed and the long-standing experience of it as a heritage asset, an intentionally dominant landmark in the landscape which also identifies the centre of the market town settlement, would be altered, referring again to steps 2 and 3 in GPA3.

**Effects on the setting of West Malling station**

I agree with the analysis of the contribution of the site towards the setting of the station, to an extent. It only plays a minor role as a open area separating the station from the Abbey and town, and harm to significance would therefore be very minor.

**Effects on the character and appearance of the West Malling Conservation Area**

The small piece of land on the site which is in the conservation area, according to the Kent Historic Environment Record, formed part of the classically landscaped gardens of Went House, which is situated within and contributes positively to character and appearance of the conservation area. Because the intention in the indicative plans is to keep this as open space, provided that this is maintained I agree that it is likely that the significance of this part of the conservation area would be sustained – this is very much dependent on details and therefore is another reason why I do not support any application for development of this scale on this site in outline form.

**Effects on the setting of the West Malling Conservation Area**

The assessment in the heritage statement of the contribution of the site towards the significance of the conservation area does not take into consideration the historic and functional relationship between the Abbey site and the town. The charter for the market when first founded was granted to the Abbess and therefore the growth (into a cranked linear village with market at centre, following the trade routes) of the town is directly related to the Abbey, forming to one side of it with agricultural fields and then landscaped gardens of some of the wealthier land owners surrounding. Introducing the volume of residential development that is proposed in this location would unbalance this relationship and surround the Abbey with residential development rather than allowing for the appreciation of the two elements (Abbey lands and market town) as discrete but historically dependent and inter-linked entities. This, in my view, would cause less than substantial harm, but at the higher end of the scale. Mitigation by landscaping would help to an extent but the introduction of the access onto a rural lane, and what appears to be a drove route given the sunken nature of it, and the presence of a relatively large housing development cannot be justified through attempts to hide it with position and landscaping. Again, the conclusion that no harm would be caused relies only on inter-visibility – in accordance with the NPPG advice, contribution

towards significance can include a number of factors other than views when assessing how a development would change the way a heritage asset is experienced.

### **Effects on the Eden Farm Oast Houses**

The heritage statement concludes that the farm buildings within this historic farmstead are best experienced at close quarters. This disregards both views to the roundels as a traditional part of the Kent rural landscape, which would be altered by the introduction of a housing development here, and the spatial relationship of the separation of this small industry from the town and the Abbey, with agricultural fields between. Harm would therefore be caused, but in my view this would be less than substantial.

### **CONCLUSION**

This application proposes the introduction of a relatively high number, in comparison with the total amount of built form in the area, of residential units into the setting of a number of highly graded listed buildings, a scheduled ancient monument, and a conservation area whose significance is directly related to the significance of the listed buildings and monument. It is difficult to fully assess the impact on significance as all matters are reserved other than access, and for this reason in my view it is not appropriate for an application to be in outline form. This is demonstrated as well by the lack of rigorous assessment of the contribution of the site towards significance of the heritage assets, particularly given the important status of many of them. Notwithstanding this and given the indicative information provided about density and layout, in my view the proposal bears no relationship with the existing settlement and would fundamentally alter the way that the heritage assets in close proximity, together and, in some cases, individually, would be appreciated. This alteration would amount to harm to significance, and much of the harm would be at the higher end of less than substantial, for the reasons given above. My view, therefore, is that the proposals are contrary to paragraphs 192(c), 193, 196 and 197 of the NPPF and I cannot support this application.

Kind regards,  
Debbie

### **ADDENDUM 15/2/19**

An additional heritage statement report with additional comments has been submitted, dated January 2019. These address some consultee comments regarding impact on heritage, including mine. The comments directly respond to each of mine but in some cases seek to correct any inaccuracies rather than having a fundamental objection to my assessment. I therefore have brief additional responses to these where necessary to clarify, but principally would like to reiterate my original conclusion, that less than substantial harm would be caused to the heritage assets affected.

- Whether or not the original statement correctly assessed setting, my own assessment as set out in my original comments above still leads me to conclude that harm would be caused, using one methodology, but one that is provided by the Government's heritage advisor, Historic England, and is referred to in the National Planning Practice Guidance. It is therefore a material consideration. To clarify, the application site forms part of the setting of the group of heritage assets, and therefore

contributes towards their significance – this is agreed. Therefore, alterations to it will impact on the significance of the heritage assets.

- My view would be that seclusion with higher walls does not indicate that any development at all would not affect the setting of the Abbey precinct. Again, my original comments regarding the historic spatial relationship of the Abbey and the main settlement remain relevant. The permanent housing development would fundamentally alter this and the built extent of West Malling in a manner that would be detrimental to the settings of all of the designated heritage assets. I disagree with the conclusions reached in this addendum to that effect – the relationship between the town and abbey would, in my view, not be conserved, by altering the built extent of the town to surround the abbey complex and fundamentally change the character of the town; how it is entered, and how it is approached.
- I have one specific point to raise in regards to paragraph 23. I have referred to the relationship of Went House with the Abbey, if not specifically, by noting the historic relationship of the settlement pattern being town on one side of the Abbey, and the more rural or landscaped agricultural land and land belonging to wealthy land owners to the other sides. To confirm, this attribute of the setting of Went House would be harmed; it contributes towards its significance, and therefore harm would be caused to significance.
- To confirm, my comments regarding the impact on Lavenders, St Mary's Church, West Malling station and the setting of West Malling Conservation Area remain the same, in response to this additional statement, and I disagree with the conclusions reached.
- In regards to the oasts as non-designated heritage assets, the NPPG's paragraphs 18a-039 to 18a-041 allow local authorities to identify non-designated heritage assets through the planning process, regardless of whether there is a formal local recognition separate to this. To confirm, we consider these locally distinctive historic agricultural buildings to be non-designated heritage assets in accordance with paragraph 197 of the NPPF, and therefore my original comments remain relevant.

Debbie Maltby  
Conservation and Urban Design Officer

#### ADDENDUM 1/5/19

Additional documentation has now been submitted in the form of amended parameter and indicative layout plans which have shifted the development area away from the eastern boundary of the Abbey, with open space ('non-residential usage') now indicated between the two sites, and an additional north/south row of planting for screening purposes. An additional heritage statement has also been submitted which analyses the visibility of the site from within the Abbey precinct in relation to the amended parameter plan and indicative layout. From this analysis it does appear that visibility from the Abbey of the residential

development will be reduced in relation to the original proposals. However, my conclusion remains the same in regards to the nature of harm caused to the various heritage assets affected, many of which are not mentioned in the addendum. Therefore, I can re-confirm that my comments regarding the impact on Lavenders, St Mary's Church, West Malling station and the setting of West Malling Conservation Area remain the same, in response to this additional statement which does not address these heritage assets. The additional buffer of undeveloped land would only result in a minor reduction of harm to the setting of the Abbey precinct in comparison to the initial proposals as this addresses only one attribute of its setting; the presence of a new residential development would still be evident. Therefore, my comments above remain relevant and I remain of the view, to repeat from my initial summary, that 'less than substantial harm, on the higher end of the scale, would be caused to the conservation area and the individual, and grouping of, listed buildings at St. Mary's Abbey, and less than substantial harm to a lesser degree to the non-designated heritage assets identified (the oast kilns to the east) and some of the other listed buildings nearby. I also cannot support the application being in outline form, with all matters other than access reserved, given the high national importance of the heritage assets that would be affected by a housing development of this size.'

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