



Delegated Report

Planning Application and Listed Building Consent

Application no: (a) 20220931
(b) 20220932

Location: St Mildred's Church Nurstead Church Lane Meopham Gravesend DA13 9AD

Description: (a) Installation of an external, detached and prefabricated module to provide toilet facilities for visitors to the church, with associated works
(b) Application for Listed Building Consent for the installation of an external, detached and prefabricated module to provide toilet facilities for visitors to the church, with associated works

Applicant: Other A Davie, St Mildred's PCC

Site Visit Date: 02 September 2022 and 18 October 2022

The Site and Surroundings

The Church of St Mildred Nurstead Church Lane Meopham is located on the south side of Nurstead Church Lane opposite the access leading to Nurstead Court and in a rural location within the Green Belt.



It is a Grade II* listed building, first listed on 21 November 1966. The listing description says:

C15 perhaps earlier with later windows. Flint and ragstone. West tower C15 all ragstone. Windows renewed. Chancel and nave without division. Braced trussed rafter roof without tie beams: hence buttresses on north and south walls. Vestry and north porch added C19, roof tiled.

Marble wall tablets to Adye 1660 Wentworth 1681.

The church in its present form, with walls of oblong flints, and the nearby Nurstead Court are the only surviving parts of the Manor as it existed in 1349. The large East window is of particular interest showing St. Mildred with her stag, St. George, Christ, St. Anselm and St. Alban.

Archaeological work at the site in 2012 suggested that the main body of the church may in fact date to the 12th/13th century, thus Medieval. The only obvious alteration from recent times, the 19th century vestry and north porch, were an early work of local architect Sir Herbert Baker. It has a seating capacity of 100. It is not open other than for church services.



The church is situated on a rectangular site of 0.75 acres (0.3 hectares) and sits at the southern end of the site. Burials are spread around the site, including some which are close to the church building but no burials are, according to the applicants, believed to have taken place in the southwest corner where it is proposed to locate the new wc building, the subject of these applications.

Nurstead Church Lane runs along the northern boundary and there are well established trees and hedges along all four boundaries. It is a narrow unclassified road connecting with the A227 Wrotham Road to the west. There is short narrow layby next to the church front boundary fence but there is no off-street parking.

To the north of the Church and its grounds is Nurstead Lodge a single storey flint dwelling in the Gothic style, while to the west is The Oast House and The Old Granary, two dwellings that are located within converted former farm buildings. Adjoining the churchyard to the south and east are open fields in agricultural use as arable land.

Relevant Planning History

Ref No	Description and Site	Decision	Date
19910140	Change of use of part of residential garden to burial ground at The Oast House, Nurstead Lane, Meopham.	Permitted	05.06.1991
20190591	Erection of a single detached building to provide toilet facilities for visitors to the church with associated works.	Permitted	30.07.2019
20190592	Application for Listed Building Consent for the erection of a single detached building to provide toilet facilities for visitors to the church with associated works.	Listed Building Consent	30.07.2019

The Proposal

These applications are for both planning permission and listed building consent for the installation of an external, detached and prefabricated module to provide toilet facilities for visitors to the church, with associated works

Submitted Drawings and Documents, as revised

The submitted drawings and documents are as follows:

Application Form and Ownership Certificate

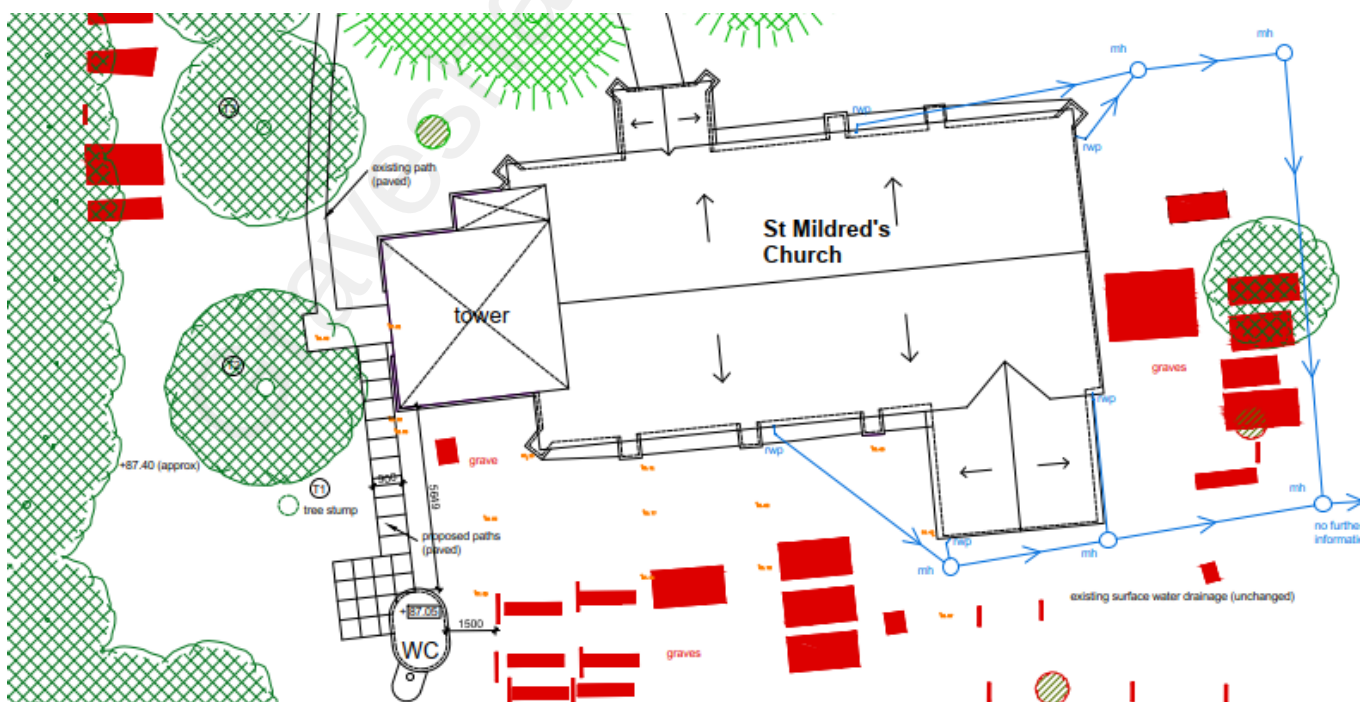
Design and Access Statement and Statement of Significance by DAC Architects dated 23 August 2022

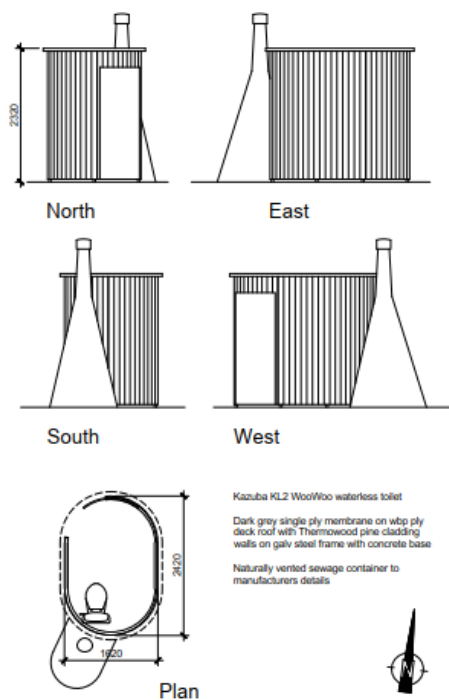
Drawing No 4976 D-05: Site Survey

Drawing No 4976 D-11 Rev B: Location Plan Block Plan Plans and Elevations

Details of the Development

The plans show a wc as a small external and detached prefabricated module accommodating a waterless composting toilet. The works include paving from the church to the toilet.





The Design and Access Statement and Statement of Significance says:

Other options have been considered.

If the wc was created within the existing building it would also require a lobby for privacy and hygiene reasons. This combined wc and lobby would represent a significant intrusion within the very simple planning of the existing building. It would also limit the number of people that can be accommodated. Although this may not affect the weekly services it would have a significant impact on weddings and at Christmas, both of which have been identified by the PCC as important events in their statement of need.

Another option would be an extension attached to the existing building. This has the advantage of following the precedent of the Herbert Baker alterations. Set against this is the fact that a lobby would still be needed, increasing the size of the addition. Space around the perimeter of the existing building is very restricted as graves come close on all sides and there is also the relocation of drains to consider. It is not practical to extend the Herbert Baker extension without compromising the layout and thus making it necessary to make the new extension even bigger. It would therefore be necessary to break through the existing medieval fabric of the building. This would result in greater harm to the significance of the building than that caused by a small, detached building.

The proposed cabin has been located to the rear south boundary of the site. This is clear of any recorded burials. A topographic survey has been commissioned to ensure that the location can be accommodated and no adverse impacts on burials or the existing buildings are expected.

The proposed location being to the south of the building is on the same side as the 19th century extension and leaves the main north elevation unchanged. The proposed building is detached from the church building, separated by a distance of about 6m.

The toilet module was initially to be located in the southwest corner of the site but was changed to the current location due to the following reasons:

- *The visual impact of the toilet will be reduced by the toilet being 'behind' the church when viewed from the approach rather than to the side of the church.*
- *This will be assisted by the toilet being located behind tree ref T2 which is a holly providing year-round cover*
- *The manufacturer has confirmed that the installation would work very well in the originally proposed location but existing shrub growth along the southwest corner of the site may in the long term impact the performance and/or require more regular pruning. The new location moves the toilet further away from the corner of the site to a location close to the rear boundary and absent of trees & shrubs.*
- *The new location makes for a more straightforward access route from the church.*

The location is shown in the image below. It is slightly raised ground.



It is indicated that an original proposal for an external detached lavatory building was granted Planning Permission and Listed Building Consent in July 2019, and which proposed a building whose materials and detailing were selected to match the main church in the same manner as the 19th century extension, including a plain clay tile covered pitched roof and walls constructed using individual knapped flints. However, it is apparent that the tenders for this building were far higher than can ever be afforded by the PCC and cost savings had to be made.

The design is of a simple non insulated timber clad light gauge steel framed enclosure with a flat roof covered with dark grey single ply flat roofing membrane and features a grp funnel design, but this is on the rear elevation. The external walls are to be in pine “thermowood” left to the weather and the door in powder coated in black.

In terms of servicing, it is indicated that the waterless toilet consists of a grp tank & funnel shaped ventilation to contain the waste & use a naturally vented evaporating/drying mechanism. The system still requires periodic maintenance. Initially this involves monthly and then quarterly inspections to check levels, followed by annual or two-yearly servicing to manually remove solid waste.

It is fully accessible for wheelchair users. The unit measures 2.4m (8ft) by 1.6m (5ft).

Planning Policy, Development Plan and other Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when ‘read as a whole’ and conflict with a particular policy or policies may not pass that threshold.

Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

The Development Plan for Gravesham currently comprises

- *The Gravesham Local Plan Core Strategy (September 2014)*
- *Remaining Saved Policies of the Local Plan First Review (1994), and*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (2016, revised 2020)*

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance and where they exist neighbourhood plans. There are currently no relevant neighbourhood plans. Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies, which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites that are key to achieving the strategy.

The application site is within a **Green Belt area** (Policy CS02) in the Gravesham Local Plan Policies Map.

The most relevant planning policies from the adopted Core Strategy in relation to this application are as follows:

- Core Strategy Policy CS01: Sustainable Development
- Core Strategy Policy CS02: Scale and Distribution of Development
- Core Strategy Policy CS09: Culture and Tourism
- Core Strategy Policy CS11: Transport
- Core Strategy Policy CS12: Green Infrastructure
- Core Strategy Policy CS18: Climate Change
- Core Strategy Policy CS19: Development and Design Principles
- Core Strategy Policy CS20: Heritage and the Historic Environment

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994. A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 219). Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this application:

- Policy TC2: Policy for Listed Buildings
- Policy TC7: Other Archaeological Sites
- Policy T1: Impact of Development on the Highway Network
- Policy T2: Channelling of Traffic on the Highway Network
- Policy T4: Development outside the Built-Up Area

- Policy T5: New Accesses onto Highway Network
- Policy P3: Policy for Vehicle Parking Standards

Review of the Local Plan

Paragraph 33 of the NPPF (2021) sets out those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019, and it found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02 due to the increased need for housing since adoption and the need to ensure a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan First Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these in due course.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF 2021, policies in this document may be accorded weight in the decision-making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going and are considered as being relevant to the consideration of this application albeit the weight that these emerging policies may be accorded at this stage is very limited.

- Proposed Policy GB 5 Extensions, Replacement Buildings and Ancillary Development in the Green Belt
- Proposed Policy GI 5: Landscape Character
- Proposed Policy HER1: Development Involving Heritage Assets
- Proposed Policy HER 2: Listed Buildings
- Proposed Policy HER 4: Archaeology

Other Material Considerations

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF), July 2021, is a material consideration. At the heart of the NPPF is a presumption in favour of sustainable development (NPPF 2021 - paragraph 11) which means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development such as where land is designated as Green Belt or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The NPPF includes (in paragraph 8) three overarching objectives to achieving sustainable development:

- An economic objective
- A social objective, and
- An environmental objective.

The following paragraphs are specifically highlighted as being of importance to the consideration of the application proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered. Reference to the national planning guidance is also considered in the analysis section of this report.

- Section 2, Paragraphs 7 - 14: Achieving Sustainable Development
- Section 4, Paragraphs 38 - 59: Decision Making
- Section 8, Paragraphs 92 - 103: Promoting healthy and safe communities
- Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport
- Section 12, Paragraphs 126 - 136: Achieving well-designed places
- Section 13, Paragraphs 137 - 151: Protecting Green Belt Land
- Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment
- Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF. It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things. The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It outlines the six tests. It indicates that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Documents and other guidance, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

These are intended to build upon and do not carry the same weight as development plan policy itself. It should be noted that some of these documents are also dated and may not in themselves fully accord with more recent adopted Local Plan policy or national policy. Where there is conflict in this respect, greater weight should in any event be accorded the most recently adopted policy position.

The following supplementary and other documents are considered relevant to the evaluation and assessment of this application:

- Kent County Council Supplementary Planning Guidance SPG1: Landscape Character (adopted July 2006)
- Gravesham Landscape Character Assessment, May 2009 (a technical document which underpins policy CS12 of the Gravesham Local Plan Core Strategy)

Other Legislation

Listed Buildings

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any

features of special architect or historic interest which it possesses.

Consultations, Publicity and Representations

Internal Consultations

GBC Conservation Architect

It has been observed that the Diocesan Advisory Committee (DAC) are in support subject to the treatment of the timber cladding (left untreated) and the door being coloured black. It is a somewhat incongruous looking structure, compared to the previously approved building, that has been located as discretely as possible.

On balance the proposals are acceptable subject to the DAC recommendations.

GBC Highways Development Management Officer

The toilet unit will still need to be visited at intervals to allow for the removal of solids.

Maintenance Emptying once or twice a year, for a total annual operating cost of around 250 to 500 dollars.

The frequency of maintenance depends on use. Cleaning is quick and easy. As with conventional toilets, the bowl can be washed with a high-pressure hose. Emptying of the tank can be carried out by a local sanitation company. A cleaning truck pumps out solid and liquid materials. The faeces are then sent to an approved treatment plant. In general, it is only necessary to do this once or twice a year.

<https://kazuba.pro/en/maintenance/>

Advises that the Building Regulations state the following.

Cesspools - Siting

1.58 The site of the cesspool should preferably be on ground sloping away from and sited lower than any existing building in the immediate vicinity.

1.59 Cesspools should be sited at least 7m from any habitable parts of buildings and preferably downslope

1.60 Cesspools should be sited within 30m of a vehicle access and at such levels that they can be emptied and cleaned without hazard to the building occupants, or the contents being taken through a dwelling or place of work. Access may be through a covered space which may be lockable.

Given a tanker needs to get within 30 metres of the toilet to empty it, the proposed location for this facility is not suitable, unless it can be demonstrated that a suitable vehicle access exists that would get a tanker to within 30 metres of the installation, without having an excessive reversing distance. I note the applicant states solid waste will be removed manually, but no details are provided and anything that is removed has I believe to be transported to a sewage treatment works for disposal by an authorised company.

GBC Regulatory Services (Environmental Protection)

The following to be considered:

Code of Practice on Construction and Demolition

Please apply

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the Local Planning Authority should be informed as soon as practical, and the work shall not continue until written agreement is provided by the Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Sewage

It should be ensured that the proposed 'Kazuba Ltd KL2 WooWoo' system is of adequate capacity to serve the proposed development and that suitable access and hardstanding area shall be maintained to it on site.

Ward Councillors

No comments received

External Consultations

Meopham Parish Council

No objection

Historic England

No comments received

The Society for the Protection of Ancient Buildings (SPAB)

The Society does not wish to comment

Kent County Council Senior Archaeological Officer

The application site lies in an area of archaeological potential associated with the Medieval Church of St Mildred's. The church is a Grade II* Listed building that is believed to date to the 15th century and possibly earlier. The application has been submitted with a Design and Access Statement which recognises that an archaeological watching brief will be required for relevant groundworks, and I recommend that the following condition is attached to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed, and human remains, graves and any archaeological features or finds are recorded, and impacts minimised. The watching brief shall be in accordance with a written scheme of investigation, which has been submitted to and approved by the Local Planning Authority.

Reason: *To ensure that development impacts are appropriately mitigated, and features of archaeological interest are properly examined and recorded.*

Environment Agency

No comments to make on this planning application as it falls outside their remit as a statutory planning consultee

Publicity and Representations

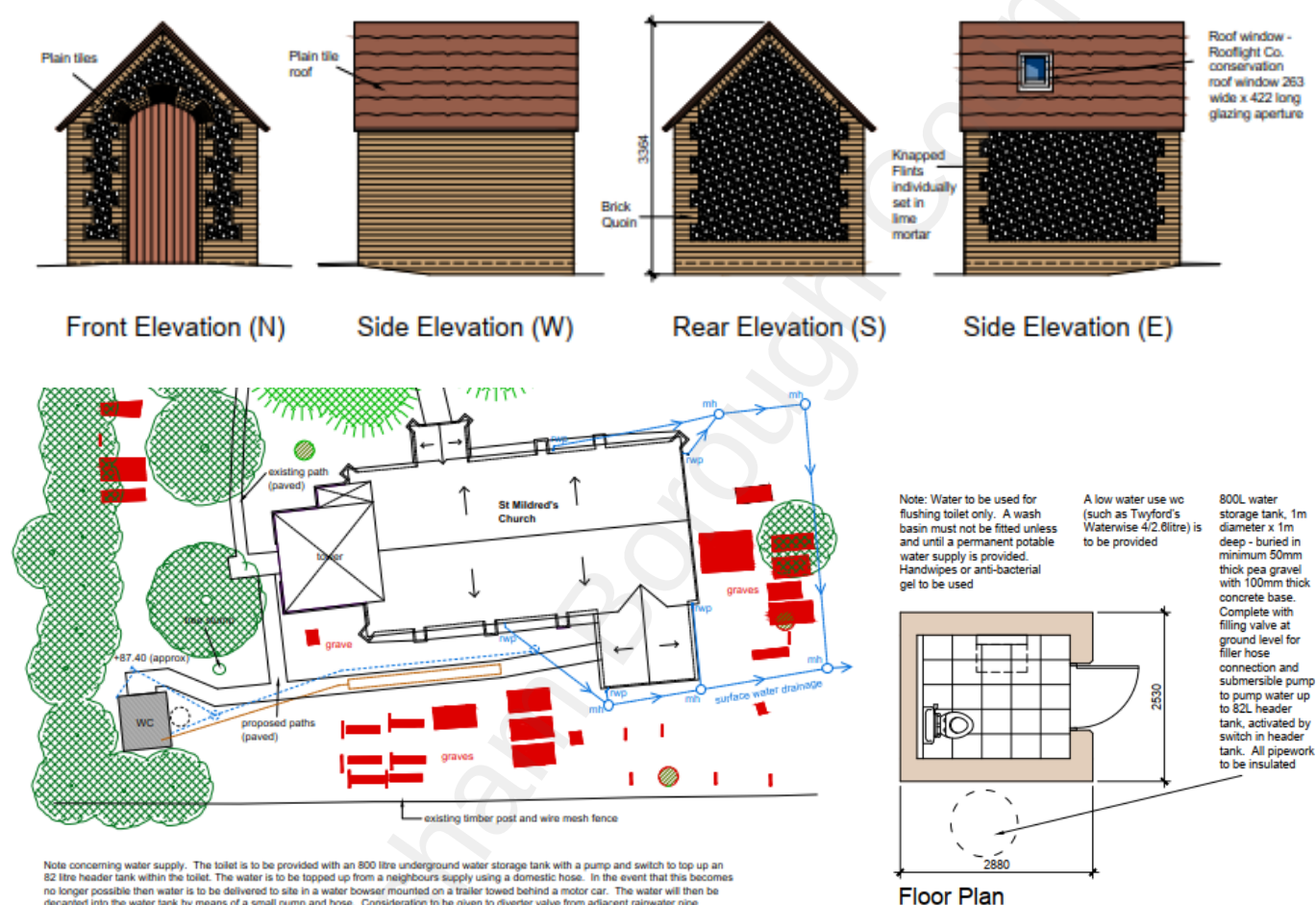
These applications were publicised by a site notice and a press notice as development affecting the

character and appearance of and the setting of a Listed Building and under Article 15. In addition, the owners/occupiers of 3 neighbouring properties were individually notified of the development. The expiry date for the receipt of representations was 30 September 2022. No representations have been received.

Planning Analysis and Assessment

Introduction

A previous proposal for an external detached toilet building at the rear of the church was granted Planning Permission and Listed Building Consent in July 2019 (refs 20190591 and 20190592), and which proposed a building whose materials and detailing were selected to match the main church in the same manner as the 19th century rear extension, including a plain clay tile covered pitched roof and walls constructed using individual knapped flints and yellow stock bricks, as shown in the extract from the approved plans below.



However, the tenders for this building were far higher than could be afforded by the Parochial Church Council (PCC) and cost savings have had to be made and the current submission is for a simpler and more cost-effective solution in substitution.

The Key Planning Issues

The key issues in the consideration of this application are:

- Principle of Development and the Green Belt
- Whether the proposed development is appropriate in the Green Belt
- Impact on the Landscape
- Design, Character, Appearance and Impact on the Grade II* Listed Building
- Neighbouring Amenity
- Traffic Generation, Highway Safety, Access and Parking
- Other Material Planning Considerations - Environmental Issues, Archaeology, Ecology and Biodiversity

Principle of Development and the Green Belt

At a local level Policy CS01 (Sustainable Development) of the Gravesham Local Plan Core Strategy (LPCS) indicates that when considering development proposals, the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

However, in the NPPF the presumption in favour of sustainable development does not override the application of policies in the Framework that protect areas or assets of particular importance including land designated as Green Belt.

The application site is a Grade II* Listed Building located within the Green Belt and as such Policy CS02 of the Gravesham Local Plan Core Strategy 2014 is relevant. Development in the urban area is prioritised as the sustainable location for development.

In the rural area, Policy CS02 states that development will be supported within rural settlements that are inset from the Green Belt and defined on the policies map. Development outside those settlements, i.e., in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Local Plan Core Strategy.

Whether the proposed development is appropriate in the Green Belt

Government policy in relation to Green Belts is set out in Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (NPPF) 2021. The NPPF indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 137 of the NPPF 2021).

Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within the specified exceptions.

The relevant exception to consider for this application is part b of paragraph 149 of the NPPF which states that the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments is acceptable in the Green Belt, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The existing church grounds are already a developed site within the Green Belt. The proposed WC will be located to the southwest of the site and will be obscured by the church from certain viewpoints and will be reasonably well screened by the surrounding trees. The WC is clearly needed in relation to the use of the land, and its proposed location and modest size preserves the openness of the Green Belt.

It would not result in encroachment into the countryside beyond the site confines and thus does not conflict with one of the five purposes of the Green Belt (Paragraph 138 c) of the NPPF) or conflict with a local purpose as set out in Paragraph 4.2.7 of the Gravesham Local Plan Core Strategy 2014 that indicates the local planning purposes of the Green Belt and wherein the relevant consideration is to assist in safeguarding the countryside by minimising the expansion of the Borough's rural settlements.

The proposed WC therefore complies with Policy CS02 of the Gravesham Local Plan Core Strategy 2014, and paragraph 149 of the National Planning Policy Framework (NPPF) 2021. It should be noted that the previous proposal for a detached building on the site was accepted in 2019 as being appropriate development in the Green Belt.

Impact on the Landscape

Section 15 of the National Planning Policy Framework (NPPF) 2021 highlights the importance of conserving

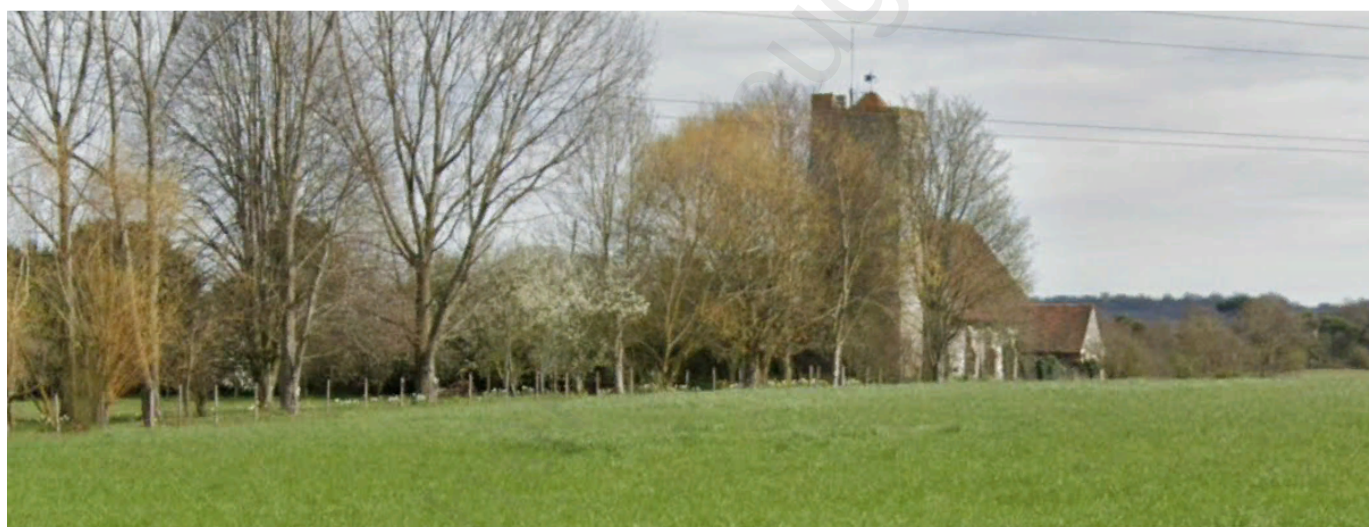
and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 of Gravesham Local Plan Core Strategy 2014 states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and that proposals will take account of the Gravesham Landscape Character Assessment.

The application site falls within the Meopham Downs Landscape Character Area, in the Gravesham Landscape Character Assessment, May 2009 (a technical document which underpins policy CS12 of the Gravesham Local Plan Core Strategy) where the key characteristics include, amongst other things, gently undulating topography with a mixture of arable and pasture farmland, neat pattern of small square fields in the south, broader irregular shaped fields to the north, narrow lanes and roads lined with hedgerows.

The Landscape Character Assessment states that the condition of the landscape is good, and the sensitivity of this area is moderate and that the Local Planning Authority should primarily aim to conserve and reinforce landscape elements characteristic of the Meopham Downs.

The proposed WC will be located to the corner of the site where there is significant tree cover. From most viewpoints the proposed WC will be obscured by the church itself. Perhaps the only likely views would be from the west on the A227 Wrotham Road in the wintertime when the tree cover is more limited and views more likely of the southern boundary of the site.

Below is an image looking northeast taken from Google Earth (April 2021) showing the southern boundary of the church and the southern boundary to the converted Oast and Granary looking across the fields from the footpath on the eastern side of Wrotham Road in a gap between the trees that line the footpath and just before Meopham village to the south. It is evident that the development therefore might be glimpsed from this location although there are no views from any nearby public footpaths.



Nevertheless, due to its relatively small size, it is not considered to have a material detrimental impact on the character of the landscape or cause significant harm to the overall landscape. In time and with weathering the structure is likely to merge within the overall landscape and be visually accepted. Therefore, on balance the development would not be in direct conflict with Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014.

Design, Character, Appearance, and Impact on the Grade II* Listed Building

A fundamental consideration in the assessment of the development proposals relates to the design and scale of the development and how it impacts visually in its location and setting having regard to the wider visual impacts, how it relates to other adjoining uses and built form in the locality and the character and appearance of the area and notably how it impacts on the character, appearance and setting of this Grade II* listed building.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority, amongst other things, to have special regard to the preservation of and the setting of listed buildings.

These duties are reflected in Section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2021 (NPPF) and in Policy CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy 2014 (LPCS), saved policy TC2 (Policy for Listed Buildings) of the Gravesham Local Plan First Review 1994 (LPFR), and emerging policy HER 2 of the Regulation 18 (Stage 2) Development Management Policies Document (2020).

Paragraph 195 of the NPPF (2021) states 'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

Paragraph 199 of the NPPF (2021) 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. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.

Paragraph 200 of the NPPF (2021) requires 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.

In design terms Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy, 2014 states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. It requires development to conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards, amongst other things.

At a national planning policy level, the National Planning Policy Framework (NPPF) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development (paragraphs 126 and 130 of Part 12 - Achieving well designed places). Paragraph 130 of the NPPF also indicates that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting

The application is supported by a Design and Access Statement and Statement of Significance by DAC Architects dated 23 August 2022.

The significance of this church is that, for the reasons noted elsewhere in this report it has not been greatly altered and is therefore a good example of a medieval village church. Its historic connections with the nearby Nurstead Court add to its significance.

Overall, the church may be considered to be of moderate-high significance. It is considered that the 19th century extensions took the significance of the church into account by using matching materials and detailing and by the location of the extension.

The proposals in 2019 for a new building to house a WC, required to enable the church to cater for its existing users and to potentially attract others to the church and help sustain it in the longer term, were considered acceptable in both design and listed building terms and were supported and being designed in such a way as to preserve and enhance the Listed Building and, subject to conditions, accorded with Policies CS19 and CS20 of the Core Strategy 2014 and section 16 of the National Planning Policy Framework 2021. The Council's Conservation Architect had no objection at the time subject to approval of the materials. That scheme or this new proposal do not harm the listed building fabric.

Whilst the current proposal as a prefabricated module rather than a traditional type building represents a more radical approach and being of a much more contemporary design and materials it is nevertheless considered that the proposals would not result in material harm to the character or appearance of the listed building or its setting. The actual location is little different from the site of the more traditional type building. Informed opinion often suggests that a contemporary appearance to a new building within the grounds of a historic building can be a more appropriate design approach and less challenging to the original

architectural presence rather than attempting to copy a period building or choosing a pastiche type design.

The proposed location is to the south of the church building and close to the southern boundary of the site about 6m away from the church building and thus reducing any visual impact. It is located to the rear of an existing tree, and which is an evergreen holly, thus providing all year-round screening. The location leaves the most important north elevation unchanged and unchallenged by the development. There are large conifers at the front of the church such that the building would not be viewed from the long pathway that runs for some 60m from the road to the entrance to the church.

Some additional landscaping might have been useful to provide additional screening and foil to the proposed structure particularly because it would be close to the boundary of the site and where the church grounds are enclosed from the field by only a low post and wire fence and perhaps some traditional hedging might be suitable, but conversely the manufacturers require the installation to be clear of trees and shrubs.

There would be the need to ensure that the additional pathways were of appropriate materials consistent with existing paving at the entrance to the church and this could be secured through a planning condition. The current drawings do not provide such level of detail at this stage.



Overall, it is considered that the proposals are of a reasonable design and can be accommodated reasonably successfully within the site without material harm to the character or appearance of the Grade II* listed church building or impact on its setting or wider visual amenity and will comply with Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy 2014, saved policy TC2 (Policy for Listed Buildings) of the Gravesham Local Plan First Review 1994 and sections 12, Paragraphs 126 - 136: Achieving well-designed places and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF) 2021.

Neighbouring Amenity

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions.

Gravesham Local Plan Core Strategy Policy CS19 (Development and Design Principles) indicates that new development will be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.

The National Planning Policy Framework (NPPF) in paragraph 130 also assists and seeks to ensure developments will function well and add to the overall quality of the area and create attractive, welcoming and distinctive places to live, work and visit with a high standard of amenity for existing and future users.

The proposed WC is located away from and well screened from any nearby residential properties (the nearest dwelling being 90m to the northwest - The Oast House) and therefore will have no detrimental impact on amenities and complies with the objectives of Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2021. There are apparently no noise implications from the development and the system works to eliminate odours.

There have been no neighbour objections or representations received in response to the publicity given to the application.

Traffic Generation, Highway Safety, Access and Parking

At a local level Gravesham Local Plan Core Strategy Policy CS11 (Transport) states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards, which will reflect the availability of alternative means of transport accessibility to services and facilities.

This approach to development is also supported by saved policies in the Gravesham Local Plan First Review Policy T1 (Impact of Development on the Highway Network), Policy T5 (New Accesses onto the Highway Network) and Policy P3 (Policy for Vehicle Parking Standards) and in supplementary guidance in the adopted KCC vehicle parking standards (SPG4).

At a national level the National Planning Policy Framework (NPPF) in section 9 (Promoting Sustainable Transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. It indicates that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment and development should only be prevented or refused on transport grounds where there is an unacceptable impact on highway safety, or the residual cumulative impact of development is severe (paragraph 111).

As indicated earlier in this report there are no off-street parking facilities for the church and only a short narrow layby next to the church front boundary fence and with a pedestrian path from the front of the site to the church door a distance of 60m.

It is noted that the provision of the WC is intended to sustain the future use of the church, to allow greater use for weddings and possibly funerals and potentially increase the congregation. Therefore, in so doing it could result in additional traffic generation to the site and there is no off-street parking such that there could at times be some limited congestion or indiscriminate parking. It is not known if there are any ad hoc arrangements for parking such as within the grounds and long driveway leading to the adjacent Nursted Court.

Conversely it is noted that a similar proposal for a building for a toilet has been approved at this site in 2019 and without any highway objection at that time either to increased traffic generation or parking requirements.

GBC Highways Development Management Officer has not raised an issue in respect of parking or traffic generation but has queried whether the proposed location for this facility is suitable, given the need for vehicle access for a tanker to get to within 30 metres of the installation, and whilst noting that the applicant states solid waste will be removed manually, no details are provided as to how this could be achieved. It is suggested that a planning condition can be imposed to deal with this issue.

In respect of parking and highway safety issues this current proposal is not considered to materially conflict with Gravesham Local Plan Core Strategy Policy CS11 (Transport) or saved Policies T1, T5 and P3 of the Gravesham Local Plan First Review or Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport of the National Planning Policy Framework (NPPF) 2021.

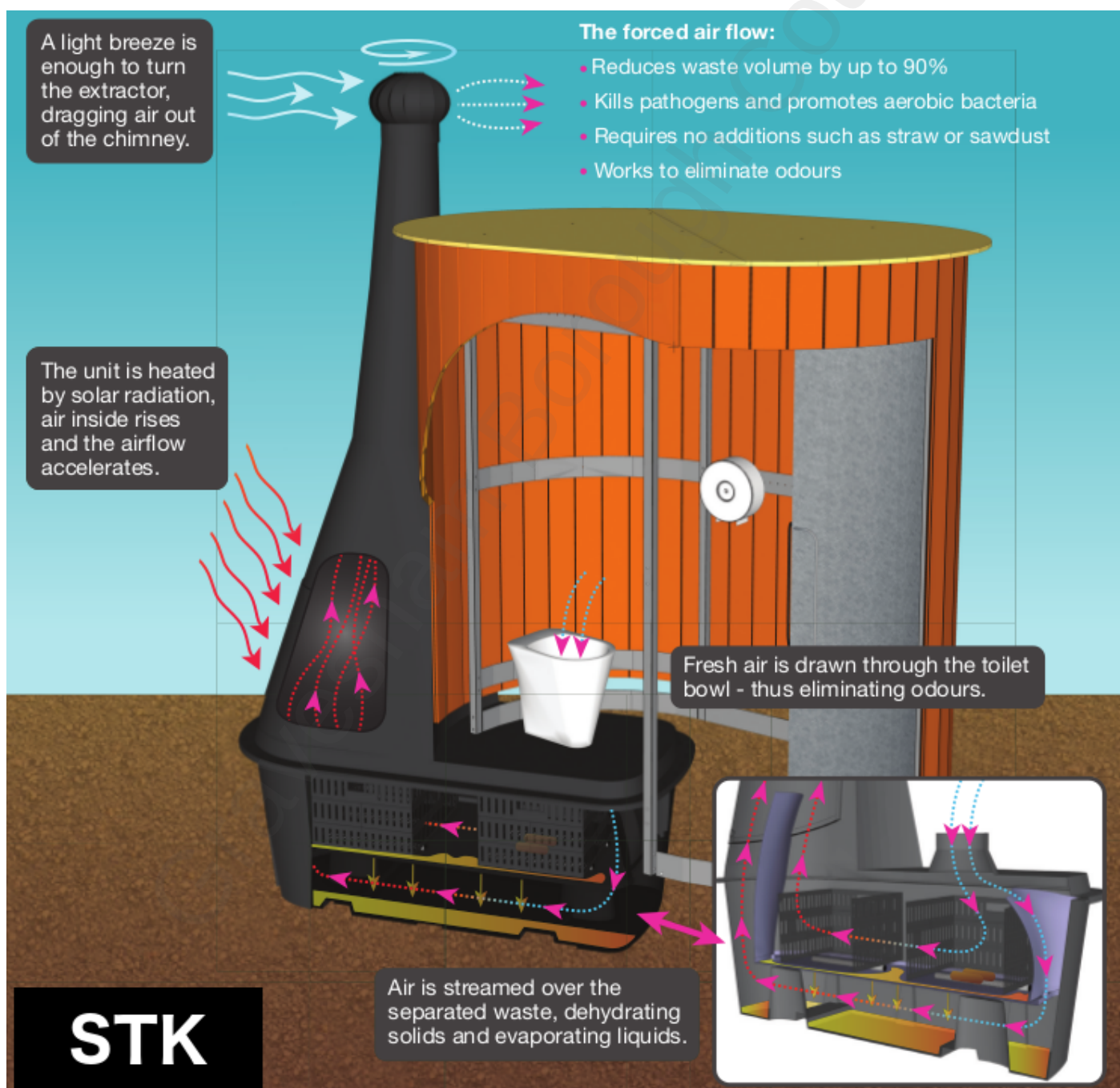
Other Material Planning Considerations

Gravesham Local Plan Core Strategy (LCPS) Policy CS18 (Climate Change) and the accompanying written text requires all development to support the transition to a low carbon future and ensure that they address issues relating to flood risk, sustainable drainage and water run-off, water demand and carbon reduction through building construction and energy supply systems. Policy CS19 (LPCS) requires (where relevant) that new development will provide carbon reduction and provision for low carbon and renewable imagery, minimising energy consumption and water use.

Gravesham Local Plan Core Strategy Policy CS19 (Development and Design Principles) requires that new development will be located, designed and constructed to avoid adverse environmental impacts from land contamination.

The system is a waterless toilet, and it uses sunlight and wind to dry human waste.

The diagram below shows how the 'Kazuba Ltd KL2 WooWoo' system operates as taken from the Kazauba website.



The Environment Agency (EA) who was consulted had no comments to make on this planning application as it fell outside their remit as a statutory planning consultee. If there had been issues relating to any

potential environmental impacts from leakage to ground water or potential pollution issues the EA ought to have raised it with the Borough Council.

GBC Regulatory Services (Environmental Protection) have pointed out that the applicants should ensure that the proposed system is of adequate capacity to serve the proposed development and that suitable access is available to service it. They also seek as a planning condition a watching brief during construction in case any contamination issue is encountered.

Heritage and Archaeology

Gravesham Local Plan Core Strategy Policy CS20 (Heritage and the Historic Environment) gives high protection towards the preservation, protection and enhancement of the Borough's heritage and historic environment. Proposals will be supported which preserve and, where appropriate, enhance heritage assets and their interpretation including surviving built features and archaeology relating to the Borough's maritime, military, industrial and transport history.

Saved Policy TC7 of the Gravesham Local Plan First Review indicates that planning permission may be refused without adequate assessment of the archaeological implications in areas of archaeological potential. Similarly emerging policy HER4 in the Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020 indicates that planning applications on sites where there is potential archaeological interest must be supported by an informed assessment of the asset and the impact of the proposal on its significance.

At a national level paragraph 194 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest (evidence of past human activity), local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Kent County Council Heritage and Conservation advises that the application site lies in an area of archaeological potential associated with the Medieval Church of St Mildred's and notes that the Design and Access Statement recognises that an archaeological watching brief will be required for relevant groundworks, and he therefore recommends that a planning condition is attached to any forthcoming consent. The applicant agents have agreed to this as a pre-commencement condition.

Ecology and Biodiversity

Paragraph 177 of the National Planning Policy Framework (NPPF) 2021 requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity.

Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.

There is no tree loss on the site as a result of the development and it is not considered that there would be any adverse impact on ecology or biodiversity.

Conclusions and Balancing Exercise

Planning permission and listed building consent was granted in 2019 to a traditionally designed and detached toilet building at the rear of the church but this can no longer proceed for cost reasons and the current scheme for a prefabricated module is more feasible and achievable in cost terms for the Parochial Church Council (PCC) in substitution.

The application site is within the Green Belt, but the assessment has concluded that the development would not result in encroachment into the countryside beyond the site confines and thus does not conflict with one of the five purposes of the Green Belt (Paragraph 138 c) of the NPPF) or conflict with a local purpose as set out in Paragraph 4.2.7 of the Gravesham Local Plan Core Strategy 2014. The proposed WC

therefore complies with Policy CS02 of the Gravesham Local Plan Core Strategy 2014, and paragraph 149 of the National Planning Policy Framework (NPPF) 2021. It should be noted that the previous proposal for a detached building on the site was accepted in 2019 as being appropriate development in the Green Belt.

In landscape terms there may be some glimpsed views of the structure from the A227 Wrotham Road to the west but due to its relatively small size, it is not considered to have a material detrimental impact on the character of the landscape or cause significant harm to the overall landscape. In time and with weathering the structure is likely to merge within the overall landscape and be visually accepted. Therefore, on balance the development would not be in direct conflict with Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014.

Whilst the current proposal, as a prefabricated module rather than a traditional type building, represents a more radical approach and being of a much more contemporary design and materials it is nevertheless considered that the proposals would not result in material harm to the character or appearance of the listed building or its setting. The actual location is little different from the site of the more traditional type building. There is no impact on the fabric of the listed building only its setting.

The proposed location is to the south of the church building and close to the southern boundary of the site about 6m away from the church building and thus reducing any visual impact. Screening is afforded by evergreen trees to the front and side of the church.

Overall, it is considered that the proposals are of a reasonable design and can be accommodated reasonably successfully within the site without material harm to the character or appearance of the Grade II* listed church building or impact on its setting or wider visual amenity and will comply with Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy 2014, saved policy TC2 (Policy for Listed Buildings) of the Gravesham Local Plan First Review 1994 and sections 12, Paragraphs 126 - 136: Achieving well-designed places and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF) 2021.

The proposed WC is located away from and well screened from any nearby residential properties (the nearest dwelling being 90m to the northwest - The Oast House) and therefore will have no material detrimental impact on local amenities and complies with the objectives of Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2021. There are apparently no noise implications from the development and the system works to eliminate odours.

There have been no neighbour objections or representations received in response to the publicity given to the application.

In respect of parking and highway safety issues this current proposal is not considered to materially conflict with Gravesham Local Plan Core Strategy Policy CS11 (Transport) or saved Policies T1, T5 and P3 of the Gravesham Local Plan First Review or Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport of the National Planning Policy Framework (NPPF) 2021, although the GBC Highways Development Management Officer has queried whether the proposed location for this facility is suitable, given the need for solid waste to be removed manually, and that no details are provided as to how this could be achieved.

GBC Regulatory Services (Environmental Protection) have pointed out that the applicants should ensure that the proposed system is of adequate capacity to serve the proposed development and that suitable access is available to service it. They also seek as a planning condition a watching brief during construction in case any contamination issue is encountered.

Kent County Council Heritage and Conservation recommends that a planning condition is attached to any forthcoming consent for an archaeological watching brief, and this is agreed by the applicants as a pre-commencement condition.

The development raises no ecology or biodiversity issues.

On balance it is considered that the development can be supported, and **PLANNING PERMISSION** and **LISTED BUILDING CONSENT** can be granted subject to conditions, reasons and informatives.

In the analysis of the planning issues and the subsequent recommendation, consideration has been given to the Human Rights Act and it is concluded that any breaches or interference to individual human rights

are reasonable and fair.

Recommendation:

(a) 20220931 - PERMISSION subject to conditions, reasons and informatives

(b) 20220932 - LISTED BUILDING CONSENT subject to conditions, reasons and informatives

Case Officer:	Mr Peter Price	Team Leader:	Faye Hobbs
Signed:		Signed:	
Dated:	18 th October 2022	Dated:	21 December 2022