

## SUMMARY REPORT

<b>Application Ref:</b>	20220659
<b>Site Address:</b>	St Peter And St Paul's Church, East Milton Road, Gravesend
<b>Application Description:</b>	Repairs to the flint faced boundary wall along East Milton Road, new section of retaining wall and installation of 1220mm high railings.
<b>Applicant:</b>	Mr D Grainge, Gravesham Borough Council
<b>Agent:</b>	Ms Camilla Prizeman, Clay Architecture Ltd
<b>Ward:</b>	Riverside
<b>Parish:</b>	Non-Parish Area
<b>Decision due date:</b>	29 August 2022
<b>Publicity expiry date:</b>	5 August 2022
<b>Decision Level:</b>	Planning Committee – 28 September 2022
<b>Reason for referral:</b>	Gravesham Borough Council is the applicant
<b>Recommendation:</b>	PERMISSION subject to planning conditions

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### **Summary of Reasons for Recommendations**

The proposal would provide much needed repair works to an already collapsed section of the flint boundary wall along East Milton Road and prevent further collapse of the existing adjacent damaged section; the section of wall is to be rebuilt as a retaining wall and would be faced with re-used flints and if any shortfall, flints to match the existing ones would be used. It is therefore considered that the rebuilt wall would be a solid and sympathetic alteration which would repair the wall and protect its future. The proposed railings which would provide protection to users of the churchyard given the differences in land levels between the church and pavement and subject to details they would be a sympathetic addition to the wall. Overall therefore it is considered the proposal would protect the setting of this grade II\* listed building and would not cause any harm. Due to the proposed excavation of a section of the churchyard behind the section of wall to be rebuilt in order to construct the retaining wall and its reinstatement once the section of wall has been re-constructed, a watching brief condition is considered to be required in order to ensure there would be no harm to any potential archaeology present. Subject to conditions the proposal is therefore considered to comply with local and national planning policy and permission is recommended.

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## MAIN REPORT

### 1. Site Description and Surroundings

- 1.1. St Peter and St Paul's Church is situated on the northern side of East Milton Road and is a grade II\* listed building and in an Area of Archaeological Potential. The church dates from the 14<sup>th</sup> century with the tower being a later addition at the end of the 14<sup>th</sup> century or early fifteenth century. The southern porch is also said to date to the fourteenth century and an eighteenth century sundial is fixed to its gable. The

nave roof dates from 1790-92 when the roof was restored. To the west accessed from Raphael Road is a lych gate dating from the 1950s through which the church is approached by a long pathway; there is also a second entrance from East Milton Road which has a decorative gate.

- 1.2 The southern boundary of the church site along East Milton Road has a length of some 104m. The eastern half of this boundary consists of a knapped flint wall for a length of some 51m which ranges in height from 1.1m at its eastern-most end, raising to 2m at its highest point in the centre and reducing down to 1.5m at the western end of this flint section of the wall. There is some brick banding and brick infill in places along the flint wall. The last section of this flint wall before it changes to a fully brick wall for the remaining western half of the boundary has collapsed and there are currently sandbags stabilising the section of wall. The churchyard behind the wall sits at a much higher level than the pavement and in some places is 2m above pavement level at its highest level.



*Flint section of the wall along East Milton Road, including the collapsed section*



*Flint section of the wall along East Milton Road*



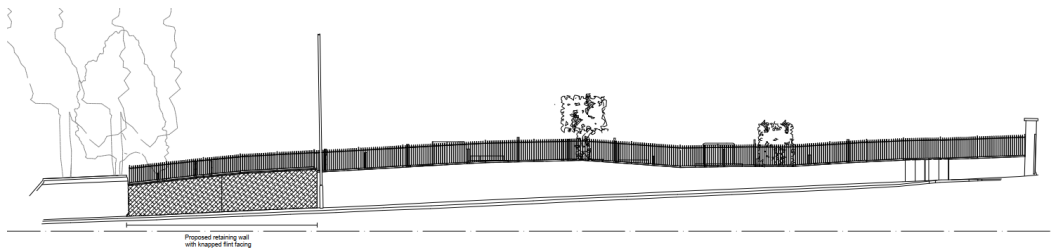
*Close up of the collapsed and adjacent section of the flint wall to be rebuilt*

## **2. Relevant Planning History**

- 2.1 Pre-application advice was obtained for rebuilding of the flint wall prior to the submission of this application.

## **3. Proposal**

- 3.1. The application seeks full planning permission for the removal of a 10.6m section of the flint boundary wall which includes the collapsed section, and erection of a retaining wall ranging in height from 1.7m at its western end to 2.1m at its eastern end. The wall would be faced with knapped flint; existing flints are to be reused to face the new section of wall and if there is any shortfall flints to match the existing will be used. There are railings proposed along the whole length of the flint section of the boundary wall (the existing fully brick section of the boundary wall is not to be affected by the proposals and is to be left as is). The railings are said to be needed as apart from a concrete coping at the top of the wall, the drop between the graveyard and pavement level is unprotected. The railings will therefore provide protection from potential falls by visitors and groundskeepers to the graveyard. The railings will be 1.2m in height at their maximum point and installed along the existing and rebuilt sections of the flint wall.



*Proposed section of re-building of the flint wall and proposed railings along entire length of the flint wall section of the boundary wall*

- 3.2 The submitted plans and documents are as follows:

- Application form;

- Drawing no. 5256/GA/200 Rev. B – Existing Site & Block Plan;
- Drawing no. 5256/GA/201 Rev. B – Existing Plan of boundary wall
- Drawing no. 5256/GA/202 Rev. A – Existing Long Elevations;
- Drawing no. 5256/GA/203 – Existing Section for Front of Retaining Wall
- Drawing no. 5256/GA/210 – Proposed Block Plan;
- Drawing no. 5256/GA/211 Rev. C – Proposed plan and elevation of the retaining wall section;
- Drawing no. 5256/GA/212 Rev. B – Proposed plan and elevation of the retaining wall section;
- Drawing no. 5256/GA/213 Rev. C – Proposed Section for Front of retaining wall and railings;
- Drawing no. 5256/GA/214 Rev. A – Proposed Long and Short Elevations;
- Drawing Issue Sheet;
- Statement of Significance; and
- Design & Access Statement.

#### **4. Planning Policy, Development Plan and other Material Considerations**

##### **Development Plan**

4.1. The Development Plan for Gravesham currently comprises:

Gravesham Local Plan Core Strategy and Policies Map, September 2014;  
 Saved policies in the Gravesham Local Plan First Review, November 1994;  
 The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020).

4.2. The relevant policies for this proposal are as follows:

##### Gravesham Local Plan Core Strategy 2014

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

##### Saved Policies in the Gravesham Local Plan First Review 1994

- TC2 – Listed Buildings
- TC7 – Other Archaeological Sites
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4.3. Paragraph 33 of the NPPF 2021 sets out that 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.

4.4. The Council undertook such a review in September 2019 and the review 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 the Local Plan Core Strategy was adopted, 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 NPPF 2021, the Council will also seek to replace these saved policies via the emerging Local Plan.

## Other Material Considerations

- 4.5 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.

### National Planning Policy Framework 2021

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 16 – Conserving and enhancing the historic environment

## 5. Consultations and Publicity Responses

### Neighbouring properties

- 5.1. The application was advertised by individual neighbour letters to 38 properties and by way of press and site notices. The overall consultation expiry date was 5 August – no responses have been received.

### Consultations

- 5.2 The following provides a summary of the internal and external consultation responses that have been received in response to the consultations carried out on the proposal:

#### GBC Conservation Officer

No objection

#### KCC Heritage

The key recommendation with regards archaeology is to ensure that there is an archaeological watching brief by a recognised archaeological contractor during groundworks (e.g. tree stump removal, foundation exposure etc..).

The recommended condition wording would be:

*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 items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure that features of archaeological interest are properly examined and recorded.*

In similar cases I have dealt with it is common for human remains (both disarticulated and previously un-recorded inhumations, as well as grave slabs and tombs) to be encountered and the Written Scheme of Investigation (WSI) must have a clear strategy for dealing with such remains. This will include having the requisite MoJ burial licence, appropriate screening etc.. In addition the WSI must include a section on post-fieldwork assessment and recording of all remains as well as reporting of information and an appropriate policy for

re-burial of any human remains.

I would be happy to discuss a draft WSI from the applicant's archaeological contractor before formal submission to the LPA if that would be helpful.

## **6. Planning Analysis and Service Manager (Planning) Comments**

- 6.1 The principle issues in the assessment of this application is whether the proposal would affect the setting of this grade II\* listed building and the impact on archaeology.

### Heritage

- 6.2 The existing section of the flint wall which has collapsed is clearly in need of repair; the adjacent section to this is also in need of repair (10.6m total overall length); it is stated in the supporting information that there is evidence that the wall has been repaired multiple times over the years and that modern repairs which have been carried out with cementitious mortar have caused damage to the wall given that moisture is unable to escape through the mortar and can only do so around the flint and the brick. It is said that the structural integrity of the wall has also been weakened by the roots of trees which were growing relatively close to the wall but have now since been removed. The repair of the collapsed section of flint wall and an adjacent section is therefore needed in order to reinstate the lost section and prevent any further collapse and damage.
- 6.3 The proposal to rebuild a 10.6m section of the flint wall with a retaining wall with a flint face is considered an appropriate and sympathetic course of action. It would ensure that the wall would be a solid and permanent boundary treatment but not result in any change in appearance given that the existing knapped flints will be re-used to face the wall (or if a shortfall then matching flints would be added in).
- 6.4 The railings proposed on top of the entire flint wall section of the wall are considered to be justified given the differences in level between the graveyard and pavement and will provide protection to anyone accessing the graveyard; they would have a light and simple appearance and subject to details would be a sympathetic addition to this section of the wall.
- 6.5 Overall therefore in respect of the listed building it is considered the proposal would protect and therefore cause no harm to the setting of this grade II\* listed building and in this respect the proposal would be compliant with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC2 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2021).

### Archaeological Impact

- 6.6 An area of the existing graveyard behind the section of flint wall to be rebuilt is to be disturbed (exact extent is shown on the submitted drawings) in order to construct the retaining wall and then reinstated after the new retaining wall has been completed. Given the archaeological potential of the site as the church dates to the fourteenth century, the standard archaeological works condition has been included. Therefore, subject to this it is considered that the proposal would not have a harmful impact on any potential archaeology and in this respect the proposal would be compliant with saved Policy TC7 of the Gravesham Local Plan First Review (1994).

## Highways Issues

- 6.6 The proposal raises no highways issues in itself. The boundary wall is a retaining wall located adjacent to a highway (East Milton Road). It is stated in the Design & Access Statement that the applicant has submitted the structural design of the new retaining wall to Kent Highways for their approval and confirmed to them that this planning application has been submitted to Gravesham Borough Council.

## 7. Conclusion

- 7.1 The proposal subject to conditions would protect the setting of this grade II\* listed building, protect any potential archaeology and have no impact on highway safety; it would therefore be compliant with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policies TC2 and TC7 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2021).

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## Recommendation

PERMISSION subject to conditions as follows:

1. The development hereby approved shall be begun not later than 3 years following the date of this decision.

**Reason:** In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following schedule of approved plans:

- Application form;
- Drawing no. 5256/GA/200 Rev. B – Existing Site & Block Plan;
- Drawing no. 5256/GA/201 Rev. B – Existing Plan of boundary wall
- Drawing no. 5256/GA/202 Rev. A – Existing Long Elevations;
- Drawing no. 5256/GA/203 – Existing Section for Front of Retaining Wall
- Drawing no. 5256/GA/210 – Proposed Block Plan;
- Drawing no. 5256/GA/211 Rev. C – Proposed plan and elevation of the retaining wall section;
- Drawing no. 5256/GA/212 Rev. B – Proposed plan and elevation of the retaining wall section;
- Drawing no. 5256/GA/213 Rev. C – Proposed Section for Front of retaining wall and railings;
- Drawing no. 5256/GA/214 Rev. A – Proposed Long and Short Elevations;
- Drawing Issue Sheet;
- Statement of Significance; and
- Design & Access Statement.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of

interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded in accordance with section 16 of the National Planning Policy Framework (2021).

4. The re-built section of wall as approved shall be faced with re-used knapped flint from the existing wall and in the event there should be any shortfall, then knapped flint to match the existing flints shall be used.

**Reason:** In order to protect the setting of this grade II\* listed building in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC2 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2021).

5. Prior to the installation of the railings, drawings to a scale of 1:20 of a typical section of the railings including 1:5 finial details and details of the colour and finish of the railings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** In order to protect the setting of this grade II\* listed building in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC2 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2021).

with saved Policy TC7 of the Gravesham Local Plan First Review (1994).

## **INFORMATIVES:-**

### **1 REASON FOR IMPOSITION OF PRE-COMMENCEMENT CONDITIONS**

Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of condition 3 (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works commencing on site.

Due to the importance attached to these details, it is reasonable and necessary to seek full approval in advance of works commencing. The applicant has agreed in writing on 16 September 2022 to the pre-commencement condition.

### **2 DEVIATION FROM APPROVED PLANS**

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

### **3 BUILDING REGULATIONS AND PARTY WALL ACT**

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person



may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

#### **4 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION**

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.