

MC/11/2913

Date Received: 22 November, 2011

Location:	Land between Medway Road and Cumberland Road, Gillingham, Kent
Proposal:	Listed Building consent for the installation of a proposed access over and through a collection of listed 'dragons teeth' tank traps
Applicant:	London and Quadrant Housing Association
Agent:	Mr Ward Roger Ward Associates Limited The Hoo Wrotham Road Meopham Kent DA13 0HP
Ward	Gillingham North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 7 March, 2012.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

2011.WD.03 received 22 November 2011 and 2011.WD.18F received on 13 February 2012.

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

- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft) and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 4 No development shall take place until the precise locations for the re-located tank traps has been submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved plans and retained thereafter.

Reason: In the interests of visual amenity and the heritage asset in accordance with policies BE1 and BE6 of the South East Plan 2009 and policies BNE1 and BNE16 of the Medway Local Plan 2003.

- 5 No development shall take place until details of a series of interpretation boards reflecting the historical importance of the tank traps to be installed on site and a timeframe for their installation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a greater understanding of the heritage asset in accordance with PPS5.

- 6 No development shall take place until the developer has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Authority.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The application seeks listed building consent for the installation of a proposed access over and through a collection of listed 'dragons teeth' tank traps. The access road would enable an associated residential development to be accessed from Medway Road. The proposal will result in the removal and relocation of up to nine anti-tank traps.

Relevant Planning History

MC/11/1888 Construction of 10 dwellings together with parking courtyard, boundary wall and entrance gates.
Registered

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. EDF Energy, Southern Gas Networks, Southern Water, English Heritage, Lower Lines Trust, Friends of Admirals Garden, Kent Fire & Rescue, Kent Police have also been consulted.

9 letters (from 8 addresses) have been received raising the following objections:

- Impact on historical environment / heritage and dragons teeth tank traps
- Substantial harm to a heritage asset contrary to PPS5

All other matters raised not listed above are non-material

Following re-consultation **6 letters** (from 5 addresses) have been received raising the following objections:

- Dragons teeth should be retained and preserved
- Access road ramping over teeth does not highlight historical value
- Remains are part of former Commodore of the Nore's bunker defence which remains intact
- Moving traps will result in it being difficult to understand original layout and function.

Southern Water raises no objections

Southern Gas Networks raise no objections

UK Power Networks raise no objections

English Heritage state that the removal of 7 Dragons Teeth has less than substantial harm on the special interest of the Dragons Teeth, but that the harm is nevertheless high. The tests laid out in PPS5 He9.4 (which balances out the public benefit of a proposal against the harm caused to a heritage asset) have not been met. Specifically, English Heritage argue that:

- The landscape mitigation and management report does not maximize the benefits that could be secured as part of these works
- The absence of an interpretation strategy means that an opportunity for public benefit has been missed.

However, English Heritage make suggestions which would substantially improve the public benefit such that recommending approval might be appropriate. However, English Heritage object to the scheme as it stands at present.

KCC Archaeology deems this to be substantial harm to the significance of the designated heritage asset, under PPS5 policy He9.1. This is because the removal of 7 Dragons Teeth (from a near complete line of Dragons Teeth) has a negative impact on the special interest of the listed Dragons Teeth as a continuous line of defence and because the physical act of removing individual Dragons Teeth will have a negative impact in itself. There are no exceptional circumstances that justify this harm. The application should be refused.

Development Plan Policies

The Development plan for the area comprises the South East Plan 2009 and the Medway Local Plan 2003.

Planning Appraisal

Background

This application is for the removal (demolition) of up to nine of a line of Grade II listed WWII anti-tank pimples (also known as Dragons' teeth) which stretch for an approximate length of 85metres along the western edge of Medway Road, Gillingham, in order to provide access to a proposed housing development (MC/11/1888). It is considered that the works proposed by this application amount to 'less than substantial' harm to the Grade II listed anti-tank defences. The following comments are therefore considered in the context of PPS5 He9.1 (which states that there should be a presumption in favour of conservation) and He9.4 (which states that Local Authorities must weigh the harm caused to the heritage asset against the public benefits of the proposal. A public benefit may be securing the long term conservation of the heritage asset). Consideration is also given to Policy He7.4 and the role of heritage assets in place-shaping, Policy He10, the setting of heritage assets as well as Medway Local Plan Policy BNE16, Demolition of Listed Buildings.

Impact on Listed Structures

The anti-tank pimples are located within the Field of Fire of the Napoleonic Lower Lines. This defensive network of ditches and associated features was constructed to protect the Naval Dockyard from landward attack. During WWII, the Nore Command Bunker (a strategic bunker associated with the defence of the entrance to the Port of London and the east coast) was constructed on the field of fire and therefore not protected from a landward attack by the defensive ditches. The Nore bunker contained surface entrances which needed to be protected. Anti-tank pimples (the subject of this application) were constructed to defend this bunker around 1940. The pimples take the form of truncated concrete pyramids approximately 1.5 m high. They are set in lines of up to five deep running from the defended entrance of the Nore bunker to a row of police houses.

The pimples are listed as a “good surviving group” of anti-tank pimples. Their association with Chatham Lines during WWII is also noted in the list description. There are only 46 ‘good’ recorded examples of similar anti-tank defences throughout England. The Chatham Lines pimples can therefore be judged as relatively rare survivals. The open character of the landscape that would have characterised this area as a field of fire right up to WW2 has been lost by the planting of trees and hedges along boundaries and roads. Cumulatively, this has compromised the integrity of the military landscape. The anti-tank pimples themselves are hidden to large extent by accumulations of earth and vegetation. Nevertheless, the anti-tank pimples represent a physical and tangible link to the former military use of this site.

The applicants carried out surveys and site investigations in order to find a location that would reduce the number of anti-tank pimples to be removed to a minimum. The condition of the pimples and degree of site disturbance around the pimples were also investigated and used to inform the final decision on the placement of the site entrance. As an alternative to removal, the idea of covering some of the Dragons’ Teeth over and leaving them in place was investigated. However, the geometry of the sloping entrance road precludes this. Overall, the applicant has been diligent in investigating ways of minimising the loss of pimples, whilst still allowing for the construction of a site access. The requirements of BNE16 have been fulfilled.

Any gap in continuous defences will permanently compromise the integrity and completeness of these defences. However, the position of the proposed site entrance (towards one end of the line of anti-tank defences) will allow long unbroken stretches of the defences to remain. In addition, the pimples within the proposed entrance to the site (drawing 2011.WD.18G) are somewhat unevenly distributed. In addition, it appears (from the archaeological report) that at least one of the antitank pimples that will require to be removed has been previously disturbed (although this disturbance could be relatively historic). The removal of anti-tank pimples in this location therefore compromises the character and significance of the defences marginally less than would the removal of pimples from the more regular rows of anti-tank pimples to the west of the entrance.

Proposed Public Benefits

PPS5 He9.4, states that where harm is deemed to be less than substantial, the harm to the heritage asset should be weighed against the public benefits that the proposal sets out, for example by securing “the optimum viable use” for the heritage asset. In this instance, the greatest public benefit would be achieved by better revealing the Dragons Teeth allowing greater public appreciation of their form and through improved interpretation providing an enhanced understanding of how the Dragons Teeth relate to the wider military setting of the Chatham Lines.

The applicants have set out how they intend to provide public benefits as mitigation to the harm caused to the Dragons Teeth in a Heritage Impact Assessment and Landscape maintenance and management plan. In summary they propose to:

- Remove much of the low lying vegetation and small trees around the Dragons Teeth
- Remove earth to better reveal the Dragons Teeth where not limited by the root protection zone of trees with TPO's (this will be quite extensive at the eastern end of the site, where root protection zones are less limiting)
- Relocate the removed Dragons Teeth to the western end of the defences to an existing gap in the defences that was probably formed to allow a footpath through the site.
- Remove the wooden fence on Medway Road to better reveal the Dragons Teeth
- Construct a footpath between the Dragons Teeth and the proposed development of ten houses to encourage the public to appreciate a 360 view of the Dragons Teeth
- Provide new interpretation boards which explain the history of the Dragons Teeth and why they are important in the history of the Chatham Lines
- Provide interpretation boards which explain which Dragons Teeth have been relocated and why
- Inclusion of the new interpretation boards as part of the education visits which take place in the Lower Lines Park
- Removal of the hedge and mesh fencing, between the junction of Medway Road and Cumberland road up to the footpath, installation of railings to improve views across to the Dragons Teeth from the Lower Lines Park
- Provide a seating area to the eastern end of the Dragons Teeth to allow the public to stop and appreciate the Dragons Teeth
- Maintenance of the cleared ground in perpetuity to secure the long-term future of the Dragons Teeth

The removal of vegetation from the remaining defences thereby revealing them as an obvious and distinctive feature, provides a public benefit by allowing greater appreciation of the Dragons Teeth. However, ongoing maintenance will be required if this benefit is permanent. This is dealt with via a maintenance plan, which lays down how regularly the site will be cleared and maintained. It should also be noted that there is an existing small gap (evident from the Drawing 2011.WD.18G) in the anti-tank defences in the vicinity of the footpath that connects Medway Road to Cumberland Road. Relocating the removed anti-tank pimples to this location would, if done with care, improve the character and integrity of this part of the defences. A condition requiring relocation of the displaced pimples is therefore recommended. This in itself does not fully compensate for the rather bigger gap created at the site entrance. However, with interpretation boards, the removal of all small scrub and trees (aside from those covered by a TPO), the maintenance of the Dragons Teeth in perpetuity, the removal of the wooden fence on Medway Road, a new public seating area adjacent to the Dragons Teeth and a new footpath encouraging the public to walk around and fully appreciate the better revealed Dragons Teeth, the public

benefits are enough to recommend approval.

PPS5 (Policy He9.1) lays down a presumption in favour of conservation of designated heritage assets. Policy He 9.4 states that Local Planning Authorities should weigh the *public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm caused to the heritage asset*. In this case, revealing the overall anti-tank defences through the removal of earth and vegetation, albeit with up to nine of the pimples removed towards one end of the defences, arguably represents a benefit that will allow the public to appreciate and understand Medway's recent history. The Local Authority should, under *Policy He7.4*, take into account the desirability of utilising heritage assets in place shaping. Revealing the anti-tank pimples by the removal of vegetation will undoubtedly create a very distinctive and place-specific site feature.

In addition, the Local Authority should also take into account PPS5 Policy HE10, development affecting the setting of a designated heritage asset. This is important because the setting of the Dragons Teeth will be affected by the proposed landscaping scheme. Although the removal of the trees lining Medway Road, which are covered by a TPO, would return the setting of the Dragons Teeth to something closer to its historic setting, the removal of the trees has to be weighed against the significance of the trees themselves. Presently, the trees provide an attractive backdrop to the site and provide some screening. The landscaping proposals have therefore been developed as far as possible to better reveal the Dragons Teeth whilst retaining the trees covered by the TPO. The precise details of the landscaping management plan could be reviewed as the clearance of the site evolves and this would inform the best way to present the Dragons Teeth. A condition recommending a review of the landscape management and maintenance plan is therefore recommended.

Works to and around the Dragons Teeth could also provide new information on the heritage asset. An archaeologist should therefore be present during works to the Dragons Teeth. An archaeological condition is also therefore recommended.

Conclusion and Reasons for this Recommendation

The proposed removal (demolition) of anti-tank pimples to create an entrance to a development site will damage the integrity of the continuous line of anti-tank defences to the WW2 Nore Bunker. Whether the damage is acceptable or not has to be carefully weighed against national and local policy. Ways of retaining the anti-tank defences have been fully explored. In this respect the applicant has adhered to policy BNE16. It can only be concluded that forming an entrance through the listed Dragons Teeth is the only way to allow access to the development site. In mitigation, the location of the proposed demolition will minimise the impact on the character of the Dragons Teeth and the integrity of the defences as a whole. Furthermore, the removal of anti-tank pimples allows for them to be reused to repair a small gap in defences elsewhere.

In respect of national policy, PPS5 makes it clear that demolition (in this case the removal of up to nine anti-tank pimples from a long line of pimples) is only acceptable if there are public benefits. The removal of vegetation and earth from the remaining pimples will reveal the anti-tank defences (and with them a significant part of the recent history of the Medway) once again. This will have a public benefit. PPS 5 also encourages the use of 'heritage assets' as a means of creating or maintaining distinctive local character. In this case the, the anti tank pimples themselves will form a highly distinctive boundary to the development site.

As such on balance the application is recommended for approval with regards policy BNE16 of the Medway Local Plan and PPS5.

This application would normally be determined under delegated powers but is being referred to Planning Committee for determination as it should be considered in conjunction with the previous item on this agenda which is being referred to Committee following a request from Cllr Stamp.

Background Papers

The relevant background papers relating to this planning application comprises: the application and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representatives section within the report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.