

## Cabinet

<b>Meeting Date</b>	17 <sup>th</sup> March, 2021
<b>Report Title</b>	Borden Parish Conservation Areas Review
<b>Cabinet Member</b>	Cllr. Mike Baldock - Cabinet Member for Planning
<b>SMT Lead</b>	Emma Wiggins – Regeneration Director
<b>Head of Service</b>	James Freeman – Head of Planning
<b>Lead Officer</b>	Simon Algar – Conservation & Design Manager
<b>Key Decision</b>	Yes
<b>Classification</b>	Open
<b>Recommendations</b>	<ol style="list-style-type: none"><li>1. To note the responses received from the public consultation exercise (summarised in the response table at Appendix iii and set out in full at Appendix v). Also any response received from the 3 parties who did not receive the original notification letters and whose individual responses will be provided in a tabled update to this report.</li><li>2. To note the content of the combined conservation area character appraisal and associated management strategies for the 4 conservation areas in Borden Parish.</li><li>3. In light of 1 and 2 above, to resolve that all 4 of the Borden Parish conservation areas are of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and that as such, they should be re-designated as conservation areas in accordance with section 69 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.</li><li>4. In light of 1 and 2 above, to resolve that the boundaries to the conservation areas be re-drawn as proposed on Map 5 (Borden (The Street) Conservation Area), Map 10 (Chestnut Street Conservation Area) and Map 15 (Harman’s Corner Conservation Area) and that the related character appraisal and management plan document for the 4 Borden Parish conservation areas be formally adopted for development management purposes.</li></ol>

# 1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to make the Cabinet aware of some proposed boundary changes and to confirm that following the recent review work, the four Borden Parish conservation areas should be formally re-designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The proposals include a detailed character appraisal and associated management strategy for each conservation area in line with current good practice for the management of conservation areas. Officers recommend that the Cabinet approves the changes to the review document set out in Appendix iii and as reflected in Appendix ii: Public consultation version of the 2020 draft combined character appraisal and management plans document, showing alterations recommended by officers as tracked changes.

## 2 Background

- 2.1 The four conservation areas contained within the parish of Borden are (1) Borden (The Street) Conservation Area; (2) Chestnut Street Conservation Area; (3) Harman's Corner Conservation Area; and (4) Hearts Delight Conservation Area.
- 2.2 The first three of these four conservation areas were respectively designated in October 1971, February 1977 and October 1971. The boundaries of these conservation areas were subsequently reviewed, the boundaries amended, and a summary conservation area character appraisal prepared in August 1999. A copy of each of the respective 1999 summary character appraisal documents is included within Appendix i of this report.
- 2.3 Hearts Delight Conservation Area was first designated at the same time as the three aforementioned conservation areas received their first review, that is, in August 1999. The boundary of this conservation area has not been amended since its original designation, at which point a summary character appraisal was produced for it. A copy of that 1999 summary character appraisal document is also included within Appendix i of this report.
- 2.4 Up until now, the four conservation areas have therefore lacked a detailed appraisal or management strategy and as such, case law concerning conservation area designation indicates that it is possible (albeit highly unlikely) that they could fail (resulting in the designations being quashed) if legally challenged on the basis for the original designations not being fully evidenced.
- 2.5 The four Borden Parish conservation areas were highlighted as a priority for review because of the significant development pressure they face, located as they are close to the borough's principal town of Sittingbourne, which has and remains a focus for planned housing growth, as well areas of land outside the town being the target of some speculative development proposals. Having detailed up-to-date character appraisals and management strategies in place for

each of the four conservation area should help to ensure that any strategic decisions concerning future development and infrastructure provision in this wider area can be made on a properly informed basis taking into account the need to conserve the setting and special interest of this longstanding conservation area, as far as reasonably possible, as well as the Council's requirement to deliver new homes and support employment opportunities.

### **3 Proposal**

- 3.1 The proposal is to re-designate each of the four conservation areas and to equip them with a detailed character appraisal and a complementary management strategy which will assist with development management and heritage conservation purposes over the next decade or so. In the case of the Borden (The Street), Chestnut Street and Harman's Corner conservation areas, this re-designation is proposed to include amendments to their respective conservation area boundaries to include additional areas that contribute to their special interest.
- 3.2 The proposed changes to the boundaries of the three aforementioned conservation areas are highlighted in Appendix 2 of the public consultation version of the combined character appraisal and management plans document, which is attached as Appendix ii to this report. The proposed boundary changes to the Chestnut Street Conservation Area have been challenged and questioned through the public consultation exercise and the considerations relating to this have been clearly set out in Appendix iii (public consultation – table of representations and the council's response to them) to this report.
- 3.3 Officers recommend that the Cabinet approves the proposed changes to the review document set out in Appendix iii and as reflected in Appendix ii: Public consultation version of the 2020 draft combined character appraisal and management plans document, showing alterations recommended by officers as tracked changes. It should be noted that the version of the document provided at Appendix ii is in Microsoft Word format and is provided here purely to show how the changes to the document which your officers consider are incorporated. Final formatting of the document using professional editing software (which will also eliminate any remaining typos and grammatical errors) will be applied to the PDF version of the document which will form the adoption version and which will be placed on the Council's website for public viewing.

### **4 Alternative Options**

- 4.1 One option would be to not take this review work any further and effectively abandon it. This is not recommended however because it would risk the justifiable continuation of the designation and/or the appropriately sensitive and positive management of the conservation area and its wider setting moving forward.

- 4.2 A second possible option would be to suspend the work on this review until some point in the future. Whilst this option would not result in wasted consultancy fees and officer time, it could still lead to (a) the designation being challenged, (b) reputational damage to the Council and/or (c) development and associated infrastructure provision decisions being made for the locality without an appropriate understanding and appreciation of the special qualities of the respective Borden Parish conservation areas.
- 4.3 A third possible option would be to alter the document, in particular to take on board the representations made on behalf of those with land and/or development interests in the locality, and more especially to row back on one or both of the proposed boundary extensions to the Chestnut Street Conservation Area. However, whilst it is accepted that some minor changes can and should on balance be made to the appraisal and management strategy sections of the review document in light of commentary provided in such representations, the consultation table set out at Appendix iii sets out the Council position in relation to these comments and the carefully reasoned responses to those representation set out therein supports the view that the appraisal document and associated proposed boundary changes are in overall terms, fundamentally sound.

## **5 Consultation Undertaken or Proposed**

- 5.1 As agreed in advance with Borden Parish Council, a 6 week public consultation exercise commenced ran from Monday the 5<sup>th</sup> October 2020 until Sunday the 15<sup>th</sup> November 2020.
- 5.2 All those parties with property within or overlapping the current conservation area boundary were notified in writing of the review and were invited to comment on it, as were key relevant organisations including Kent County Council and Historic England. A list of those parties consulted on the review document is attached for reference as Appendix iv to this report.
- 5.3 Restrictions on movement imposed due to the Coronavirus pandemic meant that the normal practice of providing hard copies of the review document at Swale House and at Sittingbourne Library (the nearest local library to the parish) could not be followed, but the review document was available to view/download on-line via the Council's website for the duration of the six-week public consultation period, and in addition, officers designed a public consultation poster, copies of which were placed on notice boards in Borden Parish prior to the start of the consultation period by the parish clerk in order to help further publicise the review work.
- 5.4 Eight representations were received in response to the public consultation exercise, with one of these in particular strongly objecting to the proposed boundary extensions to the Chestnut Street Conservation Area. There were also

suggestions for changes to the appraisal section of the document in terms of how areas within the conservation area and identified views are labelled and described, along with suggestions for some management measures. Full copies of all eight representations received are included for reference at Appendix v to this report. It should be noted that details which could allow for identification of private individuals have been redacted in the copies displayed in this appendix in order to protect personal data in accordance with the requirements of the General Data Protection Regulation 2018 (GDPR) and the associated Data Protection Act 2018.

- 5.5 It should be noted that Kent County Council's Heritage Conservation Team are contracted by the Council to provide archaeological advice on development proposals and in support of area appraisal work, as the Council, in line with most other local planning authorities does not have an in-house specialist in this respect. As such, there is no consultation response from the county's Heritage Conservation Team as the Council's consultant liaised with the county's Principal Archaeologist at the outset of this review exercise, and his input was incorporated into the public consultation document. Kent County Council in its function as the Highway Authority was consulted on the conservation area review but provided no feedback in this respect. A response from the county's Ecology Team (which was also consulted) is summarised in the consultation response table at Appendix iii to this report, along with a summary of all the other feedback provided.
- 5.6 The Local Plan Panel considered this matter at its meeting on the 18<sup>th</sup> February where it was unanimously agreed by members of the panel to recommend to the Cabinet that the proposed changes to the conservation areas review document recommended by officers, in light of public consultation feedback, should be approved. For the avoidance of any doubt, the recommendations for changes to the review document by officers do not materially alter the content of the character appraisal or management plan parts of the document. Nor do they propose any change to the conservation area boundary alterations proposed by the Council's appointed heritage consultant. The recommended changes seek solely to correct some minor factual errors and close some small gaps in information.
- 5.7 It will be noted from the minutes of the Local Plan Panel meeting (attached as Appendix vi to this report) that a small number of parties potentially affected by the review work did not receive their notification letters. Following checks being made, this is not considered to be due to any error on the part of officers. In the circumstances however, it was considered that the 3 parties in question should be offered the opportunity to submit comments, and following the conclusion of the Local Plan Panel meeting on the 18<sup>th</sup> February, the parties were contacted on the 19<sup>th</sup> February and sent a replacement consultation letter inviting them to submit any comments they might wish to make by close of business on the 12<sup>th</sup> March.
- 5.8 In the event that any comments are received from aforementioned parties by the stated deadline, a tabled update referencing this feedback will be circulated in advance of the Cabinet meeting on the 17<sup>th</sup> March. This may include changes to

the recommendations set out at the head of this report. Furthermore, it may also result in replacement or additional changes being made to the conservation areas review document, and should this be the case, a revised version of appendix ii will also be circulated in parallel with the tabled update.

## 6 Implications

Issue	Implications
Corporate Plan	<p>Priority 2 of the Plan is: ‘Investing in our environment and responding positively to global challenges’. Objectives 2.1, 2.4 and 2.5 of this priority are respectively to:</p> <p>(2.1) ‘Develop a coherent strategy to address the climate and ecological emergencies, aiming for carbon neutrality in the council’s own operations by 2025 and in the whole borough by 2030, and pursue all opportunities to enhance biodiversity across the borough’.</p> <p>(2.4) ‘Recognise and support our local heritage to give people pride in the place they live and boost the local tourism industry.’</p> <p>(2.5) ‘Work towards a cleaner borough where recycling remains a focus, and ensure that the council acts as an exemplar environmental steward, making space for nature wherever possible’.</p> <p>The character appraisal and management strategy document, once amended as appropriate and subsequently adopted would support all 3 of the above-stated objectives from the Corporate Plan.</p>
Financial, Resource and Property	There are no financial implications for the Council.
Legal and Statutory	<p>The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on every local planning authority to “<i>determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance</i>” and, from time to time, to review the functioning existing conservation areas. As such failure to follow through on this review work would mean that the council is failing to meet its statutory duties in relation to the designation and ongoing management of conservation areas.</p>
Crime and Disorder	None identified at this stage.
Environmental Sustainability	<p>One of the three dimensions of sustainable development is its environmental role: contributing to protecting and enhancing our natural, built and historic environment. The other two dimensions are a strong economy and a healthy and socially vibrant community</p>

Health and Wellbeing	The health and wellbeing aspects of interaction with heritage assets and heritage related projects are referenced in the adopted Swale Heritage Strategy which underpins this review work.
Risk Management and Health & Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

## 7 Appendices

The following documents are to be published with this report and form part of the report:

- **Appendix i:** Existing 1999 summary character appraisal documents
- **Appendix ii:** Public consultation version of the 2020 draft combined character appraisal and management plans document, showing alterations recommended by officers as tracked changes
- **Appendix iii:** Public consultation – table of representations, and the council's response to them
- **Appendix iv:** List of those parties consulted on the review document
- **Appendix v:** Copies of all eight representations received in relation to the public consultation (redacted to protect personal data, as appropriate)
- **Appendix vi:** Minutes from Local Plan Panel meeting on the 18<sup>th</sup> February considering this matter

## 8 Background Papers

None.