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| Meeting Date | 27 th October, 2021 |
| Report Title | Milstead Conservation Area Review |
| Cabinet Member | Cllr. Mike Baldock - Cabinet Member for Planning |
| SMT Lead | James Freeman – Head of Planning Services |
| Head of Service | James Freeman – Head of Planning Services |
| Lead Officer | Simon Algar – Conservation & Design Manager |
| Key Decision | No |
| Classification | Open |
| Recommendations | <ol style="list-style-type: none">1. To note the responses received from the public consultation exercise (summarised in the response table at Appendix i).2. To note the content of the conservation area character appraisal and associated management strategy document for the Milstead Conservation Area, as amended in response to the public consultation (set out in Appendix ii).3. In light of 1 and 2 above, to resolve that the Milstead Conservation Area is of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and that as such, that it should be re-designated as a conservation area in accordance with section 69 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.4. In light of 1 and 2 above, to resolve that the boundary to the conservation area be re-drawn as proposed in the amended character appraisal and management plan document, and that this document for the Milstead Conservation Area be formally adopted for development management purposes. |

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 conservation area 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 in line with current good practice for the management of conservation areas. Officers recommend that the Cabinet agrees the changes to the review document set out in **Appendix i** and as reflected in **Appendix ii**: Public consultation version of the 2021 draft character appraisal and management plan document, showing alterations recommended by officers (as tracked changes), as supported by the Local Plan Panel.

2 Background

- 2.1 Milstead Conservation Area was first designated in April 1973. The conservation area has, according to the available records, not been subject to any review since that time. Up until now, this conservation area has therefore lacked a detailed appraisal or management strategy to underpin its continued designation. Case law concerning conservation area designation indicates that continued designation could be quashed by a legal challenge on the basis for its original designation not being fully evidenced.
- 2.2 The Council is now in receipt of two linked speculative major development applications (refs. 21/503906/EIOUT and 21/503914/EIOUT) for what amounts in combination, to a new settlement proposal to the east and southeast of Sittingbourne, referenced by the applicants, Quinn Estates Ltd, et al, as 'Highsted Park'. The application for the larger application site area on the south side of the A2 (which also extends south beyond the M2 and includes a new motorway junction) has the potential to impact on a large number of designated and non-designated heritage assets, including to the wider setting of Milstead Conservation Area. It is therefore considered that having a detailed up-to-date character appraisal and management strategy in place for this 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.
- 2.3 This review work is part of a wider range of conservation area review work requested by the Western Area Committee (also including Rodmersham Green Conservation Area and Tunstall Conservation Area). As the existing level of officer resource did not allow for this review work to be carried out in-house, the Western Area Committee agreed to fund the use of an external consultant to carry out the work. The same consultancy practice (Wyvern Heritage and

Landscape) which carried out the Tonge Conservation Area and Borden Parish Conservation Areas last year was re-appointed to undertake the review of the Milstead, Rodmersham Green and Tunstall conservation areas. In the event, Wyvern produced only 1 of the 3 review documents commissioned due to the consultancy practice in effect being a sole practitioner and the individual in question suffering some serious health problems which meant she was unable to continue with the work. This has resulted in a significant delay to the reporting on this review work and the necessary appointment of a replacement consultant to carry out the pressing Rodmersham Green and Tunstall review work (this is now under way).

- 2.4 It is anticipated that the parallel review work on Rodmersham Green and Tunstall conservation areas will be reported to the Local Plan Panel in March 2022 following public consultation running from late October through to early December (6 weeks), and that it will be possible to re-designate those and adopt the appraisal and management plan documents ahead of the Council reaching its decision on the Highsted Park planning applications.

3 Proposal

- 3.1 The proposal is to re-designate and amend the boundaries of the conservation area and to equip it 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. It will be a matter for the Cabinet to decide whether to formally adopt the Milstead Conservation Area Character Appraisal and Management Strategy (as recommended with the changes set out in Appendix iii, following consultation feedback, or otherwise), but Local Plan Panel Members are requested to provide feedback as part of the process of reaching a decision in this respect.
- 3.2 Proposed changes to the boundaries of the conservation area are highlighted in Appendix 2 of the public consultation version of the character appraisal and management plan document, which is attached as **Appendix ii** to this report, in a tracked changes format. None of the proposed boundary changes have been challenged/questioned through the public consultation exercise, but there has been a suggestion of one further boundary change to include an additional shaw (i.e. a strip of woodland, typically separating fields or lining a road) on the west side of the proposed boundary C extension to the conservation area. The considerations relating to this have been clearly set out in **Appendix i** to this report.
- 3.3 Officers recommend that the proposed changes to the review document as set out in **Appendix i** and as reflected in **Appendix ii** are agreed by the Cabinet, and

that the amended version of the character appraisal and management plan document set out at **Appendix ii** is formally adopted for development management purposes. It should be noted that the version of the document provided at **Appendix ii** is set out purely to show how the changes to the document (which officers consider should be made) are to be 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 Milstead Conservation Area.
- 4.3 A third possible option would be to ignore some elements, or all of the feedback received, in terms of the suggested boundary change(s) and suggested corrections to factual information (dates and place names, etc). However, whilst it is considered that the appraisal and management plan (to support the redesignation of the conservation area) is essentially sound, the feedback provided from the local community in good faith and in a constructive vein is valuable and to ignore any of this feedback without sound reasons to do so would call the value of the consultation process into question and potentially deliver a reputational blow to the Council.

5 Consultation Undertaken or Proposed

- 5.1 As agreed in advance with the relevant Cabinet Member, Councillor Baldock, a 7-week (instead of the normal 6-week) public consultation exercise ran from Monday the 2nd August, 2021 until Sunday the 19th September, 2021. This extra

week was provided to take account of the consultation period occurring over the school summer holidays when many people were likely to be off work.

- 5.2 All those parties with property within or overlapping the current conservation area boundary and within or overlapping the proposed extensions to it, 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. Milstead Parish Council and the relevant ward councillor (West Downs Ward – Cllr. Bonney) was also consulted.
- 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 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 7-week public consultation period. Hard copies of the review document were made available to view at Sittingbourne Library, and at the more local level, on request via the Milstead Parish Council Clerk. In addition, officers designed a public consultation poster, copies of which were placed on the Swale House public notice board, the public notice board at Milstead Village Hall and on the notice board at Sittingbourne Library in order to help further publicise the review work.
- 5.4 A total of 14 consultation responses have been received. Twelve of these have been from local residents, with 10 of the 12 simply stating their support for the proposed changes to the conservation area boundary. Two responses were received from local residents, which whilst supportive of the conclusions from the review work overall, did point out some factual errors in the appraisal document, raised concerns about some of the descriptions in the appraisal section of the document and in one case, has made a suggestion to include one further shaw to the south of the conservation area in a further proposed minor extension to the conservation area boundary. The table at **Appendix ii** includes three late representations of support for the proposed boundary changes (nos. 12 -14 incl.). These were both received after the corresponding report to this one was considered by the Council's Strategic Management Team.
- 5.5 In addition to the 12 local resident consultation responses referred to above, Milstead Parish Council has responded to the consultation advising that it fully supports the recommendations for changes to the conservation area boundary and also that it believes the review document to be accurate and fit for purpose, and it thus hopes to see it adopted at the end of the consultation period. The parish clerk, who is the author of a number of local history books, together with another long-established and knowledgeable local resident have also helpfully provided an altered hard copy of the review document showing some minor corrections and suggested minor changes. These have proved to be very useful,

and as such, are reflected in the tracked changes version of the review document at **Appendix ii**.

- 5.6 Historic England has also responded advising that it has no substantive comments to make. It draws attention to a number of editing errors and also advises that the reference to the National Planning Policy Framework (NPPF) will need to be updated as the NPPF has been updated since the public consultation version of the review document was completed. It also draws attention to its Advice Note 1 (2nd. Ed.) on Conservation Area Appraisal, Designation and Management. It is confirmed that both the appointed consultant and officers have taken the guidance set out in Advice Note 1 into account, and that furthermore, this advice note is referred to in the review document as one of the key reference documents guiding the review work.
- 5.7 Finally, 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. No response was received either from the county's Ecology Team (which was also consulted).
- 5.8 A report on the public consultation and same Appendix ii document showing the recommended changes to the character appraisal and management plan (following that consultation) was presented to the Local Plan Panel at its meeting on the 7th October. The Panel unanimously agreed the officer recommendation that its support for adoption of the character appraisal and management plan in its amended form (taking into account the feedback from the public consultation) be noted by the Cabinet in informing the Cabinet's decision making on this matter. A copy of the minutes from the Local Plan Panel meeting will be available for reference at the Cabinet meeting.

6 Implications

| Issue | Implications |
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| 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 2020, 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 & Disorder | None identified at this stage. |
| Environmental Sustainability | 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 |
| 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. |

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| Risk Management and Health and 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:** Public consultation – table of representations (in summary form), and the council’s response to them
- **Appendix ii:** Public consultation version of the 2021 draft character appraisal and management plan document, showing alterations recommended by officers (as tracked changes)

8 Background Papers

None.