

Meeting Date	16 th March, 2022
Report Title	Proposed Rodmersham Church Street Conservation Area
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
Recommendations	<ol style="list-style-type: none">1. To note the content of the public consultation draft of the character appraisal and management strategy document produced for the assessment relating to the proposed new conservation area, and the representations made on this by interested parties, the details of which are set out in the report appendices.2. To agree the changes to the assessment document proposed by officers in response to the representations received during the course of the public consultation.3. In light of 1 and 2 above, to resolve that the area in question 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 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 proposed new conservation area be re-drawn as indicated in the amended character appraisal and management plan document, and that this document for the proposed new conservation area be formally adopted for development management purposes.5. To agree that the proposed new conservation area should be formally known/referenced as the Rodmersham Church Street Conservation Area.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to make the Cabinet aware of a proposed new conservation area designation following the recent conservation area review work in the same parish (of Rodmersham) and the adjacent parish (of Tunstall). In the event of the Cabinet agreeing this proposed new designation forward, the proposed conservation area would need to be formally designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

- 1.2 The assessment document in support of the proposed designation includes a detailed character appraisal and associated management plan in line with current good practice for the management of conservation areas. It is recommended that the Cabinet agrees the changes to the review document set out in **Appendix i** (consultation response table) and as reflected in **Appendix ii** (tracked changes version of the character appraisal and management plan document).

2 Background

- 2.1 Rodmersham Green Conservation Area was first designated in September 1973. The conservation area has, according to the available records, not been subject to any systematic 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 Rodmersham Green 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 In reviewing the Rodmersham Green Conservation Area and giving consideration to its wider setting, it became apparent that the cluster of buildings and associated spaces around the parish church of St. Nicholas was of heritage interest and worthy of conservation area designation, but is also too distant from the nearest point of the former to be considered as a possible extension to its boundary, given that the intervening space (consisting of agricultural land) holds no material heritage significance in its own right. As such, the decision was taken to assess the area around the parish church of Rodmersham as a possible new

conservation area. Priority has been given to this over exploring possible new conservation areas elsewhere and/or reviewing other existing conservation areas long overdue a review given the fact that assessment of this area would assist the Council in forming a properly informed view on the overall extent of heritage impact from the Highsted Park proposals, and how this should be reflected in reaching an overall decision on the above stated applications.

- 2.3 The related review work on the existing Rodmersham Green and Tunstall conservation areas has since been completed and the subsequent public consultation on this concluded on the 5th December 2021. The public consultation on the proposed new Rodmersham Church Street Conservation Area finished on the 16th January, and it is anticipated that it will be possible to re-designate and adopt the appraisal and management plan documents for the Rodmersham Green and Tunstall conservation areas ahead of the Council reaching its decision on the Highsted Park planning applications. Also, that a decision can be made on whether to designate a new conservation area at Rodmersham Church Street ahead of determining the aforementioned major development scheme applications.

3 Proposal

- 3.1 The proposal is to designate the area around Rodmersham Parish Church as a conservation area (proposed to be known as Rodmersham Church Street 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 for the area in question over the next decade or so. It is for the Cabinet to decide whether to designate the said area as a conservation area and to adopt the prepared Character Appraisal and Management Plan (as appropriately amended following consultation feedback, or otherwise).
- 3.2 The one proposed change to the boundary of the proposed conservation area is shown in **Appendix ii** to this report. The boundary change in question (to extend further northwards to include Ashgores House) has been made in response to related feedback provided during the public consultation period. It should be noted that there were also requests (including from Rodmersham Parish Council) to also extend the boundary to the south to take in grade II listed Rodmersham House and associated farm building and cottages, but this was not considered, on balance to be appropriate. The considerations relating to these possible boundary changes have been clearly set out in **Appendix i** to this report.

- 3.3 It is recommended that the Cabinet agrees the proposed conservation area designation and the amended boundary for it, which as far as reasonably possible, takes into account valued constructive feedback from the parish council and local residents. It should be noted that the tracked changes 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 conservation area assessment work any further and effectively abandon it. This is not recommended however because it would call into question the competence of the Council in instigating this assessment work in the first instance, and would also hinder the Council in forming an overall properly informed view of the level and nature of overall heritage impact harm arising from the Highsted Park development proposal for the application site area south of the A2.
- 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 lead to the Highsted Park (south/main site) application being determined without a full understanding of heritage impact, which depending on which way the outcome goes, could either result in the Council not having the strongest possible heritage case to defend in the event of an appeal, or missing out on the opportunity to negotiate some important mitigations to limit visual harm to setting.
- 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 additions to the factual information provided in the assessment document. However, whilst it is considered that the appraisal and management plan (to support the proposed designation 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 public consultation exercise ran from Monday the 29th November, 2021 until Sunday the 16th January, 2022. The normal 6-week consultation period was extended to 7 weeks to make an allowance for the consultation period running over the Christmas break.
- 5.2 All those parties with property within, immediately outside, or overlapping the current conservation area boundary and within or overlapping the proposed extensions to it, were notified in writing of the area assessment and were invited to comment on it, as were key relevant organisations including Kent County Council and Historic England. Rodmersham Parish Council and the relevant ward councillor (West Downs Ward – Cllr. Bonney) were 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 Rodmersham Parish Council Clerk. In addition, officers designed a public consultation poster, copies of which were placed on the Swale House public notice board, public notice boards at Rodmersham and on the notice board at Sittingbourne Library in order to help further publicise the review work.
- 5.4 A total of 10 consultation responses have been received. Six of these have been from local residents, with three of these more or less simply stating their support for the proposed conservation area. The other three responses from local residents suggested changes to the assessment document, including the provision of additional factual information and changes to the proposed boundary.
- 5.5 In addition to the 6 local resident consultation responses referred to above, Rodmersham Parish Council has responded to the consultation advising that it fully supports the proposed conservation area designation and also that it considers the assessment document to on the whole be entirely appropriate. Its concerns about the alignment of the boundary for the proposed conservation area overlap with some of the local residents whom have responded and officers have attempted to taken on board the parish council's suggestions as fully as possible within the Historic England guidance framework on designating conservation areas (which includes advice on boundary alignment). A full copy of the Rodmersham Parish Council response forms **Appendix iii** to this report.

- 5.6 Historic England has responded and made some suggestions to alter the structure of the assessment document to essentially make it clearer, more convincing and more useful from a development management perspective and also in terms of supporting the development of the Swale Local List. I have been able to more or less take on board all of the constructive feedback from Historic England, as can be seen from the commentary in the consultation response table at Appendix i.
- 5.7 The Kent County Council Rights of Way & Access Service responded to confirm that there is a public right of way running into and from the proposed conservation area, and essentially that protecting the route of this needs to be taken into account in managing the area into the future. There was also some commentary on related public footpath signage, which it would appear has been taken somewhat out of context in relation to the commentary in the assessment document on highway signage more generally. The commentary in the consultation response table at Appendix i, refers.
- 5.8 Montagu Evans (ME) responded to the consultation on behalf of Quinn Estates and advised, inter-alia, that the designation proposal should take into account its client's major development proposal for the area, which in particular would have a relatively close physical and visual relationship with the proposed conservation area. ME advised that the major development proposal has been amended since submission to take into account concerns raised about the visual impact on the area of heritage interest around and including Rodmersham Parish Church, and that it now essentially considers the impacts in that regard to be adequately mitigated. Officers responses to the points made by ME can be found in relation to representation no. 7 in consultation response table at Appendix I, whilst a full copy of the ME consultation response letter is provided at **Appendix iv** to this report.
- 5.9 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).

5.10 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 17th February, 2022. The Panel unanimously agreed the two officer recommendations which were:

1. To note the content of the public consultation draft of the character appraisal and management strategy document produced for the assessment relating to the proposed new conservation area, and the representations made on this by interested parties, the details of which are set out in the report appendices.
2. To support the changes to the assessment document proposed by officers in response to the representations received during the course of the public consultation.

A copy of the minutes from the Local Plan Panel meeting will be available for reference at the Cabinet meeting.

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 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	The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on every local planning authority to " <i>determine which</i>

	<i>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” 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.</i>
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.
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, and recommendation in relation 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)
- **Appendix iii:** Rodmersham Parish Council public consultation response
- **Appendix iv:** Montagu Evans (on behalf of Quinn Estates Ltd) public consultation response

8 Background Papers

None.