

Meeting Date	13 th April, 2022
Report Title	Tunstall 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 content of the public consultation draft of the character appraisal and management strategy document produced for the review, and the representations made on this by interested parties, the details of which are set out in the report appendices. 2. To note the content of the conservation area character appraisal and associated management strategy document for the Tunstall 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 Tunstall 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 Local Plan Panel 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 Local Plan Panel supports 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 Tunstall Conservation Area was first designated in April 1973. The boundary was reviewed and amended on 27 February 2003 when the conservation area was redesignated. At that time a summary conservation area character appraisal was published which also included proposals for its continuing preservation and enhancement. However, 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, and hence the genuine need for review of conservation areas from time to time, which is also a best practice recommendation by Historic England.
- 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 Tunstall 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 the review of Milstead and Rodmersham Green conservation areas, and a proposed new conservation around Rodmersham parish church). 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 resulted in a significant delay in taking forward the review work and the necessary appointment of a replacement consultant to carry out the Rodmersham Green and Tunstall review work.

- 2.4 The review work on Rodmersham Green and Tunstall conservation areas has since been completed and the subsequent public consultation on this concluded on the 5th December 2021. 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. A decision was already made by Cabinet to designate a new conservation area at Rodmersham Church when it met in March this year, following on from the assessment work, public consultation, and careful review of and response to the feedback by officers.

3 Proposal

- 3.1 The proposal is to re-designate and amend the boundaries of the Tunstall 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 Tunstall Conservation Area Character Appraisal and Management Strategy (as recommended with the changes set out in Appendix ii, following consultation feedback, or otherwise).
- 3.2 There are no proposed changes to the boundaries of the conservation area over and above the one recommended by the Council's heritage consultant in the public consultation document (which is to include a locally important distinct green space known as Shooting Meadow). None of the proposed boundary changes have been challenged/questioned through the public consultation exercise, but there has been a suggestion of one extension to the boundary alignment to include the area of open land between Cedar House (the former rectory) and Tunstall Primary School. It is not recommended that this suggestion

is taken forward however, and 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 PDF 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 Tunstall 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 6-week public consultation exercise ran from Monday the 25th October, 2021 until Sunday the 5th December, 2021.
- 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 review and were invited to comment on it, as were key relevant organisations including Kent County Council and Historic England. Tunstall Parish Council and the relevant ward councillors (West Downs Ward – Cllr. Bonney and Woodstock Ward – Cllrs P. Stephen and S. Stephen) 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 15 consultation responses have been received, and 12 of these have been from local residents. The responses have principally been to welcome the review and support the conclusions, but a number of factual corrections to the draft document have been suggested, as have some modest changes to the management plan recommendations.
- 5.5 In addition to the 12 local resident consultation responses referred to above, Tunstall Parish Council (TPC) has responded to the consultation advising that it fully supports the recommendations for changes to the conservation area boundary. TPC has confirmed it is pleased to see Shooting Meadow included in a proposed amendment to the boundary and this historic importance of the Grove End Farm complex recognised, although not being included within any amendment to the boundary. It has also helpfully pointed out planned improvement works to the village pond which Kent County Council is leading on and financing.
- 5.6 Bredgar Parish Council has commended the quality of the review document.

- 5.7 Historic England has responded advising that:
- all views identified should include a detailed description of the views and their constituent parts, alongside clear photographs, outlining the contribution the views make to the character and appearance of the conservation area.
 - Positive Contributors: as identified in a map on page 7 of the document, should be listed in a separate table and described to ensure their qualities are fully explained and transparent.
 - The appraisal states '*...a handful of buildings within the proposed Tunstall Conservation Area would be eligible for inclusion within the Swale Local Heritage List*'. It may be appropriate to list those that merit inclusion.
 - Historic England supports the production of this statement and the associated management plan for the Tunstall Conservation Area. However, we recommend your council takes the necessary steps to address the points made above to ensure the statements will facilitate sustainable development as set out in the NPPF and finally it says, that the comments provided do not address unscheduled archaeology. Please seek comments on these matters from your Council's own Archaeology Officer
- 5.8 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).
- 5.9 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 24th March. 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. Minutes of the March Local Plan Panel meeting will be available at the Cabinet meeting on the 13th April.

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	<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	<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	<p>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.</p>

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.