

<b>Meeting Date</b>	24 <sup>th</sup> March, 2022
<b>Report Title</b>	Rodmersham Green Conservation Area Review
<b>Cabinet Member</b>	Cllr. Mike Baldock - Cabinet Member for Planning
<b>SMT Lead</b>	James Freeman – Head of Planning Services
<b>Head of Service</b>	James Freeman – Head of Planning Services
<b>Lead Officer</b>	Simon Algar – Conservation & Design Manager
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>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.</li> <li>2. To support the changes to the review document proposed by officers in response to the representations received during the course of the public consultation, and also following a re-evaluation of the conservation area boundary by officers following the close of consultation, to support a recommendation to Cabinet that a further 3-week period of public consultation be carried out (referencing the additional proposed boundary changes)</li> <li>3. To support a recommendation to Cabinet that delegated authority be given to the Head of Planning Services (in liaison with the Cabinet Member for Planning) to make a decision on re-designating the conservation area and adopting the amended appraisal and management plan review document for development management purposes, unless the reconsultation results in the receipt of significant objections to the proposed additional boundary changes.</li> </ol>

## 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. It is recommended 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) **and Appendix iii**: Proposed further changes to the conservation area boundary above and beyond those included in the public consultation document (see paragraphs 3.2 to 3.4 in this specific regard).

## 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 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 Tunstall 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 5<sup>th</sup> 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. Also, that a decision can be made on whether to designate a new conservation area at Rodmersham Church ahead of determining the aforementioned major development scheme applications.

### **3 Proposal**

- 3.1 The proposal is to re-designate and amend the boundaries of the Rodmersham Green 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 Rodmersham Green Conservation Area Character Appraisal and Management Strategy (as recommended with the changes set out in Appendices ii and 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 Officers have identified 6 additional changes to the boundary of the conservation area over and above the 2 proposed in the conservation area review consultation document. These 6 changes are considered appropriate to put in place to ensure that the boundary wherever possible relates to altered property boundaries and does not cut through the middle of buildings or garden areas. Neither of the 2

proposed boundary changes referenced in the review consultation document have been challenged/questioned through the public consultation exercise, but there has been a suggestion of one further boundary change to include the property to the north of Fruiterers Close currently used as car parking and allotments. The considerations relating to this have been clearly set out in **Appendix i** to this report.

- 3.3 Officers recommend that the Local Plan Panel support, and recommend to Cabinet, the proposed changes to the review document as set out in **Appendix i** and as reflected in **Appendices ii and iii**. 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.
- 3.4 In view of the proposed 6 extra changes to the conservation boundary which were not included within the review consultation document, and having taken legal advice on this matter, officers are proposing to go back out to public consultation for a further period of 3 weeks to ascertain whether there are any concerns in relation to those 6 additional boundary changes. This will also allow interested parties to comment on the relatively modest number of changes made to the review of the initial review consultation document.
- 3.5 To eliminate unnecessary to-ing and fro-ing and further delay in taking this work forward, it has been agreed in liaison with the Cabinet Member for Planning that delegated authority should be sought from the Cabinet at its final meeting in April to allow officers to make any further changes to the boundary or appraisal & management plan document, following the further 3 week consultation period, without the need to report back to the Local Plan Panel again, or the Policy & Resources Committee which will take on the role of making decisions on conservation area designation/re-designation instead of the Cabinet. This would be on the basis that no significant objections are received in relation to the additional boundary changes in the re-consultation. Should significant objections be received, then the matter of re-designation would be referred to the Policy & Resources Committee for determination.
- 3.6 It should be noted that one of the six boundary changes recommended by officers, and as shown at Appendix iii, overlaps to some degree with the consultation feedback referenced at paragraph 3.2 (above), but is materially different, as *inter-alia*, there is no valid justification for including the parking area

to a modern housing development otherwise to be (appropriately) excluded from the conservation area.

## **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. It 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 still lead to (a) the designation being challenged, (b) reputational damage to the Council and/or (c) 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 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 25<sup>th</sup> October, 2021 until Sunday the 5<sup>th</sup> 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. 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 9 consultation responses have been received. Six of these have been from local residents. Their responses have largely focussed on some factual corrections within the draft document, but a few have expressed concerns about the current state of the village green.
- 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 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 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 Rodmersham Green 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 Rodmersham Green 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 As per the commentary at paragraphs 3.4 and 3.5, it is planned to go back out to public consultation for a further period of 3 weeks to ascertain whether there are any concerns in relation to the 6 additional boundary changes not shown in the original review document. This will also allow interested parties to comment on the relatively modest number of changes made to the review of the initial review consultation document.

5.10 It is proposed that the re-consultation would take place following the final meeting of the Council’s Cabinet in April, and that the parties consulted would be as per the original consultation.

## 6 Implications

Issue	Implications
Corporate Plan	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>(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 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.
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 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:** Proposed boundary changes

**Note:** these include two of the proposed boundary changes shown in the review consultation document, and as included unchanged in Appendix ii to this report – see page 27. The conservation area boundary map shown at Appendix iii will effectively replace the equivalent map within Appendix ii, and form the basis on which the proposed reconsultation takes place.

## 8 Background Papers

None.