

ADOPTION OF UPDATED CONSERVATION AREA APPRAISALS AND EXTENSIONS TO CONSERVATION AREAS

Development and Conservation Advisory Committee - 9 July 2019

Report of Chief Planning Officer

Status For Consideration

Also considered by Cabinet - 11 July 2019

Key Decision Yes

Executive Summary: This report provides a summary of the outcome of the public consultation on six draft conservation area appraisals. The report sets out any changes that have been made as a result of the public consultation and recommends the adoption of the updated conservation area appraisals, including changes to the conservation areas' boundaries and the making of a focussed Article 4 Direction to remove limited permitted development rights in the Shoreham Conservation Area and Swanley Village Conservation Area.

This report supports the Key Aim of ensuring that Sevenoaks District remains a great place to live, work and visit.

Portfolio Holder Cllr Julia Thornton

Contact Officers Regina Jaszinski, Ext. 7103 / Rebecca Lamb, Ext. 7334

Recommendation: That Development and Conservation Advisory Committee take note of the report and agrees to recommend to Cabinet the recommendations below.

Recommendation to Cabinet: That Cabinet

- a) adopts the six updated conservation area appraisals for the Brasted High Street, Leigh, Seal, Shoreham, and Swanley Village Conservation Areas;
 - b) designates the proposed extensions to each of the above conservation areas, as set out in paragraphs 27, 31, 35, 41 and 48 and shown in the maps in Appendix B;
 - c) cancels the Shoreham Mill Lane Conservation Area and designates extensions to the Shoreham High Street and Church Street Conservation Area to include all properties of the former Shoreham Mill Lane Conservation Area to form the Shoreham Conservation Area, as set out in paragraph 41.
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- d) agrees to the making of a focused use of Article 4 directions to remove limited permitted development rights for protecting historic boundary treatments and front gardens in the Shoreham Conservation Area and Swanley Village Conservation Area, as set out in paragraphs 51 to 55.
 - e) agrees to the final version of the document to be approved by the Portfolio Holder.
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Reason for recommendation: To enable the progression of the review of the District's conservation areas and their associated appraisals. To increase protection of the Shoreham Conservation Area and the Swanley Village Conservation Area to preserve and enhance their character and appearance by making limited Article 4 Directions that bring specified works under planning control.

Introduction and Background

- 1 The Conservation Team is undertaking a review of the District's conservation areas. Six conservation areas, i.e. Brasted High Street, Leigh, Seal, Shoreham High Street and Church Street, Shoreham Mill Lane and Swanley Village, have been reviewed and updated conservation area appraisals been drafted for them.
- 2 There are 42 conservation areas within the district. All of them have conservation area appraisals, but most of these are in need of updating. Although legislation requires the local planning authority to review its areas 'from time to time', it gives no indication how often this might mean. Good practice is generally accepted to be every 5 years. The above conservation areas were chosen based on the date of their last review/appraisal and the number of applications received in recent years.
- 3 Conservation area appraisals are adopted as supplementary planning documents (SPDs) and are a material consideration in assessing applications for development in the conservation areas. Therefore, it is important that the special interest of the conservation areas is clearly and accurately articulated. The appraisals also serve as evidence base for the Local Plan.
- 4 The Council appointed consultants Alan Baxter Associates to re-survey the areas and draft new appraisal documents. It is anticipated that the conservation area review will be continued over the following years, either in-house or with the help of consultants, to update all out-of-date conservation area appraisals.
- 5 The revised appraisals introduce a new, more concise and accessible format with an emphasis on visual presentation. They incorporate management recommendations to help support not only the Council's functions, but also those of other bodies and stakeholders involved in the areas. An Open Space Assessment has been included to highlight the contribution of open spaces within and in the setting to the character and appearance of the conservation areas.

- 6 Each revised conservation area appraisal consists of three parts:
- Sevenoaks District Conservation Areas:*
- *Part 1: An Introduction to Conservation Area Appraisals revised in 2019*
 - *Part 2: The Appraisal*
 - *Part 3: Conservation Area Design Guidance*
- 7 The review established that all of the six conservation areas fully merit their status and are of special interest, and that they are generally in a good condition.
- 8 Key findings include recommendations for merging the two Shoreham conservation areas into one and for limited extensions to all of the six conservation areas. Further, it is recommended to make focussed Article 4 directions to remove permitted development rights in the Shoreham Conservation Area and the Swanley Village Conservation Area to protect front gardens and boundary treatments.
- 9 In October 2018, Officers reported an update on the progress of the review to Planning Advisory Committee, requesting approval on the draft conservation area appraisals and authority to go out to public consultation. Subsequent to this, the draft appraisals were put out to public consultation for a six weeks period from 19 October to 30 November 2018.

Policy Context

- 10 The Planning (Listed Building and Conservation Areas) 1990 Act imposes a duty on local authorities to review from time to time their areas and to determine whether any further parts should be designated as conservation areas. Section 71 of the Planning (Listed Building and Conservation Areas) Act 1990 also places a duty on local planning authorities to draw up and publish proposals for the preservation and enhancement of the conservation areas in their districts.
- 11 The National Planning Policy Framework (NPPF) advises that '*when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architecture or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest*' (para. 186).
- 12 Para 190 of the NPPF states that
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this into account when considering the impact of a proposal on*

a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 13 In the SDC Core Strategy 2011, para 5.1.1 addresses the protection of the District's key historic assets, stating:

'At a local level Conservation Area Appraisals and Management Plans will be used to provide guidance on distinguishing features of the historic environment that should be protected, together with identifying opportunities for enhancement.'

- 14 Policy SP1 Design of New Development and Conservation stipulates:

'All new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Account should be taken of guidance adopted by the Council in form of (...) Conservation Area Appraisals and Management Plans.'

- 15 It is highlighted in the SDC Core Strategy that conservation area appraisals are in place for all conservation areas and that some of them have been updated to include management plans. It states that these will be kept under regular review and that remaining appraisals will be updated with management plans, and adopted as Supplementary Planning Documents. Accordingly, the proportion of conservation areas with up-to-date appraisals is one of the Core Strategy's performance indicators.

- 16 In terms of Article 4 directions, the NPPF states that

'The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area' (para 53)

- 17 The Article 4 direction would bring the certain proposals under planning control and thus the application of para 193 of the NPPF:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (...). This should be irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Public Consultation

- 18 There is no statutory duty to consult when preparing conservation area appraisals and management plans, but it is good practice to do so and it is a prerequisite for adoption of the appraisals as SPDs. Public consultation was carried out by the consultants, with assistance from Officers at public consultation events. Public consultation began on the 19th October 2018 and ran until 30th November 2018 and consisted of;

- An information leaflet to all addresses and an invitation to;

- A public consultation drop-in event in a local venue;
 - A website containing all the documents, maps and questionnaire, with the opportunity to comment;
 - A walkabout for key local stakeholders including parish and district councillors and other local amenity groups.
- 19 The Council issued a press release and the consultation was advertised on the website and social media. Hard copies of the appraisal were available in the Sevenoaks District Council Office, Sevenoaks Library and a locally accessible place in each location.
- 20 The walk-about events and drop-in sessions were attended by 78 people and the Council received 69 responses in writing. The great majority of respondents of all areas felt that the appraisals accurately captured what is special about each of the reviewed conservation areas and that the appraisals are easy to use and understand.
- 21 Historic England responded to the consultation and whilst not commenting on the findings of individual appraisals, they were pleased to support what they consider to be an important initiative which shows the Council are taking a leading hand in managing their conservation areas. They commented on the new format of the appraisal, which they noted is one that Historic England have recommended as good practice because of its accessibility and presentation of information that will be relevant to decision making.

Brasted Conservation Area Appraisal

- 22 The Council received three written responses to the public consultation and 18 people attended the public consultation event. The key recommendations of the appraisal included the making of additions to the conservation area on Rectory Lane and on the High Street, affecting altogether five properties.
- 23 Two respondents addressed the proposed extensions on Rectory Lane, one requesting further extensions to be made, the other objecting to the extensions and requesting the exclusion of one property, which is already in the conservation area. See attached schedule of comments and responses in Appendix A.
- 24 Subsequent to the comments received, the properties in question were re-surveyed and re-assessed before concluding that the five properties proposed as additions in the draft appraisal should be included in the conservation area, but that no further extensions beyond these should be made.
- 25 One owner who had objected to the inclusion of his properties in the conservation area was written to, informing him of the outcome and giving him the opportunity to provide further comments within a three weeks period. No further representations were received.

- 26 The value of a number of open spaces inside and outside the conservation area was re-assessed, with the conclusion that the paddock west of Rectory Lane, which defines the northern boundary of the village, and the key open spaces (parkland to the historic estates) in Character Zone 2 are making a strong contribution to the character and appearance of the conservation area.
- 27 This report recommends the adoption of the revised Brasted High Street Conservation Area Appraisal and the inclusion of the following five properties into the Brasted High Street Conservation Area:
- Old Orchard, High Street and Tanners Mead, The Old Forge and 1 & 2 Tannery Cottages, all on Rectory Lane (see Appendix C for map).

Leigh Conservation Area Appraisal

- 28 The Council received 11 written responses to the public consultation and 15 people attended the public consultation event. All of the people who responded to the question considered that the revised appraisal captures what is special about the area. See attached schedule of comments and responses in Appendix A.
- 29 The review established that Nos. 1-22 Garden Cottages, an intact set-piece of early 20th century social housing development with Arts and Crafts influences, and a small number of properties along Powder Mill Lane should be included into the conservation area. The proposal was supported by the majority of respondents, including the Leigh Parish Council, the Local Historic Society, and two of the properties owners, including the owners of Nos. 1- 22 Garden Cottages.
- 30 Following the public consultation, the northern end of Crandalls, south of The Green, was identified as meriting inclusion. The two property owners and the Parish Council were written to, informing them of the proposal and giving them a six week period to respond, with the appraisal documents being available for viewing on the Council's website. One owner responded seeking clarification on the implications of inclusion and following this, was happy to support the proposal.
- 31 This report recommends the adoption of the revised Leigh Conservation Area Appraisal and inclusion of the following properties into the Leigh Conservation Area:
- 1-22 (consecutive) Garden Cottages, 21 and 22 Barnetts Road, 1 Powder Mill Lane, The Hawthorns, Oak Tree Cottage, The Beeches, The Cottage and Rosslyn, all on Powder Mill Lane, and the northern section of Crandalls (the street), Land to the south of Site of Former Public Conveniences, and Land belonging to Chestnuts, The Green, Leigh (see Appendix B for map).

Seal Conservation Area Appraisal

- 32 The Council received 15 written responses to the public consultation and 16 people attended the public consultation event. All of the ten people who responded to the question considered that the revised appraisal captures what is special about the area. See attached schedule of comments and responses in Appendix A.
- 33 The Council received a request from the Seal Village Allotments Trust and the Jubilee Rise Residents' Association for including the allotments and Jubilee Rise into the conservation area. This was supported by a petition signed by the residents/owners of eight of the nine affected properties of Jubilee Rise. The areas in question were subsequently re-surveyed and re-assessed and it was concluded that they would merit inclusion.
- 34 Property owners who were affected and the Parish Council were written to, informing them of the outcome and giving them a six week period to respond, with the appraisal documents being available for viewing on the Council's website. The Council received four responses, including from the Parish Council and the Seal Village Allotment Trustees, all supporting the proposed extensions to the conservation area.
- 35 Following from above, this report recommends the adoption of the revised Seal Conservation Area Appraisal and the inclusion of the following 11 properties into the Seal Conservation Area:

The Seal Village Allotments on Childsbridge Lane, 1 - 5 (consecutive) Jubilee Rise, Northview, Hill House and Bella Vista on Jubilee Rise, and the Scout Hut of the Ninth Sevenoaks Scout Group and Lulworth, both on School Lane (see Appendix B for map).

Shoreham Conservation Area

- 36 The Council received 26 responses to the public consultation, and 30 people attended the public consultation event. The engagement reflected the deep value residents place on the historic village and its setting in the Darent Valley and Kent Downs AONB.
- 37 22 out of 23 respondents who answered this question considered that the revised appraisal captures what is special about the area.
- 38 The key recommendations of the appraisal included the proposal for extensions to and merging of the two conservation areas to form a unified 'Shoreham Conservation Area'. This was strongly supported by stakeholders and residents, with 90 percent responding in the affirmative. The proposal to include Crown Field at the northern end of the village was particularly welcomed.
- 39 The second key recommendation of the review is for the making of a focussed Article 4 direction to protect the front gardens and boundary features. The appraisal established that the cumulative effect of creating

off-street parking by way of removing boundaries and paving over the front gardens has started to affect the character and appearance of the conservation area. The proposal received strong support, with all people who responded to this question supporting it, including the Shoreham Society, see attached schedule of comments and responses in Appendix A.

- 40 Many respondents, including the Parish Council and the Shoreham Society, made requests for further areas around the fringes of the historic village to be included in the conservation area. These were carefully assessed and it was concluded that no further extensions should be made other than those proposed in the draft appraisal.
- 41 In relation to the revised Shoreham conservation areas, this report recommends the following actions:
- The merging of the Shoreham High Street and Church Street and the Shoreham Mill Lane Conservation Areas by way of
 - 1) cancelling the Shoreham Mill Lane Conservation Area,
 - 2) extending the Shoreham High Street and Church Street Conservation Area to include all properties that make up the Shoreham Mill Lane Conservation Area, and
 - 3) re-name the extended area as 'Shoreham Conservation Area';
 - The extension of the conservation area to include the following 14 properties: Nos. 40, 42, 44, 46-56 (even), 72-76 (even), 76a and 83 High Street and Field at the North End of High Street, known as Crown Field, into the conservation area (see Appendix B for map);
 - The adoption of the Shoreham Conservation Area Appraisal;
 - The making of an Article 4 direction to remove limited permitted development rights for protecting boundary treatments and front gardens.

Swanley Village Conservation Area

- 42 Seven residents and stakeholders responded to the public consultation in writing or via the online questionnaire, and 18 people attended the public consultation event.
- 43 The key recommendations of the appraisal included the proposal for additions to the conservation area along Beechenlea Lane, affecting eight properties. Four respondents, including the Swanley Village Resident Society, supported this proposal, whilst three respondents, including the Swanley Town Council, objected to the proposal.
- 44 Subsequent to the comments received, the properties in question were re-surveyed and re-assessed. The two owners objecting to the inclusion of their properties were written to, giving them the opportunity to provide further comments within a three week period, to which both responded. After considering the further evidence submitted, the two properties Argyle and Ascona on Beechenlea Lane have been removed from the proposal.

- 45 A request for a further extension to the conservation area relating to the building attached to the listed Coach House at Old Place, now part of Old Place Stables, was made by a number of attendees to the public consultation event and in writing by the Swanley Village Residents Society. A subsequent assessment of the building and of historical map evidence identified the building worthy of inclusion.
- 46 The property owner and the Town Council and Swanley Residents Society were written to, informing them of this proposal and giving them a six week period to respond. No response was received.
- 47 The second key recommendation of the review is for the making of a focussed Article 4 direction to protect the front gardens and boundary features. The appraisal established that the cumulative effect of creating off-street parking by way of removing boundaries and paving over the front gardens has started to affect the character and appearance of the conservation area. The proposal for making the Article 4 direction was received with a mixed response, with three respondents supporting it and two respondents, including the Swanley Village Residents Society, objecting to it.
- 48 This report recommends the following action:
- The adoption of the revised Swanley Village Conservation Area Appraisal;
 - The inclusion of the following seven properties into the conservation area: Lucas Farmhouse, Land North of Lucas Farmhouse, Lucas Cottage and Pine Cottage, Cygnet and Land East of Cygnet, all on Beechenlea Lane, and the building attached to the listed Coach House at Old Place, Old Place Stables, Swanley Village Road (see Appendix B for map)
 - The making of an Article 4 direction to remove limited permitted development rights for protecting boundary treatments and front gardens.

Consequences of Extending and Merging Conservation Areas

- 49 Inclusion of properties into a conservation area has the following principal effects:
- The local planning authority (LPA) is under a general duty to ensure the preservation and enhancement of these areas, and a duty to prepare proposals to that end;
 - Planning permission is required for the demolition of any unlisted building;
 - Restriction of a limited number of permitted development rights for owners in conservation areas. These include, for example, the need for planning permission for roof extensions or for the cladding of external elevations.

- Advertisement consent is required for illuminated signage in a conservation area.
- The LPA is under the duty to take account the desirability of preserving and enhancing the character and appearance of the area when determining such application.
- Notice must be given to the LPA before any works are carried out to any tree in the area.
- Extra publicity is given to planning applications affecting conservation areas.
- Environmental improvement schemes and grants for the repair of historic buildings, if available, tend to be targeted towards the historic environment and heritage assets.

50 The merging of the two Shoreham conservation areas to form one conservation area will not result in any change for property owners or the LPA since the status as conservation area and the associated effects remain the same.

Article 4 Directions

51 An Article 4 direction is a provision that can be introduced to better protect and manage an area's character by withdrawing permitted development rights for certain types of development and requiring that an application for planning permission is made. Making an Article 4 direction does not conclude that something is unacceptable in principle or that no changes can be made, but instead simply brings proposals for such development under the control of the Local Planning Authority so that their impact can be fully considered.

52 The use of Article 4 directions has to be carefully justified, because they limit rights that would otherwise exist to property owners. A fee will be payable in respect of any planning application made as a result of the Article 4 direction. The fee is the same as those for other planning applications.

53 To protect the rural character of the Shoreham Conservation Area and the Swanley Village Conservation Area, it is recommended that permitted development rights are removed only from the following three classes within Schedule 2 the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the "GDPO"):

- The construction or replacement of a hard surface (Class F, Part 1);
- The erection or alteration of boundary treatments of a gate, fence, wall or other means of enclosure (Class A, Part 2);
- The demolition of the whole or any part of any boundary treatments (Class C, Part 11).

- 54 When an Article 4 direction is made a public consultation exercise is carried out. Following statutory notification, residents are invited to make representations concerning the direction during a period of at least 21 days. The notice will be accompanied by a guidance sheet explaining what an Article 4 direction is, and why one has been made in this particular case. The Council then has to consider the representations received before deciding whether to confirm the direction.
- 55 The direction comes into force when statutory notification of it is given. It cannot be applied retrospectively to development which has already been carried out prior to the making of the direction. The Council is required to confirm the direction within six months, or it lapses.

Reviews and Appeals

- 56 There is no formal right of appeal to an Article 4 direction. Similarly, there is no statutory right of appeal against a building being included in a conservation area.
- 57 Should a planning application be refused because it cites the impact on the significance or character and appearance of the conservation area, which is a designated heritage asset, there is the right of appeal to the Planning Inspectorate who will make an independent judgement on the impact of the proposed development on the heritage asset.
- 58 The conservation areas will be kept under review in order to monitor their condition and to establish whether existing planning controls are successful in preserving the areas' character and appearance or whether further proposals for avoiding harmful change or for measures for enhancement need to be considered.

Other Options Considered and/or Rejected

The Core Strategy is specific about the documents necessary to support Policy SP1. Not pursuing the update of the existing appraisals would not accord with SDC policy, and the Council would fail in its statutory duties in relation to conservation areas, as set out in the Planning (Listed Building and Conservation areas) Act 1990.

The Council has considered whether it could exercise its powers under Article 4 by giving greater notice to residents and not implementing it with immediate effect. By giving longer notice of the Direction, the Council would also not be subject to claims for compensation under Class F for not being able to exercise these rights after withdrawal. However, this option has been considered and rejected because it would not provide protection during the notice period and this could compromise the purpose of the Direction.

Key Implications

Financial

The production of the appraisals and management plans has been accommodated within existing budgets.

The processing of additional planning applications that would result from the proposed extensions to the conservation areas and the application of the recommended specific Article 4 directions to two areas will be accommodated within the departmental budgets.

Section 108 of the Town and Country Planning Act 1990 makes provision for compensation to be paid by the local planning authority either if an application for development is refused, which would normally have been permitted development before an Article 4 Direction was introduced, or grant planning permission subject to more limiting conditions than the General Permitted Development Order 2015 would normally allow. An application for compensation must be made within 12 months of the planning decision and compensation is only payable if the applicant has an interest in the land.

Section 107 sets out the method for assessing such compensation, which is strictly limited to the abortive costs associated with the planning application and any other loss, which is directly attributable to the Article 4 direction being made. In relation to Class F, Part 1 (construction or replacement of a hard surface), the Council is only liable to pay compensation on planning decisions made within 12 months of the Article 4 direction being introduced. In relation to Class A, Part 2 (erection or alteration of any means of enclosure) and Class C, Part 11 (demolition of boundaries), the Council is liable to pay compensation even if an application is made 12 months or more after the Article 4 direction has taken effect. The making of a direction creates this right. Such payments are made from the departmental budget.

Legal Implications and Risk Assessment Statement

The Council has a statutory duty under the provisions of section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate and review conservation areas and is required to produce Appraisals and Management Plans for each area.

The documents are based on best practice and would involve local engagement. It is therefore considered that once finalised, they would provide a sound basis for the future conservation and management of the areas.

Legal input will be required for advising on the procedure for making extensions to conservation area and the use of Article 4 directions.

Equality Assessment

Equal opportunities will be achieved by making the documents available equally to all and providing other formats when necessary.

Otherwise, the decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

In adopting the revised appraisals, Cabinet will see the completion of a first tranche of updates of the Districts mostly outdated conservation area appraisals. In supporting the revision of the conservation area appraisals, the Council fulfils its statutory duties in relation to conservation areas, and the making of Article 4 directions to two of the reviewed conservation areas will have a positive impact on their management. The appraisals will help planning officers, the local community and other stakeholders in the conservation and enhancement of the conservation areas and secure the long term preservation of their character and value as important heritage assets.

Appendices

Appendix A - Public Consultation Matrix Report
Appendix B -Brasted, Leigh, Seal, Shoreham and Swanley Village Conservation Area maps - 2019 Extensions
Appendix C - Sevenoaks District Conservation Areas: An introduction to conservation area appraisals revised in 2019
Appendix D -Brasted Conservation Area Appraisal
Appendix E -Leigh Conservation Area Appraisal
Appendix F - Seal Conservation Area Appraisal
Appendix G -Shoreham Conservation Area Appraisal
Appendix H -Swanley Village Conservation Area Appraisal
Appendix I - Sevenoaks District Conservation Area Appraisals, Appraisals revised in 2019: Conservation Area Design Guidance

Background Papers

National Planning Policy Framework
Sevenoaks District Council Core Strategy, 2011
Historic England Advice Note 1 '*Conservation Area Designation, Appraisal and Management*' (2019)
Historic England: Conservation Principles (2008)

Richard Morris

Chief Planning Officer