

TO: THE MONITORING OFFICER (TOM CLARK, SOLICITOR TO THE COUNCIL)

RECORD OF ACTION TAKEN BY A CABINET MEMBER UNDER DELEGATED POWERS

Subject: Hurstpierpoint Conservation Areas Appraisal and Boundary Review and Programme for Further Conservation Area Appraisals

Cabinet Member: Cllr MacNaughton

Has the Cabinet Member received a report prior to taking the decision?

Y

In the case of a key decision and where the Cabinet Member has received a report

- **Date a copy of the report was made available to the Chair of the Performance and Scrutiny Committee and placed in the public domain.**

Alternative options considered and rejected

To not adopt the appraisal, amend the Conservation Area boundaries or complete further appraisals

Record of decision taken

Delegated decision to Cabinet Member from Scrutiny Committee for Community Housing and Planning on 4th July 2018

Statement of reasons for making the decision

To provide up to date Conservation Area Appraisals for the District and to amend the boundary of the Hurstpierpoint and Hurst Wickham Conservation Areas.


Date of decision:- 4th July 2018

Is the decision to be protected from call-in? (i.e.if any delay would seriously prejudice the Council's or the public's interest) - see Scrutiny Procedure Rule 14 (K)

No

If so:-

Signed:



Cabinet Member

This record must be forwarded immediately to the Monitoring Officer (TC) and copied to the relevant Cabinet Member.

For Monitoring Officer

Date of publication of Member Information Services	11/07/18.
Date of decision can be implemented (on the Thursday after publication of the Member Information Service unless already protected from call-in)	

7. THE CONSERVATION AREA APPRAISALS PROGRAMME AND HURSTPIERPOINT CONSERVATION AREAS APPRAISAL AND BOUNDARY REVIEW

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Emily Wade
Email: emily.wade@midsussex.gov.uk Tel: 01444 477385
Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Community Housing and Planning
Date of meeting: 4th July 2018

Purpose of Report

1. The report outlines an ongoing programme for the development of appraisals for other Conservation Areas in the District as set out in Appendix 1.
2. In addition, this report asks members to consider the proposed revised Hurstpierpoint Conservation Areas Appraisal and Boundary Review following consultation and to recommend that the Cabinet Member for Housing and Planning approve the Appraisal document for use by the Council to inform planning policy and as a material consideration in the determination of planning applications.

Summary

3. This report:
 - a) Sets out the Council's legal obligations to prepare Conservation Area appraisals, and relevant Historic England guidance;
 - b) Describes the process of preparation of the Hurstpierpoint Conservation Areas Appraisal and the associated boundary review, including the recent public consultation and its outcome;
 - c) Considers the existing coverage of Conservation Area Appraisals across the District; and sets out a proposed programme for the preparation of further Conservation Area Appraisals.

Recommendations

4. **That the Scrutiny Committee:**
 - (i) **Notes the contents of this Report;**
 - (ii) **Agrees the proposed programme of Conservation Area Appraisals across the District;**
 - (iii) **Recommends the approval of the Hurstpierpoint Conservation Areas Appraisal as a material consideration in the determination of planning applications to the Cabinet Member for Housing and Planning; and**
 - (iv) **Recommends the approval of the proposed boundary changes to the Hurstpierpoint and Hurst Wickham Conservation Areas to the Cabinet Member for Housing and Planning.**
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Background

5. A conservation area is defined as an area of ‘special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.’ Conservation areas were originally introduced through the Civic Amenities Act in 1967. They are designated by local authorities under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act). Designation of a conservation area is in recognition that an area has a special character and identity that is worth preserving or enhancing.
6. Conservation area status is a material consideration in determination of planning applications. Development in a conservation area is required to conserve or enhance its special character, appearance, and the range of activities which contribute to it (District Plan 2018 Policy DP35). Development is also required to protect the setting of the conservation area and in particular views into and out of the area (Policy DP35).
7. In order to help inform planning decisions and to help in defending planning appeals it is important that the District Council holds up to date information on the special character of its Conservation Areas and the factors that contribute to this.
8. Under the Act local planning authorities have a duty from time to time to review the Conservation Areas within their districts. Although no legally binding time frame is given for the review process, it is considered good practice for an authority to review its Conservation Areas every five years. The review should consider whether the boundaries of existing Conservation Areas should be changed, and new areas identified. The Act also places a duty on local planning authorities to draw up and publish proposals for the preservation and enhancement of their Conservation Areas in the form of Management Plans.
9. It is good practice, as advocated by Historic England in their publication ‘*Conservation Area Designation, Appraisal and Management*’, for a local planning authority to prepare Conservation Area Appraisals to inform this process of periodic boundary review and the development of management plans. Historic England advises that these appraisals should clearly identify the qualities which make a Conservation Area special, and how these qualities can be preserved and enhanced.

The ongoing Conservation Area Appraisal Programme

10. Mid Sussex District has 32 Conservation Areas, only six of which (including the three areas now under consideration) are covered by an existing appraisal document in addition to the original designation document. This leaves 26 Conservation Areas without a character appraisal.
11. Three Conservation Areas (Hurstpierpoint, East Grinstead Town Centre and Lindfield) have already been agreed as a priority within the Council’s Economic Development Strategy (EDS) for the preparation of a character appraisal by 2019 because of the economic role and function of the settlements and the need to ensure viable and vibrant town centres which meet local needs.
12. In addition to the Council’s legal obligation to review its Conservation Areas and their boundaries, appraisals are also a useful tool within the planning process in terms of setting out the special character and qualities of Conservation Areas and their settings which it is desirable to preserve or enhance. It is therefore particularly useful to have an appraisal in place in areas where pressure for new development is high.

13. The table at Appendix 1 uses three criteria to help identify a prioritisation list for those remaining Conservation Areas which do not already have an appraisal and are not identified within the EDS. These are the date of the last review of the Conservation Area, the likely level of development pressure as determined by which category of settlement the area is located in and the indicated minimum residual level of growth for the settlement set out in the supporting text to Policy DP6 of the District Plan, and the level of local interest in helping or supporting the appraisal process.
14. These areas are identified as having High, Medium or Low Priority. It is proposed that areas identified as being of High Priority should undergo an appraisal and boundary review within the next 2-3 years, with areas of Medium Priority being considered within the next 3-4 years, Areas currently identified as being of Low Priority would be considered after this.
15. The priority given to each area may be subject to change if factors affecting it such as development pressures are altered.

The Hurstpierpoint Conservation Areas Appraisal and Boundary Review

16. As part of a programme of reviewing Conservation Area Appraisals across the District, and in line with the Mid Sussex Economic Development Strategy 2018-2031, officers have prepared the Hurstpierpoint Conservation Areas Appraisal, which covers the three Conservation Areas within the village (Hurstpierpoint, Langton Lane and Hurst Wickham Conservation Areas). This has been prepared in association with the Hurstpierpoint Society. The revised draft Hurstpierpoint Conservation Area Appraisal is at Appendix 2 to this report.
17. In 2009 the Hurstpierpoint Society started work on a draft Appraisal. It was agreed in 2017 to accelerate this work and the Hurstpierpoint Society has offered ongoing support to help achieve this.
18. The survey work for this appraisal was undertaken in partnership with the Hurstpierpoint Society and highlighted a number of instances where it is felt the boundaries of the Conservation Areas should be. In addition, there is one instance where it is considered the boundary should be altered to omit buildings which detract from the special interest of the Conservation Area concerned. These proposed changes are shown on maps on pages 67 and 68 of the Appraisal.
19. Once approved by the Council, this document will form a material consideration in the determination of planning applications, and will inform planning practice and policies for the area. It will also give the local community clear advice on what should be cared for and preserved within the Conservation Areas.

Public Consultation on the Hurstpierpoint Conservation Areas Appraisal and Boundary Review.

20. On 8th April 2018, the Cabinet Member for Housing and Planning approved the draft Hurstpierpoint Conservation Areas Appraisal for public consultation in line with government requirements
21. Consultation on the draft document was held from 16 April 2018 to 28 May 2018 (a period of 6 weeks). Hurstpierpoint Society and the Parish Council assisted with the consultation, which included an exhibition and public meeting. The Consultation was published on the Council's website and social media feeds.

22. Responses to the public consultation are set out in the table in Appendix 3, as are any amendments to the Conservation Areas Appraisal and Boundary Review which have been made in response to these.
23. Several comments have been received in relation to the accuracy of aspects of contents of the appraisal and its formatting. In general, these comments have been acted upon involving minor additions or changes to the text and reformatting of certain parts of the document.
24. Comments have also been received on the boundary changes to Hurst Wickham Conservation Area. Some of these support the changes and some oppose certain aspects of the proposed amendments or refer to the exact placement of the boundary. Having reviewed these responses no significant changes to the proposal are considered necessary, although the alignment of the boundary adjacent to Hurst Wickham Barn has been adjusted to better reflect property boundaries.
25. Two further additions to the Hurstpierpoint Conservation Area have also been suggested (the town allotments at the bottom of Pitt Lane, and Trinity Court and the Millennium Gardens adjacent to Brown Twins Road). Although it is not felt appropriate to include these areas within the Conservation Area at this time, the text of the Appraisal has been amended in order to better reflect the positive contribution that these areas make to the setting of the Conservation Area.
26. One objection has been received on the basis of withdrawal of permitted development rights from a property which it is proposed is included in the Hurstpierpoint Conservation Area.
27. Conservation Area designation would have an effect on the Permitted Development Rights pertaining to affected properties, such that certain rights would be withdrawn or amended, allowing control under the Planning system of some additional forms of development which could potentially affect the character and appearance of the area. The impact on the character and appearance of the Conservation Area would also become a material factor in the consideration of any planning application affecting properties now included in the Conservation Area, or its amended setting.
28. However, although Conservation Area designation will introduce the need for a planning application for certain works which would otherwise be permitted development, planning permission will be granted provided that the proposed works preserve or enhance the character or appearance of the area and meet other relevant planning requirements.

Financial Implications

29. It is important that the Council has a programme for its Conservation Area appraisals. These will help to properly address the determination of planning applications which affect Conservation Areas, and to make sound planning decisions which reduce the likelihood of appeal.
30. Setting out a programme of appraisals will enable the appropriate resources within the Planning and Economy Service to be committed to the preparation of the programme.
31. The programme will also enable the best use of the currently available assistance from local amenity groups and residents to help support the appraisal process.

Risk Management Implications

32. Without a properly planned programme for the preparation of Conservation Area Appraisals, the appraisals may not be prepared with the correct priority, leaving the Council without the necessary evidence base to ensure that development responds appropriately to its context.

Other Material Implications

33. There are no other material implications.

Appendix 1: Draft Programme for production of Conservation Area Appraisals across Mid Sussex District

Appendix 2: Hurstpierpoint Conservation Areas Appraisal and Boundary Review

Appendix 3: Table of responses to consultation on the Hurstpierpoint Conservation Areas Appraisal and Boundary Review

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