

<b>Subject:</b>	<b>Ovingdean Conservation Area Review</b>		
<b>Date of Meeting:</b>	<b>02 February 2012</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sanne Roberts</b>	<b>Tel: 2261</b>
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<b>Key Decision:</b>	<b>No</b>		
<b>Ward(s) affected:</b>	<b>Rottingdean Coastal</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report provides a summary of response to the recent consultation on a review of Ovingdean Conservation Area. The consultation results show a high level of support for preserving and enhancing the special interest of this area. This included support for the making of an Article 4(1) Direction withdrawing permitted development rights to control potentially unsympathetic alterations to dwellings. This report therefore seeks approval to proceed with this Direction.
- 1.2 There was a strong response to the proposed boundary amendment, with the majority of responses requesting that the area be enlarged – rather than reduced - to include the farms area to the north and to align with the boundary to the South Downs National Park. As a result, proposed revisions have been made to the character statement and boundary to reflect the consultation response. This report seeks approval to consult on these amendments.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration approves the revised draft Ovingdean Conservation Area Appraisal character statement and boundary changes for public consultation.
- 2.2 That a Town and Country Planning (General Permitted Development) Order 1995 Article 4(1) Direction relating to those categories of development set out in Appendix 1 be made for dwellings in those parts of the Conservation Area that lie outside the South Downs National Park and as shown on Appendix 1

**3. RELEVANT BACKGROUND INFORMATION**

- 3.1 The Council has a duty to review its conservation areas, through regularly updated character appraisals. These provide a basis on which to determine whether any parts or further parts should be designated. There is no statutory requirement for public consultation prior to designation but it is highly desirable to do so.

- 3.2 Ovingdean conservation area was designated in 1970. The current review of the area and its boundary is the first since designation. No up-to-date Character Statement therefore exists at present. Its current boundary is appended in Appendix 2. An area of the Ovingdean Conservation Area, unaffected by the boundary change proposals, falls within the South Downs National Park.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 A draft Ovingdean Conservation Area Character Statement was approved for public consultation at the Cabinet Member's meeting on 11 July 2011. Formal public consultation took place between 8 August and 18 September 2011. A meeting was held with members of Ovingdean Residents and Preservation Society on 05 October. Copies of the draft statement were made available on the Council's website, at City Direct Offices and at Rottingdean Library. Local residents, businesses, Ward Councillors, South Downs National Park Authority, Ovingdean Residents and Preservation Society and other local and national amenity societies, English Heritage and other key stakeholders were consulted. Posters were displayed in the area, and an article placed in the Ovingdean Residents and Preservation Society Newsletter. The statement was also reported to the Council's Conservation Advisory Group (CAG).

##### **Summary of Response to Consultation**

- 4.2 There were 35 responses to the consultation, as set out in appendix 3. Of these, 24 were from residents and other individuals; 11 were from organisations.
- 4.3 The response has generally been supportive of conserving the special character of the village. Some respondents provided useful extra historic information, minor amendments and corrections. The main topics raised were traffic, the Article 4(1) Direction, the proposed boundary amendment and the allotments:
- 16 responses highlighted the high levels of traffic in the village as a negative feature.
  - 10 responses were received regarding the proposed Article 4(1) Direction; 9 for and 1 against.
  - 24 responses have been received regarding the proposed boundary amendment; 2 for and 22 against.
  - 6 responses suggested the inclusion of the allotments into the conservation area, as these form an important part of the sustainable rural community, or to regulate the boundary to match that of the South Downs National Park.

##### Traffic

- 4.4 The Character Statement is not the appropriate place for in depth discussion of traffic issues. The Statement highlights that traffic levels do have a harmful impact on the character of the area. This will be further emphasised and the Statement will note that all future traffic management will need to be sensitively handled.

##### Article 4(1) Direction

- 4.5 The proposal for an Article 4(1) Direction to control incremental change to dwellings received a good level of support and will therefore be recommended for

progression. It is proposed that the Direction is made for those areas outside the National Park and will not need to cover the areas of proposed boundary extension as recommended by this report as those areas do not incorporate any dwellings. It is proposed that this could be taken forward in conjunction with Article 4 Directions for Rottingdean and Patcham Conservation Areas (see Agenda Item 79 of this meeting). The permitted development rights proposed for removal and a plan showing the area proposed to be subject to the same is shown in Appendix 1.

#### Proposed Boundary Amendment

- 4.6 There is general agreement that farming is important to the historic development and vitality of the area, but that the current farm buildings are of no architectural interest in themselves. The responses reflect concern over the current state and future of the farm area. There is a belief that inclusion in the conservation area will provide greater protection, and avoid areas of 'unprotected land' between the conservation area and National Park. Others agreed that the area was of no special interest, but saw no benefit to its removal.
- 4.7 The responses suggested three main options for the boundary: to remove the farm area as proposed, to leave the boundary as is, or to extend the boundary to abut that of the National Park.
- 4.8 The currently proposed boundary amendment was based on an objective assessment of the special historic and architectural interest of the area. Permitted development rights for farm buildings are not impacted by inclusion within a conservation area, and therefore its inclusion or removal makes little tangible difference to this. Whether the area is included in the conservation area or not, any future development proposals would need to be considered in the light of both Conservation Area Policy (which includes the setting of conservation areas) and Urban Fringe Policy.
- 4.9 The local response however is weighted towards extending the boundary to the north (Area A), northwest (Area B) and south (Area C on the plan in appendix 4) to match that of the South Downs National Park. Justification for this approach can be made in terms of:
- the importance of farming as a historic use, and the retention of agricultural and horticultural uses within the village.
  - the difference in scale between these relatively intimate spaces (formerly small fields as extant on successive historic maps from 1714 onwards) in comparison to the open downland 'setting' beyond.
  - the survival of a number of historic field boundaries.
  - a logical approach to matching the boundaries of the conservation area and national park.
- 4.10 It is therefore suggested that the proposed boundary is amended to match that of the South Downs National Park, as shown in appendix 4. This would require revisions to the Character Statement to include a fourth character area, 'The Farms', as detailed in appendix 5.

- 4.11 Informal consultation has been undertaken with the Historic Buildings Officer for the South Downs National Park, Smiths Gore and the Council's Property & Design team.

#### Allotments

- 4.12 In line with the above, it is suggested that the allotments are also proposed for inclusion within the conservation area (Area C as shown in appendix 4). Informal consultation has been undertaken with the Council's City Parks team.

#### **Conclusion**

- 4.13 This report seeks approval for a second phase of consultation due to revisions to the proposed conservation area boundary. As with the previous consultation, Ward Councillors, the Ovingdean Residents and Preservation Society, Brighton Society, Regency Society, national amenity societies, English Heritage, the South Downs National Park Authority and the Council's conservation advisory group will all be formally consulted. Council managers responsible for managing the area's properties and highways will also be consulted. The format of local consultation and any public meeting will be agreed in advance with Ward Councillors. The SDNPA's conservation officer will be invited to contribute to the review and to respond to any representations made regarding land within the SDNP area.
- 4.14 The consultation will take place over six weeks. The draft document will be available to view on the Council's website, linked to the Council's consultation portal and hard copies made available at City Direct and Rottingdean Library. Posters will be displayed in the area. The consultation will invite specific comment on the revised proposals for the conservation area boundary, as shown in appendix 4, and revised wording of the draft character statement, as shown in appendix 5.
- 4.15 Responses to the consultation and any consequent amendments to the character statement and its recommendations will be reported to a future CMM meeting.
- 4.16 The report also recommends the making of an Article 4 (1) Direction, to control incremental change to dwellings in the area through the removal of specified permitted development rights.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The cost of the public consultation on the draft Ovingdean Conservation Area Review will be met from within existing Planning revenue budgets and will largely consist of officer time and public notices in the Brighton & Hove Leader and London Gazette.

*Finance Officer Consulted: Karen Brookshaw*

*Date: 23/11/11*

##### Legal Implications:

- 5.2 The Council has a duty under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") to review its area, from time to time, to

determine whether any parts or further parts should be designated as conservation areas. There is no statutory requirement for public consultation prior to designation but this is considered best practice. The 1990 Act also grants local planning authorities a power to vary or cancel such designations.

5.3 Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows local planning authorities to make Directions withdrawing permitted development rights where the authority considers it expedient that development should not be carried out unless express planning permission has been obtained for the same. Government Guidance contained in Circular 9/95 (as amended) advises that article 4 directions should be made only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area. Once made the Article 4 Direction will need to be advertised and, in considering whether to confirm the Direction, the planning authority must take into account any representations made during the consultation period.

5.4 No adverse human rights implications are considered to arise from the Report

*Lawyer Consulted: Hilary Woodward Date: 23/11/11*

Equalities Implications:

5.5 An Equalities Impact Assessment (EQIA) of the Conservation service was undertaken in 2010 and covers work on the designation of conservation areas, Article 4 Directions, Regulation 7 Directions and lists of buildings of local interest.

Sustainability Implications:

5.4 The proposals in this report have no substantial impact upon the four priorities of the UK's Sustainable Development Strategy (2005) (sustainable consumption and production, climate change, natural resource protection and sustainable communities).

Crime & Disorder Implications:

5.5 None have been identified

Risk and Opportunity Management Implications:

5.6 The failure to consult on the revised draft review, and the failure to maintain the character and appearance of the area and its historic buildings, could lead to adverse publicity for the Council.

Public Health Implications:

5.7 Preservation and enhancement of the special interest of a conservation area can improve the well-being and sense of place of existing and/or future inhabitants of the area.

Corporate / Citywide Implications:

5.8 The proposals accord with the corporate priority of Creating a Sustainable City, as set out in the Corporate Plan 2011-2015. More specifically the guidance is a response to the Council's priority to create a higher quality built environment and to preserve our architectural heritage.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 None considered.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 Ovingdean Conservation Area does not have an up-to-date, in depth character appraisal. A review of the Conservation Area would accord with the Council's adopted Conservation Strategy (2003), and with national and Government guidance (English Heritage Guidance 2006, Planning Policy Statement 5: Planning for the Historic Environment).

7.2 The responses to public consultation are broadly supportive of preserving and enhancing the character and special interest of the area. There is, however, strong support for revisions to be made to the proposed conservation area boundary. There is also strong local and ward councillor support for further consultation on this. The recommendation to consult on a revised boundary proposal has taken account of the representations received during public consultation. The changes made to the character statement are a result of those comments. The making of an Article 4(1) Direction will help preserve the character and appearance of the dwellings in the village through controlling incremental change.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Proposed Permitted Development Rights to be removed and plan
2. Existing Ovingdean Conservation Area Boundary
3. Consultation responses
4. Plan showing proposed revised boundary amendments
5. Revised draft Ovingdean Conservation Area Character Statement with proposed amendments highlighted

### **Documents In Members' Rooms**

None

### **Background Documents**

1. Letters of representation
2. Minutes of the Conservation Advisory Group – 20 September 2011