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HAVANT BOROUGH COUNCIL

CABINET

11th September 2019

OLD BEDHAMPTON CONSERVATION AREA APPRAISAL

JESSICA HILL (CONSERVATION OFFICER)

FOR DECISION

Cabinet Lead (HBC): Cabinet Lead for Planning, Regeneration and Communities

Key Decision: No

1.0 Purpose of Report

- 1.1 This report is to give the Cabinet an update on the review of the Old Bedhampton Conservation Area and the process that has been followed. It also proposes that the Cabinet approves the Character Appraisal and Management Plan for the Old Bedhampton Conservation Area for adoption.

2.0 Recommendations

- 2.1 That the Cabinet recommends to Full Council that it:
- a) Notes the responses to the recent consultation (included at Appendix 3 (summary) and Appendix 4 (redacted copies of original responses));
 - b) Adopts the Old Bedhampton Conservation Area Character Appraisal (Appendix 1), including the boundary (Appendix 2);
 - c) Notes that on adoption, the Old Bedhampton Conservation Area Character Appraisal (Appendix 1) becomes a material consideration in development management decision making alongside the development plan and emerging Havant Borough Local Plan 2036;
 - d) Approves including the Manor Farm Buildings (located to the south of Lower Road) on the local list;
 - e) Approves the implementation of an Article 4 (1) Direction and delegates authority to the Head of Planning, in consultation with the Cabinet Lead for Planning, Regeneration and Communities, to determine the draft form and

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content of the direction prior to this being publicised. (See sections 3.67-3.79 of the report). Officers to report back to Cabinet at a later date with the draft form and content.

- f) Delegate authority to the Head of Planning, in consultation with the Cabinet Lead for Planning, Regeneration and Communities, to make any necessary amendments to the documents listed above. These shall be limited to grammatical, typographical, formatting and graphic design changes and shall not change the meaning of the material.

3.0 Summary

Context – the Council’s responsibilities

- 3.1 The designation and review of Conservation Areas an important part of the Councils statutory duty to prepare and publish proposals to preserve and enhance the Borough’s heritage. It does so by defining the unique characteristics which make the area so special and by identifying positive or negative aspects, threats and opportunities to its preservation and enhancement. This provides the foundation for developing practical policies and proposals for the management of the conservation area which will enable it to play a positive role in shaping an economically and socially successful Borough.
- 3.2 This conservation area appraisal (CAA) has been prepared as part of a review of the Old Bedhampton Conservation Area first designated in 1980 and extended in 1994.
- 3.3 Under the Planning (Listed Building and Conservation Areas) Act 1990 section 69 sets out that *‘Every local planning authority shall from time to time determine which parts of their areas are **of special architectural or historic interest** the character or appearance of which it is desirable to preserve or enhance, and shall designate those as conservation areas’* (officer emphasis).
- 3.4 It goes on to say: ‘It shall be the duty of a local planning authority from time to time to review the past exercise of function under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas.’
- 3.5 The NPPF further expands this in paragraph 186 to highlight that: *“When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that **the concept of conservation is not devalued through the designation of areas that lack special interest**”* (officer emphasis).

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3.6 Conservation Area designation seeks to preserve and enhance those areas through special controls provided by the Act. Those are outlined below:

- Control of demolition;
- Notification of works to trees;
- Permitted development rights¹ are reduced in respect to some works including the size and position of extensions; addition of cladding or render.

The Background to this appraisal

3.7 In early 2017 the Conservation Team were approached by the Bidbury Mead Friends (BMF) requesting that the Old Bedhampton Conservation Area Appraisal be up-dated. This is the first time that a Conservation Area in the Borough has been reviewed using a community commissioned report. This shows the clear interest that Friends of Bidbury Mead and local residents have in the Old Bedhampton Conservation Area.

3.8 The general approach taken by the Conservation Officers has been to review CAAs in chronological order unless there is a specific reason to do otherwise. Of the 14 appraisals there are four that are older than the Old Bedhampton appraisal.

3.9 Due to resourcing limitations it was expressed that Old Bedhampton CAA would not be the next for re-appraisal. BMF offered to undertake the research and write the appraisal by contracting a consultant in order to bring forward a reappraisal sooner.

3.10 The then Head of Planning agreed to allow BMF to undertake the drafting of an updated appraisal subject to Conservation Officers review and subsequent public consultation by the Council.

3.11 It should be noted that only Local Planning Authorities can designate Conservation Areas. As such, whilst BMF have produced evidence to support the update, it is only Havant Borough Council that can formally change the Old Bedhampton Conservation Area.

3.12 During the Spring of 2018, multiple drafts of the CAA were submitted and commented on by the Conservation Officers. In the summer of 2018 a proposed final draft was submitted for consideration and review.

3.13 In considering the report, Conservation Officers noted the thorough nature of the work and attention to detail, particularly in terms of the history of the area. The vast majority of the report was considered to be robust and in line with the relevant regulations and national policy. However in reviewing the appraisal, it

¹ Under the Town and Country Planning (General Permitted Development) order 2015 as amended.

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was considered that some of the proposed extensions to the conservation area and the references to sunken lanes did not correspond to the relevant regulations and national policy. In particular, it was not considered that they represented the special architectural or historic interest which is necessary in order to be designated as a conservation area.

- 3.14 The review process included a meeting in August 2018 with Ward Councillors, Historic England, the consultant and a representative of BMF to discuss areas of difference and to seek amendments or further justification prior to submission of the final draft from BMF and public consultation.
- 3.15 Fifth and final draft produced on behalf of the BMF was deposited with the Council's Conservation Officer in October 2018 but did not reflect the changes sought.
- 3.16 As such, Conservation Officers removed the proposals that were considered not meet the criteria of designation as set out in the Listed Buildings and Conservation Area Act 1990.

Consultation

- 3.17 It was considered that, with the changes made, the appraisal and its recommendations were in line with the Act and national policy and thus suitable for public consultation. The consultation was approved under delegated authority by the Cabinet Lead for Communities, Development and Housing (the relevant Cabinet Lead at the time).
- 3.18 The draft character appraisal and management plan underwent an eight-week consultation period between 4 February 2019 and 29 March 2019. A letter was sent to all properties within the conservation area, as well as those adjacent to the proposed boundary (257 letters)². The letters included a leaflet notifying households that the consultation was taking place and where they could receive more information. The consultation documents were available in full on the Council's website (www.havant.gov.uk/oldbedhampton). Also included in the mail shot were Portsmouth Water, Historic England and the Council's Arboriculture Team. An advert was placed in the local press, and a link provided on the main page of the Council's website.
- 3.19 A drop-in session was arranged at the Plaza on the 6 March between 3-7pm. This is above and beyond the level of engagement which is normally carried out for conservation area reviews.

Outcome of public consultation

² Due to an administrative error, the letters were initially sent to the wrong addresses. Once notified of this, officers extended the consultation deadline and ensured that the correct households received letters notifying them of the consultation.

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- 3.20 Nineteen responses were received within the consultation period. Within these responses 107 points were raised. Nine individuals responded, other responses from were received on behalf of Bedhampton Heritage Alliance (which includes Bidbury Mead Friends) and The Edward gardens Owner's Association. Also received were responses from Bargate Homes, The Arboriculture Team at HBC and Historic England.
- 3.21 From the 257 letters sent out to residents, the overall response rate was 7% (though the Bedhampton Heritage Alliance responded as a community organisation). Plus, one late representation from Bedhampton Heritage Alliance in relation to sunken lanes and further information to be added to their previous comments. Further information was also submitted after the consultation by the Bedhampton Heritage Alliance.
- 3.22 Of nine individual responses five were broadly positive in support of the recommendations in the appraisal. Their only issues were the retention of permitted development rights for solar panels and one wanted the Donkey field included (the Donkey field is the triangular piece of land south of Bidbury Mead bound by the railway and Mill Lane).
- 3.23 The other four individual comments related to a hyperlink not working (neutral); one was in support of the Bedhampton Heritage Alliance comments; one promoted the southern extension as per the Friends of Bidbury Mead appraisal and the last was in relation to factual errors in the history section.
- 3.24 A number of respondents called for the following areas to be included within the Conservation Area boundary: land south of Mill Lane, land to the east as well as calls to include strips to cover Narrow Marsh Lane and Manor Farm off Lower Road.
- 3.25 The majority of the negative comments suggested including areas in the conservation area that were proposed by the BMF appraisal but not taken forward into the consultation draft. As set out above these areas were excluded because they do not meet the criteria for inclusion as set out in the Listed Buildings and Conservation Area Act 1990 in that they lacked 'special architectural or historic interest'. In addition, their inclusion would have been contrary to The NPPF (para186) which requires authorities to justify conservation status because of its special architectural or historic interest, and that the concept is not devalued through the designation of areas that lack special interest.
- 3.26 A summary of the responses received can be seen in appendix 3 of all comments and redacted copies of the full comments submitted in appendix 4.

Operations and Place Shaping Board

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- 3.27 The review of the Old Bedhampton Conservation Area was considered by the Operations and Place Shaping Board. A project planning meeting took place on 9th July. A challenge session took place on 17th July.
- 3.28 The full detail, including the report that was submitted to the Board, the deputation that took place and the minutes of the meeting are at <http://havant.moderngov.co.uk/ieListDocuments.aspx?CId=476&MId=10969&Ver=4>.
- 3.29 Following discussion and debate, Cllr Satchwell proposed that it be recommended to Cabinet that:
- (i) the Old Bedhampton Conservation Area Appraisal and Management Plan (at Appendix A) be recommended to Full Council for adoption;
 - (ii) it considers implementing an Article 4(1) Direction to restrict permitted development in the Conservation Area; e) Recommend that Cabinet consider locally listing the Manor Farm buildings to the south of Lower Road; and
 - (iii) it considers locally listing the Manor Farm buildings to the south of Lower Road.
- 3.30 This recommendation was duly seconded by Cllr Howard.
- 3.31 Following a vote the motion was declared lost, three councillors voting for the motion, four councillors voting against this motion and no councillors abstaining from voting.
- 3.32 There being no alternative motions, the Board did not make a recommendation to Cabinet.
- 3.33 In summary the officer recommendations were not supported, although no alternatives were proposed. As such no recommendation has been made from the OPS Board to Cabinet.
- Further consideration of comments raised in the consultation**
- 3.34 Officers have considered the consultation responses and the comments that were raised.
- 3.35 The appraisal has been subject to a number of alterations in light of the consultation. These changes have been set out in the Comment and Response document (see Appendix C).
- 3.36 These include the addition of a statement of special interest at the front of the document and more detail in chapters 4 and 6 addressing the character of the area.
- 3.37 A number of comments requested that the proposed extensions in the BMF appraisal, particularly the one to the south of Lower Road, be included in the Conservation Area. Since the consultation, further viewpoints have been

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submitted, including a Definitive Map Modification Order³ and a report titled A study of the character and antiquity of the road network of the community.

- 3.38 However, the pieces of information provided, before, during and after the consultation concluded, are not considered to demonstrate that the areas in question demonstrate the “special architectural or historic interest” to warrant inclusion in the conservation area. Whilst there is some historic interest to the land parcels that are not proposed for inclusion, it is not considered to be special historic interest. As a result, it is proposed that no additional changes take place to the proposed boundary of the Old Bedhampton Conservation Area.
- 3.39 Furthermore, it should be highlighted, for the avoidance of doubt, that the areas in question, ie those which were proposed for inclusion in the BMF report but not proposed to be taken forward, would form part of the setting of the Conservation Area. As such, development proposals in these areas could still potentially cause harm to the setting of the Conservation Area. As such, heritage matters would be key in the determination of any planning applications not only inside the Conservation Area but in its setting as well.

Options considered and reasons for the recommendation

- 3.40 The below analysis is set out so that the Cabinet can be clear about the rationale behind the consideration of the areas suggested by the BMF appraisal for inclusion in the conservation area.
- 3.41 Considerations of different proposed extension to the conservation area were made against the criteria set out in the Planning (List Building and Conservation Area) Act 1990, the guidance of the National Planning policy Framework (NPPF) paragraph 186, the National Planning Policy Guidance (NPPG) as well as Historic England publications: [‘Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1’](#) and [‘The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 \(second edition\)’](#).
- 3.42 The officer recommendations set out in this report include all aspects that were agreed on by both the community led appraisal and officers. In doing so it includes extensions to the Conservation Area, a detailed and up-to-date appraisal and importantly a management plan, which the current appraisal does not have.
- 3.43 The fall back position should this report not receive support would be to continue using the existing 1994 appraisal.

³ This is a formal request to Hampshire County Council, as rights of way authority, to amend the definitive map of rights of way to include ‘Narrow Marsh Lane’. This is, at current time, a farm track linking Lower Road, via a private railway bridge, to a field to the south of the railway line and north of the A27.

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Proposed change to maps - Sunken Lanes - taken forward in HBC appraisal with amendment to extent

- 3.44 Sunken lanes are routes that over centuries of use and erosion have become significantly lower than the ground levels either side. These routes are often narrow and feel enclosed, with the route often several metres below the surrounding land.
- 3.45 The appraisal produced by BMF indicated the following as being sunken lanes: Kingscroft Lane; Bidbury Lane and Lower Road (section from Number 11 to number 68).
- 3.46 The consultation document removed the sunken lane symbol from Lower Road, but retained those along Bidbury and Kingscroft Lanes as they are more enclosed, with Kingscroft Lane being more sunken and clearly defined by strong boundary feature brick walls.
- 3.47 There has been a lot of debate on whether the conservation area should include Lower Road and Kingscroft Lane as sunken lanes. Lower Road, in comparison with sunken lanes several metres below the surrounding land, has considerable width and openness together. It has already been eroded by the number of private accesses to properties on the northern side of the road.
- 3.48 Whether or not these are sunken lanes is in many respects a moot point. It is generally agreed that they are not considered to be good example of sunken lanes in their true form.
- 3.49 As such, whilst the two roads could be considered marginal sunken lanes, the key question is whether they represent special historic or architectural interest. Given that they are not considered to be good (or special) examples of this kind of feature highlights that in and of themselves, they would not represent the special architectural or historic interest necessary to be designated as part of a conservation area. Given that they are not good examples, designating them as a conservation area as a result could be considered to be devaluing the conservation area.

Suggested extension - Bidbury Mead (recommending to take forward in appraisal)

- 3.50 This proposal from the BMF document was retained in the public consultation document. The area has a positive use, is visually attractive and is linked to the Manor via its boundary wall and Tudor gateway.
- 3.51 Records show that Bidbury Mead has historically been used as a recreational space by the village.

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- 3.52 Bidbury Mead boundary is clearly defined by imposing brick walls and these have purposely been included within the boundary as a character feature of the area.

Suggested extension - Bedhampton Road – (recommending to take forward in appraisal)

- 3.53 The BMF appraisal proposed an extension to include an area around the Old School and the Gospel Hall, Bedhampton Road. This area includes two listed buildings (the old school and the Golden Lion Public House). The BMF report also identified a further ten properties as being positive building within this proposed extension.

- 3.54 The consultation document retained this proposed extension as the area has special architectural interest in those positive buildings identified by the BMF appraisal. The extension of the Conservation Area to include this section has potential to lead to improvements over time in this area as a result of the recommendations and tighter permitted development controls that apply for conservation areas.

Proposed extension - Land south of Lower Road (Recommending to discount from appraisal)

- 3.55 This proposed extension would include land to the south of Lower Road including Old Manor Farm buildings and the cottages on the northern side of Lower Road as well as two large areas of open fields. The fields straddle the railway line.

- 3.56 These areas were omitted from the consultation document as the fields have no special architectural interest. In that respect, Historic England's Advice Note 1 (second edition) 'Conservation Area Appraisal, Designation and Management' section (73) states:

'Conservation area designation is not generally an appropriate means of protecting the wider landscape (agricultural use of land falls outside the planning framework and is not affected by designation as a conservation area) but it can protect open areas particularly where the character and appearance concerns historic fabric, to which the principal protection offered by conservation area designation relates'.

- 3.57 The BMF appraisal places a lot of emphasis on the historic value of this land based on a single factor. That is the presence of a lane across the field to the south of Lower Road on historic maps and that it was a named route, Narrow Marsh Lane. It is not disputed that Narrow Marsh Lane existed or that it was once a historical route.

- 3.58 It is noted that the route of Narrow Marsh Lane crosses private land and is not a public right of way or a permissive route (i.e. permitted by agreement of the landowner). As such there is a risk to the Council from the owners if the Council

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were to publish any document that may allude to the track being publicly available for use.

- 3.59 Designation as a public right of way would not warrant designation of a field as a designated heritage asset and therefore the level accessibility is not a consideration. There is a separate regulatory process which exists for the designation and preservation of rights of way. This is administered by Hampshire County Council as the relevant rights of way authority.
- 3.60 The existence of a former route/path in itself is not considered to be 'special historic' interest in terms of designation of a Conservation Area as required by the Listed Building and Conservation Area Act 1990 for the following reasons:
- A large majority of roads are historic routes. However, they are rarely designated in a conservation area for this reason. Therefore, no different than for example the other parts of historic route of Bedhampton Road where the buildings are modern and lack of special architectural or historic interest.
 - Since the creation of the A27 Narrow Marsh Lane has been used solely to access the farmland between the Railway line and the A27. As such, any historic interest it may have once had has since been removed.
- 3.61 It is noted by officers that BHA are in the process of submitting a request to Hampshire County Council to seek PROW status for the path across the fields. It is not considered that this will change the position on the non-designation of this parcel of land. It's potential designation as a right of way is a separate decision for Hampshire County Council as rights of way authority.
- 3.62 With the fields removed from the proposed extension the buildings at Old Manor Farm and the cottages opposite become removed and dis-connected from the historic core of the village.
- 3.63 Officers have previously agreed with ward councillors, BMF and their consultant that the Manor Farm buildings, to the south of Lower Road, have the necessary significance to be added to the local list. However, the cottages on the northern side are considered to be of low value as they have been considerably altered.

Suggested extension - Old Manor Farm (recommending to discount from appraisal but recommended for Local list)

- 3.64 The building here date from the start of the twentieth century. They are agricultural buildings which would at very least be an additional character area.
- 3.65 Given the dis-connection between these buildings and the centre of the village it is considered that the best approach would be to seek their addition to the Local List. This would enable planners to request details of the justification for any alteration or demolition.

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- 3.66 For the same reasons for the non-designation of Narrow Marsh Lane, it is not considered appropriate to designate Lower Road purely in order to 'connect up' these otherwise remote buildings to the rest of the Conservation Area.

Suggested extension - Donkey Field/allotments (recommending to discount from appraisal)

- 3.67 The proposed extension would include the triangle of land bound by Mill Lane, the railway line and Bidbury Lane (known locally as the Donkey Field or allotments).
- 3.68 Again this parcel of land fails to meet the criteria for designation and is contrary to section 73 of the Historic England Advice Note 1.
- 3.69 The council does not dispute that there was at one time some past historical interest on the land in the biscuit factory. However, that no longer remains and it should be remembered that the aim of the conservation areas is to identify areas where it is desirable to preserve and enhance their character. Therefore, that character has to exist in order to be preserved or enhanced.

Article 4 (1) Direction (recommendation to take forward)

- 3.70 Section 2.2 of the management plan addresses the need for Article 4 Directions in the Old Bedhampton Conservation Area. It advises that such a direction can bring within planning control small scale, incremental changes which could normally be carried out without the need for planning permission. Without further control, certain types of small incremental change could, in themselves, have a detrimental effect on the character of the conservation area by eroding its special qualities as identified in the character appraisal. These would include:
- Removal of existing means of enclosure and boundary treatments
 - New means of enclosure and boundary treatments
 - Crossovers and areas of hardstanding
 - Addition of front porches
 - Insertion of roof light windows
 - Insertion of solar arrays visible from the public domain
 - Changing the colour of already painted of external facades on buildings / walls
 - Alterations to roof coverings
 - Removal of chimneys
 - Changes to windows and doors, eaves and barge boards
- 3.71 Demolition of chimneys is a permitted development right it would be considered appropriate to remove (it was included in list of removed permitted development rights in the Langstone article 4) however it was missed off the consultation document.

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3.72 Based on this, section 2.2 of the draft management plan proposed that an Article 4 (1) Direction should be implemented to cover all unlisted buildings in the conservation area. No objections were raised to this recommendation. It would appear from the responses received that there is generally support for an Article 4 (1) direction in the Old Bedhampton Conservation Area.

Procedure for making an Article 4 (1) Direction

3.73 There are two types of Article 4 Directions. Immediate Directions which, as the name implies come into effect as soon as they are made, and non-immediate Directions that usually take effect 12 months after being made. Compensation is payable in the case of immediate Directions where subsequent planning applications are refused or permitted with conditions.

3.74 It is not proposed to implement an immediate effect direction, on the grounds that the type of development that would be restricted would be of an incremental nature and therefore not warrant an Article 4 with immediate effect. The procedure for a non-immediate Direction would be as follows:

3.75 The implementation of a direction firstly involves the drafting of a notice which would include the following information:

- A description of the development, the area to which the direction relates and a statement of the effect of the direction:
 - Statement of which permitted development rights are to be restricted.
 - A description of the land subject to the direction, including a map
- Specify that the direction is made under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended 2017;5
- Name the place where a copy of the direction, a copy of a map defining the area to which it relates, may be seen at all reasonable hours;
- Specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the Local Planning Authority;
- Specify the date, on which it is proposed that the direction will come into force, which must be at least 28 days but no longer than two years after the start of the consultation period; and
- A copy of the direction and the notice must be sent to the Secretary of State on the same day that the notice of the direction is first published or displayed.

3.76 The draft notice must then be publicised. This should include:

- A notice of the direction must be placed in a local newspaper;
- At least 2 site notices (within the area that the direction relates) should be displayed for a period of no less than 6 weeks; and

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- Notify by letter, the owners and occupiers of the affected properties and land.
 - Display a notice of the direction on the Council's website (not a statutory requirement).
- 3.77 Once the publicity period has taken place, the responses are reported back to the Cabinet, along with a recommendation as to whether or not to confirm the direction and, if so, when this should take effect from (i.e. when permitted development rights should be withdrawn). If confirmed, the following actions should be carried out:
- The direction cannot be confirmed until 28 days following the latest date the notice was served;
 - If confirmed, a copy of the direction must be sent to the Secretary of State; and
 - If confirmed, the LPA must give notice of the confirmation and the date the Article 4 (1) Direction comes into force to affected owners and occupiers in the same way as required for the notification of making the direction (see section 6.1. of this report for risk of compensation claims).

Risk of compensation claim for Article 4 (1) Direction

- 3.78 The implementation of Article 4 (1) Direction, could pose a financial risk to the Council in terms of potential claims for compensation resulting from the withdrawal of permitted development rights. A claim for compensation could be made to the LPA if planning permission is refused or granted subject to conditions other than those imposed by the General Permitted Development Order for development which, but for Article 4 (1) Direction, would have constituted permitted development.
- 3.79 The claim for compensation could include abortive expenditure and other loss or damage directly attributed to the withdrawal of permitted development right. This can include the difference in the value of the land if the development has been carried out and its value in its current state, as well as the cost of preparing plans for the work.
- 3.80 However, on 6 April 2010, Section 108(2A) of the Town and Country Planning Act came into force and provides that compensation is only payable if an application for planning permission for certain development formerly permitted by the General Permitted Development Order 1995, is made within 12 months of the Article 4 (1) Direction taking effect.
- 3.81 However, no compensation for the withdrawal of permitted development rights is payable if the LPA gives between 12 and 24 months notice in advance of the withdrawal. When deciding to confirm the Article 4 (1) Direction (following the

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notification period), it would be up to Cabinet to decide when the Article 4 (1) Direction would come into effect.

- 3.82 As per the recommendation E of this report, if the Full Council agrees to the recommendation to implement an Article 4 (1) Direction, a draft notice will be drawn up which outlines which permitted development rights should be withdrawn and on which properties prior to publicity being carried out. Based on the outcome of the public notification, the contents of which will be reported back to Cabinet, will be a recommendation of whether or not to grant approval for confirmation of the Article 4(1) Direction, (including a date when this should take effect if granted approval).

4. Summary

- 4.1 The review of the Old Bedhampton Conservation Area has been researched to an extremely high level of detail. It has taken a great deal of officer time and resources to review the information submitted. The use of a community commissioned appraisal shows the strong community desire to preserve and enhance the Old Bedhampton Conservation Area.
- 4.2 It is essential nonetheless that in taking decisions on the historic environment, the Council has due consideration of the requirements of the regulations and national policy on the matter. Conservation Areas are intended to include those areas of special architectural or historic interest. There are a large amount of areas, across the Borough and further afield, that show *some* historic or architectural interest. To designate all areas with only some historic interest would devalue heritage and its continued protection.
- 4.3 It is proposed that the appraisal and management plan put forward represents a thorough and robust assessment and that the proposed boundary would include those areas of special architectural or historic interest, preserving and enhancing Old Bedhampton for future generations.

5.0 Implications

Financial

- 5.1 The costs of producing this document would usually be covered within existing budgets. In this instance the BMF contracted a consultant to undertake the research and produce draft versions of the appraisal. However, it should be noted that managing this particular conservation area re-appraisal has taken more officer time than would be usual for an in-house review of a conservation area.
- 5.2 Additional resource requirements are expected for the consideration of the recommended introduction of an Article 4 (1) Direction. This is anticipated to be revisited after the adoption of the appraisal with a separate report to Cabinet and Full Council. See also section on risk below.

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- 5.3 The implementation of an Article 4 (1) Direction, could pose a financial risk to the Council in terms of potential claims for compensation resulting from the withdrawal of permitted development rights. A claim for compensation could be made to the LPA if planning permission is refused or granted subject to conditions other than those imposed by the General Permitted Development Order for development which, but for Article 4 (1) Direction, would have constituted permitted development.
- 5.4 The claim for compensation could include abortive expenditure and other loss or damage directly attributed to the withdrawal of permitted development right. This can include the difference in the value of the land if the development has been carried out and its value in its current state, as well as the cost of preparing plans for the work.
- 5.5 However, on 6 April 2010, Section 108(2A) of the Town and Country Planning Act came into force and provides that compensation is only payable if an application for planning permission for certain development formerly permitted by the General Permitted Development Order 1995, is made within 12 months of the Article 4 (1) Direction taking effect.
- 5.6 However, no compensation for the withdrawal of permitted development rights is payable if the LPA gives between 12 and 24 months notice in advance of the withdrawal. When deciding to confirm the Article 4 (1) Direction (following the notification period), it would be up to Cabinet to decide when the Article 4 (1) Direction would come into effect.

Legal

- 5.7 The Council has powers to make and review conservation areas and management plans by virtue of Part II, section 69 (1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. On adoption, the Old Bedhampton Conservation Area Appraisal will replace the 1994 appraisal.
- 5.8 Any potential legal implications of adopting a management plan for the Old Bedhampton Conservation Area and the implementation of Article 4 Directions will be subject to a further report to the Cabinet.

Strategy

- 5.9 The completion of the Conservation Area Character Appraisal and Management Plans for the 14 conservation areas in the Borough will help to achieve the Council's aspirations within the Corporate and Community Strategies, in terms of 'improving the design and quality of the built environment and the better maintenance / presentation of public spaces and places'; and within the Regeneration Strategy through 'the improvement of the public realm; the provision of environmental improvements and developing a sense of pride in place; and ensuring quality urban design and distinctiveness' and within the

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Cultural Strategy through the 'promotion of the local distinctiveness of the Borough'.

Equalities/Customers

- 5.10 None resulting from this report.

Risk

- 5.11 The Old Bedhampton Conservation Area Appraisal has been highly contentious due to it coinciding with the progression of the Local Plan and proposed development sites.
- 5.12 The risks can be separated into two categories: those as a direct result of the appraisal's recommendations and those from the unusual process of producing the appraisal.
- 5.13 The risks from the direct implementation of the article 4 within the conservation area appraisal are dealt with in the section on finance of this report.
- 5.14 Risks from the unusual process of permitting a local community to lead on a CAA include that the appraisal followed by Council designation are that it may be subject to close examination by those involved on both sides in the development plans in the area. For an area where the proposed development is controversial, additional time and resources are thus needed to avoid any actual or perceived bias in evidence gathering and decision making.
- 5.15 It is because of these process risks that the Old Bedhampton Conservation Area Appraisal has been brought to OPS board for scrutiny: to review the amended appraisal and the decision made as well as the process.

Communications/Public Relations

- 5.16 The designation of a wider area as Conservation Area will benefit the community in recognising the special character of the area and the community's pride in the village of Bedhampton.
- 5.17 The proposals were subject to consultation between February and March 2019. These have been fed into the considerations before the OPS Scrutiny Board. The consultation was advertised alongside the Pre-Submission Local Plan, which is a higher level of marketing and promotion than would usually take place for a Conservation Area Appraisal.

Appendices

Appendix 1: Old Bedhampton Conservation Area Appraisal and Management Plan

Appendix 2: Conservation Area map

Appendix 3: Summary of comments raised through the consultation and proposed subsequent changes

NON EXEMPT

Appendix 4: Redacted consultation comments in full

Background Papers: None

Agreed and signed off by:

For Head of Legal Services: Razana Begum

For Head of Finance: Lydia Morrison

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