

BIRCHINGTON ON SEA CONSERVATION AREA APPRAISAL ADOPTION

Council	11th July 2024
By	Josie Frazer, Senior Conservation Officer and Iain Livingstone, Planning Applications Manager
Cabinet Portfolio Member	Cllr Rick Everitt, Leader of Council
Key Decision	No
Decision classification	Unrestricted
Ward:	Birchington North, Birchington South
Previous Meeting:	Cabinet 26th June 2024

Purpose of the Report

To adopt the Birchington on Sea Conservation Area Character Appraisal and Management Plan, containing locally specific information of the area, following public consultation in March/April 2024.

Recommendation(s):

The Conservation Area Appraisal and Management Plan, and associated documents, as appended to this report, be adopted and published by 1 August 2024.

1. Summary of Reasons

- 1.1 Thanet District Council was approached to undertake a Conservation Area Appraisal by Birchington Parish Council following it being a recommendation of the original area designation in 1976. The appraisal explores the conservation environment's strengths and weaknesses, architectural positives and negatives as well as opportunities to improve its setting and appearance.

2. Background

- 2.1 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a statutory duty on local planning authorities to review their areas from time to time to determine which parts of their area are of special architectural or historic interest the character of which it is desirable to preserve or enhance and to designate those areas as conservation areas.

- 2.2 The National Planning Policy Framework (NPPF) identifies the protection of the historic environment as one of the elements of its drive for sustainable development. It states that local planning authorities should maintain a historic environment record which should contain up-to-date evidence about the historic environment in their area and be used to assess the significance of heritage assets and the contribution they make to their environment. 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) taking account of the available evidence and any necessary expertise. 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.
- 2.3 Historic England guidance suggests that in designating conservation areas the special interest of Conservation Areas should be identified based on detailed analysis of the areas' individual qualities. To illustrate which features are important within an area Conservation Area Appraisals should be prepared for all conservation areas and consulted to the public. These documents provide an evaluation of the 'character' of an area and provide guidance as to what may be acceptable within the conservation area. Once adopted they form a material consideration when considering planning applications within and adjacent to the designation.
- 2.4 Birchington Conservation Area was designated in 1976 for its special architectural and historic interest. Primarily this interest is derived from its character as the historic core of the village prior to Birchington's rapid expansion during the later nineteenth and twentieth centuries however it did not have a Conservation Area Appraisal. Birchington Parish Council approached Thanet District Council that an appraisal be carried out, this was subsequently agreed to be funded and orchestrated by the district council. Thanet District Council appointed Alan Baxter Ltd in 2023, a leading design and conservation consultancy with recent experience in the district, to complete the appraisal.

3. Relevant Issues

- 3.1 The appraisal comprehensively highlights Birchington's conservation area, emphasising its historical and architectural value. This document serves as a valuable point of reference during the evaluation of planning applications to both existing structures and proposed developments. Highlighting features of note alongside areas warranting improvement, it functions alongside existing planning policies to inform decision-making concerning future developments. By integrating with established planning frameworks, the appraisal facilitates the improved integration of new developments into the existing setting and appearance of Birchington Conservation Area.
- 3.2 A breakdown of the structure of the appraisal is as follows-
- **Part 1: Summary**

This section summarises the special interest, issues, condition and opportunities of the Birchington Conservation Area, and introduces the context behind why this

CAAMP was produced.

- **Part 2: Character Appraisal**

This section outlines the historical development of Birchington and provides an assessment of the conservation area's character and appearance.

- **Part 3: Management Plan**

This section analyses the vulnerabilities in the conservation area which detract from its character and appearance. With this information, this section sets out guidance to manage and improve upon these issues. Includes Boundary Review.

- **Part 4: Supporting Information**

This section provides the methodology, sources consulted for the preparation of this document, and a table of definitions for specialist terminology.

- 3.3 Following finalisation of the conservation area appraisal, recommendations to assist in the formation of an ongoing action plan, including reviews, further appraisals and helpful guidance has been suggested. This has been broken down into roles of responsibility to further assist in conversations with stakeholders, allocation of resources, priorities and funding opportunities.

In summary, key recommendations include the following-

- Improved awareness of the available national and local guidance highlighted on all the relevant sections of the TDC website
- TDC, supported by Local Plan Policy, continues to work collaboratively to find innovative ways of improving the condition and promoting the sustainable use of the significant sites outlined.
- Consider developing a highways management scheme implementing the recommendations of the Birchington Commercial Centre Improvement Study (2021). Any future development recommendations for Birchington should seek to minimise traffic congestion in The Square.
- A public realm improvement scheme should be considered by TDC, Birchington Parish Council and Kent County Council to redesign The Square and approaches.
- The loss of listed buildings should be resisted and should be wholly exceptional, and only considered where deemed strictly necessary and strongly justifiable.
- The list of positive contributors (non-designated heritage assets) in this Conservation Area Management Plan should be incorporated into Thanet District Council's draft list of local heritage assets.

- New buildings and alterations to existing buildings should respect the prevailing heights, massing, scale, materials, and details that define the conservation area's character and appearance.
- Thanet District Council should seek to support applications which look to retain and refurbish existing historic shop fronts within the Conservation Area.
- Thanet District Council should seek to support property owners and tenants in the Birchington Conservation Area that look to retrofit existing buildings to an exemplary standard.
- Improve understanding of the conservation area through enhanced physical interpretation, online and digital information and collaboration with local cultural bodies.
- Potential alteration of Conservation area boundaries in 2 separate locations, which are outlined in Section 7, to benefit from being included in the Conservation area.

The recommendations outlined in the action plan offer a structured approach for prospective Council endeavours concerning heritage-related matters within Birchington Conservation Area. This framework includes considerations for potential funding applications, where applicable, and offers guidance to other stakeholders and property owners regarding potential proposals they may wish to pursue. However, each recommendation is contingent upon individual evaluation by the Council regarding resource availability and alignment with existing Council priorities and policies. It's important to note that while the recommendations are comprehensive, the Council retains the discretion to determine which initiatives are feasible and aligned with its overarching objectives and resources available.

4. Alternative Options

- 4.1 Choosing not to adopt the document in question means having less support from a planning perspective to this area of the district. Without adoption, future planning applications within and around Birchington Conservation Area would lack the structured guidance provided by the document. Additionally, there would be a diminished availability of formal information concerning non-designated heritage assets and defining local character features.

5. Consultation

- 5.1 As per the Council's Statement of Community Involvement 2021 (<https://www.thanet.gov.uk/wp-content/uploads/2018/03/SCI-Adopted-October-2021.pdf>) the Council is committed to involve the community as much as possible in the planning process as local knowledge helps contribute towards meaningful and appropriate planning policy. The more the community is involved in the planning process, the greater the ownership is of the planning decisions that shape the future

of the area. We have consulted the public accordingly on a draft of the Birchington Conservation Area Appraisal.

- 5.2 The draft Conservation Area Appraisal and Management Plan went to formal public consultation for six weeks between 11th March and 22nd April 2024 allowing local residents to have their say on the draft documentation. The draft conservation area appraisal document and supporting information was made fully accessible online, as well as in paper copies at the Birchington Parish Council Office and at the local library. A public communications campaign was launched to raise awareness of the consultation via a press release and social media from Thanet District Council. The Parish Council also included it in their newsletter to residents.
- 5.3 A public workshop was held on the 17th April to which members of the Parish Council involved in the report attended, as did a consultant from Alan Baxter limited and the Senior Conservation Officer from Thanet District Council. This was to allow the intentions of the report to be discussed in person, any questions raised and responses given via paper copy should residents prefer this. This event was advertised through Thanet District Council online as well as being raised in person at Parish Council Meetings, word of mouth and local social media sites. Approximately 30 people attended including local residents, business owners and local councillors. The appraisal document contains quotations and references from community volunteers to ensure that the voice of residents in the area is reflected throughout the document.
- 5.4 A total of 17 responses were received in response to a six week public consultation on the draft appraisal document between 11 March and 22nd April 2024, with 8 submitted in person and 9 submitted via a google form. These comments are available appended to this report at Annex 2. In summary, the majority of respondents were satisfied or very satisfied by the content of the character appraisal, management plan, and supportive information and the boundary extension. The following is a summary of points raised and considered are below, after them is a note on how this will be taken on board by Thanet District Council account moving forward-
- There are concerns about larger proposed planning developments that could disrupt the historical integrity of the village.
 - *Harm caused to heritage assets by any scale planning application are considered on a case by case basis by the Planning and Conservation Officer.*
 - Varying thoughts regarding the prioritisation of preserving historical aspects over developing housing and improving infrastructure alongside calls for a survey to gather resident input on housing needs, amenities, and desired developments.
 - *This comment was passed onto BPC for their consideration moving forward in regards to comments towards planning applications.*
 - General support for the appraisal document and the proposed extension of the conservation area.

- Suggestions to include Epple Road and Minnis Bay in the conservation area due to significant historical buildings.
 - *This could be an option for the review of the Neighbourhood plan if BPC decided that the Minnis area constitutes an 'Area of Historic Townscape Value'. Buildings on Epple Road are generally not considered to be historic.*
- Suggestions to incorporate additional Victorian houses near the boundary into the conservation area.
 - *It was the consultants view that the boundary extensions as previously chosen were done so taking into account the age of nearby properties and that those warranted for inclusion in the extension have been done so.*
- Suggestions for improving the management plan, including addressing funding for proposed improvements.
 - *This is largely associated with costs of retrofitting, more information regarding grants available in a heritage context is looked to be included on the TDC website moving forward.*
- Requests for clearer maps and numbering of properties in the document for easier identification.
 - *This was in relation to large scale printed maps during the workshop event which would have been useful. However, following discussions is not wholly relevant to the document as it would be too small to read.*
- Calls for an action plan and budget demonstration for implementing recommendations.
 - *Could be an option for the review of the Neighbourhood plan and policies.*
- Desires for better maintenance of public spaces within the conservation area to reflect its character.
 - *Could be an option for the review of the Neighbourhood plan and policies.*
- Feedback on specific areas of concern, such as potholes in Mill Row and the dilapidated Art Deco house on Cliff Road.
 - *Maintenance of the road would be a county level Highways matter.*
- Overall support for preserving Birchington's historic buildings and character and creation of this document.
 - *Positive response.*

5.5 The matters raised through the consultation mainly consist of matters for the Council and other bodies to consider within separate processes, for example when determining planning applications, formulating public realm improvement projects or resolving enforcement cases regarding particular locations. The consultation responses did not raise any specific concerns regarding the purpose or principle of the appraisal and associated guidance, and it is not considered that the consultation responses result in any specific alteration to the content of the documents themselves, however the responses should be noted and have been referenced above.

6. Corporate Implications

6.1 Finance and Resources

6.1.1 The cost of any actions arising from the Conservation Area Management plan would be accommodated within existing Council budgetary and staffing provisions initially, with any additional need for resources subject to separate processes (for example external funding bids). The adoption of the appraisal does not result in additional income or discernible reduction in income from planning applications in the Conservation area. Therefore the financial impact on the Council is neutral from adopting the appraisal, with the adoption of the management plan potentially creating the opportunity for external funding opportunities.

6.2 Legal and Constitutional

6.2.1 Section 69 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') sets out that it is the duty of a Local Planning Authority from time to time to review its Conservation Areas and to determine whether any new areas should be designated as such.

6.2.2 Section 69 (4) of the Act sets out that the designation of any Conservation Area is considered as a local land charge. The Conservation Area Appraisal which is the subject of this report does not propose any change to existing Conservation Area boundaries and are already recognised as a local land charge.

6.2.3 Section 70 (5) of the Act requires the Local Planning Authority to notify the Secretary of State in regard to the designation of any part of their area as Conservation Area under section 69 (1) or (2) and of any variation or cancellation. Section 70 (8) requires that notification of any designation, variation or cancellation is published in a local newspaper circulating in the local authority area. This will be undertaken following agreement of the Appraisals for adoption.

6.2.4 The National Planning Policy Framework (2023) (NPPF) sets out the Government's policies for conserving and enhancing the historic environment and that in 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, ensuring that the concept of conservation is not devalued through the designation of areas that lack special interest (NPPF paragraph 197). Due consideration has been had to this provision of the NPPF during the production of the Conservation Area Appraisal.

6.2.5 There are no adverse legal implications in taking this forward, and this has been agreed by the Head of Legal Services.

6.3 Council Policies and Priorities

6.3.1 This report relates to the following corporate priorities: -

- To protect our environment

6.4 Risk

6.4.1 N/A

6.5 Climate Change and Biodiversity

6.5.1 The appraisal furthers the understanding and appreciation of the historic environment and would not result in any negative impacts in regards to Climate Change and Biodiversity.

7. Equality, Equity and Diversity Implications

7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

Please indicate which aim is relevant to the report.	
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
Advance equality of opportunity between people who share a protected characteristic and people who do not share it	x
Foster good relations between people who share a protected characteristic and people who do not share it.	

The findings of the equalities impact assessment are as follows:

The adoption of a Conservation Area appraisal has a potential impact on the planning process with regard to the consideration given to new developments and alterations to existing buildings which require planning permission. There may be an impact on two groups that share a protected characteristic, that of age and disability. The impact on the two groups can be mitigated by undertaking discussions with development control officers over the treatment of an individual's protected characteristic in determining planning applications and by providing clear and consistent advice to property owners with regard to proposals that require planning permission involving heritage assets. Otherwise further information on the significance of the Birchington conservation area through the appraisal seeks to preserve and/or enhance the areas for the benefit and well-being of local residents, businesses and community and this should not discriminate but be advantageous to all.

8. Crime and Disorder Implications and Community impact

8.1 The appraisal will have no impact on crime and disorder.

9. Subject History

9.1 No recent history in relation to the appraisal.

Appendices

Draft Birchington Conservation Appraisal - Annex 1
Spreadsheet of Responses to consultation - Annex 2

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Report Sign Off / Signed off by / Date sent / Date signed off / Initials
Legal Ingrid Brown- Head of Legal and Democracy and Monitoring Officer
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