

Record of Decision taken by Executive Councillor

Decision title: Haines Hill and Trull Road Conservation Area Appraisal

Executive Councillor making the decision: Cllr Mike Rigby

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Date of Decision: 27/02/2023

Details of decision:

Recommendation to approve:

- The replacement of both the Haines Hill, and the Trull Road conservation areas with a single new extended Conservation Area: and
- The new Haines Hill and Trull Road Conservation Area and Appraisal as local planning policy and, as such, a material consideration in planning decisions

Reasons for proposed decision:

Governance process

1. The decision to make a conservation area and to conduct the review and changes is not placed in the hands of the executive under schedule one of the Local Authorities Functions and Responsibilities England Regulations 2000. The fallback position under the regulations is that that which is not designated, under the schedules to a specific decision category, is an executive decision.
2. This decision is therefore a matter for the Leader who holds executive power. The Leader Cllr Smith-Roberts has authorised the portfolio holder Cllr Rigby to make the decision. This consent is attached at **Appendix 1**.
3. The decision is not considered to be a key decision. The appraisal and boundary review will affect specific properties within three wards (Trull, Comeytrove and Victoria) but it is not considered to be significant in its effects on those wards. The decision is most likely to affect owners who want to work on the outside of their building or any trees on their property because property within the area has extra planning controls and considerations placed upon it. This can include: the need to apply the conserve and enhance test as part of the decision-making process, control over demolition of unlisted buildings, control over works to trees, and limitation on the types of advertisements that can be displayed with deemed consent. An area's status as a Conservation Area does not however prevent change from occurring but ensures that proposed alterations are sympathetic to the character of the Conservation Area.

Background

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
5. The National Planning Policy Framework 2021 (NPPF) sets out the Government's policies for conserving and enhancing the historic environment, making clear 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 191).

6. The Council has a duty to review existing conservation area designations periodically to ensure they are up to date and relevant, and to determine if any further parts of the district should be designated as a Conservation Area.
7. South West Heritage Trust are independent heritage experts who were engaged to review the boundaries and produce the appraisal on the Council's behalf.
8. The proposed Conservation Area boundary for Haines Hill and Trull Road is at **Appendix 2**. This would replace the current conservation areas of Haines Hill, and Trull Road. The appraisal documents are at **Appendices 3-6**.
9. The impetus to complete the appraisal and boundary review for the Haines Hill and Trull Road conservation areas increased due to the development proposal to demolish Channon House, Wild Oak Lane, Trull (planning application no. 42/21/0040). The refusal notice included a reason that referred to Channon House being a notable positive building and a key component of the area between Trull Road and Haines Hill Conservation Areas and as such its demolition would be contrary to the Local Plan and NPPF.
10. An appeal was made against the Council's decision to refuse the application (APP/W3330/W/22/3294120). The appeal was dismissed on 26/09/2022 where the Planning Inspector referenced the draft Conservation Area Appraisal noting:

"21. As set out in the CA [*Conservation Area*] Review, there are also proposals to extend the boundaries of the Trull Conservation Area and the Haines Hill Conservation. If these proposals are adopted, the appeal site would be included within the conservation area. Whilst these proposals are at an early stage, they do serve to heighten the importance of preserving the character and appearance of the area and any positive contributors to the area, and are therefore pertinent to the appeal."¹

Engagement

11. South West Heritage trust has undertaken engagement during the development of the draft appraisal that has comprised of:
 - Contact with over 60 householders within the study area to assist with information on the history of their homes;
 - Fact-checking the draft appraisal with key bodies that included Trull Parish Council, Comeytrove Parish Council, Belmont and Wheatleigh Residents Research Group, Queen's College (applicant for Channon House planning application no. 42/21/0040);
 - Attendance at Trull Parish Council meeting on 18th July 2022. The minutes of this meeting noted that Trull Parish were minded to recommend that land owners are informed ahead of the area being considered as a conservation area.

¹ APP/W3330/W/22/3294120, Planning Inspectorate
<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3294120>

12. The Act does not require public consultation or notification of affected landowners for a conservation area appraisal or boundary change. Historic England's Advice Note 1 (2nd Ed.) Conservation Area Appraisal, Designation and Management does not require the Council to undertake a public consultation. Historic England support engagement to gather local information to add depth and perspective to the appraisal.
13. The Council's Statement of Community Involvement does not provide any direction relating to community engagement in relation to the review of conservation area boundaries or appraisals.
14. The engagement that has taken place to date is considered a proportionate level of engagement with key representatives of the community above and beyond the requirement of the Regulations.

Next steps

15. Once approved, the Council will:

- make the appraisal available on the Council's website;
- notify properties within the appraisal boundary of the implications of the boundary change;
- add to the Land Charges Register as required by Section 69(4) of the Act;
- place public notices in the press as required by Section 70(5) & (8) of the Act.

Appendices

Appendix 1	Leader Cllr Smith-Roberts authorisation for the portfolio holder Cllr Rigby to make the decision
Appendix 2	Map of the proposed Haines Hill and Trull Road Conservation Area Boundary
Appendix 3	Haines Hill and Trull Road Conservation Area Appraisal Part 1
Appendix 4	Map 7 - Haines Hill and Trull Road Conservation Area Appraisal Part 1
Appendix 5	Map 8 - Haines Hill and Trull Road Conservation Area Appraisal Part 1
Appendix 6	Haines Hill and Trull Road Conservation Area Appraisal Part 2

Alternative funding options sourced:

n/a

The below has been completed:	Name(s)	Date
Relevant ward councillor(s) consulted	Ward councillors for Trull, Comeytrove and Victoria	30/6/22

The following are if appropriate / applicable: Yes/No. If yes the implications should be attached to this decision notice.

Finance implications	The costs associated with preparing Conservation Area Appraisals are met from existing budgetary resources within the service.
Unitary Council and S24 Direction Implications (Contracts and Land Disposals)	No

Legal implications	<p>Section 69 (2) of the Act sets out that 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.</p> <p>Section 69 (4) of the Act sets out that the designation of any Conservation Area is considered as a local land charge. The boundary change to the Conservation Area will be updated accordingly.</p> <p>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.</p> <p>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.</p>
Links to corporate aims	Corporate Strategy 2020-24: Our Environment and Economy. <i>"2. Shape and protect our built and natural environment, supported by a refreshed Local Plan and develop our heritage, cultural and leisure offer including a clear vision and delivery plan for the Taunton Garden Town."</i>
Climate and Sustainability implications	<p>Heritage helps achieve sustainable growth through its significant contribution to the economy through stimulating regeneration and growth in towns and heritage-led projects.</p> <p>Regarding home adaptations to mitigate the effects of climate change, an area's status as a Conservation Area does not prevent change from occurring provided it is sympathetic to the character of the Conservation Area.</p> <p>Conservation Areas provide added protection for trees which would, in addition, contribute to carbon capture.</p>
Community Safety Implications	No
Equalities Impact	Conservation Area Appraisals provide supporting evidence for the Council's Local Plan review (to be the Somerset Local Plan). An equalities impact assessment will be produced for each iteration of the Plan.
Safeguarding Implications	No
Risk management	No
Partnership implications	No

Any conflicts of interest declared by Leader or Executive Members consulted on the proposed decision. If Yes provide confirmation from Chief Executive to grant dispensation for the Leader's / Executive Member's views to be considered.

Decision Maker

I am aware of the details of this decision(s), considered the reasons, options, representations and consultation responses and give my approval / agreement to its implementation.

Signed:



Name:

MIKE RABY

Date:

27/2/23.

Note – This decision record is for decisions taken by Executive Councillors. The decision(s) can be implemented following publication and the period for any call-in has expired.

Note: A copy should also be sent to the Governance Team –
governance@somersetwestandtaunton.gov.uk

