

REPORT TO DEVELOPMENT CONTROL COMMITTEE

9 NOVEMBER 2007

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

Portfolio: Planning and Development

Hardwick Park Conservation Area Boundary

1 SUMMARY

- 1.1 A Conservation Area is an area of special architectural or historical interest, the character or appearance of which is desirable to preserve or enhance. It is the responsibility of the Borough Council to identify and designate an area as a conservation area under Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.2 Whilst it is not possible to designate a conservation area through the formulation of a Local Plan, Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to formulate and publish proposals for the preservation and enhancement of conservation areas. Saved Local Plan Policy E18 of the Sedgefield Local Plan (1996) seeks to preserve and enhance the character or appearance of the Borough's fifteen Conservation Areas and so the boundaries of the conservation areas were reproduced on the Local Plan Proposals Maps.
- 1.3 Following a recent consultation event on the emerging Local Development Framework, it was discovered that there is an inaccuracy on the adopted Local Plan Proposals Map 3 regarding the Hardwick Park Conservation Area boundary.

2 RECOMMENDATION

- 2.1 That Development Control Committee note the inaccuracy on Local Plan Proposals Map 3.
- 2.2 That affected persons be notified that the inaccuracy has been formally identified by the Council

3 HARDWICK PARK CONSERVATION AREA BOUNDARY

- 3.1 Comments received to a recent consultation event on the Major Allocations Alternative Options Report, highlighted that there was an anomaly between the plans used in that document and the adopted Local Plan Proposals Map 3. The anomaly is near Hare Hills Lodge, Sedgfield which is shown as being excluded from the conservation area on the adopted Local Plan Proposals Map 3 but is shown as partly lying within the Conservation Area on the Major Allocations Alternative Options Report. The Major Allocations Alternative Options Report replicates the conservation area boundary as designated in 1993. This is illustrated on the accompanying plans.
- 3.2 The statutory process for designating a conservation area is set out in Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and requires a Council resolution and notification must be given to the Secretary of State and English Heritage. The powers to designate a conservation area are therefore different to adopting Local Plans. Local Authorities cannot designate or amend a conservation area through the adoption of the Local Plan.
- 3.3 The Local Plan's Public Inquiry was held between the 15th November 1994 and the 2nd February 1995. Following the Public Inquiry, an independent Planning Inspector wrote a report on the objections to the Local Plan. No objections to the Hardwick Park Conservation Area were raised at the Public Inquiry.
- 3.4 The anomaly between the two boundaries is due to an error on the 1996 Local Plan Proposals Map 3. Therefore, any reference to the Hardwick Park Conservation Area should be in accordance with the 1993 definitive boundary. This approach has been agreed with Government Office for the North East.

4 RESOURCE IMPLICATIONS

- 4.1 There will no resource implications.

5 CONSULTATIONS

- 5.1 The view from the Government Office for the North East have been sought and they are of the opinion that because the Council did not make a specific resolution in 1996 to amend the Hardwick Park Conservation Area boundary then the 1993 boundary remains in place irrespective of any indication to the contrary on the Local Plan Proposals Map 3.
- 5.2 The Council's Solicitor has been consulted and approves of the approach being taken.

6 OTHER MATERIAL CONSIDERATIONS

[Links to Corporate Objectives / Values](#)

The publication of the document will help meet Corporate Aim 25, which is to provide a high quality, efficient and customer focussed Planning Service that supports sustainable improvement of the built and natural environment of the Borough.

6.1 Legal Implications

The statutory process for designating a conservation area is set out in Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Local Plan was prepared and adopted under Part II of the Town and Country Planning Act 1990. The 1993 Hardwick Park Conservation Area boundary is the definitive boundary and should be referred to where appropriate.

6.2 Risk Management

There are no risk management issues.

6.3 Health and Safety Implications

No additional implications have been identified.

6.4 Sustainability

There is no requirement to undertake Sustainability Appraisal.

6.5 Equality and Diversity

No implications have been identified.

6.6 Social Inclusion

No issues have been identified.

6.7 Procurement

There are no procurement issues.

7 **OVERVIEW AND SCRUTINY IMPLICATIONS**

7.1 None.

8 **LIST OF APPENDICES**

8.1 Local Plan Proposals Map 3
Plan showing the definitive Hardwick Park Conservation Area boundary

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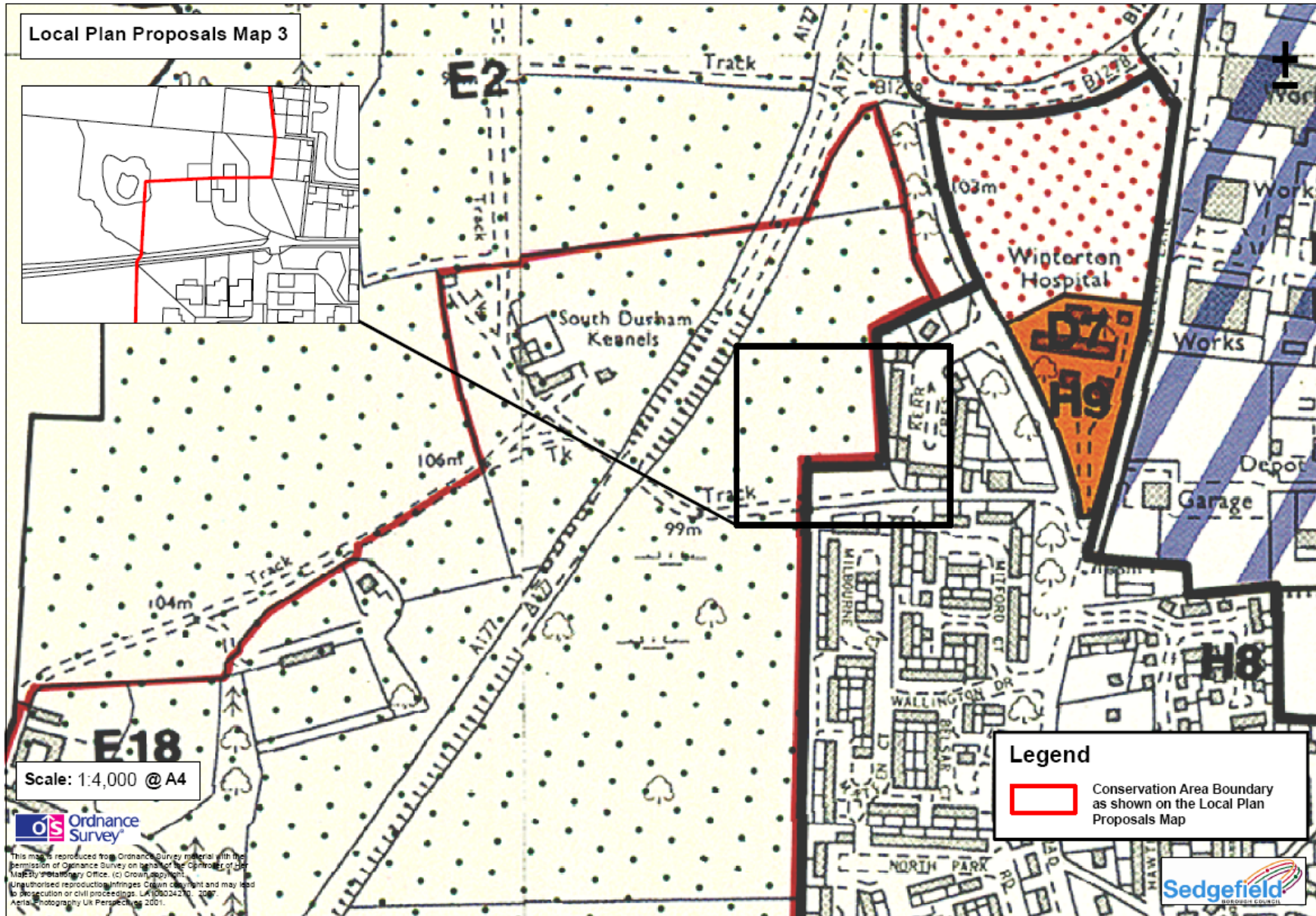
Key Decision Validation: This is not a Key Decision.

Background Papers

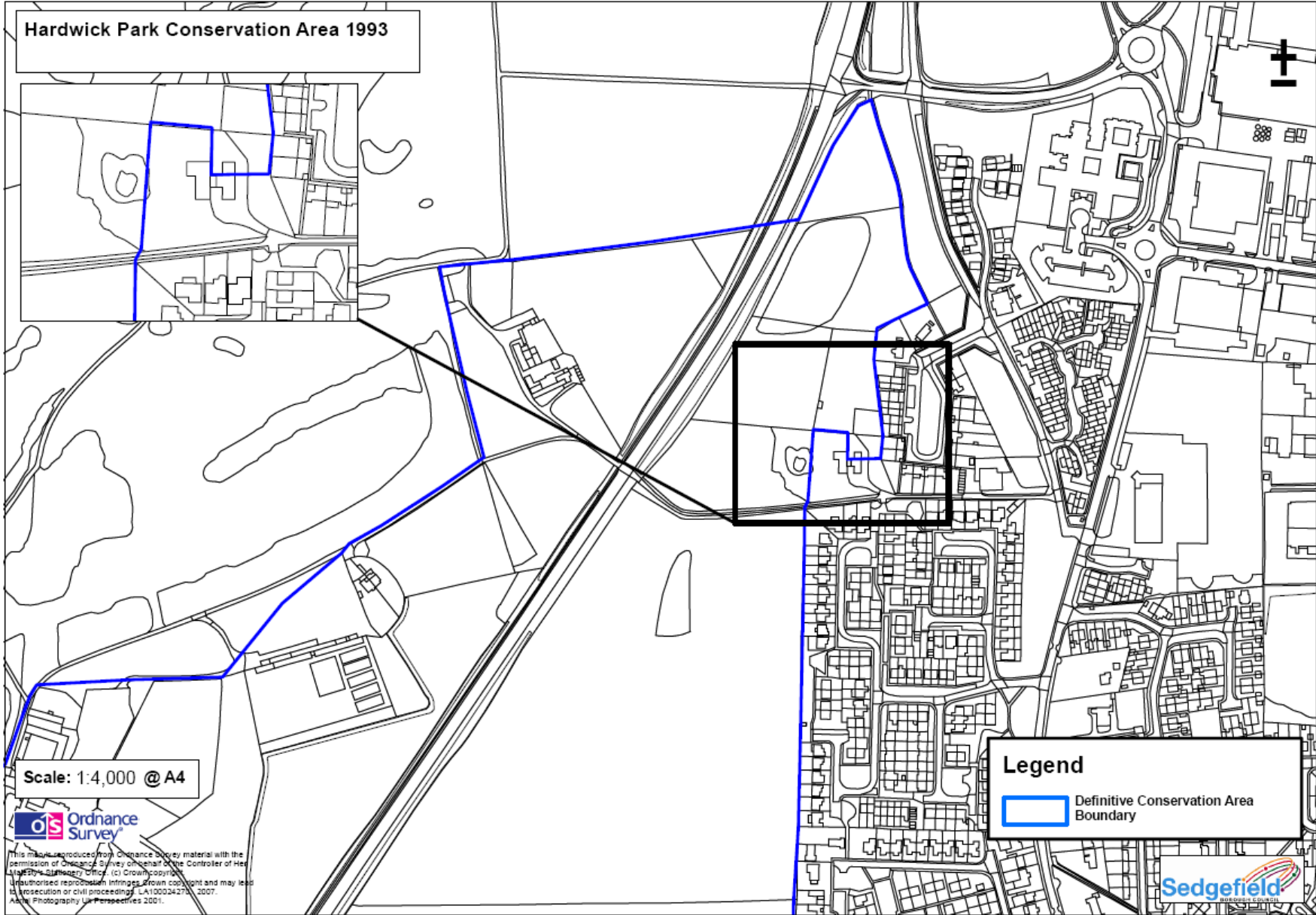
None.

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>



Hardwick Park Conservation Area 1993




Scale: 1:4,000 @ A4



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Legend

 Definitive Conservation Area Boundary

