

**HEIGHINGTON CONSERVATION AREA  
CHARACTER APPRAISAL AND BOUNDARY REVIEW**

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**Responsible Cabinet Member -  
Councillor Chris McEwan, Economy and Regeneration Portfolio**

**Responsible Director -  
Ian Williams, Director of Economic Growth and Neighbourhood Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To report the outcome of the consultation process for Heighington Conservation Area Character Appraisal, including comments received on the proposed boundary changes.
2. To seek Members' approval to adopt the Heighington Conservation Area Character Appraisal as planning guidance and for the boundary to be extended.

**Summary**

3. Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that it is the duty of Local Planning Authorities to formulate and publish proposals for the preservation and enhancement of any parts of their area that are Conservation Areas.
4. This can be achieved through Conservation Area Character Appraisals, Management Plans and detailed policy in the Local Plan.
5. The Environment Scrutiny Review Action Plan adopted by the Cabinet highlighted the need for Conservation Area Character Appraisals and Management Plans to be undertaken.
6. The emerging Local Plan includes a heritage policy- *Protecting, Enhancing and Promoting Darlington's Historic Environment* which sets out the Council's positive strategy for the historic environment. This includes the preparation and review of Conservation Area Character Appraisals and Management Plans for each conservation area, including any proposed new or extended areas, as the basis for determining proposals within or where it would affect the setting of conservation areas.
7. Character Appraisals provide sound evidence for decision making on planning applications received for development proposals within Conservation Areas.

8. Darlington Borough has 17 Conservation Areas. The earliest were designated in 1968 and the last in 2016. 12 of these Conservation Areas have the benefit of an adopted Character Appraisals.
9. Character Appraisals for Heighington Conservation Area and Hurworth Conservation Area have been prioritised due to increasing development pressure in and around these villages which, if not managed effectively through the planning process, could lead to impact on their special character and appearance. A draft Hurworth Conservation Area Character Appraisal will be subject to public consultation in summer 2019. The outcome of this will be reported to Cabinet later in the year.

### **Recommendation**

10. It is recommended that Cabinet approves the attached Heighington Conservation Area Character Appraisal including the boundary changes proposed.

### **Reason**

11. The recommendation is supported to provide a document adopted by the Council to assist in the preservation and enhancement of the Heighington Conservation Area and its setting.

**Ian Williams**  
**Director of Economic Growth and Neighbourhood Services**

### **Background Papers**

No background papers were used in the preparation of this report

Rosalind Kain: Extension 6326

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| S17 Crime and Disorder                           | The Character Appraisal encourages a high standard of environmental quality, supporting public safety and security.   |
| Health and Well Being                            | The Character Appraisal encourages a high standard of environmental quality, preserving and enhancing the existing area, supporting public health.                                    |
| Carbon Impact                                    | The Character Appraisal encourages a high quality, sustainable environment within the Conservation Area.  |
| Diversity  | No issues are raised.   |
| Wards Affected                                   | Heighington and Coniscliffe   |
| Groups Affected                                  | Residents, landowners, agencies and businesses within and immediately adjacent to Heighington Conservation Area.  |
| Budget and Policy Framework                      | This report does not recommend a change to the Council's budget or policy framework.  |
| Key Decision                                     | No  |
| Urgent Decision                                  | For the purpose of the 'call-in' procedure this does not represent an urgent matter.  |
| One Darlington: Perfectly Placed                 | The Character Appraisal contributes towards the corporate priorities of One Darlington Perfectly Placed, seeking to deliver aspects of Greener Darlington relating to Conservation.   |
| Efficiency                                       | The Character Appraisal should lead to savings in officer time and workload for the Local Planning Authority procedures including pre-application and planning application processes. |
| Impact on Looked After Children and Care Leavers | This report proposes an extension to the Conservation Area to include a landscaped area adjacent to Heighington Primary School. This is not play space or sport provision. No impact. |

## MAIN REPORT

### Information and Analysis

12. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to designate as Conservation Areas any areas that from time to time they determine are "areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance." Conservation Areas are places where buildings and the spaces around them interact to form distinctly recognisable areas of special quality and interest.
13. Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 emphasises that it is the duty of Local Planning Authorities to formulate and publish proposals for the preservation and enhancement of any parts of their area that are Conservation Areas. This is best achieved through Conservation Area Character

Appraisals because they provide locally distinctive guidance about how best to preserve or enhance the character and appearance of Conservation Areas.

14. The National Planning Policy Framework (NPPF) references the need for Local Planning Authorities, when considering the designation of a Conservation Area, to ensure that it justifies such status because of its special architectural or historic interest; and to assess the significance of heritage assets and the contribution they make to their environment. This can be achieved through a Character Appraisal. The NPPF also highlights the desire to assess the impact of planning proposals on Conservation Areas, as heritage assets, in order to make sound and well informed planning decisions, which Character Appraisals would help to identify. Character Appraisals would also help to inform applicants when preparing heritage statements required with planning applications that affect heritage assets.
15. Preparation and use of Conservation Area Character Appraisals is also recommended by Historic England, the government's advisory body on the historic environment. Historic England Advice Note 1 sets out ways to manage change in a way that conserves and enhances historic areas through conservation area designation, appraisal and management.
16. The Environment Scrutiny Review Action Plan (2010) adopted by Cabinet highlighted the need for Conservation Area Character Appraisals to be undertaken. A timetable to produce one Character Appraisal each year; and, once done, to review the Character Appraisals was agreed by Economy and Environment Scrutiny on 25 February 2010. This target has not been achieved due to resource pressure. Focus was shifted to the allocation of a new Conservation Area, including the production of a Character Appraisal, around Parkgate to complement the refurbishment and redevelopment of the listed Hippodrome Theatre, and highlight the special character of the Edwardian properties around it.
17. In 2017 two of the outstanding Conservation Area Character Appraisals, Heighington and Hurworth, were identified as gaps in the Local Plan evidence base and necessary to guide planning decisions.
18. Heighington Conservation Area was designated in February 1972 and extended in 1999. To date it has not have the benefit of a Character Appraisal.
19. Character Appraisals are a tool to assist in the preservation and enhancement of Conservation Areas. They can help to understand what the special interest is in places, buildings and spaces that are worthy of preservation and enhancement. Features such as historic walls, stiles, open spaces, trees or historic surfaces can be highlighted as can features causing intrusion or damage.
20. The production of a Character Appraisal is a step in the process of preserving and enhancing the character and appearance of the designated area, providing a basis for making sustainable decisions about its future. Undertaking the preparation of such a document offers the opportunity to re-assess the designated area of Heighington and to evaluate and record its special interest. A Character Appraisal is not an end in itself. The process should lead to a better understanding of the character of the area and what makes it the place it is today; and so provide the basis for any particular policies or management proposals, for example introduction of an Article 4 Direction to remove Permitted Development Rights if this is considered appropriate. Character Appraisals are a material consideration in

planning decisions and so provide a sound basis, defensible on appeal, for Development Plan policies and Development Management decisions.

21. Defining the 'special interest' of an area is the main purpose of a Character Appraisal and is gained from the area's character and appearance; but other senses and experiences, local environmental conditions and historical associations can be drawn on. Historic street patterns (building plots, layouts and the relationship of buildings to open spaces), archaeology, buildings (listed and unlisted), spaces and townscape, materials, green spaces, uses and the built environment and landscape can all contribute towards the character of an area.
22. Commissioned by Darlington Council the Character Appraisal (**Appendix 1**) has been drafted by the North of England Civic Trust, a charitable body with expertise in heritage and its contribution to civic society in England. The document is an assessment of the area's special architectural and historic interest, based on careful analysis of the area as a result of time spent in the area, reference to published sources and analysis of the current planning context.
23. The boundary of the Conservation Area has been comprehensively reviewed and the following boundary changes recommended (**Appendix 2**):-
  - (a) Adding fields on the south side of Heighington, to the east side of Coatsay Moor Lane, to preserve the approach to the village and the views to the south across the landscape setting.
  - (b) Adding the verge, hedgerow and trees north of Millbank in the north-west corner of the area, to protect the amenity provided by the trees at this junction.
  - (c) Adding Nos.1-9 (odd) Snackgate Lane and green verges at the junction of Snackgate Lane, Millbank and Walworth Road, to include properties that contribute to the character of the Conservation Area.
  - (d) Removing the two late 20th century houses south of Page House, Darlington Road, to draw in the boundary of the Conservation Area excluding modern residential properties where it currently cuts across them.
24. Local Planning Authorities have the powers to introduce additional control over development in Conservation Areas through an Article 4 Direction. As part of this reassessment of the Conservation Area it is considered that such control would not be warranted at present. However, if the Conservation Area was to be designated as 'At Risk' by Historic England in their annual survey this may be revisited in the future.

### **Financial Implications**

25. Improved efficiency in the Council's planning procedures, for example in providing pre-application advice and making well informed planning decisions at delegated and Committee level.

## **Legal Implications**

26. If approved, the boundary changes would increase the area within the designated Conservation Area. This provides the Local Planning Authority with additional statutory powers affecting, for example, demolition of buildings, works to trees, and publicity procedures for planning applications and some restrictions on permitted development rights.

## **Equalities Implications**

27. No equality implications are raised by the adoption of the Character Appraisal or the boundary extension. Best practice, as defined by Historic England Advice Note 1, in community and owner consultation, and in finalising and reviewing the boundary, has been followed.
28. If we were to consider an Article 4 Direction covering Heighington Conservation Area, to introduce additional planning controls, this would require further engagement and an additional Cabinet Report. It is at this point we would undertake an Equality Impact Assessment.

## **Consultation**

29. Internally within the Council an electronic version of the draft Character Appraisal was made available to senior officers within Planning, Highways, Legal Services, Street Scene, Housing Services and Estates. Portfolio Holder Councillor McEwan and Ward Members Crudass and Lee were each sent a copy of the draft document by email.
30. Externally, local public participation and engagement is an integral part of the process to encourage valuable public understanding and ownership. Formal consultations with local and national heritage agencies was also carried-out. The consultation period ran from 1 May 2018 until 31 May 2018, during which time people were encouraged to comment on the draft Character Appraisal. An online system was added to the Council's website to facilitate this. Also a printed copy was deposited in the Town Hall reception for reference, with comments forms.
31. Residents, landowners and businesses within the Conservation Area were given a high priority, being likely to want more input than other people. Letters were sent to properties directly affected by the proposed changes. Also an informal drop-in event was held at Heighington Village Hall, between 3pm and 7pm on Friday 18 May 2018. At the staffed event there were displays boards, maps, copies of the draft document and comments forms. Attendees were encouraged to ask questions and make comments. The drop-in event held attracted about 25 people.
32. Eleven written responses were received from external consultees including eight letters and emails from members of the public. Of the residents six respondents were supportive of the proposed boundary changes and two objected.
33. Residents and external agencies who replied are generally supportive of Conservation Area changes; and of the Character Appraisal's purpose to better guide planning decisions in the area, with which some people in Heighington have been dissatisfied. Issues raised by respondents include protection of the character of the village, especially around the village greens and medieval core; and,

management of traffic and parking. Other comments identified historic connections with the Stockton and Darlington Railway; recent national recognition of the quality of the village; and the importance of land around the village fringe and managing development pressures. Objections raised include the belief that the extension would not add any benefit to the Conservation Area, does not significantly define the landscape or set a crisp boundary and a concern about additional bureaucracy; also that some of the land to be included is improved agricultural land.

34. Following consideration of the representations the proposed extensions to the south of Heighington village were reviewed. The land between Coatsay Moor Lane and Walworth Road, which was proposed for inclusion in the May 2018 consultation, was omitted from the proposed boundary due to the area being a man-made topography, formed by intensive farming processes, which have altered the pastoral historic landscape.
35. In light of this a second consultation exercise was carried out to give interested parties an opportunity to comment on the revised Appraisal and boundary. Letters were sent to all residents; and other interested parties informed by email. A copy was, again, deposited in the Town Hall reception; and facilities provided through the Council's website to read the document and submit comments online. The second consultation period ran from 7th – 25th January 2019.
36. Internally within the Council an electronic version of the draft Character Appraisal was circulated to senior officers within Planning, Highways, Legal Services, Street Scene, Housing Services and Estates and to Portfolio Holder Councillor McEwan and Ward Members Councillor Crudass and Councillor Lee.
37. In response to the letters sent to 260 properties and consultation of external agencies, four online comments forms were submitted through the webpage, three written responses were received and four responses by email.
38. Responses from residents were generally supportive of the boundary extension. Although other properties were recommended for inclusion in the boundary. A full summary of respondents' comments and the Council's response to them is available at <https://www.darlington.gov.uk/environment-and-planning/planning/conservation/character-appraisals/>.
39. Several responses from residents referred to two recent planning approvals for housing developments on the edge of Heighington and that the Council has failed in its planning duty by approving these housing development. Concerns were raised that any new housing development within the Conservation Area would have a detrimental effect on the village with Heighington fast losing its identity, and integrity as a village of historical significance. If future housing development were also to occur to the south and east of Coatsay Moor Lane, the old village would be completely encircled by new development and the integrity of the ancient village boundary would be lost. Other comments submitted request a restriction on further properties being built within existing boundaries of plots which would lead to loss of green space.
40. Nature conservation was raised as an additional reason to extend the boundary due to bat roosts and Great Crested Newts and Smooth Newts registered sites. It is out with the remit of a Conservation Area Character Appraisal to extend the

boundary on these grounds. Separate legislation protects these species. However, I note these comments and have raised them with the Council's Ecology Officer.

41. A detailed representation was received from Hedley Planning on behalf of the owner of Heighcroft House. In summary it sets out that the Character Appraisal falls short in providing an up-to-date description of the character of the Conservation Area, due to its lack of references to recent residential planning permissions, and its setting. In addition it does not distinguish between the quality of the Cumby buildings site and other land identified as open spaces in the degree to which they contribute to the Conservation Area.
42. All the points raised through the consultation exercises are noted. These responses and our actions are summarised on the conservation webpage.
43. Historic England welcome the report and recommend it is indicated how the recommendations will be taken forward, including details on timescales and monitoring. In addition, the Council may wish to consider how the advice could be disseminated to the local community most effectively, to help raise awareness of the Conservation Area, and assist with its management, including the maintenance of buildings and the design of any alterations.
44. Natural England had no comments, however, they stress this should not be interpreted as no impact on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document. No comments were received from the Council's Ecology Officer.

### **Outcome of Consultation**

45. A full summary of respondents' comments and our response to them, including whether the Character Appraisal has been altered as a result of comments, can be found in on the Conservation Area Character Appraisal webpage.
46. In conclusion there have been no objections that would be a reason not to adopt the Character Appraisal, or justification raised to change the boundary proposals further. The majority of response are supportive of the boundary extension. The points about inaccuracies have been checked and rectified where necessary.
47. If approved, we are required to advertise the boundary changes in the local press and in the London Gazette. All residents, landowners, agencies and businesses who are directly affected would receive a letter from the Council to inform them of the change and what that means for them, such as control over demolition of buildings and over works to trees for land and building included in the Conservation Area, or for those removed the removal of these controls.