



**Cabinet**

**Tuesday, 11 October 2022**

**Aslockton Conservation Area Consultation**

## **Report of the Director – Development and Economic Growth**

### **Cabinet Portfolio Holder for Planning and Housing, Councillor R Upton**

#### **1. Purpose of Report**

1.1 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') states:

“69. Designation of conservation areas.

(1) Every local planning authority—

(a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and

(b) shall designate those areas as conservation areas.

(2) It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly”.

1.2 Section 69 [2] of the Act sets out the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas.

1.3 At the request of local residents, the Aslockton Conservation Area has been reviewed in partnership with local community representatives in regard of its architectural and historic interest and is still considered to fulfil the definition within Section 69 [1(a)].

1.4 Section 71 [1 and 2] of the Act encourages local authorities, where possible, to formulate and publish proposals for the preservation and enhancement of conservation areas and consult the public in the area in question, taking into account views expressed.

1.5 This report seeks approval to commence formal public consultation for the purpose of adopting a revised conservation area appraisal and minor modifications to the area boundary for the village of Aslockton in order to fulfil the requirements within Section 71 [1 and 2].

- 1.6 Cabinet is asked to agree the revised appraisal document for the village of Aslockton and to approve a draft character appraisal, containing a proposed updated conservation area boundary and a description of the special architectural and historic character and appearance of that area, for the purposes of public consultation.
- 1.7 The next stage is to obtain consent from Cabinet to take this draft document to public consultation.
- 1.8 Following public consultation any comments and responses will be considered, and any changes to the draft document and proposed boundary made before returning to Cabinet for the formal adoption of a finalised appraisal. If significant changes need to be made as a result of the consultation process it may be necessary to seek approval for a second round of consultation.

## **2. Recommendation**

It is RECOMMENDED that Cabinet:

- a) agrees that the village of Aslockton still possesses qualities of special architectural and historic interest, which would warrant its continued designation as a conservation area under the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- b) Approves the Draft Conservation Area Character Appraisal and proposed conservation area boundary for the purposes of public consultation, to last a period of 21 days and to include a public consultation event held in the village.

## **3. Reasons for Recommendation**

- 3.1 The Aslockton Conservation Area appraisal has been reviewed and Officers have concluded that the village remains a place of special architectural and historic interest, the character and appearance of which it would be desirable to preserve or enhance.
- 3.2 After local residents requested that the Aslockton Conservation Area be reviewed, they led on the work for the production of the draft appraisal, supported at the time by the Council's now Principal Planning Officer – Monitoring and Implementation.
- 3.3 Preparation of a draft appraisal allows for the special architectural character and appearance of the area to be understood and defined and for a proposed conservation area boundary to be drawn.

#### **4. Supporting Information**

4.1 A copy of the draft conservation area character appraisal is appended to this report and is the document for which consent is sought to consult the public.

4.2 Within the document is a plan showing the proposed boundary of a conservation area for Aslockton which is considered to represent a boundary appropriate in context of the requirement within paragraph 186 of the National Planning Policy Framework (NPPF) which states:

“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.”

#### **5. Alternative options considered and reasons for rejection**

There is the option not to continue with a public consultation and simply adopt the revised document, the legislation does not create a statutory requirement to consult on proposals for conservation area adoption or review, however best practice strongly encourages doing so to maximise public engagement. There would also be an option to not proceed with updating the appraisal and reviewing the boundary however neither option is recommended as it would not be in accordance with Section 71 [2 and 3] of the Act and published best practice.

#### **6. Risk and Uncertainties**

6.1 The only risk associated with the proposal is abortive costs and time should there be significant local opposition to the adoption of a revised conservation area which leads members to decline to formally adopt the reviewed conservation area for Aslockton.

6.2 Whilst there is no requirement in law for consulting the public on the review of conservation areas, best practise acknowledges that conservation areas are most effective where the local community embraces the designation. If there is significant opposition to the proposed changes then there may be limited benefit in simply imposing them.

#### **7. Implications**

##### **7.1 Financial Implications**

The costs of adoption of a conservation area character appraisal consist mostly of officer time. In this instance, much of the investigation and review has been undertaken by local residents, supported by the now Principal Planning Officer – Monitoring and Implementation. It is considered that both the consultation, and any amendments necessary to the draft documentation as a result of that consultation process would be accommodated within the existing capacity of

the newly appointed Project Officer for Conservation Area Review. Beyond officer time, the consultation would require notices to be displayed in the Nottingham Post and site notices advertising the consultation. The eventual formal adoption of a conservation area also requires a notice published in the London Gazette, the cost of which is based upon the length of the notice but would be expected to be around £100.00. In an attempt to limit costs a single notice could be published to cover multiple reviewed areas.

## 7.2 Legal Implications

Adoption of conservation areas where ‘areas of special architectural or historical interest the character or appearance of which it is desirable to preserve or enhance’ have been identified is a statutory duty placed upon the Borough Council within section 69(1) of the Act. The Act requires the identification and designation of conservation areas. Whilst the legislation does not contain any requirement for public consultation, the undertaking of public consultation is considered to represent best practise. As such there is no minimum requirement for public consultation.

## 7.3 Equalities Implications

There are considered to be no particular equality implications that need addressing from matters arising from this report.

## 7.4 Section 17 of the Crime and Disorder Act 1998 Implications

There are no direct community safety implications arising from matters covered in this report.

## 8. Link to Corporate Priorities

Quality of Life	Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when dealing with planning applications for development within Conservation Areas, ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’. This is a statutory duty and would ensure that the special appearance and character of the area is preserved or enhanced, thereby protecting the character of the area and quality of life of residents.
Efficient Services	Support and provide guidance to internal and external customers regarding development in Conservation Areas, tree preservation and high hedge legislation.
Sustainable Growth	Paragraph 8 of the National Planning Policy Framework directs that achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective, and an environmental objective. It is considered that the making of the Conservation Area and the Statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 will ensure

	that relevant consideration is given to development proposals within the area and should ensure that the objectives are achieved, particularly the environmental objective by protecting or enhancing the historic environment.
The Environment	The statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 will ensure that the character and appearance of the Conservation Area is preserved or enhanced, thereby protecting the environment within the area. Whilst the statutory duty does not apply to development outside but adjacent to the Conservation Area, the Borough Council would be required to give regard to the impact on the setting of the Conservation Area.

## 9. Recommendation

It is RECOMMENDED that Cabinet:

- a) agrees that the village of Aslockton still possesses qualities of special architectural and historic interest; which would warrant its continued designation as a conservation area under the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- b) Approves the Draft Conservation Area Character Appraisal and proposed conservation area boundary for the purposes of public consultation, to last a period of 21 days and to include a public consultation event held in the village.

<b>For more information contact:</b>	Andrew Langley Project Officer – Conservation Area Review 0115 914 8597 <a href="mailto:alangley@rushcliffe.gov.uk">alangley@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	<a href="#">Planning (Listed Buildings and Conservation Areas) Act 1990</a> <a href="#">Historic England Advice Note 1: Conservation Area Designation, Appraisal and Management Current (2008) Aslockton Conservation Area Character Appraisal</a> <a href="#">Current (2008) Aslockton Conservation Area Boundary</a>
<b>List of appendices:</b>	Appendix 1 - Draft Conservation Area Character Appraisal: Aslockton