

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 Building and Conservation Areas) Act 1990 (the 1990 Act) imposes a duty on local planning authorities to designate as Conservation Areas any ‘areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’.
- 1.2. Beyond adoption Section 69(2) goes on to state, *“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”*.
- 1.3. In addition, the Planning Practice Guidance, and best practise in the form of Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management, recommend that designated Conservation Areas should be accompanied by adopted character appraisals to define the special character and appearance they are considered to possess and that these documents are also reviewed “from time to time”.
- 1.4. To this end, a period of public consultation has been undertaken on a draft revised Conservation Area, and an associated Appraisal and Management Plan, which had been produced by the local community. This report seeks formal adoption of the revised documents following that consultation.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) adopts a revised boundary for the Colston Bassett Conservation Area as shown edged red on the Plan at Appendix A; and
- b) adopts the Conservation Area Character Appraisal, Management Plan and Townscape Appraisal at Appendices B and C, as the documents which outlines and describes the special architectural and historic character of the Conservation Area, which it will be desirable to preserve or enhance.

3. Reasons for Recommendation

- 3.1. Colston Bassett has been investigated and assessed and is considered to remain a place which has a special architectural and historic interest the character and appearance, of which it would be desirable to preserve or enhance.
- 3.2. The local community has led on the production of a revised Conservation Area Appraisal, which has been subject to public consultation.
- 3.3. Ordinarily the adoption of revised appraisals for existing Conservation Areas was a matter which Cabinet had indicated it was happy to be done through mutual agreement between the local Ward Councillor and Portfolio Holder. However, in this instance there is a point of concern raised by officers, which has led the local Ward Councillor and Portfolio Holder to refer the decision back to Cabinet.

4. Supporting Information

- 4.1. A copy of the amended Conservation Area Character Appraisal is appended to this report (Appendix B) and is the document, which is proposed for adoption, along with an updated boundary (Appendix A) and the accompanying townscape appraisal (Appendix C).
- 4.2. Within the document is a plan showing the proposed boundary of the revised Colston Bassett Conservation Area, which is considered to represent a boundary appropriate in context of the requirement within paragraph 127 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”.

- 4.3. The draft document prepared by the community identifies practically all land within the Conservation Area, which is not already developed as ‘positive open space’ (Appendix C – Townscape Appraisal). This includes identifying sites allocated for development within the adopted Neighbourhood Plan as positive open space.
- 4.4. Officers have raised this concern with the authors of the document and the Parish in that by identifying land as ‘positive open space’ so widely this has the effect of undermining the identification. When considering planning applications, the requirement is to consider the impact of a proposal on the Conservation Area as a designation. By identifying so much open land as positive open space, it creates a situation where any development on any part of that open space can only have a minor impact upon open space within the Conservation Area overall. Planning inspectors have previously made comments about the degree of which open space or setting would be

maintained by a proposal, which results in loss of a small portion of such characteristic.

- 4.5. The community maintains the view that they understand the risk explained to them by officers but want all open space identified in this way regardless and will “defend any appeals” that are made affecting any part of the identified positive open space.
- 4.6. This includes identifying sites allocated for development within the adopted Neighbourhood Plan as positive open space which officers are concerned creates an inherent conflict.
- 4.7. It should be noted that communities and parish councils do not defend appeals against the refusal of planning permission, and outside of the minority of appeals, which are heard via Hearings or Public Inquiries there is no opportunity for the community or Parish Council to be involved as a Rule 6 Party. It would be for the Borough Council and its officers to defend appeals, and officers would need to be mindful that the widespread identification of space as positive open space will, of necessity, reduce the contribution, which any one component of that open space makes and therefore reduce the ability to suggest that any loss of small elements of positive open space would create any significant degree of harm to the Conservation Area as a whole, or that the contribution made by positive open space would not be preserved by the retention of the majority of the identified positive open space.
- 4.8. Previous comments by the Council’s officers and attempts to overcome deficiencies in earlier drafts have been rebuffed and officers feel that whilst it is inherently sensible to reduce the identification of public open space prior to adoption any attempt to do so would not be supported by the local community or the parish. There is no requirement for public consultation and therefore no requirement for consensus. However, it is this challenging situation which has brought this matter to Cabinet.
- 4.9. Beyond this concern raised by officers, the feedback from public consultation was as follows:
 - a) Omission of Key Unlisted Buildings – some buildings identified as key unlisted buildings in the currently adopted appraisal were not identified in this way on the consultation draft map – the community representatives viewed this as an oversight and were happy for these to be added back onto the plan.
 - b) One resident objected to the need to review the document explaining they were happy with the currently adopted one and were resistant to any changes – No specific concerns or issues were raised and as such no amendments were made arising from this comment.
 - c) One request was made to add a list of Key Unlisted Buildings to the document rather than just showing them on plan – this has been actioned.
 - d) One comment requested adding four properties on Spring Hill to the Conservation Area. The commenter was approached to enquire as to what special architectural or historic interest they were believed to possess to

justify inclusion and the response provided was that they were important Victorian buildings. Map analysis reveals that none of the four were built until around 1914 and one pair appears as under construction on 1950's mapping. They have all undergone a degree of alteration since they were built and none of the four is considered to be particularly old or to make a particularly strong architectural contribution to local character. No amendment has been made, and the buildings remain outside of the Conservation Area in the version presented for adoption.

- 4.10. Having considered all of the formal comments received, it is, therefore, considered that the changes, which have been made to the draft documentation as a result of public consultation comments do not amount to substantial changes and as such would not require further public consultation.

5. Alternative options considered and reasons for rejection

- 5.1. The only alternative option would be to decline to adopt the revised appraisal until the extent of positive open space has been revised downwards so as to ensure that the open spaces identified as being of the greatest importance are afforded a heightened degree of protection against proposal, which would be harmful to their contribution as positive open spaces.
- 5.2. Whilst officers would be of the view that this is the most sensible option and the option which would best protect the contribution made to special character and appearance by the most important open spaces, the community has rejected that advice and is insistent that they will only be satisfied with the wide identification of all undeveloped land as positive open space.
- 5.3. Having an up to date Conservation Area Appraisal is important because it ensures that planning decisions reflect current heritage values, community needs and environmental changes, helping to protect and enhance the area's special character.

6. Risk and Uncertainties

None identified.

7. Implications

7.1. Financial Implications

Adoption would not be officially completed until notices are published in the Nottingham Post and The London Gazette. There are minimal cost implications for publishing notices and these will be contained within existing budgets.

7.2. Legal Implications

- 7.2.1 Local planning authorities have a duty under Section 69 of the 1990 Act to 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.

7.2.2 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 practice. As such there is no minimum requirement for public consultation.

7.2.3 A Conservation Area is not formally adopted in law until such time as its adoption has been resolved by the Borough Council and a notification of adoption has been published in The London Gazette.

7.2.4 It is considered good practice when adopting a new Conservation Area to directly notify each property within the adopted boundary that the Conservation Area has been formally adopted and is in effect. This would usually be done in writing the day of the London Gazette notice. Given the small size of Colston Bassett a mailshot on this scale is not considered to represent a significant burden on either time or resources.

7.3. **Equalities Implications**

There are not considered to be any equalities implications arising from the recommendation to adopt a revised Conservation Area for Colston Bassett.

7.4. **Section 17 of the Crime and Disorder Act 1998 Implications**

There are not considered to be any adverse implications of adopting a Conservation Area in terms of crime or disorder.

7.5. **Biodiversity Net Gain Implications**

There would be no biodiversity net gain implications arising from the recommendation within this report.

8. **Link to Corporate Priorities**

The Environment	Adoption of a revised Conservation Area Appraisal would allow increased accuracy and relevance of the way in which the special character and appearance of the Conservation Area is identified, improving the way in which policy can be applied towards its preservation. There is; however, a risk that excessive identification of undeveloped land as 'positive open space' could undermine the degree to which development affecting such land can be reasonably resisted, particularly given that even allocated development sites are identified as positive open space.
Quality of Life	To the extent that the recommendation impacts upon quality of life those impacts would be through securing attractive and

	historically significant components of the local environment as above.
Efficient Services	There would be no implications, positive or negative, for efficiency of local services.
Sustainable Growth	Adoption of a revised Conservation Area Appraisal would allow increased accuracy and relevance of the way in which the special character and appearance of the Conservation Area is identified, which would better enable the Council to better ensure that future development is of high standard and sustainable. There is; however, a risk that excessive identification of undeveloped land as 'positive open space' could undermine the degree to which development affecting such land can be reasonably resisted, particularly given that even allocated development sites are identified as positive open space.

9. Recommendation

It is RECOMMENDED that Cabinet:

- a) adopts a revised boundary for the Colston Bassett Conservation Area as shown edged red on the Plan at Appendix A; and
- b) adopts the Conservation Area Character Appraisal, Management Plan and Townscape Appraisal at Appendices B and C, as the documents which outlines and describes the special architectural and historic character of the Conservation Area, which it will be desirable to preserve or enhance

For more information contact:	James Bate Planning Team Manager: Monitoring and Implementation 0115 9148483 jbate@rushcliffe.gov.uk
Background papers available for Inspection:	Planning (Listed Building and Conservation Areas) Act 1990 Historic England Advice Note 1: Conservation Area Designation, Appraisal and Management
List of appendices:	Appendix A: Proposed Conservation Area Boundary Appendix B: Colston Bassett Character Appraisal and Management Plan Appendix C: Colston Bassett Townscape Appraisal