



Cabinet

12 May 2020

**Draft Character Appraisal and Proposed Conservation Area
for Cropwell Bishop**

Report of the Executive Manager - Communities

Cabinet Portfolio Holder for Housing Councillor Roger Upton

1. Purpose of Report

- 1.1. Section 69 of the Planning (Listed Buildings 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 historical interest the character or appearance of which it is desirable to preserve or enhance'.
- 1.2. Upon the request of local residents and Cllr Moore as Ward Councillor, Cropwell Bishop has been considered in regard of its architectural and historic interest and is considered to fulfil the definition within Section 69.
- 1.3. This report seeks approval to commence formal public engagement for the purposes of designating a new Conservation Area for the village of Cropwell Bishop.
- 1.4. Cabinet is asked to agree to the principle of a conservation area for the village of Cropwell Bishop and to approve a draft character appraisal, containing a proposed conservation area boundary and a description of the special architectural and historic character and appearance of that area, for the purposes of public consultation.

2. Recommendation

It is RECOMMENDED that

- a) Cabinet agree that the village of Cropwell Bishop would appear to possess qualities of special architectural and historic interest which would warrant its designation as a conservation area under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b) The Draft Conservation Area Character Appraisal and proposed conservation area boundary is approved for the purposes of public consultation, to last a period of 21 days and to include a public consultation event held in the village (timing of consultation and event will be influenced by any restrictions arising from the Coronavirus Pandemic).

- c) That cabinet will receive a subsequent report following public consultation which may include a recommendation for the formal adoption of a revised conservation area character appraisal and for the designation of a conservation area for Cropwell Bishop.

3. Reasons for Recommendation

- 3.1. Cropwell Bishop has been investigated and assessed and is considered to be 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. After local residents, the Local History Group and the Parish Council requested that Cropwell Bishop be considered for a conservation area, meetings were undertaken with the Local History Group, who have led on the work for the production of the draft appraisal, supported by the Council's Conservation Officer.
- 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.
- 3.4. The next stage is to obtain consent from Cabinet to take this draft document to public consultation.
- 3.5. Following public consultation 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.

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. The document was produced prior to the adoption of the Local Plan Part 2 and it is suggested that any amendments to the document following consultation includes an update of the planning policy section. The policies in the Local Plan Part 2 are reflective of the National Planning Policies and regulations on the preservation and enhancement of conservation areas and it is not considered that there has been a fundamental change in policy since the preparation of the draft Conservation Area Appraisal.
- 4.2. Within the document is a plan showing the proposed boundary of a conservation area for Cropwell Bishop 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:
- 4.3. "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

- 5.1. The only alternative option would be to decline to consider the creation of a conservation area for Cropwell Bishop. This option is not recommended as it has been demonstrated through the preparation of the draft appraisal that the area within Cropwell Bishop to be designated as a Conservation Area possesses the architectural and historic interest which justifies the designation.

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 conservation area which leads members to decline to formally adopt a conservation area for Cropwell Bishop.
- 6.2. Legislation makes clear that for areas which fulfil the criteria of having “special architectural and historic interest” that the local authority has a duty to designate them as Conservation Areas.
- 6.3. Whilst there is no provision in law for deciding not to designate as a result of local opinion, best practise acknowledges that conservation areas are most effective where the local community embraces the designation. If there is no desire to have a conservation area, then there may be little benefit in simply imposing one.

7. Implications

7.1. Finance

The costs of adoption of a conservation area character appraisal consist mostly of officer time. In this instance, much of the investigation and preparatory work has been undertaken by the Local History Society, supported by the Conservation Officer. 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 Conservation Officer.

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.

7.2. Legal

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 1990 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 Corporate Priorities

Efficient Services - Support and provide guidance to internal and external customers regarding development in Conservation Areas, tree preservation and high hedge legislation.

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.

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

- a) Cabinet agree that the village of Cropwell Bishop would appear to possess qualities of special architectural and historic interest which would warrant its designation as a conservation area under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b) The Draft Conservation Area Character Appraisal and proposed conservation area boundary is approved for the purposes of public consultation, to last a period of 21 days and to include a public consultation event held in the village (timing of consultation and event will be influenced by any restrictions arising from the Coronavirus Pandemic).
- c) That cabinet will receive a subsequent report following public consultation which may include a recommendation for the formal adoption of a revised conservation area character appraisal and for the designation of a conservation area for Cropwell Bishop.

For more information contact:	Sera Baker Conservation Officer 0115 914 8243 sbaker@rushcliffe.gov.uk
Background papers Available for Inspection:	<ul style="list-style-type: none">• Planning (Listed Buildings and Conservation Areas) Act 1990• Historic England Advice Note 1: Conservation Area Designation, Appraisal and Management
List of appendices (if any):	Appendix 1 - Draft Conservation Area Character Appraisal: Cropwell Bishop