

**MINUTES
OF THE MEETING OF THE
GROWTH AND DEVELOPMENT SCRUTINY GROUP
WEDNESDAY, 21 APRIL 2021**

Held virtually via Zoom at 7.00 pm in the

PRESENT:

Councillors N Clarke (Chairman), D Viridi (Vice-Chairman), S Bailey, L Howitt, A Phillips, J Stockwood, Mrs M Stockwood and L Way

ALSO IN ATTENDANCE:

OFFICERS IN ATTENDANCE:

L Ashmore
C Evans
A Pegram
S Baker
T Coop

Executive Manager - Transformation
Service Manager - Transformation
Service Manager - Communities
Conservation Officer
Democratic Services Officer

APOLOGIES:

Councillors N Begum and J Cottee

33 **Declarations of Interest**

There were no declarations of interest reported.

34 **Minutes of the meeting held on 20 January 2021**

The minutes of the meeting held on 20 January 2021 were approved.

35 **Conservation Areas**

A presentation to provide information and clarity over the purpose of conservation areas, the Borough Council's responsibility and duties in relation to these areas, the application and policy when considering planning applications and the impact on other planning functions was delivered to the Group.

The Conservation Officer explained the Council's Conservation Areas are areas which have been designated because of their special architectural or historic interest, their character or appearance of which it is desirable to preserve or enhance. The purpose of a conservation area is not to prevent development, but is a requirement that any development should preserve or enhance the character and appearance of the area, highlighting the Council's Statutory Duty to protect such areas as defined in Section 72 – Planning (Listed Buildings and Conservation Areas) Act 1990.

The Conservation Officer informed the Group that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less substantial harm to its significance as outlined in the National Planning Policy Framework (NPPF).

In addition, the Conservation Officer drew the Groups attention to the Rushcliffe Local Plan Part 1 Core Strategy - Policy 11: Historic Environment and the Rushcliffe Local Plan Part 2: Land and Planning Policies – Policy 28: Conserving and Enhancing Heritage Assets.

The Conservation Officer advised that Rushcliffe currently has 30 conservation areas each having an Appraisal and Management Plan document available to view on the website. The appraisals provide information on a settlements history, archaeology, industrial and building history. These Appraisals date from January 2009 and are being considered for review.

The Service Manager – Communities presented the Group with information in respect of the implications of Conservation Area designations on aspects of planning, referred to as Permitted Development.

The Service Manager – Communities explained that Permitted Development is defined by the Town and Country Planning (General Permitted Development Order 2015 (as amended) GPDO), which grants planning permission for a range of different types of development, both residential and commercial. Permitted Development imposes certain limitations, the Service Manager – Communities provided the Group with an extensive list of permitted development rights that do not apply or may be subject to restrictions within a Conservation Area.

The Service Manager – Communities explained how the Council as a Planning Authority assess harm when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

The Service Manager – Communities informed the group of the three levels of harm:

- No Harm – would preserve the character and appearance of the Conservation Area
- Substantial Harm – should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.
- Less than Substantial Harm – harm should be weighed against the public benefits of the proposed including, where appropriate, securing its optimum viable use.

The Service Manager – Communities continued to explain that there is no statutory definition of harm and the degree of harm is a matter of judgement. Examples of harm may include (but not limited to); harm arising from works to the asset; loss of historic fabric; impact on important views into or out of the Conservation Area; loss of trees which contribute to the character of the area; loss of features identified as important to the character and appearance of the area; unsympathetic development.

The Service Manager – Communities provided examples of heritage benefits in a designated Conservation Area, these may include;

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risks to a heritage asset
- Securing the optimum viable use of a heritage asset in support of its long term conservation

Examples of other benefits may include; economic, social and environmental benefits.

In concluding, the Service Manager – Communities highlighted the protection of trees within a Conservation Area, stating that trees are subject to the provisions of section 211 of the Town and Country Planning Act 1990. Which constitutes it is an offence to cut down, top, lop or uproot a tree, or to cut down or uproot a tree for the purpose of improving the growth of other trees as part of forestry operations. However, there are exceptions within section 211, where notice of the intended work has been served on the local Planning Authority and the work is authorised by the grant of planning permission.

The Chairman asked how Officers and Planning Committee members address potential harm when considering applications in Conservation Areas and in particular the cumulative impact and risk of small harms on the character of an area. The Service Manager – Communities advised that all development will have some impact in a community, which may not necessarily be harmful to an area and can be a matter of judgment or opinion. Adding that mechanisms are in place to monitor cumulative risk and a programme of condition surveys and reviews of Conservation Areas are regularly carried out.

Members asked specific questions regarding the mechanisms for implementing a designated Conservation Area and what constitutes a heritage asset. Members also questioned whether community involvement and public engagement were sought in the process. In addition, members highlighted the date of the current Appraisal and Management Plans and requested when these are likely to be reviewed. The Service Manager – Communities explained that Conservation Areas are driven by the community, all householders within the designated area are notified, sometimes an exhibition in the village hall is held and assistance from external bodies such as Historic England or English Heritage is usually sought. In respect of a review the Service Manager – Communities explained that it is the Council's duty to review the Boroughs Conservation Areas, but due to COVID restrictions, this has been placed on

hold. The Conservation Officer added that in designating an area as a Heritage Asset, officers are guided by planning policy, community interest and English Heritage, looking typically at buildings, land, open aspects, trees and hedgerows. The Conservation Officer advised the Group that East Leake, Cropwell Bishop, Aslockton and Normanton on Soar were in line for review.

Members questioned whether officers had enough resources to complement the conservation function and enforcement. The Service Manager – Communities advised that one conservation officer was adequate for the Boroughs activity, stating that all planning officers are able to assess the effect development has on conservation areas and the Conservation Officer provides more detailed advice when required.

Members asked officers specific questions relating to non-designated heritage assets and whether officers could provide a list for the group to consider. Members also asked whether there is likely to be any changes within the Government's new planning regulations that might affect development within Conservation Areas, and would officers provide members particularly those on Planning Committee with training to assist with planning decisions in Conservation Areas.

The Service Manager – Communities advised that the outcome of the Planning White Paper is under consultation and the results are unknown. Member training will form part of the Member Development Training Programme as recommended by the Member Development Group.

It was **RESOLVED** that:

- a) The Group noted the report, and requested a further report be considered at the meeting of the Group in October to:
 - address the review of Conservation Area Appraisals and encourage enhancements to Conservation Areas
 - Consider developing a list of non-designated heritage assets
- b) Training to be provided for Planning Committee members regarding the potential for cumulative impact of development in a Conservation Area.

36 **Work Programme**

It was **RESOLVED** that the Group consider its Work Programme and that the following items for scrutiny were agreed.

July 2021

- Cycling Networks in the Borough
- Trent Footbridge
- Work Programme

October 2021

- Covid-19 Business Recovery Update

- Conservation Areas – Review Part 2
- Work Programme

January 2022

- Tree Conservation
- Work Programme

April 2022

- Work Programme

The meeting closed at 9.04 pm.

CHAIRMAN

DRAFT