

Agenda



Delegated Decisions - Cabinet Member for Regeneration & Housing

Date: Thursday, 4 October 2018

Time: Not Required

Venue: Not Required

To: Councillor J Mudd

Item	Wards Affected
1	<u>Draft Conservation Area Appraisals for Caerleon, The Shrubbery and Stow Park - Proposed Consultation</u> (Pages 3 - 8)

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Report

Cabinet Member for Regeneration and Housing

Part 1

Date: 4 October 2018

Subject **Draft Conservation Area Appraisals for Caerleon, The Shrubbery and Stow Park – Proposed Consultation**

Purpose To seek approval to consult on Conservation Area Appraisals for Caerleon, The Shrubbery and Stow Park. The Appraisals describe the character of the areas, identify changes over time, suggest a management plan for the areas and most significantly they suggest amendments to the Conservation Area boundaries.

Authors Planning Policy Manager

Ward Caerleon, Gaer and Allt-Yr-Yn

Summary It is now proposed to consult on these draft documents to seek views of interested parties.

Proposal **That Cabinet Member notes the contents of the proposed Conservation Area Appraisal documents and agrees that the documents be released for public consultation.**

Action by Head of Regeneration, Investment and Housing

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director, Place
- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of People and Business Change
- Development Management

Signed

Background

The Planning (Listed Building and Conservation Areas) Act 1990 requires Local Authorities to review their Conservation Areas in a timely manner. The law also states that authorities should also formulate and publish proposals for preservation and enhancement of the designation. This report sets out how this requirement is being addressed.

There are fifteen Conservation Areas within Newport and these have been prioritised in terms of the development pressures they face and the date at which they may have been through a review since adoption. The top six Conservation Areas that came out of this prioritisation work have never had a formal review and are set out in the table below:

	Name of Conservation Area	Date of Initial Designation
1	Caerleon	1970
2	Clytha	1999
3	St Woolos	1985
4	Stow Park Circle	1987
5	The Shrubbery	1983
6	Town Centre	1987

A consultant was commissioned in November 2017 to undertake a review of these six Conservation Areas. They were given six months to appraise Clytha, Town Centre and St Woolos Conservation Areas. This report seeks the approval of the Caerleon, Stow Park Circle and The Shrubbery appraisals.

Conservation Areas are designated to reflect the character of a *group* of buildings, places or spaces which work together as a *whole*, to create a special character which is considered to be worthy of special protection. It is not just the buildings which make up the special character; it is also the setting of buildings; including street patterns, use of characteristic local materials, shopfronts, street furniture and hard and soft landscaping. Particular uses and activities can also contribute to the character or appearance of an area.

A Conservation Area Appraisal describes the character of a conservation area. It also describes the changes that have taken place in the conservation area over recent years and recommends any boundary amendments. The appraisals finish with management proposals which will help to conserve and enhance the area's special character and improve decision making in the future. An adopted appraisal will be a material consideration for development management purposes. It will provide clear guidance to residents, developers and investors as to the significance of the area, providing a record of the area's special interest and detail the implications of such a designation. The Management Plan, set out within the document, will help channel development pressures in a way that preserves the special qualities of the Conservation Area. Such appraisals have been undertaken for Caerleon, The Shrubbery and Stow Park Conservation Areas and are available to view in detail as background papers to this report.

The appraisal process is required to have a formal period of public consultation; consultation arrangements are set out below.

Consultation Arrangements

In order to meet legislative requirements, the Conservation Area Appraisals will be made available at a public meeting. Providing Cabinet Member approves the documents for consultation, they will be released for an 8 week public consultation period. Towards the beginning of this consultation period, two public consultation events will be held. It is proposed that the first will be an afternoon / evening event at the Caerleon Town Hall and the second being a weekend day at Belle Vue Pavilion (subject to availability – appropriate alternative venues will be found if necessary).

All public events will be advertised via the Council's website and through social media. A notice will be placed in the local press, and all documents provided on the Council's website, electronic versions sent to the libraries and targeted consultation letters or emails will be sent. In addition a letter to all address points within the Conservation Areas (and proposed amended boundary Conservation Areas) will be delivered to inform those directly affected of the consultation process and inviting them to the public events.

Following conclusion of the public consultation, amendments to the Conservation Area Appraisals will be considered and all comments received will be reported back to the Cabinet Member. The Cabinet Member will then decide whether or not to adopt the documents as Supplementary Planning Guidance.

On conclusion of all six Conservation Area Appraisals, if boundary changes are agreed upon, in accordance with Section 70 of the Planning (Listed Building and Conservation Areas) Act 1990, the Council will need to formally provide notice in the local press, the London Gazette (as the official public record) and inform the relevant Secretary of State.

Financial Summary

The proposed consultation would have a financial cost in terms of advertising, printing and exhibition costs e.g. room hire, displays etc. The document will be sent out electronically where possible. All relevant information will also be made available on the Council's website. Any costs will be met within the existing Local Development Plan budget.

For the proposals within the Conservation Area Appraisals to satisfy legislation it must have at least been subject to consultation through a public meeting within the area to which they relate. The documents are also recommended to be adopted as Supplementary Planning Guidance and in order to be given maximum weight by a Planning Inspector as a material planning consideration; it must have gone through public consultation and have been adopted through a Council resolution.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Following the legislative requirements of review of Conservation Areas will protect the process to legal challenge	H	L	The consultation procedure has been prepared to meet the requirements of legislation.	Head of Development Services/Planning Policy Manager
Draft SPG will carry less weight by Planning Inspectors in the determination of planning appeals.	M	L	Draft SPG prepared awaiting public consultation to increase the weight of the SPG and to be followed up with adoption.	Head of Development Services/Planning Policy Manager

Links to Council Policies and Priorities

The Local Development Plan is one of the statutory plans the council has to prepare. It determines Newport's land use policies to 2026. The Conservation Area Appraisals will eventually become Supplementary Planning Guidance which supports the overarching principles set out in the LDP, adding more detail and clarification where required. The work will also result in recommendations to amend Conservation Area boundaries which will directly affect the LDP.

Newport City Council has five corporate objectives including a Fairer City, Greener and Healthier City and Safer City. The SPG will help deliver the corporate objectives by ensuring development within Conservation Areas preserves or enhances their special character.

Options Available and considered

Approve the draft Conservation Area Appraisals for public consultation.

Make amendments to the draft Conservation Area Appraisal and then approve for consultation.

Do not approve the draft Conservation Area Appraisals for consultation.

Preferred Option and Why

To approve the release of the draft Conservation Area Appraisals for consultation. This will allow interested parties to provide responses on the proposed policy detail before the Council seeks to adopt the document for development management purposes. The weight attached to Supplementary Planning Guidance increases if public consultation is undertaken prior to adoption.

Comments of Chief Financial Officer

The proposal to consult on Conservation Area Appraisals for Caerleon, The Shrubbery and Stow Park Conservation Areas is required under the Planning (Listed Building and Conservation Areas) Act 1990. The proposed consultation would have a financial cost in terms of advertising, printing and exhibition costs but would be met within the existing Local Development Plan budget.

Comments of Monitoring Officer

Under the Planning (Listed Buildings and Conservation Areas) Act 1990 the local planning authority has to determine which parts of its area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance and then shall designate those areas as conservation areas. There is an ongoing duty to review the past exercise of these powers and to formulate and publish proposals for the preservation and enhancement of any conservation areas. Any such proposals must be submitted for consideration at a public meeting and regard must be had to any views expressed at such a meeting. The proposals put forward in this Report are in accordance with the Council's powers and duties as local planning authority.

Comments of Head of People and Business Change

This report seeks to gain approval of draft conservation area appraisals for consultation for three areas in the city. Within the report the sustainable development principle (long term, prevention, integration collaboration and involvement) of the Well-being of Future Generations (Wales) Act has been fully considered.

From an HR perspective there are no staffing issues to consider.

Comments of Cabinet Member

Cabinet Member has been briefed on this report.

Local issues

The appraisals will affect the Caerleon, Gaer and Allt Yr Yn wards of Newport.

Scrutiny Committees

The appraisals have not been through a Scrutiny Committee.

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultations on such documentation is open to all of our citizens regardless of their age. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

- | | |
|-------------|---|
| Long term: | This work aims to provide those interested persons with a clear understanding of the significance of the area within which they live, how it developed and what historic influences we can still see today. It is the protection of a heritage asset (Conservation Area) which has a role in forming our everyday identity. The protection of heritage for the long term provides a unique and pleasant environment within which to live, work and visit. |
| Prevention: | The documents set out a management plan for each of the conservation areas which will assist those who own, rent or manage properties to undertake works in a suitable manner with the correct permissions, therefore encouraging maintenance and a decline |

in their surroundings as well as potentially reducing the need for enforcement action from the Council.

- Integration:** Improving our understanding of our physical environment will help ensure these Conservation Areas are well maintained, prevent inappropriate development and identify opportunities for enhancement, making them more attractive to investors and residents. The consultation will help those communities within any of the three Conservation Areas understand their role and increase their understanding of such unique spaces within our built environment.
- Collaboration:** This report seeks approval for consultation of these documents. The consultation will inform the final version of these reports and seeks views from owners, visitors, businesses, local historians and other interested parties. The consultation will allow close collaboration between those interested stakeholders be it through the sharing of information or networking at the proposed exhibitions.
- Involvement:** This report seeks approval for consultation of these documents. The consultation will inform the final version of these reports and seeks views from owners, visitors, businesses, local historians and other interested parties. Their involvement is key to gain not only an understanding of the assessment but their 'buy-in' to the protection and enhancement of three Conservation Areas within Newport.

The proposal is in line with the Council's well-being objectives published in March 2017. Specifically, these proposals contribute to the following well-being objectives:

- "Promote economic growth and regeneration whilst protecting the environment"
- "To build cohesive and sustainable communities"

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

Consultation

The draft documents have not been made publically available.

Background Papers

[Caerleon Draft Conservation Area Appraisal](#)
[Stow Park Draft Conservation Area Appraisal](#)
[The Shrubbery Draft Conservation Area Appraisal](#)

Dated: 4 October 2018