

# CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**30 November 2006**

**REPORT OF  
CORPORATE  
MANAGEMENT TEAM**

## **CABINET DECISION/COUNCIL DECISION KEY DECISION**

**Regeneration and Transport – Lead Cabinet Member – Councillor Cook**

**SPD4: THE CONSERVATION AREAS AND HISTORIC ENVIRONMENT FOLDER  
SUPPLEMENTARY PLANNING DOCUMENT**

1. Summary

This report presents to Members the “Conservation Areas and Historic Environment Folder” (available in Member’s Library) that will inform and add value to the existing policies set out in the Adopted Local Plan. The Borough’s rich history of the built environment is brought together for the first time here in this draft Conservation Areas and Historic Environment Folder. Whilst the Folder is aimed at the development industry for use in preparing planning applications, it is hoped that it will also be used as a point of reference for local people to understand where their towns and villages have come from. As Supplementary Planning Document (SPD) the Conservation Areas and Historic Environment Folder will sit within the Council’s Local Development Framework. The Conservation Areas and Historic Environment Folder (CaHEF) has undergone a Sustainability Appraisal (SA) incorporating the requirements of Strategic Environmental Assessment (SEA) also to be endorsed and Adopted, and published as part of the main SPD

2. Recommendations

Recommendation to Cabinet: -

- i) Consider and approve the content of the Conservation Areas and Historic Environment Folder so that it may be adopted as a Supplementary Planning Document and become a material planning consideration in determining planning applications.

3. Reasons for the Recommendations/Decision(s)

The Borough’s rich history of the built environment is brought together for the first time here in this “Conservation Areas and Historic Environment Folder”. The Folder is divided into sections covering all aspects of historic sites, buildings and monuments in the area, and seeks to simplify the legislation surrounding them, the role they play within the Borough, and what may be done to maintain them for future generations to enjoy.

It is a requirement of Planning Policy Guidance note 15: “Planning and the Historic Environment”, Sept 1994 (PPG15) that Conservation Area Appraisals

and Management Plans are prepared, and this coupled with the fact that the existing advice leaflets are in need of updating, has led to this comprehensive document being prepared.

Having undergone full public consultation, the revised SPD has been prepared and is put before Cabinet for approval and subsequent Adoption for use in determining planning applications.

#### 4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.**

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1. Summary

This report presents to Members the "Conservation Areas and Historic Environment Folder" (available in Member's Library) that will inform and add value to the existing policies set out in the Adopted Local Plan. The Borough's rich history of the built environment is brought together for the first time here in this draft Conservation Areas and Historic Environment Folder. Whilst the Folder is aimed at the development industry for use in preparing planning applications, it is hoped that it will also be used as a point of reference for local people to understand where their towns and villages have come from. As Supplementary Planning Document (SPD) the Conservation Areas and Historic Environment Folder will sit within the Council's Local Development Framework. The Conservation Areas and Historic Environment Folder (CaHEF) has undergone a Sustainability Appraisal (SA) incorporating the requirements of Strategic Environmental Assessment (SEA) also to be endorsed and Adopted, and published as part of the main SPD

2. Recommendations

Recommendation to Cabinet: -

- ii) Consider and approve the content of the Conservation Areas and Historic Environment Folder so that it may be adopted as a Supplementary Planning Document and become a material planning consideration in determining planning applications.

**DETAIL**

Background

- 3. Members will note the "Draft Conservation Areas and Historic Environment Folder" Cabinet Item of 20 April 2006 (Minute Number 41). It is a requirement of Planning Policy Guidance note 15: "Planning and the Historic Environment", Sept 1994 (PPG15) that Conservation Area Appraisals and Management Plans are prepared, and this coupled with the fact that the existing advice leaflets are in need of updating, has led to this comprehensive document being prepared.
- 4. The Draft Conservation Areas and Historic Environment Folder is intended to complement and enhance legislative protection and policy requirements set out in the adopted Stockton-on-Tees Local Plan (1997), and any Planning Policy Guidance and other legislation relating to the historic environment. It is aimed at the development industry for use in preparing planning applications and it is

hoped that it will also be used as a point of reference for local people to understand where their towns and villages have come from, and perhaps where they are going.

5. Under the Planning and Compulsory Purchase Act 2004, the Conservation Areas and Historic Environment Folder will be adopted as a Supplementary Planning Document and will form part of the Council's Local Development Framework. This Conservation Areas and Historic Environment Folder will therefore be given "substantial weight" as a material consideration for the purposes of decision-making. This weight would be attached because the Conservation Areas and Historic Environment Folder has been given consideration in a democratic process of consultation and subsequent Member approval. However, where there are material circumstances, it may be set aside.
6. The Folder is divided into sections covering all aspects of historic sites, buildings and monuments in the area, and seeks to simplify the legislation surrounding them, the role they play within the Borough, and what may be done to maintain them for future generations to enjoy.

### **CONSERVATION AREAS AND HISTORIC ENVIRONMENT FOLDER**

7. The draft Conservation Areas and Historic Environment Folder and associated draft Sustainability Appraisal were published for a six week consultation period which ended on 3 July 2006. A number of comments were received from interested parties, and these have been duly considered and used to inform the preparation of the final version of the SPD and SA. Attached at Appendix 1 is a "Consultation Statement" setting out the Council's consultation steps, together with a schedule of responses received to both the CaHEF document and also to the SA document, presented with the Council's responses. This schedule forms part of the SPD. Given the size of the SPD document, it is considered uneconomical to include all of the document as an appendix to this report, and so Members wishing to read the revised final draft of the CaHEF will find copies in the Members' Library, Planning Reception, or from Fiona Short (contact details below).
8. Having considered the responses received, some minor amendments have been made, however there are just two significant changes proposed to the CaHEF content:
  - a. the proposed 'blanket' application of Article 4 Directions which remove certain Permitted Development Rights from buildings in Conservation Areas. English Heritage suggest a cautious approach and advocate further consultation before applying additional controls on households in the form of Article 4 Directions. It is considered that this is a sensible response, and so the Management Plan has been amended to undertake further consultation regarding this issue, as opposed to simply applying the controls.
  - b. The intention was originally to prepare 4 smaller "folders", however it has proven from the consultation process that a single folder made up of individual documents is preferred, and therefore the CaHEF will be published in such a format.

### **Future Steps**

9. Having undertaken a 6-week consultation period and considered the responses with reasons for accepting or rejecting them given, there is no right of appeal to its content or to have it tested via an Independent Examination, although the underlying principles of 'soundness' still apply. Upon adoption, a statement of consultation must be prepared setting out a summary of the main issues raised

in the representations and how these main issues have been addressed. This is included in the SPD and in Appendix 1 of this report.

10. Following Cabinet endorsement, the CaHEF and SA will be adopted as a Supplementary Planning Document and published for use in determining planning applications.
11. The proposed Local List has received a number of nominations in Eaglescliffe, but few in other areas. It is felt that additional time should be given to allow further nominations for this list, and then the process set out in the document for Adopting the list can be followed. A report will be made to Planning Committee and Cabinet for approval in due course.

#### **FINANCIAL AND LEGAL IMPLICATIONS**

12. N/A

#### **COMMUNITY STRATEGY IMPLICATIONS**

13. Within the Stockton Community Plan, the following specific actions are identified which are germane to the preparation of the draft Conservation Areas and Historic Environment Folder: -
  - Involving the Community in local land use planning
  - Improve the quality of the built environment.

#### **CONSULTATION INCLUDING WARD COUNCILLORS**

14. English Heritage and Tees Archaeology were involved in the preparation of the draft Conservation Areas and Historic Environment Folder. Full consultation for 6 weeks took place from 22 May to 3 July 2006. A full consultation statement is included at appendix 1 to this report.

#### **RISK ANALYSIS**

15. It is considered that there is no significant risk associated with the adoption of the Conservation Areas and Historic Environment Folder as upon adoption it cannot be challenged through the planning process, although a legal challenge is possible within three months of Adoption.
16. Conversely, if the Council does not adopt the Conservation Areas and Historic Environment Folder, it may weaken in its stance in refusing any inappropriate planning applications.

#### **Corporate Director of Development and Neighbourhood Services.**

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#### Background Papers

Stockton on Tees Local Plan, Planning Policy Guidance note 15, Planning Committee minutes of 19 April 2006 (Minute Number 82), Cabinet minutes of 20 April 2006 (Minute Number 41), Council Decision minutes 3 May 2006 (Minute Number 59), Planning Committee minutes of 15 November 2006.

#### Education Related Item?

NO

Ward(s) and Ward Councillors:

ALL

List of Annexes

Appendix 1: Schedule of representations and Council Responses, and Statement of consultation.

Note: Main Documents are held in the Members' Library (Conservation Areas and Historic Environment Folder Document and Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment for the Conservation Areas and Historic Environment Folder Supplementary Planning Document)