

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE		
DATE:	26 MARCH 2015	AGENDA ITEM:	14
TITLE:	ENHANCEMENT OF CONSERVATION AREAS		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT
SERVICE:	PLANNING	WARDS:	ALL
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1. EXECUTIVE SUMMARY

- 1.1 This report discusses issues raised by residents groups, other members of the public and councillors in relation to a number of Conservation Areas in the Borough. These issues concern whether the Council's Conservation Areas strategy and policies are up to date, whether individual conservation area appraisals are up to date and whether the council should be taking a more positive approach to the environment and historic assets within conservation areas. The report sets out the background to conservation areas and conservation area designation, and how legislation and policies are operated in the Borough. It then investigates in more detail the issues that have been raised, what is being suggested and sets out various options and their implications for the council.

2. RECOMMENDED ACTION

- 2.1 That the Council's current practice in relation to Conservation Areas and the options for future operations in Conservation Areas be noted.
- 2.2 That a working group of relevant officers be set up under the Head of Transportation and Streetcare, working in consultation with interested community groups (e.g. Neighbourhood Action Groups), to examine priorities for action and improvement and ways to deal with priority matters in selected conservation areas within available budgets and resources.

3. POLICY CONTEXT

- 3.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest, and this includes the designation of conservation areas. Section 69(1) of the Act states that conservation areas will be areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.
- 3.2 Section 69(2) states that, once designated, local authorities should review the exercise of conservation area functions “from time to time”. Under Section 71, from time to time the local planning authority must also formulate and publish proposals for the preservation and enhancement of their conservation areas.
- 3.3 In terms of the practical implications of an area being designated a conservation area, the desirability of preserving and enhancing a conservation area is a particular consideration in determining planning applications. In addition, there are a number of differences in whether or not permission must be sought for various works. Some of the main differences are as follows:
- Significant demolition within a conservation area requires planning permission;
 - The alterations to a property that can be carried out under permitted development rights differ in conservation areas. For instance, roof extensions are not permitted, and there are greater limitations on extensions, outbuildings and satellite dishes;
 - There are greater controls over works to trees in conservation areas than other areas;
 - Many of the measures introduced recently by the government to de-regulate the planning system specifically exclude proposals within conservation areas. The new permitted developments for extensions to houses, including the mechanism for prior approvals, for example, exclude properties in conservation areas.
- 3.4 The National Planning Policy Framework states that one of the core planning principles is to “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations” (paragraph 17). This places substantial weight on assessing the significance of an asset such as a conservation area. The main tool for assessing this is a conservation area appraisal. National Planning Policy Guidance states that a good appraisal will “consider what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change or the need for planning protection” (Paragraph: 025 Reference ID: 18a-025-20140306).
- 3.5 It is important to note that, unlike for some heritage assets such as listed buildings, much of the emphasis in conservation area policy is on

enhancement. For instance, paragraph 137 of the NPPF states that “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance.”

- 3.6 Local planning policy largely follows the approach at national level, and the main policy dealing with all elements of the historic environment is CS33 of the Core Strategy, adopted in 2008. The Council’s Local Plan (Chapter 9 of the Sites and Detailed Policies Document contains the most up to date commentary) sets out how the council will consider applications for planning permission where conservation area status or other heritage designations apply. As indicated in the Sites and Detailed Policies Document, at national level, the emphasis is on conserving the asset and enhancing it where possible.
- 3.7 Reading Borough has 15 conservation areas, and in total they cover around 3% of the Borough area. Each has been subject to a conservation area appraisal within the last 11 years. The table below lists the conservation areas with the year of their designation and the year that the latest conservation area appraisal was produced.

Area	Original Designation	Latest Appraisal
Alexandra Road Conservation Area	2005	2005
Christchurch Conservation Area	1987	2010
Downshire Square Conservation Area	1991	2009
Eldon Square Conservation Area	1972 (extended 1982)	2007
Horncastle Conservation Area	1988	2010
Kendrick Conservation Area	2005	2005
Market Place/London Street Conservation Area	1972 (extended 1982)	2007
Redlands Conservation Area	1991	2008
Routh Lane Conservation Area	1987	2010
Russell Street/Castle Hill Conservation Area	1972 (boundaries changed 2004)	2004
South Park Conservation Area	1988	2008
St Mary’s Butts/Castle Street Conservation Area	1972	2008
St Peter’s Conservation Area	1988	2009
Surley Row Conservation Area	1988	2010
The Mount Conservation Area	1987	2009

- 3.8 As one can see most of the appraisals were undertaken between 2007 and 2010, in many cases many years after the original designation. The main driver for producing such appraisals was government policy and the provision of resources. In 2005/6, local authorities were encouraged by government, and provided with resources through a mechanism known as the Planning Delivery Grant, to improve various aspects of planning including making sure that Conservation Area Appraisals were brought up to date. As a result, the Council commissioned such appraisals for many of its Conservation Areas to ensure each area had its own appraisal.

They were undertaken and completed before Planning Delivery Grant (i.e. the resource for undertaking this work) was removed in 2010.

- 3.9 Appraisals provide descriptions of the character of a Conservation area and provide an understanding of the development of the area. They can then be used to appraise how a proposed development might maintain and enhance the character and appearance of the conservation area. Best Practice advice is that appraisals should be kept up to date and there is a recommendation that they are reviewed. EH guidance does say, "Ideally, existing appraisals should be reviewed every five years". However, in reality a review is only going to note significant changes to the conservation area and these will normally be noted anyway in dealing with a planning application affected by such changes. The conservation area designation seeks to resist significant changes and to resist developments that would fail to maintain and enhance the character and appearance of the conservation area. Therefore, by definition, Conservation Areas should not often see significant change.

4. THE PROPOSAL

- 4.1 Conservation Area status and Conservation Area appraisals are valuable tools in determining planning applications that relate to heritage assets. As indicated above, they provide much less permitted development within their boundaries compared to other areas and provide a significant additional layer of planning control in the determination of planning applications.

Conservation area boundary reviews and review of conservation area appraisals.

- 4.2 It has been suggested by residents in Redlands Ward that boundaries and existing appraisals should be reviewed and brought up to date. While periodic reviews are advised by English Heritage, such reviews will be of limited value as indicated above and undertaking the work will have resource implications. In the past, outside consultants were brought in to research and prepare appraisals utilising monies that was specifically awarded to the Council to improve its Planning Service (Planning Delivery Grant). In the absence of capacity in-house, any such reviews could only be undertaken through outside consultants for which there is currently no budget provision.

Conservation Areas at Risk

- 4.3 The Baker Street Area Neighbourhood Association have requested the support of the Council in the registration of the Russell Street/Castle Hill Conservation Area as a Conservation Areas deemed to be "at risk". English Heritage operates a Register of Conservation Areas at Risk. These areas are registered on the recommendation of local Conservation Officers (i.e. the local authority). The designation recognises that an area is deteriorating and losing historic buildings, features and details.

Registration implies a commitment to maintaining the character of conservation areas.

4.4 Officers have sought, without success, to obtain further information on Conservation Areas at Risk from English Heritage. Officers understand that the programme is based on concerns in a particular area over:

- High levels of vacant properties;
- Poor condition;
- Loss of historic character or fabric through deterioration;

Alternatively historic areas can be 'at Risk' from too much development and intense development pressure, as with tall buildings proposals or proposals for whole-scale demolition of an area to make way for new development.

4.5 While the concept is promoted by English Heritage through community groups, the various conservation officer /historic buildings officers groups are very sceptical of the register. It was originally set up by English Heritage as a way to attract attention and funding for grants. There is now little, or even no, grant money available. In theory, local authorities can apply for monies under the Heritage Lottery Fund but we know from experience that applications take enormous amount of work and resources and there is huge competition for very limited funding. English Heritage is currently being re-organised. It is seeing a significant reduction in its staffing and it is unlikely to be able to provide any support. Unless the local authority is prepared to provide funding and resources, or there are significant alternative sources of funding, there appear to be no real advantages to such designation. Conversely, the "At Risk" title has quite negative connotations for an area and it is not clear how an area so designated would be taken off the Register in the future.

4.6 A booklet about Conservation Areas at Risk produced by English Heritage suggests that registration does not usually require special or costly measures - most of it is about good and pragmatic environmental management. But it does call for a commitment from all of a local authority's elected members and departments, not just the planning service. It goes on to indicate that local authorities have a vital role to play by:

- including policies in local development documents to safeguard the character or appearance of conservation areas;
- understanding the significance of historic places through the use of English Heritage's Conservation Principles as part of Conservation Area Character Appraisals;
- ensuring in their decision-making that all new development reinforces rather than diminishes the qualities that make an area special;

- developing active conservation area management strategies in conjunction with the local community to provide clear policies and guidance, including Council works to the public realm;
- creating multi-disciplinary teams from all relevant Council departments to ensure that public spaces and highways are managed in an integrated way;
- taking concerted action to tackle heritage at risk;
- ensuring that an adequate regime of planning control is in place to manage pressures for unsympathetic change through Article 4 directions reinforced by prompt action against unauthorised changes.

The first three bullet points are undertaken by the council in carrying out its planning duties, although it does imply a review of the existing appraisals to ensure that they comply with English Heritage's Conservation Principles. The final four bullet points are not part of any programme and would involve new commitments by the Council.

- 4.7 Drawing up conservation area management strategies implies a commitment to investment and action to positively maintain and enhance a conservation area as opposed to reactively seeking such aims as part of individual planning applications. It implies some form of additional resources that are currently not available. Additional resources would need to be found.
- 4.8 The Council's move to neighbourhood working will involve multi-disciplinary teams working in a more integrated way in the management of public spaces and streetscene. One of the aims of the Council's newly adopted neighbourhood working approach is to deliver environmental services that respond to the differing needs of particular areas of the town. In this respect, consideration could be given to how such services are delivered to particular conservation areas within a neighbourhood to address heritage and environmental issues, providing the services can be achieved within the budgets allocated.
- 4.9 Dealing with heritage at risk will be a matter for planning enforcement and possibly other council enforcement services. These are currently under severe pressure with no spare capacity. While planning enforcement is involved in cases involving heritage assets, any prioritisation of such work will have to be at the expense of other enforcement priorities unless additional resources can be found. The Planning Section is programmed to review its Enforcement Policy and produce an Enforcement Plan over the next few months. That process can consider providing some additional priority for certain types of cases in Conservation Areas.
- 4.10 The EH booklet on Conservation Areas at Risk advocates the use of Article 4 Directions to manage pressures for unsympathetic change. Article 4 Directions are already used in several conservation areas. An Article 4 Direction removes certain specified permitted development rights requiring a planning application for development or changes in

appearance that would otherwise be permitted without planning permission. This might be to protect brickwork or a range of other heritage features. Within the Russell Street/Castle Hill Conservation Area, there is an Article 4 in place for Jesse Terrace covering external works to front elevations and Field Road is subject to an Article 4 that seeks to protect patterned brickwork.

- 4.11 The Baker Street Area Neighbourhood Association have requested consideration of an Article 4 Direction to control changes of use from single residential units (use class C3) to small HMO's (use class C4) within the Conservation Area. The Council has been notified that the Association is to present a petition to the Committee seeking consideration of such designation.
- 4.12 Article 4 Directions need to be researched and taken through consultation and legal processes. If potential compensation claims are to be avoided, notice of the Direction needs to be served on affected parties 12 months before the Direction takes effect (which could spur people to carry out the permitted development works in advance of the Article 4 coming into effect). There are substantial costs involved in carrying out consultation and serving formal notices. Once the Direction is in place, anyone wishing to carry out works for which permitted development rights have been removed has to make a planning application of those works. No fee is payable on those applications so the Council has to bear the cost of processing and determining those applications. The addition of controls through an Article 4 Direction can only be effective if there is an effective enforcement regime with sufficient capacity/resources to deal with the various competing priorities. At the current time, resources are very pressed and effective policing of changes of use will need additional resources.
- 4.13 The Council has put in place an Article 4 Direction in parts of Redlands, Park and Katesgrove Wards. The Article 4 Direction came into force in May 2013. The Council has indicated that the operation of the Direction would be reviewed at an appropriate point in time and consideration would then be given to such directions being applied to other parts of the Borough. Planning Applications Committee has recently dealt with a number of applications for changes of use within the Article 4 area and has indicated that an early review is now required. Work on that review will commence shortly with a view to bringing a report back to a future meeting of this Committee. Subject to the outcome of that review, officers could, subject to resources being available, undertake some research and analysis of the Russell Street/Castle Hill Conservation Area to assess whether a similar Direction would be appropriate in that area.

Recommended Actions

- 4.14 Conservation areas are designated in order to preserve and enhance the character and appearance of areas of special architectural or historic interest achieved primarily through the control of development under the planning system. However, despite such control over new

development, the character and appearance of many conservation areas has been and is being affected for reasons over which planning has little control, such as because they are areas of significant change. Several conservation areas in the Borough fall into this category. They are areas where houses are being converted to small scale HMO's, buildings are being altered and various environmental problems are arising related to waste collection, car and cycle parking and general care and maintenance. Potentially they pose problems for enforcement services, particularly planning enforcement. However, their character and appearance, and consequently their conservation and enhancement, involves much more than the planning decision-making. Issues often relate to street care, waste collection, highways, environmental health, etc.

- 4.15 In response to the specific requests of the Baker Street Area Neighbourhood Association, relevant officers from the Council could engage with the Association in preparing an Environmental Visual Audit (EVA). This will help in providing a specification for Streetcare and other services to provide bespoke service for the area in the context of available budgets and resources. At the same time other officers of the council can discuss priorities for action that can be programmed, again within the context of available budgets and priorities. Essentially, because of the active community organisation in this area, the council will work with the association to pilot a possible approach to co-ordinated environmental action for the conservation area that might be applied to other high density terraced streets elsewhere in the Borough if it proves successful. In respect of Article 4 Directions for HMOs, and in the light of the review of the original designated area, officers could, subject to resources being available, undertake some research and analysis of the Russell Street/Castle Hill Conservation Area to assess whether a similar Direction would be appropriate in that area.
- 4.16 With reference to the 'conservation areas at 'risk' given the lack of support or any national resource associated with the Register, and the lack of any alternative resources, officers recommend the Council should not seek such designation at the current time.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 Conservation Areas contribute to the conservation and enhancement of heritage assets in the town and to producing a sustainable environment and economy within the Borough. This report seeks meet the 2015 -18 Corporate Plan objective for "Keeping the town clean, safe, green and active." Under the heading, Neighbourhoods, the Corporate plan aims to improve the physical environment - the cleanliness of our streets, places for children to play, green spaces, how we feel about our neighbourhood and whether we feel safe, have a sense of community and get on with our neighbours. This will involve designing and joining up our services around the needs of neighbourhoods, engaging and enabling local residents and targeting resources so that we can improve outcomes for the most deprived areas.

5.2 However, other aims under the Corporate Plan seek to balance the budget and any environmental improvements and other actions must be capable of being undertaken within existing budgetary resources.

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 This report responds to requests made by representatives of the community in relation to conservation areas. It is therefore responding to community concerns. The report recommends continued work with local community organisations.

7. EQUALITY ASSESSMENT

7.1 The Scoping Assessment included at Appendix 1 identifies that an Equality Impact Assessment (EqIA) is not required as there is no reason to believe that specific groups will be affected any differently from others in responding to concerns about conservation areas in the Borough.

8. LEGAL IMPLICATIONS

8.1 There are no direct legal implications.

9 FINANCIAL IMPLICATIONS

9.1 Initial work preparing an Environmental Visual Audit and associated research would be undertaken within existing budgets and manpower resources.

Value for Money

9.2 The work undertaken will provide value for money in providing bespoke solutions for particular areas within existing budgetary provision.

Risk Assessment

9.3 There are no direct financial risks associated with this report.

BACKGROUND PAPERS

- Conservation Area Appraisals;
- English Heritage advice 'Conservation Areas at Risk'

APPENDIX 1: EQUALITY IMPACT ASSESSMENT

Provide basic details

Name of proposal/activity/policy to be assessed:

Enhancement of Conservation Areas

Directorate: DENS - Environment and Neighbourhood Services

Service: Planning

Name: Kieran Roughan

Job Title: Planning Manager

Date of assessment: 13/03/2015

Scope your proposal

What is the aim of your policy or new service?

To review operations within Conservation Areas within the Borough.

Who will benefit from this proposal and how?

Stakeholders, including local community groups and members of the public, will benefit from reviews being undertaken of the approach that the Council takes to operations in its conservation areas.

What outcomes will the change achieve and for whom?

The outcome will clarify future operations in selected conservation areas that might also have applications in higher density historical areas that are not conservation areas. It should benefit all residents in such areas.

Who are the main stakeholders and what do they want?

In the main it will benefit the public and community groups, but it will also benefit developers/landowners who wish to invest in these areas.

Assess whether an EIA is Relevant

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc)

Yes No

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, feedback.

Yes No

If the answer is Yes to any of the above you need to do an Equality Impact Assessment.

If No you **MUST** complete this statement

An Equality Impact Assessment is not relevant because Conservation Areas are designated solely for their historical and architectural importance. Their function is to preserve and enhance the historical and architectural assets of the area and is not dependent upon who lives within their areas.

Signed (completing officer)	Kiaran Roughan	Date: 13 th March 2015
Signed (Lead Officer)	Kiaran Roughan	Date: 13 th March 2015