

<b>Subject:</b>	<b>Queen's Park Conservation Area Character Statement</b>		
<b>Date of Meeting:</b>	<b>27 September 2018</b>		
<b>Report of:</b>	<b>Executive Director of Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Tim Jefferies</b>	<b>Tel: 01273 293152</b>
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<b>Ward(s) affected:</b>	<b>Queen's Park</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The report summarises the response to public consultation on the draft Queen's Park Conservation Area Character Statement and seeks approval to publish the final document. The Character Statement seeks to define the 'special architectural or historic interest' for which the area is designated, which helps to inform future planning decisions in the area and forms a sound basis for the area's future management. This is consistent with the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the National Planning Policy Framework (NPPF), the City Plan Part One and the Conservation Strategy (2015), as set out further below.
- 1.2 The report further seeks approval for an extension to the boundary of the conservation area and for the principle of making an Article 4 Direction to remove certain permitted development rights.

**2. RECOMMENDATIONS:**

- 2.1 That the Queen's Park Conservation Area Character Statement be approved for publication.
- 2.2 That the Queen's Park Conservation Area boundary be extended to include numbers 2-27 Freshfield Place (consecutive) and Queen's Park Primary School.
- 2.3 That the principle of making an Article 4 Direction on the Queen's Park Conservation Area be approved in principle, subject to informal public consultation on the details, in respect of permitted development rights under Schedule 2, Parts 1 and 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Queen's Park Conservation Area is centred on the public open space of Queen's Park, which is a grade II registered park/garden. The conservation area was designated in 1977 and covers 18.56 hectares.
- 3.2 The council's adopted Conservation Strategy gives priority to reviewing those conservation areas that do not have a character statement in place. Queen's Park, together with College, is one of two conservation areas that currently have no character statement.
- 3.3 The Act (s.69) places a statutory duty on local planning authorities (LPAs) to determine which parts of their area should be designated as conservation areas, and to review these areas from time to time. It also states (s.71) that a LPA should from time to time formulate and publish proposals for the preservation and enhancement of a conservation area. Whilst there is no statutory requirement to prepare conservation area character statements, local authorities are encouraged by the NPPF to identify and assess an area's significance.
- 3.4 A good understanding of what makes a conservation area special is key to its continued conservation; it gives justification and credence to the designation. An up-to-date character statement is important for making robust and enforceable planning decisions and carries considerable weight at planning appeal.
- 3.5 The review of the Queen's Park Conservation Area considered the streets immediately outside the boundary and identified an area to the south, in Freshfield Place, for addition to the conservation area. The Edwardian terrace of houses on the north side of Freshfield Place (numbers 2-27) is of similar style and architectural quality to some terraces within the conservation area and retains its historic features largely intact. Queen's Park Primary School, on the south side of Freshfield Place, is a locally listed building and is by the same architect, and of similar age, as St Luke's School, which is included within the conservation area. The report therefore recommends extending the boundary to include these properties. The extended area is included at Appendix 1.
- 3.6 The Queen's Park Conservation Area is included in Historic England's 'Heritage at Risk' register. This is partly due to the lack of a character statement but also due to the gradual loss of historic architectural features and materials under permitted development rights, which has been harmful to the local amenity of the area. The report therefore recommends, in principle, making an Article 4 Direction to remove certain permitted development rights that affect the street frontages. This would cover householder permitted development (such as doors, windows, roof materials) as well as permitted development for the removal or alteration or front boundary walls. It could potentially also cover external painting. This would subject to further informal consultation with local residents before a Direction is made, seeking consensus on which alterations should be controlled, and then statutory consultation once the Direction has been made.

## **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 There would be an option to continue without a character statement in place. This would not be good practice and would risk the council failing its statutory duty under s.69 of the Act.

- 4.2 The Character Statement could be approved without any commitment to making an Article 4 Direction, but that would result in the continued presence of the conservation area on the 'at risk' register.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The Queen's Park Conservation Area Character Statement has been drafted in consultation with a steering group representing local community and amenity groups with an interest in the area (including ward councillors). The steering group agreed a draft Character Statement, which was then subject to a four week period of public consultation during April and May 2018. Twenty one responses were received in this period and in addition a detailed response was made by the Conservation Advisory Group (CAG).
- 5.2 A summary of responses received and how these have been addressed in the final document is included at Appendix 2. The comments received were generally supportive. The large majority of those commenting were in agreement that the boundary of the conservation area should be extended as proposed and that permitted development rights should be subject to some control.
- 5.3 CAG commented that the Group was very impressed by the document, and believed it had been well constructed and its attention to detail probably made it the best currently written for a conservation area in the city. Various detailed suggestions were made for amending the text and illustrations and these have been generally incorporated into the final draft.
- 5.4 The council's Head of Education Capital objected to the inclusion of Queen's Park Primary School within the conservation area due to concerns that this would be likely to mean that there would be additional time and costs involved when considering future maintenance works or alterations to the school. However, inclusion in the conservation area would not bring significant additional controls. Permission would be required to demolish the building but general maintenance works and internal alterations would be unaffected. The school would continue to benefit from the permitted development rights available to schools, with the only additional restriction on these rights being that any extension or new building must be "*constructed using materials which have a similar external appearance to those used for the building being extended or altered*" (i.e. a design using different materials would require Planning Permission). However, if an Article 4 Direction includes removal or permitted development rights relating to front boundary walls then this would also apply to the school's street-facing walls.

## **6. CONCLUSION**

- 6.1 Conservation area review provides an important mechanism through which to protect and manage historic areas. This is recognised in legislation and through national and local planning policy. The Queen's Park Conservation Area Character Statement will inform the planning process and future management of the area and will be a first step towards its removal from the Historic England 'Heritage at Risk' register. The extension of the conservation area boundary will ensure a consistent approach to streets and buildings of similar architectural and historic character and has been generally supported during public engagement.

- 6.2 The introduction of an Article 4 Direction to control certain permitted development rights would remove the main threat to the area that has led to its inclusion on Historic England's 'at risk' register and again this has been generally supported in public engagement. Further detailed consultation with local residents would be carried out before the Direction is made.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The cost of a consultant to produce the Queen's Park Conservation Area Character Statement was funded from the existing Policy, Projects and Heritage team budget within the City Development and Regeneration service. Staff resources were used to run the steering group and undertake the consultation and further staff resources from within this Team would be used to consult on and make the Article 4 Direction. The staff costs associated to this would again be funded from the team's existing revenue budget.

*Finance Officer Consulted: Gemma Jackson*

*Date: 8/8/18*

### Legal Implications:

- 7.2 The council has a duty under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to review its conservation areas, from time to time, to determine whether any parts or further parts should be designated as conservation areas. The Conservation Area Character Statement provides a mechanism through which to review the area and to define its special interest. There is no statutory requirement for public consultation prior to designation / review but this is considered best practice.
- 7.3 The procedure for making an Article 4 Direction is set out in Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Statutory public consultation is carried out once the Direction is made, following which a decision will need to be made as to whether the Direction should be confirmed.

*Lawyer Consulted: Hilary Woodward*

*Date: 6/8/18*

### Equalities Implications:

- 7.1 An Equalities Impact Assessment (EQIA) of the Conservation Service was undertaken in 2010 and covers work on conservation area designation and review.

### Sustainability Implications:

- 7.2 The proposals in this report have no substantial impact upon the ten One Planet Principles of Sustainability. They contribute to the Culture & Community Principle by nurturing a sense of place which builds on local cultural heritage.

### Any Other Significant Implications:

- 7.3 None have been identified.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Map of proposed extension to Queen's Park Conservation Area boundary.
2. Summary of consultation responses.

### **Documents in Members' Rooms**

1. Queen's Park Conservation Area Character Statement

### **Background Documents**

1. Queen's Park Conservation Area Character Statement
2. Brighton & Hove City Council - Conservation Strategy (2015)

