

## **CABINET**

**7 SEPTEMBER 2010**

### **HISTORIC ROCHESTER CONSERVATION AREA APPRAISAL**

Portfolio Holder: Councillor Jane Chitty, Strategic Development and Economic Growth

Report from: Robin Cooper, Director of Regeneration, Community and Culture

Authors: Martin McKay, Design and Conservation Officer  
Alice Brockway, Assistant Conservation Officer

#### **Summary**

This report sets out proposals for changes to the Historic Rochester Conservation Area following a recent review and consultation process. It seeks Cabinet approval for:

1. Adoption of the Conservation Area Appraisal and Management Plan for the area.
2. Extension of the existing Conservation Area.
3. Introduction of additional planning controls.
4. To carry out further consultation on existing advertising controls.

#### **1. Budget and Policy Framework**

- 1.1 This Conservation Area review has been prepared using existing resources.
- 1.2 Policy BNE 12 of the Medway Local Plan states that, "*Medway Council will pay special attention to the preservation and enhancement of the special character of all its conservation areas and will carry out an appraisal of each conservation area and prepare proposals to secure that objective.*"
- 1.3 Review of conservation areas is a matter for Cabinet.

## **2. Background**

- 2.1 The Council has a statutory duty under S.71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to formulate and publish proposals for the preservation and enhancement of their conservation areas.
- 2.2 Rochester Conservation Area is of great significance as it contains many buildings and sites of special historic and architectural importance, such as Rochester Cathedral, Eastgate House and Restoration House, as well as Scheduled Ancient Monuments such as Rochester Castle. The area has been occupied since before Roman times and contains rich examples of Norman, Medieval, Georgian and Victorian buildings. It is therefore internationally recognised for its historic and architectural significance.
- 2.3 **Please note that appendices 1 (Conservation Areas boundaries), 2 (Rochester Conservation Area Appraisal) and 3 (Management Plan) have been circulated separately to Cabinet Members, Ward Members, Group Rooms and is also available at the Council's main receptions and on the Council's website via <http://democracy.medway.gov.uk/ieListMeetings.aspx?Committeed=115>**

Further copies are also available from the Cabinet Office. Please contact 01634 332509/332008 for further details.

## **3. Conservation Area Appraisal**

- 3.1 The draft Rochester Conservation Area Appraisal is set out at Appendix 2. It identifies the important features of the area and proposed principles for the preservation and enhancement of it. It is the first full appraisal of the qualities that make Rochester special since the area was designated as a conservation area in 1972. The appraisal is a planning tool that:
- lays down policies designed to guide developers and local residents when formulating proposals which affect the character of the conservation area
  - provides robust justification for planning decisions
  - assists Planning Officers to determine whether proposals meet the Council's statutory duty to 'preserve' or 'enhance' a conservation area
  - provides guidance to local residents, businesses and developers regarding the special qualities and character of the conservation area.

- 3.2 There are a total of 26 Conservation Areas in Medway including the following areas immediately adjacent to Historic Rochester Conservation Area:
- 1) Watts Avenue/Roebuck Road Conservation Area (including King Edward Road)- designated in 1994;
  - 2) Star Hill to Sun Pier Conservation Area- designated in 1994;
  - 3) Star Hill Conservation Area- designated in 1974.

None of the these three conservation areas are covered by a conservation area appraisal although a dedicated design guide has been produced for Watts Avenue/ Roebuck Road and a Planning and Design Strategy has been produced for Star Hill Sun Pier.

The junctions of the adjacent conservation areas with Historic Rochester are shown on the plans at Appendix 1.

### 3.3 **Management Plan**

A Management Plan accompanies the appraisal. A copy of this is set out at Appendix 3. This sets out principles and actions for the future management of the conservation area, informing a coordinated approach for managing changes within the Conservation Area by The Council's Design and Conservation, Development Management, Tourism, Licensing and Highways Services.

### 3.4 **Proposals for extension and amalgamation**

The Draft Rochester Conservation Area Appraisal proposes to amalgamate Victoria Street and Church Fields (two smaller conservation areas of Rochester) into the Rochester Conservation Area. It also proposes to extend the conservation area to include the area known as the Esplanade, in order to protect the setting of Rochester Castle. Maps of the proposed boundary extension are set out at Appendix 1.

## 4. **Proposals for additional controls**

### 4.1 **Article 4 directions**

The Management Plan proposes that Article 4 directions are introduced to selective residential dwellings in the conservation area. Article 4 directions are special planning rules that remove the automatic or 'permitted development' rights for owners of residential dwellings. This means that it would be necessary to apply for planning permission to make certain alterations, such as new windows, doors or roof coverings to any elevation of a residential dwelling that faces onto a Highway or Public Space. The introduction of Article 4 directions will assist in preventing the loss of historic features.

## **Additional Advertisement Controls**

- 4.2 The Management Plan also proposes that additional advertisement controls are introduced to Rochester High Street by either removing 'deemed consent' for certain classes of Advertisement consent under Section 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 or by making Rochester High Street an Area of Special Control of Advertisements under Section 20 of the 2007 Regulations.
- 4.3 *Areas of Special Control of Advertisements* provide stricter controls to preserve the visual amenity of the area's rich historic and architectural features. The introduction of this extra level of control would mean that building owners/ tenants would be required to seek *express consent* for a wider variety of adverts and signage within the area than is the case at present.
- 4.4 As an alternative, *deemed consent* can be revoked for most classes of *advertisement consent*. Anybody wishing to install signage under a class of *advertisement consent* whose deemed consent has been revoked would have to seek *express consent*. This would allow full control over the design and appearance of the signage, but could be very onerous on traders.
- 4.5 Extensive consultation with Traders will be carried out regarding the proposed introduction of these controls.
- 4.6 In order to introduce such additional controls the Council would need to demonstrate to the Secretary of State that it is necessary to have such controls in addition to the Council' s normal powers of control.

## **5. Consultation**

- 5.1 Public consultation on the Conservation Area Appraisal was carried out during a six-week period in January and February 2010, which included:
- A public exhibition held at 95 High Street, Rochester
  - Two public sessions with Officers from the Design and Conservation Team
  - Questionnaires and leaflets were delivered to residents and all traders living/working in the Rochester, Victoria Street and Church Fields conservation areas.
  - A stakeholders meeting was held including members from the City of Rochester Society, Rochester Traders Association, Rochester Cathedral, Diocesan and the Rochester Bridge Trust
  - Copies of the Appraisal were available on a dedicated webpage and copies of the questionnaire delivered to local residents
- 5.2 Major stakeholders in the conservation area were consulted, including Rochester Cathedral, the Kings School, English Heritage and the Archaeological Team at Kent County Council. Civic societies including

the Rochester Society and landowners, such as the Rochester Bridge Trust were also given the opportunity to comment on the appraisal.

- 5.3 The Council received a total of 73 responses from a wide variety of individuals. The majority of comments received concerned minor factual amendments.
- 5.4 The principal points raised through the consultation process were as follows;
- 64% of those who commented agreed that additional controls should be introduced to control shopfront signage and advertising. 14% stated that no additional controls should be introduced and 16% provided no comment.
  - 74% supported the proposal to extend the Rochester Conservation Area to include the Esplanade. 11% were against the extension to the conservation area and 15% provided no comment.
  - Approximately 80% agreed with the proposed character areas. No more than 4% disagreed and 16% provided no comment.
  - Traders who provided comments supported the proposal to exclude traffic from the High Street on Sundays in order to provide a more pedestrian friendly environment throughout weekends. Further consultation with all Traders along the High Street is recommended to obtain a comprehensive view of this issue. This will be taken forward in consultation with the Council's Highways Service.
  - The Consultation illustrated that there is a need for additional information on shopfront security in order to aid resolution of the conflict between additional security controls such as roller shutters and the need to preserve the special character of the conservation area. A detailed guide is therefore being prepared and will be available for public consultation shortly.
  - Anti-social behaviour associated with pubs and night-clubs was raised by a number of consultees. This issue is beyond the scope of the Conservation Area Appraisal but concerns raised have been conveyed to the Licensing Team and Local Community Police Officer.
- 5.5 In conclusion, the public consultation endorsed the proposed changes to the boundaries of the conservation area and the application of additional planning controls. The Appraisal and Management Plan were also supported. Some very minor revisions have been made to the Management Plan since consultation, mainly to ensure consistency with other Council plans.

## 6. Regeneration, Community and Culture Overview and Scrutiny Committee – 18 August 2010

- 6.1 The Regeneration, Community and Culture Overview and Scrutiny Committee considered this report on 18 August 2010.
- 6.2 Members asked a number of questions, which included: -
- Concerns regarding financial and resource implications of extending the conservation area;
  - Concern with regard to the Corporation Street development;
  - Suggestion that the pier be included in the conservation area;
  - Concern regarding access issues for some businesses if traffic is excluded on Sundays;
  - Suggestion that roller shutters are resisted and instead shutters which are more in keeping should be used;
  - Suggestion that the importance of the trees in the Paddock should be mentioned in the appraisal;
  - Surfacing should be sensitive to the area;
  - A list of buildings of local historic importance should be compiled.
- 6.3 Officers responded that the main purpose of the conservation area was to help in terms of controlling what actions third parties took on properties and it was felt that this could be done with existing resources. There was now a Corporation Street Development Brief, which would assist in ensuring development of the Corporation Street area would be complementary. Officers undertook to review the boundary to consider the inclusion of the pier and explained that a local list was being considered also.
- 6.4 The Committee recommended to Cabinet the proposed recommendations as set out in section 10 below.

## 7. Director's Comments

- 7.1 The Overview and Scrutiny Committee are thanked for their comments. Subject to cabinet approval, the boundary of the conservation area will be amended to include the Pier at the Esplanade. A comprehensive list of locally important buildings will be considered and brought forward as a separate matter.

## 8. Risk Management

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>
Additional Council costs related to the introduction of Article 4 directions. <b>D4</b>	Additional resources to deal with applications for householders covered by an Article 4 direction	The number of applications per year is expected to be small and can be met by existing resources.

<p>Additional Council costs related to the introduction of Area of Special Control of Advertisements <b>D4</b></p>	<p>Increase in the number of applications for advertisement consent as a result of the introduction of the Area of Special Control of Advertisements</p>	<p>The number of applications is expected to be relatively small and can be met by existing staff resources.</p>
<p>Local Opposition to proposed additional advertisements controls. <b>C3</b></p>	<p>Local Traders may resist the imposition of additional controls. There may be a rise in enforcement cases – especially in the short term.</p>	<p>Detailed advertisement guidance (booklets and leaflets) could minimise the number of enforcement cases. Public consultation (including local traders) illustrated widespread support for additional controls. This indicates that there will be a high level of compliance.</p>

## 9. Diversity Impact Assessment

9.1 A Diversity Impact Assessment: Screening Form was compiled during the preparation and consultation of this proposal and is attached at Appendix 4.

## 10. Financial and legal implications

### 10.1 Conservation Area Extension and Amalgamation

All designated conservation areas are subject to the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that,

- It is necessary to apply for conservation area consent to demolish any structure larger than 115 cubic metres
- Planning permission is necessary for most building extensions
- Planning permission is required for the installation of satellite dishes on any elevation, roof or chimney that faces a road or public open space
- Any proposed development has to satisfy the 'preserve' or 'enhance' test

- In addition, under the Town and Country Planning Act 1990 a person must serve six weeks notice in writing on the Council before a tree can be cut down, if the circumference of the trunk is greater than 7.5cm.
- 10.2 Section 69(2) of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on local authorities to review conservation areas and to determine whether any further parts of their area should be designated as conservation areas. If the Council designates an area as a conservation area, it must notify the Secretary of State and English Heritage, in addition to publishing notices in the local press and London gazette.
- 10.3 The conservation area will be subject to Local Plan policies BNE 12 (Conservation Areas), BNE 13 (Demolition in Conservation Areas), BNE 14 (Development in Conservation Areas) and BNE 15 (Advertisements in Conservation Areas).
- 10.4 In accordance with the Town and Country Planning (General Permitted Development) Order 1995 the Council may make an Article 4 direction restricting permitted development rights. Notice of the making of the direction must be given in the local press, on site and to the owners and occupiers of affected addresses unless this is impracticable, and to the Secretary of State. The Council may, having considered any representations, subsequently confirm an Article 4 Direction, but the Secretary of State may, in the case of some types of Article 4 Direction cancel or modify the Direction either before or after its confirmation by the Council.
- 10.5 Refusal of planning permission following the making of an Article 4 Direction or the grant of planning permission subject to conditions other than those imposed by the Permitted Development Order, may give rise to a claim for compensation under Section 108 of the Town and Country Planning Act 1990. This would be for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. The opportunities to claim the compensation are however very limited.
- 10.6 Any additional activity resulting from the proposed changes can be accommodated within existing budgets.

## **11. Recommendation**

- 11.1 The Cabinet is asked to consider the views of the Regeneration, Community and Culture Overview and Scrutiny Committee.
- 11.2 The Cabinet is recommended to agree:
- (a) the adoption of the Rochester Conservation Area Appraisal document (appendix 2) and the new Management Plan (appendix 3), subject to the Director of Regeneration, Community and



Culture being delegated authority to make minor amendments reflecting the proposals from the Overview and Scrutiny Committee as set out in section 6;

- (b) the extension of the Conservation Area as shown on the map in appendix 1 subject to the inclusion of the Pier on the Esplanade, as suggested by the Overview and Scrutiny Committee;
- (c) the making of Article 4 Directions for residential dwellings as set out in the Management Plan;
- (d) to authorise the Director of Regeneration, Culture and Community in consultation with the Portfolio Holder for Strategic Development and Economic Growth to investigate the most effective method of additional advertisement control and to undertake all necessary procedures in order to apply for such controls, including the carrying out of any consultations and the consideration of any representations.

## **12. Suggested reasons for decisions**

- 12.1 The Rochester Conservation Area Appraisal and management plan will help the Council provide clear guidance and robust justification in planning decisions.
- 12.2 Article 4(2) directions and additional advertising controls will help ensure the Council can uphold its statutory duty to 'preserve' or 'enhance' the character of the conservation area.

### **Lead officer contact**

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### **Background papers**

Planning (listed buildings and conservation areas) Act 1990  
Town and Country Planning Act 1990  
The Town and Country Planning (General Permitted Development) Order 1995  
Circular 9/95, General Development Order Consolidation (1995)  
Medway Local Plan Adopted Version  
Planning Policy Statement 5: Planning for the Historic Environment

### **Appendices**

Appendix 1 – Maps  
Appendix 2 – Rochester Conservation Area Appraisal  
Appendix 3 - Management Plan  
Appendix 4 – Diversity Impact Assessment: Screening Form



## Diversity Impact Assessment: Screening Form

<b>Directorate Regeneration, Community and Culture</b>	<b>Name of Function or Policy or Major Service Change</b>  <b>Rochester Conservation Area Appraisal and Management Plan</b>		
Officer responsible for assessment  Martin McKay	Date of assessment  29 <sup>th</sup> July 2010	New or existing?  New	
<b>Defining what is being assessed</b>			
<b>1. Briefly describe the purpose and objectives</b>	<p>The Rochester Conservation Area Appraisal Management Plan.</p> <p>The appraisal assesses the architectural and historic importance of Rochester Conservation Area in order to help the council fulfil its statutory duty to preserve and enhance the special characteristics of the area.</p> <p>The management plan that accompanies the appraisal lays down policies to ensure that the special characteristics are preserved whilst maintaining Rochester's vitality and viability as a popular destination.</p> <p>It contains a short, medium and longer term action plan to ensure that issues affecting its preservation are addressed. These potential future actions include</p> <ul style="list-style-type: none"> <li>• further restrictions on vehicular access to the High Street, increasing pedestrian circulation</li> <li>• improvements to the public realm along the High Street</li> <li>• Consultation on additional advertisement controls</li> <li>• Introduction of additional planning controls over small changes to the detail of buildings.</li> <li>• Rationalisation of street furniture, including removal of additional signage and bollards/guard rails</li> </ul>		
<b>2. Who is intended to benefit, and in what way?</b>	<p>Local residents and Traders of the Rochester Conservation Area. Potential improvements to the character of the conservation area would have an effect on local businesses. The Council also has a duty to both preserve and enhance where possible the character of the conservation area through careful management.</p>		
<b>3. What outcomes are wanted?</b>	<ul style="list-style-type: none"> <li>• Improvements to the character of the Rochester Conservation Area</li> <li>• Increased Tourism as a result of any improvements</li> </ul>		

	<ul style="list-style-type: none"> <li>Increased foot fall to help sustain small businesses on the High Street</li> </ul>	
<b>4. What factors/forces could contribute/detract from the outcomes?</b>	Contribute <ul style="list-style-type: none"> <li>Links with other services such as Highways Services</li> </ul>	Detract Lack of support from key stakeholders
<b>5. Who are the main stakeholders?</b>	Key landowners such as The Cathedral, Kings School and Medway Council, Members, Other Medway Council teams such as Highways Services, Tourism. Other stakeholders are shopkeepers and traders.	
<b>6. Who implements this and who is responsible?</b>	<ul style="list-style-type: none"> <li>Day to day management of change in the area will be via the operation of the planning system (as advised by the design and Conservation team), but also other Council departments such as Highways.</li> <li>Longer term actions/ aspirations will be taken forward by joint Council working groups and steering groups of other stakeholders.</li> </ul>	

<b>Assessing impact</b>		
<b>7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial groups</i>?</b>		The policies are about the control of change to historic buildings. They are not targeted at any particular group.
	No	It is not seen that management of the area to preserve its historic character will have a differential impact.
<b>What evidence exists for this?</b>	The policies are applied to the external appearance of the buildings and general area. Each resident and Trader in the Rochester Conservation Area has been individually consulted on the issues. Differential racial impact has not been raised as an issue by any of the respondents.	
<b>8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?</b>	YES	The Management Plan has some outline proposals that could affect people with disability- specifically environmental improvement schemes (repaving) and rationalisation of street signage, and parking controls. Specific targeted consultation will take place in due course with the relevant groups.
<b>What evidence exists for this?</b>	Future detailed consultation on the proposals will identify any differential impact due to disability. DDA consultation will be carried when relevant.	
<b>9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?</b>		None
	NO	
<b>What evidence exists for this?</b>	During the consultation for the Management Plan and Appraisal, no issues related to gender were raised.	
<b>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</b>		None
	NO	
<b>What evidence exists for this?</b>	During the consultation for the Management Plan and Appraisal, no issues related to differential impact due to sexual orientation were raised. Proposals are related only to the built environment and do not affect sexual orientation.	
<b>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</b>	DO Not Know	The Cathedral is a significant stakeholder in the Rochester Conservation Area and wishes to continue as a major religious centre.
<b>What evidence exists for this?</b>	It is not envisaged that maintaining the character of the area will impact upon the work of the Cathedral. The Cathedral is strongly in favour of the appraisal and management plan.	

12. Are there concerns there <u>could</u> be a differential impact due to people's <i>age</i> ?	YES	The Management Plan has some outline proposals that could affect older people with people with disabilities. Specific targeted consultation will take place in due course with the relevant groups.
What evidence exists for this?	Future detailed consultation on the proposals will identify any differential impact due to disability (including that brought on by age). Further consultation will be carried when relevant.	
13. Are there concerns that there <u>could</u> be a differential impact due to <i>being trans-gendered or transsexual</i> ?		None- it is not seen that management of the area to preserve its historic character will have a differential impact.
	NO	
What evidence exists for this?	During the consultation for the Management Plan and Appraisal, no issues related to differential impact due to being trans-gendered or transsexual were raised.	
14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. people with caring responsibilities or dependants, those with an offending past, or people living in rural areas)?	YES	The Management Plan has some outline proposals that could affect people with caring responsibilities (i.e. caring for people with disabilities). Specific targeted consultation will take place in due course with the relevant groups.
What evidence exists for this?	Future detailed consultation on the proposals will identify any differential impact.	
15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. <i>disability and age</i> )?	YES	It is possible that when policies outlined in the Management Plan are implemented, they could be a differential impact due to multiple discriminations.
What evidence exists for this?	Consultation at each stage of the implementation process will highlight any multiple discriminations.	

### Conclusions & recommendation

16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	No	Some of the future actions identified by the Management plan may have a differential impact. It is appropriate that these are investigated by specific targeted consultation as and when these actions are taken forward.
17. Can the adverse impact be justified on the grounds of promoting equality of		See above
		All of the Policies in the Management Plan

<b>opportunity for one group? Or another reason?</b>	NO	are in line with the Council statutory duty to preserve or enhance a conservation area. This is for the general good of society.  Details on their implementation can investigated by targeted consultation at alter date.
Recommendation to proceed to a full impact assessment?		
NO	<b>This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.</b>	
NO, BUT ...	<b>What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?</b>	Minor modifications necessary (e.g. change of 'he' to 'he or she', re-analysis of way routine statistics are reported)  Not relevant
YES	<b>Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)</b>	Not applicable.

<b>Action plan to make Minor modifications</b>		
<b>Outcome</b>	<b>Actions (with date of completion)</b>	<b>Officer responsible</b>
<p><b>No adverse impacts directly related to this documentation. However- the documents include an action plan- the implementation of which may have some effects. This will be investigated further when these actions are brought forward.</b></p>	<p><b>No date set at present</b></p>	<p><b>Martin McKay</b></p>



<b>Planning ahead: Reminders for the next review</b>		
<b>Date of next review</b>	June 11	
<b>Areas to check at next review (e.g. new census information, new legislation due)</b>		
<b>Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?</b>	Rochester Riverside community.	
<b>Signed (completing officer/service manager)</b>	<b>Date</b>	
<b>Signed (service manager/Assistant Director)</b>	<b>Date</b>	

