

CABINET

2 FEBRUARY 2021

UPPER UPNOR CONSERVATION AREA APPRAISAL – REQUEST TO GO TO PUBLIC CONSULTATION

Portfolio Holder: Councillor Jane Chitty, Portfolio Holder for Planning, Economic Growth and Regulation

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Summary

This report requests Cabinet approval for public consultation on a revised Upper Upnor Conservation Area Appraisal. The new Appraisal replaces an older version from 2004, which while still relevant requires updating to reflect the recent changes in Upnor, such as the redevelopment of the former Lower Upnor Ordnance Depot. The revised document also provides an opportunity to introduce a new format for future Conservation Area Appraisals in Medway which follows that of other authorities in Kent (and more widely) and is fully supported by Historic England. The new format includes 2 additional documents (Appendices 1 and 2) which contain general information and guidance for Conservation Areas.

1. Budget and Policy Framework

- 1.1 The Medway Local Plan is the statutory development plan for the area and forms part of the Council's Policy Framework. Conservation Areas are included as part of the development plan. Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the formulation, publication, and public consultation on proposals for the preservation and enhancement of Conservation Areas. From time to time Conservation Areas must be also be reviewed as required by Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.2 The draft Conservation Area Appraisal complies with the Policy Framework. Approval for the public consultation of the Conservation Area Appraisal is a matter for Cabinet. It has no budget implications. The Appraisal is produced to meet statutory requirements for the local planning authority for the preservation and enhancement of Conservation Areas.

2. Background

- 2.1 Conservation Area Appraisals help define the historic, architectural and townscape qualities that make a Conservation Area special. Their production helps the Council meet their legal duty under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the formulation, publication, and public consultation on proposals for the preservation and enhancement of Conservation Areas. From time to time Conservation Areas must be also be reviewed as required by Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.2 Medway has 24 Conservation Areas, 6 of which currently have adopted Conservation Area Appraisals. The last Conservation Area Appraisal adopted in Medway was for the Historic Rochester Conservation Area in 2010.
- 2.3 Upper Upnor Conservation Area was chosen as the most appropriate Conservation Area for a new Appraisal at this time due to it having an existing but dated Appraisal (adopted in 2004), being particularly sensitive to change, and being subject to recent significant development at the Lower Upnor Ordnance Depot.
- 2.4 As part of the production of the Upper Upnor Conservation Area Appraisal, two supporting documents have also been produced:
- ‘An Introduction Conservation Area Appraisals’ (appendix 1) which provides information about Conservation Areas Appraisals and their importance; and
 - ‘Conservation Area Design Guidance’ (appendix 2) which provides general advice and guidance about design matters when considering works in a Conservation Area.
- 2.5 These two documents contain guidance that is not area specific so can be used to supplement future Conservation Area Appraisals.
- 2.6 As part of its production, a Conservation Area Appraisal must be subject to public consultation which is set out in section 6 of this report.
- 2.7 It is noted that whilst the title of the Conservation Area is currently ‘Upper Upnor’, part of Lower Upnor has been included since the Conservation Area was extended in 2004. Its current title is used throughout the appraisal document, however consideration will be given to changing the name to the ‘Upnor Conservation Area’ as part of the public consultation.

3. Options

- 3.1 The options available are:
- A. Approve the request for public consultation of the draft Upper Upnor Conservation Area Appraisal and approve the use of the “introduction to Conservation Area Appraisals” and “Conservation Area Design Guidance” for use in future Conservation Area Appraisals (recommended).

B. Reject the request for public consultation.

C. Refine the request for public consultation.

3.2 The proposed public consultation for the draft Conservation Area Appraisal will meet the requirements of Section 71(2) and (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires a public consultation and consideration of any comments received, and will assist in the adoption of a new Conservation Area Appraisal that replaces the existing one.

3.3 Following the public consultation, and should it be approved, the adopted Conservation Area Appraisal will support the continued conservation and enhancement of the historic environment through defining the historic, architectural and townscape qualities that make the Upper Upnor Conservation Area special. The Appraisal will also provide clear guidance as to how change is managed within the area and advise residents on how to maintain the character of their property.

3.4 If the request for the public consultation is rejected, the existing adopted Upper Upnor Conservation Area Appraisal (2004) will remain in place.

4. Advice and analysis

4.1 The draft Upper Upnor Conservation Area Appraisal along with the “Introduction to Conservation Area Appraisals” and “Conservation Area Design Guidance” set out at Appendices 1 to 3 to the report has been prepared by Conservation Officers within the Planning Service to ensure it meets the requirements of national planning policy and guidance. Historic England have also provided some initial informal comments on the draft Appraisal.

4.2 Officers advise that the public consultation is approved, allowing for work to continue on the adoption of the Appraisal. It is also advised that the two documents “Introduction to Conservation Area Appraisals” and Conservation Area Design Guidance” be agreed for use in future conservation area appraisals

5. Risk management

5.1 Risk management is set out below:

Risk	Description	Action to avoid or mitigate risk	Risk rating
Not undertaking the public consultation	The level of public consultation falls short of that required by the legislation.	Undertake public consultation in line with the adopted Statement of Community Involvement.	D2

Not achieving effective engagement	The public consultation allows for additional information to be included and the content refined.	Reach individuals and groups that will actively contribute to the public consultation, given any COVID-19 restrictions.	E2
Reliance on the existing Upper Upnor Conservation Area Appraisal	The existing adopted Appraisal is dated and requires refreshing to reflect recent changes and help avoid inappropriate or harmful development.	Adoption of an updated Appraisal that includes a new management plan, guidance, and an enhanced understanding of the Conservation Area.	E3

6. Consultation

- 6.1 The public consultation is planned to be for a minimum 6-week period in the Spring/Summer 2021 and will follow the requirements set out for Supplementary Planning Documents in the adopted Statement of Community Involvement (SCI).
- 6.2 The public consultation will meet the requirements of Section 71(2) and (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires a public consultation and consideration of any comments received, and will assist in the adoption of a new Conservation Area Appraisal that replaces the existing.
- 6.3 Electronic copies of the draft Appraisal will be available through the Council website, and paper copies made available for inspection at public buildings (such as local libraries) and to the Parish Council.
- 6.4 Conservation Officers will attend a Parish Council meeting to present the draft Appraisal and to respond to questions.
- 6.5 Statutory consultees (such as Historic England) will also be consulted, as well as local history groups that we are in contact with.
- 6.6 Responses to the consultation are to be received by letter and email and will be collated and responded to in a summary table at the close of the consultation.
- 6.7 Following the consultation a final draft Appraisal will be presented to the Cabinet for consideration and adoption.

7. Climate Change Implications

- 7.1 As a report requesting consultation of the Conservation Area Appraisal, there are no direct climate change implications. However, the Appraisal itself provides the opportunity for advice to be provided regarding energy efficiency

improvements within buildings whilst not compromising their character or that of the wider Conservation Area.

8. Financial implications

- 8.1 There are no financial implications to the council, other than the printing costs for a limited number of paper copies of the draft Appraisal, and officer time which can be accommodated from within existing budgets

9. Legal implications

- 9.1 The legal implications are set out within the body of the report.

10. Recommendations

- 10.1 The Cabinet is asked to agree:

- i) To commence public consultation on the draft Upper Upnor Conservation Area Appraisal (para 3.1 Option A) as set out in Appendix 3 to the report.
- ii) For use in the formation of future conservation area appraisals the general conservation information in appendices 1 and 2 to the report.

11. Suggested reasons for decision

- 11.1 To achieve significant potential benefits and comply with the duty to produce and hold public consultation on Conservation Area Appraisals.

- 11.2 The Upper Upnor Conservation Area Appraisal will support the continued conservation and enhancement of the historic environment through defining the historic, architectural and townscape qualities that make the Upper Upnor Conservation Area special.

- 11.3 The “Introduction to Conservation Area Appraisals” and “Conservation Area Design Guidance” for use in future Conservation Area Appraisals will assist in the production of future conservation area appraisals and their consistency.

Lead officer contact

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Appendices

Appendix 1 - Draft ‘An Introduction to Conservation Area Appraisals’
Appendix 2 - Draft ‘Conservation Area Design Guidance’
Appendix 3 - Draft ‘Upper Upnor Conservation Area Appraisal’

Background papers

None.