

North Tyneside Council Report to Cabinet 7 April 2014

ITEM 6(h)
Tynemouth Village
Conservation Area
Management Strategy
Supplementary Planning
Document

Portfolio(s): Housing and Environment

Cabinet Member(s): Cllr. John Harrison

**Report from Service
Area:**

Environment and Leisure

Responsible Officer:

Phil Scott – Head of Environment and Leisure Tel:(0191) 643 7295

Wards affected:

Tynemouth

PART 1

1.1 Purpose:

The purpose of the report is to:

- explain the production of the Tynemouth Village Conservation Area Management Strategy Supplementary Planning Document (SPD), attached at Appendix 1;
- set out the details of the associated public consultation exercise, the feedback yielded and how it is proposed to address the comments received within the SPD;
- give an overview of the contents of the SPD and where it sits within the planning process; and
- recommend the draft SPD be approved and adopted as a material planning consideration.

1.2 Recommendation(s):

It is recommended that Cabinet consider and agree the proposed amendments contained in Appendix 1 and that the Tynemouth Village Conservation Area Management Strategy Supplementary Planning Document be adopted, so that it can act as a material planning consideration to determine relevant planning applications, as well as guiding works undertaken by other functions of the Authority.

In doing so it is important Cabinet note the document is part of the Authority's Planning Policy. This document does not guarantee that the Authority will provide funding for the issues identified. Commitment to specific investment projects will be considered separately by Cabinet and Council as appropriate, alongside all other potential investments.

1.3 Forward Plan:

28 days notice of this report has been given and it first appeared on the Forward Plan that was published on 3 March 2014 covering the period 3 March 2014 to 30 June 2014.

1.4 Council Plan and Policy Framework

1.4.1 The Council Plan

The Authority's Council Plan "Our North Tyneside Plan 2014-18" was adopted by Council at its meeting on the 26th September 2013.

The Authority and North Tyneside Strategic Partnership have agreed that the Our North Tyneside Plan will replace the Sustainable Community Strategy in the future. The Our North Tyneside Plan will not be delivered just by the Authority working on its own. It will need to be a partnership with local people, communities, businesses and other local public sector and voluntary organisations.

The SPD will be a mechanism to deliver the following priority of the Our North Tyneside Plan 2014-18:

- Our places will:
- Be places that people like living in and will attract others to either visit or live.
- Have more quality affordable homes.
- Work with residents, communities and businesses to regenerate the borough.

1.4.2 The Authority's Policy Framework

The SPD will supplement existing planning policy set out in the Unitary Development Plan and in the emerging Local Plan. The Local Plan will form part of the Development Plan, which is part of the Authority's Policy Framework and as such is subject to the Budget and Policy Framework Procedure rules.

1.5 Information:

1.5.1 Local authorities have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of their conservation areas¹ and from time to time to formulate and publish proposals for the preservation and enhancement of those areas². English Heritage recommends that this could be through the preparation of character appraisals/statements and management strategies³.

1.5.2 Character Statements and Appraisals generally describe the significance of conservation areas and act as evidence in planning policy and development management decisions.

1.5.3 Management strategies build on the information set out in character appraisals/statements, and set out how the described significance can be positively managed into the future.

1.5.4 It is standard practice to adopt management strategies as SPDs, as defined in the relevant planning regulations⁴. A SPD is one that provides further detail and guidance on how to apply existing planning policies, specific to a particular topic or geographical area, and has considerable weight in planning processes.

¹ Planning (Listed Buildings & Conservation Areas) Act 1990, s.72

² Planning (Listed Buildings & Conservation Areas) Act 1990, s.71

³ Understanding Place: Conservation Area Designation, Appraisal and Management, English Heritage, 2012.

⁴ The Town and Country Planning (Local Planning) (England) Regulations 2012

- 1.5.5 This review and its resulting draft SPD was initiated by the Elected Mayor in August 2013 following a request from the Tynemouth Village Association to create a community-led conservation area Management Strategy.
- 1.5.6 Tynemouth Village was designated as a conservation area in 1971, with boundary amendments in 2009. A community-led Character Statement was adopted in 2003 and a Character Appraisal produced by the Authority was adopted in 2010. Whilst these documents are descriptive in nature and are used in guiding planning decisions, it was considered that a “stronger” document was required to positively guide the future of Tynemouth Village. These previous documents laid the foundation for the proposals contained in this SPD, and continue to be a valuable resource.
- 1.5.7 The production of the SPD has been a community-led project. Members of the Tynemouth Village Association were involved in the early discussions with the Authority. However, to be truly community-led, the Village’s many other interest groups and individual residents have also involved in the project. Professional support has been provided from the North of England Civic Trust and Officers from the Authority’s Planning team, with input from the Community Engagement team and other Authority service areas.
- 1.5.8 As an SPD, the document has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. SPDs provide further detail on existing policy, in this case the Unitary Development Plan (2002), primarily those relating to the management of conservation areas. It also supports emerging policy as set out in the Local Plan: Consultation Draft (November 2013). Given that it has been prepared in accord with these regulations, the SPD will be regarded as a material planning consideration in the determination of relevant planning applications and will be afforded significant weight. However, the SPD cannot override or replace the relevant saved policy which is contained within the adopted UDP.
- 1.5.9 Production of this SPD is in line with national planning policy, contained in the National Planning Policy Framework (2012), which states that “Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment”.
- 1.5.10 The SPD sets out potential projects and objectives for the area that will guide planning, regeneration and other development and management decisions in the conservation area. It will form a basis for applications for funding to, for example, the Heritage Lottery Fund and Coastal Communities Fund. The Authority adopted a similar SPD for the Fish Quay and New Quay Conservation Areas in 2007 and it has proved a key document in guiding the continued successful investment and regeneration in that area.
- 1.5.11 The SPD covers how the Conservation Area can be preserved and enhanced through:
- regeneration and enhancement opportunities,
 - management of public realm, green spaces and trees,
 - identifying the area’s heritage assets and reviewing the conservation area boundary
 - setting out design guidelines,
 - advising on good maintenance and repair, and
 - ensuring monitoring and enforcement is pursued.
- 1.5.12 A full copy of the draft SPD is attached at Appendix 1 and highlights the recommended amendments against the original SPD that was consulted upon.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Approve the recommendation set out at 1.2 of the report; or

Option 2

Decide not to adopt the draft Management Strategy SPD and request Officers to consider alternative proposals.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

Production of a Management Strategy SPD is in line with the aims of local and national planning policy and guidance, and will assist the Authority pursuing its statutory duty of preserving and enhancing the character and appearance of the conservation area.

The project represents pro-active community involvement and a positive long-standing partnership between the Authority and the Tynemouth Village community in managing and enhancing the area.

The SPD will guide planning, regeneration and other development and management decisions in the conservation area. It will form a basis for applications for funding to, for example, the Heritage Lottery Fund and Coastal Communities Fund.

1.8 Appendices:

Appendix 1: Draft Tynemouth Village Conservation Area Management Strategy SPD

Appendix 2: Consultation Statement

Appendix 3: Schedule of responses to statutory consultation

1.9 Contact officers:

Jackie Palmer, Planning Manager, tel. (0191) 643 6336

Laura Hewitt, Senior Planning Policy Officer, tel. (0191) 643 6310

Alison Campbell, Finance Business Manager, tel. (0191) 643 7038

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) North Tyneside Council Unitary Development Plan, 2002

http://www.northtyneside.gov.uk/browse.shtml?p_subjectCategory=775

(2) Our North Tyneside Plan 2014-18, 2013

http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=547987

- (3) English Heritage, Understanding Place: Conservation Area Designation, Appraisal and Management, 2012
<http://www.english-heritage.org.uk/publications/understanding-place-conservation-area/understanding-place-ca-designation-appraisal-management.pdf>
- (4) National Planning Policy Framework, 2012
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
- (5) Planning (Listed Buildings & Conservation Areas) Act 1990
<http://www.legislation.gov.uk/ukpga/1990/9/contents>
- (6) North Tyneside Council, Tynemouth Village Character Statement, 2003
http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=224062
- (7) North Tyneside Council, Tynemouth Village Conservation Area Character Appraisal, 2010
http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=514655
- (8) North Tyneside Council Statement of Community Involvement, 2013
http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=224123&p_subjectCategory=811
- (9) North Tyneside Council Local Plan: Consultation Draft, 2013
http://www.northtyneside.gov.uk/browse.shtml?p_subjectCategory=182

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The SPD will be available via the Authority's website and will also be available in hard copy from the Planning Service. Photocopying costs only will be incurred and are estimated to be not more than £200. These will be met from existing revenue budgets.

The SPD will be used as evidence of community aspirations and support for future external funding bids in order to assist in the implementation of the strategy. Those funding bids will be subject to further reports where they require any element of match funding.

2.2 Legal

There are no significant legal implications arising from the SPD. However, if adopted, the SPD would become a material consideration in the determination of planning applications and appeals.

In accordance with the Local Government Act 2000 and the regulations made under that Act in relation to responsibility for functions, Cabinet is responsible for determining this matter.

2.3 Consultation/community engagement

- 2.3.1 The draft SPD has been subject to two rounds of consultation. The first was an informal round of consultation that started at the beginning of the project in early November 2013 to broadly gauge the public's ideas on what should be covered in the emerging SPD. The opportunity for people to submit comments remained open until the draft document was complete and second round of consultation started. The second round was a formal round of consultation that started on 7th February 2014 and lasted four weeks, in line with the guidance set out in Part 5 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.3.2 The steps taken at both stages are outlined in Appendix 2 that accord with the Authority's adopted Statement of Community Involvement (2013) as to how the Authority will consult with communities and organisations in the preparation of planning documents.
- 2.3.3 All responses to the statutory consultation were regularly circulated to the community group and discussed with them in their meeting of 10th March 2014, where decisions were made on how to address them in the final draft SPD.
- 2.3.4 In total, over 100 individuals and organisations made formal representations to the statutory consultation, amounting to over 420 individual comments. These are set out in full at Appendix 3 together with a proposed response to each comment made and how they should be addressed in the final draft SPD.
- 2.3.5 On the whole the document has been well received. However, two main issues were consistently raised through the consultation. The first is regarding parking issues within the Village. The SPD cannot tackle those issues in itself but does request that the Authority pursues a comprehensive traffic and parking strategy. Secondly, concerns were raised over the numbers of licensed premises and associated anti-social behaviour that can arise. The SPD can have weight in guiding planning decisions on a property's use but cannot manage licences. It does, however, request that the Authority pursues a "Cumulative Impact Policy" in this Conservation Area in order to provide a greater degree of control as to the number of licensed premises that are created. The Authority's Licensing Team began a consultation on this matter at the end of February that will run until May 2014. The Licensing and Planning teams have shared responses to their respective consultations where the issues raised have relevance for both teams. Whilst the granting of licences for drinking establishments is a legally separate process to that of determining planning proposals to change the use of a building, the outcome of this Cumulative Impact Policy consultation will be used as supporting evidence to inform the policies within the emerging North Tyneside Local Plan.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

The SPD can be translated into alternative languages, and prepared in other formats such as Braille, audiotape and large print in line with the Authority's Interpreting and Translation Policy.

2.6 Risk management

The SPD will form part of the planning framework for the borough. Whilst there is no formal examination process into the adoption of an SPD (as is the case with a Local Plan), it remains that adoption of an SPD can be the subject of legal challenge if it can be demonstrated that there has been a significant failure in terms of process. Whilst legal a challenge to this SPD cannot be discounted, it is considered that the likelihood is low.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

Conservation Area practice is consistent with the aims of promoting environmental sustainability as it advocates the re-use of buildings along with the use of locally sourced traditional materials.

The objectives of the SPD are consistent with the aims of promoting environmental and sustainable development. This includes advocating good design, protection of open spaces and promotion of good access. The process of preparing the SPD has been an exercise in building community relationships.

The 2008 Planning Act allows for SPDs to be prepared without a full sustainability appraisal (SA) as long as they are screened to establish whether they will result in "significant effects" as defined by the SEA Directive (*European Directive 2001/42/EC*). A Screening Statement was prepared that demonstrated that the SPD is unlikely to have significant effects on the environment. The Environment Agency, English Heritage and Natural England were consulted on the Statement in conjunction with the SPD.

PART 3 - SIGN OFF

- Chief Executive
- Deputy Chief Executive
- Head of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Strategic Manager Policy, Partnerships, Performance and Communications