

Cabinet Report



Listening Learning Leading

Report of Head of Planning

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To: CABINET

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Henley-on-Thames Conservation Area Appraisal and Boundary Review Adoption

Recommendations:

- (a) That the Henley-on-Thames Conservation Area boundaries are adopted as per the proposed revisions shown at Appendix 1.
- (b) That the Henley-on-Thames Conservation Area Appraisal and Management Plan as amended is adopted.
- (c) To delegate to the Head of Planning in consultation with the relevant Cabinet Member to make minor changes, typographical corrections or non-material amendments to the Henley-on-Thames Conservation Area Appraisal and Management Plan document prior to formal publication and statutory notification requirements.

Purpose of Report

1. The purpose of this report is to provide a summary of the representations received during the public consultation on the draft Henley-on-Thames Conservation Area Appraisal and Boundary Reviews, to detail the changes that have been made and to seek formal adoption of the boundary and associated document.

Corporate Objectives

2. The Appraisal accords with 2020-2024 Corporate Objectives 4 (Improved economic and community well-being) and 5 (Housing and Infrastructure that meet local needs). The document also forms part of the development plan evidence base supporting the preservation and enhancement of the district's historic environment.

Background

Purpose of the Conservation Area Appraisal and Boundary Review

3. Under Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 local authorities have a duty to designate conservation areas and from time to time to review the boundaries. Such areas are defined as 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. The Henley-on-Thames Conservation Area Appraisal Document is the mechanism by which the local authority defines the special interest of the area and the boundary was reviewed during the writing of the document.
4. This appraisal and review were instigated by Henley-on-Thames Town Council following on from their recent Neighbourhood Plan review. The appraisal document was produced by a specialist consultant, Purcell, on behalf of the Town Council. The Conservation Team assisted with proof-reading an early draft and following our feedback the document was revised as a consultation draft.
5. The Council were satisfied that the draft document and proposed boundary extension met with the tests of Historic England's guidance for Conservation Area designation and appraisal and the draft documents were issued for a public consultation.
6. An eight-week period of public consultation commenced on Wednesday 30 March, closing on Wednesday 25 May 2022. Hard copies of the document were provided at the Town Hall and Henley Library. We were assisted with the advertising of the consultation by the Town Council.
7. Under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990, we have exercised our duty to formulate and produce proposals for the preservation and enhancement of the conservation area. The appraisal document once adopted will form part of the evidence base for the Development Plan. It should be used in the development management process to manage positive change within the designated conservation area or its setting to minimise harm and encourage preservation or enhancement.

Summary of the Appraisal Document and alterations to the Proposed Boundary

8. The appraisal document brings together the three conservation areas in Henley; Henley Main, St Marks Road and Reading Road. The document provides a summary of the history of Henley-on-Thames's development, an assessment of its historic and architectural interest, a gazetteer of local interest buildings (non-listed structures) and detailed mapping showing various elements of spatial analysis for all three conservation areas.
9. The Conservation Team propose revisions to the existing boundaries. These include rationalisation of the boundary where it crosses through a development that has taken place since its first designation and proposed extensions.

Proposed changes to the Designated Boundary

10. There are four areas where the existing Conservation Area Boundaries are proposed for revision. The proposals are shown at Appendix 1.

- Henley Main Conservation Area is proposed to be rationalised to remove the modern development of Hanover House at Normanstead.
- Henley Main Conservation Area is proposed to be extended to include the northern extent of The Fairmile.
- Henley Main Conservation Area is proposed to be extended to include a cluster of properties at the junction of Greys Road and Reading Road in the centre of the town. This includes the area forming Britannia Place. This area is currently surrounded by the designated conservation area and the proposal is to include it.
- St Marks Road Conservation Area is proposed to be extended to include 3-11 (odd) St Marks Road and Allison House, St Marks Road.

11. There are no changes to the Reading Road Conservation Area boundary.

Summary of consultation responses received

12. In total, 35 responses were received during the public consultation period. Unusually, most of these were via email rather than the online web survey.

13. A particularly high number of responses were received from residents in areas proposed for removal sent directly by email to the team.

14. Of specific note, the residents of Leicester Close were unanimous in their desire to remain within the conservation area.

15. 7 responses were received regarding the removal of Bowling Court and Pearce's Orchard; 3 in favour of removal and 4 against removal of Pearce's Orchard specifically. On balance our recommendation was that Pearce's Orchard remained within the boundary as this would not affect their existing PD rights. Henley Town Council, having considered our recommendations, concluded that they would like to see Bowling Court remain as well.

16. General comments were received relating to planning applications and delivery of allocated sites that do not require changes to the document or boundary. A consultation statement summarising the detailed comments is attached at Appendix 2.

17. Overall, the responses received were generally supportive of the content of the document and proposed boundary revisions. Summaries of the changes made as a result of the comments are detailed below.

Proposed changes to the consultation version of the boundary and Appraisal Document

18. The draft appraisal document will be updated to reflect the outcome of the public consultation. Specifically, the Public Consultation paragraphs in Section 1.5 will be updated with the dates of consultation and outcome of adoption and Section 8 will be revised to identify the changes made to the boundary specifically as a result of consultation including a series of maps showing existing, consultation and 2022 adopted boundaries should Cabinet adopt the proposed new boundary. There are no other major changes anticipated to the document.

19. The following specific changes are proposed to be made to the proposed boundary following the public consultation:

- Leicester Close, north Badgemore Lane, Pearce's Orchard, Bowling Court, Dry Leas Sports Ground and 33a St Andrew's Road will all remain within the existing boundary. This will not alter their existing PD rights as they are already within the designated area.

Options

20. There are three options for Cabinet:

- 1) To find that the Henley-on-Thames Conservation Areas as proposed to be extended are of special architectural and historic interest and designate the areas as a conservation area.
- 2) To find that the Henley-on-Thames Conservation Areas as proposed to be extended are not of special architectural and historic interest and not to amend the designated area, leaving the existing boundary as the designated conservation area.
- 3) To find that there is an area of special architectural and historic interest that extends beyond the existing boundary but that it should be different to that proposed. Having identified and justified the difference to designate that area the conservation area.

21. Based upon officers' assessment of Henley-on-Thames as presented in the Conservation Area Appraisal and the responses received during public consultation, it is recommended that the proposed extension to the boundaries are adopted and the revised areas are designated Henley-on-Thames Conservation Area and St Marks Road Conservation Area together with adopting the accompanying Appraisal, which is in line with Option (1) above and the recommendations made at the beginning of this report.

Climate and ecological impact implications

22. There are no anticipated negative climate or ecological implications as a result of the proposed boundary revision or appraisal document.

23. At Section 6.3, the document sets out the opportunities within the conservation area to respond to the climate emergency.

24. Specifically at section 7.5.2 the document also encourages actions to assist in tackling climate change.

25. Conservation Area designation also specifically increases protection of trees over a certain size.

Financial Implications

26. Any council decision that has financial implications must be made with the knowledge of the council's overarching financial position. For South, the position reflected in the council's medium-term financial plan (MTFP) as reported to Full Council in February

2022 showed that the council is due to receive £2.1 million less in revenue funding than it plans to spend in 2022/23 (with the balance coming from reserves).

27. This future funding gap is predicted to increase to over £3 million by 2026/27. As there remains no certainty on future local government funding, following the announcement of a one-year spending review by government, and as the long-term financial consequences of the Coronavirus pandemic remain unknown, this gap could increase further. Every financial decision made needs to be cognisant of the need to address this funding gap in future years.
28. The process of designating a conservation area entails a small cost to advertise the designation of a new boundary to meet the statutory notification requirements as described in the legal implications section below. This cost can be met from within existing planning budgets.
29. Dwellings within the proposed extension once designated would be required to apply for planning permission for certain works that no longer benefit from permitted development rights. In the case of these proposed changes this only affects a small number of properties within the Town.
30. There will be some increased work to the council arising from the processing of those applications but some of the cost of processing these applications would be recovered from the planning fee. Additionally, there may be a small increase in overall workload for the service that might not be recovered because some cases will be more complex than average. However, having regard to the very small number of additional properties that the extension would cover, this impact is likely to be very modest relative to annual workloads.
31. The modest costs associated with the above points will be met from existing planning budgets.

Legal Implications

21. The Appraisal meets the Council's obligations required by the Planning (Listed Building and Conservation Areas) Act 1990. Under Sections 69 and 71 of the Act, the Council should review conservation area boundaries from time-to-time and formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas. This Appraisal for Henley-on-Thames forms part of the Council's rolling programme of providing conservation area appraisals for all its designated conservation areas.
22. The principal legal effect of the designation of an area as a conservation area is control over demolition of buildings (including structures classed as buildings in planning legislation) and control over works to trees. In determining applications, the council also has a duty under the Planning Acts to have regard to the desirability of preserving or enhancing the character or appearance of the area and there are less generous permitted development rights, under the Town and Country Planning (General Permitted Development) Order 2015.
23. The Act requires that the designation of a new conservation area or variation to it be advertised in the London Gazette, a local newspaper and registered as a local land charge. The Secretary of State (DCMS) and Historic England will also be notified.

Risks

24. No strategic or operational risks associated with the matters covered in this report have been identified.

Other implications

25. It has been confirmed that an Equality Impact Assessment is not required for this Conservation Area Appraisal document. The document is a supplementary guide to existing planning policy and statutory designation with no negative impact on associated policies, service users or employees. The document has been produced to be as accessible as possible.

Conclusion

26. Having regard to the evidence collected and presented in the Henley-on-Thames Conservation Area Appraisal and to the responses received during consultation, it is recommended that the Henley-on-Thames Conservation Area boundary is amended as proposed. It is also recommended that the Conservation Area Appraisal document is adopted.

Appendices

- Appendix 1: Henley-on-Thames Conservation Area Proposed Boundary Map
- Appendix 2: Consultation Statement