

Report of the Sustainable Development Unit

Report to: Chief Planning Officer

Date: 26th January 2017

Subject: The modification and adoption of the Farnley Upper Moor Side Conservation Area and associated Conservation Area Appraisal and Management Plan

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Farnley and Wortley		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number:		

Summary of main issues

1. This report seeks approval of the Farnley Upper Moor Side Conservation Area and the adoption of the Farnley Upper Moor Side Conservation Area Appraisal and Management Plan as non-statutory planning guidance.
2. The draft proposed boundary and a draft version of the Farnley Upper Moor Side Conservation Area Appraisal and Management Plan have been through a public consultation process that ended on the 4th November 2016.

Recommendations

3. Modify and adopt the Farnley Upper Moor Side Conservation Area boundary, as shown, on the attached plan (Appendix 2), with effect from 5th June 2017.
4. Adopt the Farnley Upper Moor Side Conservation Area Appraisal and Management Plan (attached appendix 4) as non-statutory planning guidance (and as such with weight as a material consideration) with effect from 5th June 2017.

1.0 Purpose of this report

- 1.1 This report seeks the approval of the Farnley Upper Moor Side Conservation Area and the adoption of the Farnley Upper Moor Side Conservation Area Appraisal and Management Plan as non-statutory planning guidance.

2.0 Background information

- 2.1 Local planning authorities are under a legislative duty to review conservation area designations and to designate new conservation areas where the need arises. There is also a legislative duty to formulate and publish proposals for the preservation and enhancement of conservation areas (commonly known as a Conservation Area Appraisal and Management Plan), endorsed at the local level in saved UDP policy N22, the Leeds Core Strategy and reflected in the form of the NPPF. These needs have to be prioritised given staff resources and wider Council aims.
- 2.2 In the case of Farnley Upper Moor Side, agreement was secured from the Farnley and Wortley ward members to review the conservation area of Farnley Upper Moor Side due to its historical and architectural importance and its character being that of a rare survival of pre- industrial settlement in west Leeds. The process was supported through the community and there was strong support for the conservation area throughout.

3.0 Main issues

- 3.1 The proposed Conservation Area Appraisal is the result of fieldwork and analysis of the area by officers to assess the characteristics of the area. The boundary is proposed to ensure that the special architectural and historic interest of the area is preserved.

4.0 Corporate Considerations

4.1 Consultation and Engagement Background

- 4.1.2 The proposed Farnley Upper Moor Side Conservation Area boundary and Appraisal and Management Plan were subject to a consultation process described below (appendix 1) with a public consultation taking place from the 12th September to 4th November 2016 along with information display and a very well attended public meeting.
- 4.1.2 Legal advice has been sought on previous conservation area designations, particularly in relation to the Human Rights Act. It was held that the extension of conservation was not an infringement of Article 1 of the first Protocol – “the peaceful enjoyment of a person’s possessions” - provided that this right was taken into account when decisions were made.
- 4.1.3 Whilst conservation area appraisals are not Supplementary Planning Documents it is considered that consultation undertaken between 12th September to 4th November 2016 aligns itself with the requirements of the Statement of Community Involvement and will give the document considerable weight in decision making.

Details of the consultation process, responses and actions taken in light of the responses are included in Appendix 1.

Results of Consultation

4.1.4 Support was received from the local residents, local ward members and the local Farnley Vision group. There were no objections to the conservation area in principle although one response was received regarding the removal of a property from the conservation area. This position is agreed with and can be viewed in more detail below..

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Legal Services have been asked to advise on the requirement for Equality Impact Assessment (EqIA) for a programme of conservation area appraisals and their advice is that they should be subject to screening. It was agreed that all conservation areas, whether new or being reviewed, should be subject to EqIA screening. The guidance and screening document assist with assessing whether the function is relevant to equality, diversity, cohesion and integration. The use of the screening document provides a record of both the process and decision. The benefit of this is that where it is concluded that an EqIA is not required, there is evidence to demonstrate that this was considered at the relevant time.

4.3 Council policies and City Priorities

4.3.1 Character assessments and management plans will be prepared and reviewed for conservation areas and other areas of significance. Within conservation areas, development will be assessed against the respective conservation area appraisal and the Council will seek to conserve those elements which have been identified as contributing to the special interest of that conservation area.

4.3.2 Core Strategy Policy P11: CONSERVATION

The historic environment, consisting of archaeological remains, historic buildings townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and enhanced, particularly those elements which help to give Leeds its distinct identity:

Link to corporate priorities:

Culture (CU1) - Increased participation in cultural opportunities through engaging with all our communities.

Harmonious Communities (HM1) - More inclusive, varied and vibrant communities through empowering people to contribute to decision making and delivering local services

Harmonious Communities (HM2b) - An increased sense of belonging and pride in local neighbourhoods that help to build cohesive communities.

Business Outcome (BO2) - We are an intelligent organisation, using quality information to commission better outcomes.

Comment [DN]: This area needs updating to reflect the policy in core strategy, UDP and NPPF generally in adopting the conservation area appraisal and management plans so that all are knitted together under this section comprehensively.

National Planning Policy Framework;

Paragraph 127. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

4.4 Resources and value for money

- 4.4.1 The review process was undertaken by the conservation team in house, with no additional funding required. The conservation area was already designated and so will not result in additional workload. No future expenditure implications are 4.5

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Under Part 3 Section 3E of the Council's Constitution (Officer Delegation Scheme (Executive Functions)) the Chief Planning Officer has authority to discharge any function of the Executive in relation to the authority's role as a local planning authority including those specifically relating to Conservation Area functions including the designation and review of Conservation Area Appraisals and Management Plans as set out in the body of the report.

4.6 Risk Management

- 4.6.1 The significant risk of not adopting the revised boundary, appraisal and management plan is that the Council fail to identify and protect the special architectural and historic character of the Farnley Upper Moor Side area.

5. Conclusions

- 5.1 The study of the Farnley Upper Moor Side Conservation Area has produced proposals for a boundary and a conservation area appraisal and management plan which identifies what the special architectural and historic character of the conservation area are.
- 5.2 There is a legal requirement for Local Planning Authorities to review conservation area designations and to designate new conservation areas where the need arises. There is also a legislative duty to formulate and publish proposals for the preservation and enhancement of conservation areas. The assessments set out in the body of the report have concluded the requirements to adopt the CA boundary as well as appraisal and management plan.
- 5.3 During consultation support was received from local groups and ward members.

6.0 Recommendations

- 6.1 Adopt the Farnley Upper Moor Side Conservation Area boundary, as shown on the attached plan (Appendix 2), with effect from 20th March 2017.

Comment [DN]: This is incomplete – its not simply about the consultation but more so about concluding the legal requirements for ILPA's to review conservation area designations and to designate new conservation areas where the need arises. There is also a legislative duty to formulate and publish proposals for the preservation and enhancement of conservation areas (commonly known as a Conservation Area the assessments set out in the body of the report have concluded the requirements to adopt the CA boundary as well as appraisal and management plan.

6.2 Adopt the Farnley Upper Moor Side Conservation Area Appraisal and Management Plan (attached appendix 4) as non-statutory planning guidance (and as such with weight as a material consideration) with effect from 20th March 2017.

7.0 Background documents¹

7.1 None.

8.0 Appendices

Appendix 1: Farnley Upper Moor Side Conservation Area Appraisal consultation responses

Appendix 2: Farnley Upper Moor Side Conservation Area proposed boundary

Appendix 3: Farnley Upper Moor Side Conservation Area Appraisal and Management Plan.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

APPENDIX 1 – Farnley Upper Moor Side Conservation Area consultation

SUMMARY OF 2016 CONSULTATION RESPONSES

Local Ward Members – Farnley and Wortley

Councillor Ann Blackburn
Councillor David Blackburn
Councillor Terry Wilford

Regular contact has been maintained with Cllr Ann Blackburn and Cllr David Blackburn and all Councillors were consulted before the formal public consultation commenced and were emailed with details of the Appraisal and inviting members to make comments.

West North West Area Support

Regular contact regarding the process and progress of the Conservation Area and cc'd to Councillor consultation.

Farnley Vision Group

Support for boundary and appraisal. Request made to specifically identify grass verges, the Village Green and historic street surfaces within the conservation area appraisal.

Internal Leeds City Council – 26th April 2016

Chief Planning Officer
Head of Planning Services
Transport Development Services Manager
Design Team Leader
Landscape Team Leader
Conservation Team Leader
Head of Forward Planning and Implementation
Area Planning Manager - East
North Team Leader, Planning Services
Area Officer, West Area Support Team

Response received from Transport Development Services Manager which supports the aspirations for highways works around the Woodcock Inn.

Local community

The public consultation commenced on the 12th September 2016 and ran until the 4th November 2016.

A direct mailing was delivered to all addresses falling within the boundary of the proposed conservation area. The letter included a leaflet that provided information on conservation area designation and the appraisal process. It included a map of the proposed boundary, advertised the public meeting at The Lancasterian School Room on Thursday 6th October 2016 where hard copies of the appraisal were available, and gave details of the online availability of the appraisal. It provided contact details for further information and encouraged people to have their say and get involved in the consultation process.

A public meeting was attended by approximately 25 people. This included a presentation by the Conservation Officer describing the history and origins of the area and explaining what makes Farnley Upper Moor Side special before proceeding to illustrate the area of the proposed Conservation Area and to advise members of the public on what a Conservation Area review would mean for them. The emphasis was very much on advising attendees on the historical and architectural interest and importance of Farnley Upper Moor Side. There was also substantial debate regarding the potential for

development on land adjoining the Conservation Area although there was limited comment that the officer could make.

The draft conservation area appraisal was made available online from 4th November 2016.

The consultation was advertised and a press release was sent out on the 6th September 2016. The press release in local newspapers and on the BBC Yorkshire webpages.

Posters were locally displayed directing people to the public meeting and website and inviting comments.

Paper copies of the appraisal, consultation flyers, guidance leaflets and response forms were placed in Lancasterian School Room.

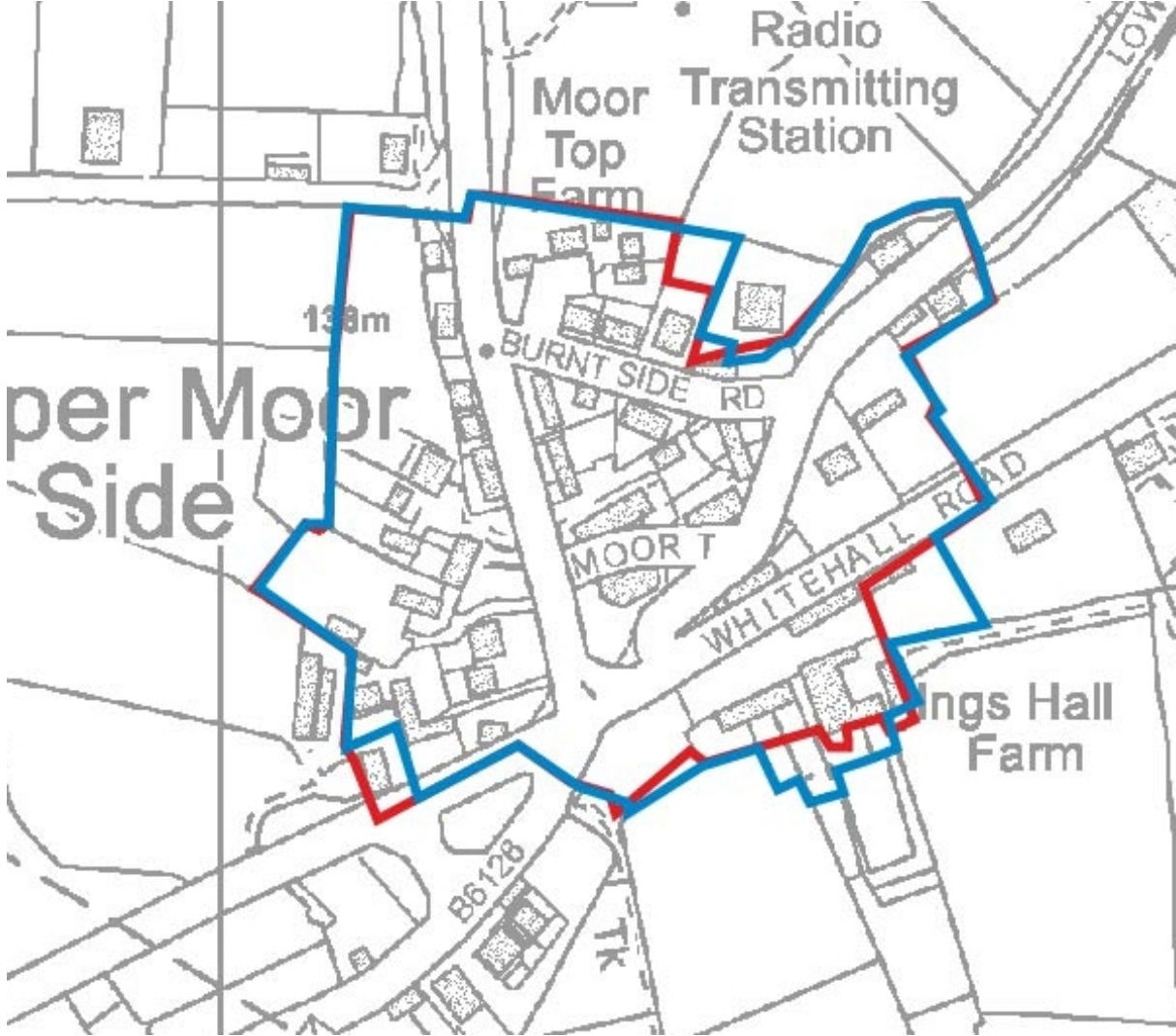
CONSULTATION RESPONSE



Details of each response received in writing, and its associated response, can be seen below.

No.	Name	Response	Comment	Action
1	Farnley Vision Group and Trustees of the Lancasterian Schoolroom	General support but keen for the land forming the village green to be recognized within the Conservation Area Appraisal.	No issues with this proposal.	Further emphasis placed within the green spaces section of the document.
2	Resident, 746, Whitehall Road	Questioned the inclusion of property within the conservation area.	Agree that the property does not form part of the special interest of the CA and warrants removal.	Boundary adapted based on the consultation response.

Appendix 2

Farnley Upper Moor Side Conservation Area boundary as consulted and as proposed



-  Farnley Upper Moor Side Conservation Area (designated 7th April 1975)
-  Proposed Farnley Upper Moor Side Conservation Area (November 2015)

Appendix 3

Farnley Upper Moor Side Conservation Area Appraisal and Management Plan