

**Report of the Environment and Design Group**

**Report to: Chief Planning Officer**

**Date: 7<sup>th</sup> October 2019**

**Subject: The designation of the Shadwell Holywell Triangle Conservation Area and the adoption of the Shadwell Holywell Triangle 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): <b>Harewood</b>		
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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 the designation of the Shadwell Holywell Triangle Conservation Area and the adoption of the Shadwell Holywell Triangle Conservation Area Appraisal and Management Plan as non-statutory planning guidance.
2. The draft proposed boundary and a draft version of the Shadwell Holywell Triangle Conservation Area Appraisal and Management Plan have been through a public consultation process that ended on 28<sup>th</sup> June 2019.

**Recommendations**

3. Designate the proposed Shadwell Holywell Triangle Conservation Area boundary, as shown on the attached plan (Appendix 2), with effect from 8<sup>th</sup> November 2019.
4. Adopt the Shadwell Holywell Triangle Conservation Area Appraisal and Management Plan (attached as Appendix 3) as non-statutory planning guidance (and as such with weight as a material consideration) with effect from 8<sup>th</sup> November 2019.

## **1.0 Purpose of this report**

- 1.1 This report seeks the designation of the Shadwell Holywell Triangle Conservation Area and the adoption of the Shadwell Holywell Triangle 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 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 the Shadwell Holywell Triangle, the proposal to designate a conservation area to recognise the area's historic and architectural importance was first requested by the local community in 2012, prompted by the designation of the separate Shadwell Conservation Area (located to the east of the proposed area, see Appendix 3, page 4). In 2016, Planning Board agreed to a community-led review, with support from the LCC Conservation Team, of the Shadwell Holywell Triangle area. The review has been conducted and the proposal brought forward by the local community, led by members of Shadwell Parish Council.
- 2.3 If designated, the proposed Shadwell Holywell Triangle Conservation Area and Management Plan will be complementary to the Shadwell Neighbourhood Plan, currently in draft pre-submission form.

## **3.0 Main issues**

- 3.1 The proposed Shadwell Holywell Triangle Conservation Area and Conservation Area Appraisal and Management Plan are the result of a community-led approach, whereby the local community undertook the fieldwork and analysis to assess the characteristics of the area with the input and support from the Conservation Team. The boundary is proposed to ensure that the special architectural and historic interest of the area is recognised, preserved or enhanced.

## **4.0 Corporate Considerations**

### **4.1 Consultation and Engagement Background**

- 4.1.2 The proposed Shadwell Holywell Triangle 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 25<sup>th</sup> May to 28<sup>th</sup> June 2019, including copies available electronically online on the Leeds City Council Website and the Shadwell Parish Council website, hard copies available at Shadwell Library and Leeds City Centre Hub in Merrion House and a 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 25<sup>th</sup> May and 28<sup>th</sup> June 2019 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 The consultation response was low but shows support for the proposed Conservation Area and Appraisal and Management Plan. Of the three written responses received two were supportive and one was not supportive. Two specific amendments were requested at the public meeting; road name correction for accuracy and preferred boundary change but did not express support or opposition. Changes to the Appraisal and Management Plan made in response to comments received are detailed in Appendix 1.

## **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 screening document for the proposed Shadwell Holywell Triangle Conservation Area Appraisal and Management Plan is found at Appendix 4.
- 4.2.2 The screening document, by detailing the process to designate the proposed new conservation area for Shadwell Holywell triangle, assesses whether this is relevant to equality, diversity, cohesion and integration. Following screening, it was concluded that an EqIA is not required.

## **4.3 Council policies and the Best Council Plan**

- 4.3.1 Character assessments and management plans will be prepared and reviewed for conservation areas and other areas of significance. Within a conservation area, development will be assessed against the respective conservation area appraisal, in this case Shadwell Holywell Triangle Conservation Area Appraisal and Management Plan, 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 The designation of conservation areas contributes to the delivery of the following council policies and Best Council Plan priorities:
- Leeds Core Strategy Policy P11: CONSERVATION
  - Best Council Plan Priorities

- making Leeds the best city for children and young people to grow up in
- making Leeds the best city to grow old in
- improving the quality of lives and growing the economy through cultural and creative activities
- providing homes of the right quality, type and affordability in the right places and minimising homelessness
- keeping people safe from harm and promoting community respect and resilience
- tackling climate change risks
- National Planning Policy Framework Chapter 16
  - Paragraph 186. 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.

### 4.3.3 Climate Emergency

Built heritage has an important role to play in the Climate Emergency agenda:

- **Regeneration & Reuse of buildings**

Built heritage represents a significant amount of embodied energy. Demolishing buildings, producing new materials, transporting them to site and constructing replacement building uses and releases a considerable amount of energy. The reuse and regeneration of existing buildings will help to decrease energy use, minimise waste, having a positive impact on the reduction of greenhouse gases.

- **Sustainability**

Materials used in the construction of traditional buildings make them inherently sustainable. Timber, clay bricks and tiles, local stone, lead and copper are often locally sourced, long lasting and renewable. The use of lime based mortars and plasters used prior to the 20th century were durable but soft and elastic which kept building materials in good condition and increased their longevity. Lime in building construction is carbon neutral.

- **Efficiency**

Traditional buildings can be energy efficient:

- thick solid construction acts as a thermal buffer, preventing the loss or gain of heat.
- the use of permeable materials absorbs water, and releases it gradually.

Conservation Area designation offers further protection to mature trees that are not subject to Tree Preservation Orders. In terms of stopping climate change, trees remove carbon dioxide from the air, store carbon in the trees and soil, and release oxygen into the atmosphere.

## 4.4 Resources and value for money

- 4.4.1 The review process was funded by Harewood Ward members and undertaken by the local community, led by Shadwell Parish Council with support from the Conservation Team in-house. No additional funding was required.

- 4.4.2 Designation of the conservation area may result in additional enquiries such as additional planning permission applications covering works that would normally be regarded as permitted development, additional tree works enquiries and additional conservation advice requests.

#### **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 designating the Shadwell Holywell Triangle Conservation Area and not adopting the Appraisal and Management Plan is that the Council may fail to identify and protect the special architectural and historic character of the Shadwell Holywell Triangle area.

### **5. Conclusions**

- 5.1 The assessment of the Shadwell Holywell Triangle area has produced proposals for a conservation area boundary and a Conservation Area Appraisal and Management Plan which identifies what the special architectural and historic character of the conservation area are and how to preserve or enhance it.
- 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 conservation area boundary as well as the appraisal and management plan.
- 5.3 During consultation support for the proposals was demonstrated and one amendment to correct a road name for accuracy has been made in light of the feedback received.

### **6.0 Recommendations**

- 6.1 Designate the Shadwell Holywell Triangle Conservation Area boundary, as shown on the attached plan (Appendix 2), with effect from 8<sup>th</sup> November 2019.
- 6.2 Adopt the Shadwell Holywell Triangle Conservation Area Appraisal and Management Plan (Appendix 3) as non-statutory planning guidance (and as such with weight as a material consideration) with effect from 8<sup>th</sup> November 2019.

## **7.0 Background documents<sup>1</sup>**

7.1 Shadwell Conservation Area Appraisal and Management Plan.

## **8.0 Appendices**

Appendix 1: Shadwell Holywell Triangle Conservation Area Appraisal consultation and responses.

Appendix 2: Shadwell Holywell Triangle Conservation Area proposed boundary.

Appendix 3: Shadwell Holywell Triangle Conservation Area Appraisal and Management Plan.

---

<sup>1</sup> 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 – Shadwell Holywell Triangle Conservation Area and Appraisal and Management Plan consultation**

## **SUMMARY OF CONSULTATIONS**

### **Conservation Area designation and appraisal & management plan consultation 2019**

Councillor Judith Blake – Leader of the Council and Executive Member for Economy and Culture

Councillor Elizabeth Nash – Heritage Champion

Councillor Lisa Mulherin - Executive Board Member for Climate Change, Transport and Sustainable Development

#### **Local Ward Members – Harewood**

Councillor Ryan Stephenson

Councillor Sam Firth

Councillor Matthew Robinson

Councillors were consulted as part of the internal and public consultation process (24<sup>th</sup> May 2019) and provided with the draft appraisal and management plan and made aware of the public consultation and the public meeting (Ward Councillors) and were invited to make comments.

Responses received:

- Councillor. Ryan Stephenson expressed strong support and apologies that he would be unable to attend the public meeting.
- Councillor. Matthew Robinson expressed strong support and advised that he would be in attendance at the public meeting.

#### **Internal Leeds City Council**

Chief Planning Officer

Head of Development Management

Head of Strategic Planning

Group Manager (Area Planning)

City Development North Team Leader

Communities & Environment Area Leader

Group Manager (Environment and Design)

Landscape Team Leader

Design & Conservation Team Leader

Chief Officer Highways Transportation

Transport Development Services Manager

Principal Transport Planner

Principal Traffic Engineer

Principal Engineer Highways Development

Officers were consulted as part of the internal and public consultation process (24<sup>th</sup> May 2019) and provided with the draft appraisal and management plan and made aware of the public consultation and were invited to make comments.

No responses received.

#### **Public consultation**

- The public consultation ran from the 25<sup>th</sup> May 2019 until the 28<sup>th</sup> June 2019.
- A direct mailing was hand-delivered to all properties, including community assets, falling within the proposed conservation area boundary advising them of the proposal, consultation and public meeting and how to have their say.
- Paper copies of the draft appraisal and management plan and consultation response forms were made available in the Shadwell Library, Arts Centre & Café and Leeds City Centre Hub in Merrion House for the duration of the consultation period.
- The draft conservation area appraisal was available online for the consultation period together with the response form and details of how to take part in the consultation process.
- The proposed conservation area and public consultation was advertised locally and through the Council's social media channels on LCC twitter and LCC facebook.

A public meeting was held at the Recreation Centre, Holywell Lane, Shadwell on the 12<sup>th</sup> June, 7pm. There were 10 people in attendance, including local residents, parish and ward councillors and the Conservation team. The meeting included a presentation by a Parish Councillor outlining the proposed conservation area boundary, reviewing the origins and evolution of the area and assessing its present-day special character. This was followed by a summary of the proposed management plan action points to preserve or enhance the area and a discussion on the implications of designating a conservation area. The presentation was followed by a question and answer session. Conservation Team officers were in attendance for the presentation and the following Q&A session. Discussions included: corrections to text for accuracy; impact on permitted development rights and on trees not subject to TPO's; suggestions regarding the proposed boundary; how a building is identified and excluded as being 'positive'; what the benefits for local community will be; that the designation may be too late due to existing changes; impact on planning applications already in the system.

## CONSULTATION RESPONSE

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

No.	Name	Response	Comment	Action
1	M. Woods on behalf of Shadwell Council	<p>1. The Parish Council fully supports the creation of the conservation area and agrees with the proposals set out in the draft Conservation Area Appraisal and Management Plan.</p> <p>The Parish Council sees a definite need for this conservation area and believes it should be implemented as soon as possible.</p>	<p>Supportive</p> <p>1. Positive comment on plan, no actions requested.</p>	No further action
2	<p>Harewood Ward Councillors:</p> <p>Cllr. M. Robinson,</p> <p>Cllr. S. Firth,</p> <p>Cllr. R. Stephenson</p>	<p>1. 'Delighted the Holywell Triangle Conservation Area has come forward'. Support the plan and 'look forward to it coming into effect'</p> <p>Will add to the protections of the local area and respects the existing Shadwell Conservation Area.</p> <p>Compact and sensibly sized area that respects the architecture, character and style of design of homes in this area. Points to important features such as chimneys, mature trees and limited to two stories.</p> <p>Doesn't seek to overreach or include areas that are not in keeping.</p> <p>Use and identification of stone is 'key feature keen to retain, protect and are pleased see reference to'.</p> <p>Support concern for inappropriate development, infill and the loss of important landscape features.</p> <p>Note and support protection of positive features identified in the document 'the positive boundary wall along Holywell Lane, gateway feature on Main Street looking west, views North and South and the green space, sandstone wall on Main Street and terrace houses on Holywell Lane'.</p> <p>Note significant architectural benefits of buildings that should be protected and offer inspiration to those seeking design ideas.</p>	<p>Supportive.</p> <p>1. Positive comment on plan, no actions requested.</p>	No further action.
3	P. Warner	<p>Handed to Senior Conservation Officer at public meeting.</p> <p>1. Requested minor boundary change to remove</p>	<p>Amendment to boundary – neither in support nor against.</p>	Boundary to remain unchanged.

		<p>respondent's garage from the Conservation Area.</p> <p>2. Concern that CA status would impact on future plans.</p>	<p>1. Current proposed boundary follows positive building's plot boundary.</p> <p>Boundary is logical and corresponds to positive building.</p> <p>2. Request to amend not related to special interest or character of the area.</p> <p>Permitted development rights discussed and explained at meeting.</p>	No further action.
4	Iain Bath Planning on behalf of Mr. C. Ross	<p>1. Considers the proposal fails fundamentally in its justification for a new Conservation Area to be formed and designation would devalue the concept of conservation. The draft proposal should be withdrawn and not progressed further due to its failure to meet any assessment criteria required to justify its designation.</p> <p>2. Represent unjustified and unnecessary restriction for future development proposals coming forward within this area of the settlement.</p> <p>3. Noted at the time of Shadwell Conservation Area designation that no other part of Shadwell was considered of sufficient merit for inclusion within that Conservation Area.</p>	<p>Not Supportive</p> <p>1. Refer to the content of the proposed Conservation Area Appraisal and Management plan, which details and justifies the designation of a CA for the area in the 'Summary of Special Interest' on page 2 of the document, which align with the criteria for designation in Historic England's guidance..</p> <p>2. CA designation does not preclude future development but manages change in a way that maintains and enhances the special qualities of the area.</p> <p>3. Shadwell Holywell Triangle was requested to be included in the 2012 Shadwell designation. As the boundaries show, it was considered they were two distinct areas and could not be logically linked. Due to lack of Conservation Team capacity at the time, review of the Holywell Triangle area was deferred.</p>	No further action.



# **Appendix 3**

## **Shadwell Holywell Triangle Conservation Area Appraisal and Management Plan**

## **Appendix 4**

Equality, Diversity, Cohesion and Integration Screening

**Shadwell Holywell Triangle Conservation Area Appraisal and Management Plan**