

**BABERGH DISTRICT COUNCIL**

**FROM: Head of Planning Policy and  
Economic Development and  
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**REPORT NUMBER    **E33****

**TO: Overview and Scrutiny (Community  
Services) Committee    DATE OF MEETING 24<sup>th</sup> May 2005**

**CONSERVATION – PRIORITIES AND RESOURCES FOR THE FUTURE**

**1.    SUMMARY**

- 1.1    On 19<sup>th</sup> September 2002 Strategy Committee agreed to increase resources for conservation over a three-year period (Paper B138). Paper B310 to Overview & Scrutiny Committee (1/4/03) set out how over the three years from April 2003 these additional resources would be used.
- 1.2    This report updates Paper B310 regarding the successes and work carried out to date of the Conservation Team. It recommends the retention of the present staffing arrangements and priorities for the next 12 months and beyond.

**2.    RECOMMENDATION**

- 2.1    That
  - (a) progress on the current conservation programme as set out in Appendix A of this report be noted.
  - (b) the priorities for future conservation work as set out in Appendix B of this report be noted.

**3.    FINANCIAL IMPLICATIONS**

- 3.1. There are no immediate financial implications for 2005/06. Paper B138 accepted the need for extra conservation resources and put in place a temporary arrangement. Under this temporary arrangement the additional post of Conservation Officer was created. If the current funding situation is not resolved before June 2006 the staff will reduce to one full time post (Conservation and Design Officer) which is not considered acceptable given the quantity of work the heritage asset generates and the work identified elsewhere in this paper. A bid for continued funding to make the arrangement permanent will therefore be necessary in the service and financial planning process
- 3.2. **Conservation & Design Officer (CDO)** is a permanent post. Significant amounts of statutory works have been enabled by the introduction of the Conservation Officer post. Much of the required statutory work cannot be

continued without making the current temporary funding arrangement permanent. If this is not done it would return the conservation service to the position in March 2003. This was not considered acceptable at that time. The workload has not effectively changed and it is not considered acceptable to revert to that position.

- 3.3. **Conservation Officer (CO) post:** Paper B138 confirmed the post for a three year period on the basis of £35,600 per annum, reflecting the specialist experience and/or qualification required. This period comes to an end in June 2006. The average full time equivalent cost of the post, which have been set by Finance, mean that this now rises to £45,559. A BCIA relating to any increased costs will be submitted in the Service and Financial Review Process.
- 3.4. **HERS Project Architect (0.5 FTE):** This post is funded through the Heritage Economic Regeneration Scheme. The post will no longer attract match funding from April 2007, when the Sudbury HERS ends. Further HERS are not available. The Project Architect has been able to give some assistance beyond the HERS remit, but without the HERS funding it is accepted that this will be lost.
- 3.5. **Advertisement and Consultation Costs:** Article 4(2) Direction and conservation area boundary advertisement, and public consultation (exhibition material, hire of hall etc.) all incur costs. The cost of conservation area boundary review statutory advertising is somewhere in the region of £1,000-1,200, a Direction would be less. There is no current conservation budget. Until a financial commitment can be made the progress of the Team's work, it will be restrained in some areas. A bid for a revenue budget of £3,000 a year will be made through the Service and Financial Planning Process for 2006/07 to support on going conservation work.
- 3.6. **Seeking External Funding:** Funding from external sources often requires match funding from the authority, consideration will need to be given in the Council's appropriate budget round to support any such scheme as such opportunities arise. None exist at the present time.

#### 4. **KEY INFORMATION**

##### **Background:**

- 4.1 Babergh has a significant heritage asset well above the national average.
- 4.2 The CDO and the CO along with a part time post (HERS Project Architect) supported by the Sudbury Heritage and Economic Regeneration Scheme form the core of the Conservation Team, which operates across the two Planning Divisions (2.5 FTE). This report details the work undertaken, since the officers have been in post (The CO started in post in June 2003 and the CDO in August 2003) in Appendix A. It also sets out options for the next year (appendix B) and the need for continued commitment to resources to protect and enhance Babergh's special historic environment.

- 4.3 Babergh's State of the District Survey in Autumn 2002, reported in Babergh Matters Summer 2003, states that 90% of respondents thought that improvements to the 'conservation of your heritage' was important. This fell third only to recycling and access to public transport.

#### **Statutory Duties:**

- 4.4 **Listed Building Applications:** The principal control regime is the need for listed building consent for certain works (under Sections 7-10 of the Planning (Listed Buildings and Conservation Areas) Act 1990). This is administered by the local planning authority as a statutory function. Such a rich heritage requires sensitive handling of applications for alteration and extension. Considerable understanding and experience is essential when required to assess such proposals. Despite Babergh's representations to Government, the applications for listed building consent do not attract a fee. If a fee were charged, at one standard rate for planning applications, an additional £40,000 per annum would be generated, which could be invested in further improving Babergh's stewardship of the built environment.
- 4.5 **Conservation Areas:** Sections 69-80 of the Planning (LBCA) Act 1990 imposes statutory duties regarding the designation of conservation areas and the drawing up of conservation area appraisals amongst other things. A Best Value Performance Indicator for the number of conservation areas with a conservation area appraisal was introduced in 2005/06; we currently only achieve 3.5%, only 1 of our 28 conservation areas has an appraisal. This situation will only be able to be improved very slowly with the current resource levels.
- 4.6 **Building Repair Advice:** Sections 47-59 of the Planning (LBCA) Act 1990 impose a statutory duty to prevent the deterioration and damage to listed buildings. To this end advice on the suitable repair of historic buildings is given and appropriate action taken where repairs have not been undertaken (i.e. dealing with buildings at risk) or inappropriate works carried out.
- 4.7 **Local Plan/Local Development Framework:** The Planning and Compulsory Purchase Act 2004 is the latest in a series of Planning Acts which impose a statutory duty to draw up development documents. Conservation and the care of the historic environment are one key theme that runs through the Local Plan and will need to be covered in the new Local Development Framework.

#### **The Historic Asset:**

- 4.8 **Listed Buildings:** Babergh is ranked 9<sup>th</sup> highest in England and Wales in terms of the number of listed buildings per authority (only Mid Suffolk is higher in East Anglia (CIPFA 2003)). Babergh has double the national average of grade I listed buildings, one and a half times the national average of grade II\* and more than double the national average of grade II listed buildings. It is believed that there are further buildings which are unlisted and which are likely to be of sufficient quality to add to the statutory list.

4.9 **Conservation Areas:** Babergh currently has 28, but there are a further possible 13 conservation areas, as suggested in the emerging Local Plan.

4.10 **Historic Parks and Gardens:** Babergh has 5.

4.11 **Buildings at Risk:** Nationally 3.5% of grade I and II\* listed buildings are known to be at risk (Source: English Heritage); 7.6% of these grades are at risk in Babergh (7 buildings). Additionally 18 buildings listed grade II are also at risk.

**Conservation Staffing:**

4.12 Details of staffing have been summarised in section 3.

5. **APPENDICES AND BACKGROUND PAPERS REFERRED TO:**

- (a) Appendix A: Progress To Date
- (b) Appendix B: Future Programme

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**PROGRESS TO DATE**

A.1 The CDO and the CO along with a part time post (HERS Project Architect) supported by the Sudbury Heritage and Economic Regeneration Scheme form the core of the Conservation Team, which operates across the two Planning Divisions. Much of the work undertaken by the CDO was only possible because the CO and Project Officer undertook other significant elements of work.

**Conservation & Design Officer**

A.2 **Buildings At Risk:** Sproughton Mill – A bankruptcy trustee has been appointed and now has possession of the mill. Progress has been made through the courts to try to reclaim Babergh's expenditure.

A.3 Three grade II listed buildings on the Suffolk Buildings at Risk Register will have been repaired by April, when the County list is reviewed. Additionally, Freston Tower has been removed from the national register following the Landmark Trust's successful renovation. Work is progressing to remove other buildings from the register, but given the magnitude and nature of the problem it often takes several years to make any significant progress.

A.4 Following a reassessment of buildings at risk within the district around 20 other buildings will be added to both the local and national lists in 2005, giving a more accurate picture of the condition of our buildings.

A.5 **Regeneration/Enhancement/Grant Schemes:** The Sudbury HERS is progressing well, with spending on target for the final year of the scheme (2005/06). North Street has been successfully completed and Gainsborough Street works are on site. To date £170,000 of additional funding for the environmental enhancement works has been secured. The HERS Project Architect runs the building grant scheme; to date 9 buildings have been repaired with 3 in progress and a further 7 grants offered.

A.6 **Glemsford HERS:** The scheme finished in March 2004. 30 properties have been improved and environmental enhancement works achieved.

A.7 **Other sources of funding** for different projects have been investigated. From 2006-7 English Heritage will no longer be operating HERS across the country. There is no indication yet of whether funding will be available for other similar types of scheme and future project funding is therefore uncertain. Several members of the public have been advised on funding appropriate to their needs.

A.8 **Conservation Areas:** The work to undertake the review and/or designation of a conservation area is significant. The first step is to assess what is there (character) and why it is there (history).

A.9 **Review of Nayland:** The Local List for Nayland with Wissington (adopted 14.9.04) was researched largely by the Nayland with Wissington Conservation Society and is a good example of community involvement in shaping their

environment. The Conservation Area Appraisal was adopted on 24<sup>th</sup> February 2005. The Local List and the Appraisal for Nayland identify what is special about the village and will be used to inform any decision on the implementation of an Article 4(2) Direction and in development control.

- A.10 **Creation of a conservation area at Wherstead:** This is at the initial stage of assessment for the designation of a conservation area. Significant progress on designation of any new conservation area will be dependant on the adoption of Babergh's Local Plan and the speed of progress on the new Local Development Strategy, as specific documents need to be in place prior to the designation or alteration of a conservation area boundary.
- A.11 **Local Plan:** The conservation input to the inquiry was complete on 8/2/05. The inquiry closed in April 2005. Further policy input will be needed in the Local Development Documents in the future.
- A.12 **Advice on Listed Building Repairs:** Advice has been given to owners wishing to repair their buildings, both on listed and other historic buildings.
- A.13 **Submission of Spot Listing Requests:** 2 building preservation notice has been put in place, protecting an ancient wall from demolition and a farmhouse from inappropriate alteration whilst the Department of Culture Media and Sport consider listing the property. 4 other requests for listing have been made, the results of which are awaited. Advice has been given as to whether other buildings would comply with the criteria set; several buildings would fail the test.
- A.14 **Advice on Highways Schemes:** The A131 Sudbury scheme has been revised following the highway safety audit. Following public consultation and a trial of the scheme it is hope that the works on Cross Street will be undertaken in 2005-6. Work on the A131 at Ballingdon Street is complete and highway work to the western end of Gainsborough Street is also likely to have been completed. Works to enhance Higham and part of Hadleigh High Street have also been commented on and supported with modest grants to improve the conservation value of the scheme.
- A.15 **Other work:**
- The Government are undertaking a significant review of the conservation and planning legislation and procedures and regulations. Comments have been provided in response to these consultations.
  - Guidance has been produced for the public on Listed Buildings, Conservation Areas, Article 4(2) Directions and Local List buildings (available as leaflets and on the web).
  - The Local List for Sudbury has been adopted. Work will start on the compilation of lists for Hadleigh and Lavenham shortly, again with research by volunteers.
  - Involvement with large applications, which, have a significant impact on the historic environment and/or urban design issues. Advice on general design

issues to development control staff. Specialist advice has been provided to aid enforcement work.

- The remaining part of the Disability Discrimination Act 1995 came into force in October 2005, a press release was issued explaining the impact of this on listed buildings and buildings within a conservation area.
- The CDO has taken on the roles of Historic Environment and Design Champions in response to English Heritage and the Commission for Architecture and the Built Environment.
- The Conservation Area boundary of Sudbury was reviewed and several additional areas included, as part of the Sudbury Heritage Economic Regeneration Scheme.
- Member training on conservation and design has been undertaken.

#### **Conservation Officer (Development Control)**

A.16 Customer expectations are high with owners of listed buildings and the nature of the work invariably requiring a substantial input of officer time on site rather than in the office. ODPM guidelines on best practice (March 2005) stress the importance of pre-applications discussions as ‘an essential element of the process’ and to this end the CO attended 182 site meetings with listed building owners in 2004 alone. This investment of time however reaps benefits for both the customer and the Council, with the result being both better quality submissions and proposals with an increased degree of acceptability.

A.17 A 24% increase in the number of approvals for listed building consent was experienced in 2004. Concurrently the number of refusals issued was reduced by 25% against the previous year. The implications of the new post are apparent in that, despite a 21% increase in the listed building workload within the division in 2004 alone, there was increased customer satisfaction in listed building matters. This coupled with, a reduction in time and costs relating to unsatisfactory submissions, post-refusal negotiations and appeals, and an more opportunity therefore of meeting Government targets for the Planning Control division. Further details are shown in Table 1.

A.18 The development control work of the CO accounts for approximately 90% of his time. The remainder is spent firstly in advising other Development Control Officers on their listed building workload, and secondly in undertaking training of staff within the division on related matters and dealing with enforcement related issues. The continued advice and guidance given by the CO to other DC Officers has importantly allowed the CDO to concentrate on other priorities as originally envisaged and as highlighted elsewhere in this report.

A.19 The CO has to date given 4 seminars out of a planned 7 to DC Officers to assist with their training. Topics covered to date include 'Local Style', 'Preservation Law', 'The Statutory List' and 'Listed Building Consent'. Further seminars have been given to administration staff within the Division.

**Table 1**

	<b>Average per Authority (England)</b>	<b>Babergh</b>
Total number of listed buildings	1849	3907
Percentage of listed buildings which are Grade I and II*	6.0%	8.3%
Number of applications received in 2004 for Listed Building Consent	68	318 (263 in 2003)
	Babergh	
Applications for Listed Building Consent received in 2004 (compared with 2003)	+21%	
Approvals of Listed Building Consent in 2004 (compared with 2003)	+24%	
Refusals of Listed Building Consent in 2004 (compared with 2003)	-25%	
	2004	First quarter of 2005
Pre-application meetings with owners of listed buildings/architects for LB works	182	46 (If current trend continues projection for 2005 = 184)
Applications handled by CO	134	47 (If current trend continues projection for 2005 = 188)
Applications for LBC handled by CO	86	30 (If current trend continues projection for 2005 = 120)
Applications for LBC handled by CO determined in 8 weeks	56%*	100%*

\* Omitting applications with Statutory Notification to Secretary of State.

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**FUTURE PROGRAMME**

- B.1 The following future programme develops from Paper B310, changes to the planning system, statutory requirements on the Conservation Team, requirements from English Heritage.
- B.2 **Buildings At Risk:** To continue the process to retrieve monies expended and to seek a secure future for Sproughton Mill. To continue to work with the owners of Buildings At Risk to repair and find new uses for these buildings. To take action as necessary to secure these buildings. To keep the list of buildings on the register up to date.
- B.3 **Sudbury HERS:** The environmental enhancement works should be complete by summer 2005. Historic building grants will continue to be offered until 31/03/06 or until the funds run out, the works to these buildings must be complete by 31/03/07. The English Heritage match funding for the HERS Project Architect will come to an end with the scheme.
- B.4 The making of an Article 4(2) Direction for the conservation area will be considered in 2005 as part of the agreed HERS Action Plan, as required by English Heritage.
- B.5 **Conservation Areas:** The number of conservation areas, the percentage of those areas with an appraisal and the percentage of areas with published management proposals (BV219a-c) will be a Best Value Performance Indicator from 2005/06. 3.57% (1) of our 28 conservation areas have an appraisal, which includes management proposals in brief.
- B.6 The review of any conservation area will be restricted due to the changes in the planning system (see Appendix A). The adoption of any appraisal would need to be done under the new Local Development Framework, with appropriate documents on consultation in place. Therefore adoption could not be undertaken until at least 2007.
- B.7 The boundary for Sudbury Conservation Area has recently been revised. There is significant development pressure in the town and the benefit provided by undertaking an appraisal here would be significant. It is proposed that as much as possible of the research work is undertaken (character and history) on Sudbury in the interim. If time allows other conservation areas with development pressure should follow, in priority order: Lavenham; Hadleigh; Long Melford; Stoke by Nayland; East Bergholt; and, Boxford.
- B.8 The making of an Article 4(2) Direction for the Nayland Conservation Area will be considered in 2005.
- B.9 **Local Plan/Local Development Scheme:** Conservation input into the Local Plan up to its adoption will be undertaken as required.

B.10 The additional requirements for conservation of the new Local Development Scheme will be investigated. However, work to review conservation policies and supplementary planning guidance (document) is likely to require a significant input from mid 2006.

B.11 **Development Control:** the Conservation Officer will continue to deal with applications for listed building consent and planning applications with significant conservation impact and be the Council's main adviser on conservation in this area.

B.12 **Other areas of work:**

- Other grant aid will be sought where relevant programmes exist. This however, is likely to require a matching financial commitment from Babergh.
- Spot Listing requests will be made where there is evidence that a building will qualify under the government's criteria.
- Advice on listed building repair and highways schemes within a conservation area will continue to be given.
- Further training for the development control staff will be undertaken to complete the programme.
- Work will start on the compilation of the Local Lists for Lavenham and Hadleigh shortly, again with research by volunteers.
- To seek to ensure that the electronic records regarding the heritage asset are accurate and up to date. Currently very few of the listed building descriptions are entered on to an electronic database.
- Reply to government consultations on changes to the Heritage Protection Regime. A new White Paper on Heritage is expected in 2006.

**Table 2: Summary of Programme 2.5 FTE**

<b>Major Work Areas</b>	<b>Timetable</b>	<b>Officer</b>
Buildings At Risk	On going	CDO
Sudbury HERS - Environmental Enhancement	Complete Summer 2005	CDO
Sudbury HERS - Buildings Grant	Offered by 31/3/06 Complete by 31/3/07	HERS Arch.
Sudbury HERS - Article 4(2) Direction for Sudbury	2005	CDO
Conservation Areas - Sudbury research	Summer 2005- 2007	CDO
Conservation Areas - Preparation Lavenham/Hadleigh	By 2009	CDO
Conservation Areas - Article 4(2) Direction for Nayland	2005	CDO
Local Plan/LDS (major involvement)	mid 2007 onwards	CDO

Development Control including pre-application advice, determining applications and appeals on listed buildings and associated planning applications	On going to 31/5/06	CO
<b>Significant Other Work</b>		
Seeking grant aid	On going	CDO
Spot listing requests	On going	CDO
Advice on listed building repair	On going	CDO
Advice on highways schemes in a conservation area	On going	CDO
Training of development control officers and administration staff	Complete June 2006	CO
Development Control advice	From 1/6/06	CDO
<b>Other Work</b>		
Local Plan/LDS	2005-Mid 2007	CDO
Local Lists for Lavenham and Hadleigh (volunteer input required)	By end 2005?	CDO
Reply to government consultations on changes to the Heritage Protection Regime	Significant changes expected over next few years	CDO/CO
Enforcement	On going	CDO/CO
Electronic records	None	None allocated

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