

# North Tyneside Council

## Report to Cabinet

Date: 26 June 2023

Title: Draft Northumberland Square Conservation Area Management Strategy Supplementary Planning Document

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Portfolio(s): Deputy Mayor

Cabinet Member(s): Cllr Carl Johnson

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Report from Service

Area: Planning and Strategic Transport

Responsible Officer: John Sparkes

Tel: (0191) 643 6091

Wards affected: Riverside, Tynemouth

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### PART 1

#### 1.1 Executive Summary:

The draft Northumberland Square Conservation Area Management Strategy Supplementary Planning Document (CAMS) has been prepared to support the delivery of the High Streets Heritage Action Zone (HAZ) scheme for the Northumberland Square conservation area in North Shields town centre. Historic England identified preparation of the CAMS for this area as one of the conditions for funding support.

The draft CAMS recommends how the conservation area can be preserved and enhanced through:

- identifying regeneration and enhancement opportunities,
- advising on the management of public realm, green spaces and trees,
- identifying the area's heritage assets and considering a review of the conservation area boundary,
- setting out design principles,
- advising on good maintenance and repair, and
- advising on monitoring and enforcement

It is proposed that the CAMS would be adopted as a Supplementary Planning Document (SPD), giving it considerable weight in planning decisions affecting the conservation area. Its preparation is in line with the relevant legislation, and national and local planning policy and guidance. As part of this, it must be subject to a six-week public consultation process. The Planning team have worked with the Authority's Engagement team to develop a suitable public consultation exercise.

Following the conclusion of the six-week public consultation process, it is proposed that Cabinet receive a further report setting out any proposed amendments to the CAMS that there may be as a result of the consultation responses received, and to seek Cabinet's approval for its adoption as an SPD.

## **1.2 Recommendation(s):**

It is recommended that Cabinet;

- (1) Approve the content of the Draft Northumberland Square Conservation Area Management Strategy Supplementary Planning Document included at Appendix 1 of this report; and
- (2) Approve publication of the Draft Northumberland Square Conservation Area Management Strategy Supplementary Planning Document for public consultation, as outlined under section 2.3 of this report.
- (3) Agree to a further report being received by Cabinet at the conclusion of the public consultation process when Cabinet will be asked to consider any amendments to the Draft Northumberland Square Conservation Area Management Strategy and to approve the adoption of the Draft Northumberland Square Conservation Area Management Strategy.

## **1.3 Forward Plan:**

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 18 May 2023.

## **1.4 Council Plan and Policy Framework**

This report relates to the following priority in the 2021 to 2025 Our North Tyneside Plan:

A thriving North Tyneside – In supporting the strategy for regeneration in North Shields.

## **1.5 Information:**

### **1.5.1 Background**

1.5.2 The draft CAMS has been prepared to support the delivery of the High Streets Heritage Action Zone (HAZ) scheme for the Northumberland Square conservation area in North Shields town centre. Historic England identified preparation of the CAMS for this area as one of the conditions for funding support. The funding forms part of a £2.46million project, which includes an Authority contribution of nearly £1million, to revitalise the Northumberland Square Conservation Area, focused on Howard Street and Northumberland Square. The HAZ scheme has supported many physical improvements to the built environment, including the redevelopment of Northumberland Square, public realm improvements along Howard Street and refurbishment to several properties within the area. A significant number of community-based cultural projects including high-quality workshops, oral history projects and public performances have also been supported.

1.5.3 The Northumberland Square HAZ and preparation of the CAMS consequently form an important contribution to the delivery of the North Shields Masterplan – a key priority for the Authority.

### **1.5.4 Status of the CAMS**

1.5.5 Local planning authorities have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of their conservation areas<sup>1</sup> and from time to time to formulate and publish proposals for the preservation and enhancement of those areas<sup>2</sup>. Historic England recommends that this could be through the preparation of character appraisals and management strategies. Character appraisals generally describe the significance of conservation areas and act as evidence in planning policy and development management decisions. Management

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<sup>1</sup> Planning (Listed Buildings & Conservation Areas) Act 1990, s.72

<sup>2</sup> Planning (Listed Buildings & Conservation Areas) Act 1990, s.71

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

- 1.5.6 It is standard practice to adopt management strategies as SPDs, as defined in the relevant planning regulations<sup>3</sup>. An SPD 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. The relevant planning policies in this case are within the adopted North Tyneside Local Plan (2017), primarily those relating to the management of heritage assets and North Shields town centre. The SPD would be regarded as a material planning consideration in the determination of relevant planning applications and will be afforded considerable weight.
- 1.5.7 Subject to Cabinet’s agreement to the commencement of a six-week public consultation process as outlined at section 2.3. of this Report, it is proposed that Cabinet receive a further report setting out any proposed amendments to the CAMS as a result of the consultation responses received, and to seek approval for its adoption as an SPD by Cabinet.
- 1.5.8 Production of the draft CAMS is in line with national planning policy, contained in the National Planning Policy Framework (2021), that encourages strategies “for the conservation and enjoyment of the historic environment”.
- 1.5.9 Role of the CAMS
- 1.5.10 The draft CAMS 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 any applications for external funding. The Authority adopted similar SPDs for the Fish Quay Conservation Area (2012) and Tynemouth Village Conservation Area (2014) that have proved key documents in guiding positive decisions in those areas.
- 1.5.11 The draft CAMS recommends how the conservation area can be preserved and enhanced through:
- identifying regeneration and enhancement opportunities,
  - advising on the management of public realm, green spaces and trees,
  - identifying the area’s heritage assets and considering a review of the conservation area boundary,
  - setting out design principles,
  - advising on good maintenance and repair, and

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<sup>3</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

- advising on monitoring and enforcement.

1.5.12 A full copy of the draft CAMS is attached at Appendix 1. As part of the development of the draft CAMS, and in accordance with the relevant Regulations, the Authority has also undertaken screening exercises to establish whether it would result in likely significant effects to the environment and to habitats and species of European nature conservation importance. The respective Screening Statements are attached at Appendix 2 and 3 of this report.

## 1.6 Decision options:

The following decision options are available for consideration by Cabinet:

### Option 1

Approve the recommendations as set out in section 1.2 of this report.

### Option 2

Not to approve the recommendations as set out in section 1.2.

Option 1 is the recommended option.

## 1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

Production of a CAMS is a condition of the recent Historic England HAZ finding for the area. Its production 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. It will guide planning, regeneration and other development and management decisions in the conservation area, building on recent positive change in the area.

## 1.8 Appendices:

Appendix 1: Draft Northumberland Square Conservation Area Management Strategy Supplementary Planning Document, May 2023

Appendix 2: Draft Northumberland Square Conservation Area Management Strategy Supplementary Planning Document, Strategic Environmental Assessment Screening Statement, May 2023

Appendix 3: Draft Northumberland Square Conservation Area Management Strategy Supplementary Planning Document, Habitat Regulations Assessment Screening Statement, May 2023

## 1.9 Contact officers:

John Sparkes, Director of Regeneration & Economic Development, 0191 643 1441  
Laura Craddock, Principal Planner, Planning, 0191 643 6310  
Martin Craddock, Team Leader Planning Policy, Planning, 0191 643 6329

## 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 Local Plan, North Tyneside Council (2017)  
<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/North%20Tyneside%20Local%20Plan%202017-2032.pdf>
- (2) National Planning Policy Framework, Ministry of Housing, Communities and Local Government (2021)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)
- (3) Northumberland Square Conservation Area Character Appraisal, North Tyneside Council (2020)  
[https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Northumberland%20Square%20Character%20Appraisal%202020\\_0.pdf](https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Northumberland%20Square%20Character%20Appraisal%202020_0.pdf)
- (4) North Shields Town Centre & Fish Quay Masterplan, North Tyneside Council (2021) <https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/North%20Shields%20Masterplan%2016012021.pdf>
- (5) The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)  
<https://www.legislation.gov.uk/uksi/2012/767/contents/made>

- (6) The Planning (Listed Buildings and Conservation Areas) Act 1990  
<https://www.legislation.gov.uk/ukpga/1990/9/contents>
- (7) The Environmental Assessment of Plans and Programmes Regulations 2004  
<https://www.legislation.gov.uk/uksi/2004/1633/contents/made>
- (8) The Conservation of Habitats and Species Regulations 2017  
<https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

- 2.1.1 The draft CAMS will be available via the Authority's website and will also be available in hard copy by request from the Planning Service. Letters will be sent to addresses within the conservation area boundary to inform of the consultation. Consultation materials will be required. Some printing, postal and graphic support costs will be incurred; these are estimated to be small and would be met from existing budgets.
- 2.1.2 The draft CAMS could be used to support for future external funding bids in order to assist in the implementation of the strategy. Those funding bids would be subject to further reports where they require any element of match funding.

### **2.2 Legal**

- 2.2.1 The report sets out the legal status of the draft Management Strategy Supplementary Planning Document which would become a Supplementary Planning Document on its adoption. If adopted, the SPD would become a material consideration in the determination of planning applications and appeals.
- 2.2.2 As the draft Management Strategy Supplementary Planning Document is not a development plan document, its approval and adoption is a matter for Cabinet and not full Council, as is made clear by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

### **2.3 Consultation/community engagement**

- 2.3.1 Internal Consultation – As part of its preparation, the draft CAMS has been subject to consultation with a range of teams within the Council, including Highways, Public Health, Biodiversity, Culture, Environment and Safer Neighbourhoods.
- 2.3.2 External Consultation/Engagement – In accordance with best practice, and the relevant regulations and legislation, the draft SPD must be subject to at least six weeks’ consultation and will involve:
- Consulting via letter all properties within the conservation area (419 addresses),
  - Consulting via email a range of statutory and non-statutory consultees,
  - Making the draft CAMS available for viewing on the Council’s website, at Quadrant and North Shields Customer First Centre and in hard copy on request,
  - Holding a drop-in session at North Shields Customer First Centre, where interested parties could discuss the draft CAMS with Planning and Regeneration team members.
  - Consultation information and response form on the Have Your Say section of the Council’s website.
  - News release.
  - Social media post.
- 2.3.3 Prior to its commencement, the engagement exercise will be subject to an Equalities Impact Assessment.
- 2.3.4 The consultation is being supported by the Authority’s Engagement team. If approved by Cabinet, it is expected that the consultation would begin in July 2023 and end after six weeks in August/September 2023.
- 2.3.5 All consultation responses received will be used to inform the content of a final CAMS that will be presented to Cabinet for adoption as an SPD later in 2023.

## **2.4 Human rights**

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

## **2.5 Equalities and diversity**



- 2.5.1 The draft CAMS has been formulated having regard to the public sector equality duty imposed on the Authority by section 149 of the Equality Act 2010.
- 2.5.2 The draft CAMS sets out recommendations on how any physical change proposed within the conservation area could be carried out to preserve or enhance character and appearance. Any such work would be subject to the usual considerations, commitments and standards relating to protected characteristics.
- 2.5.3 The Planning team have worked with the Authority's Engagement team to develop a suitable public consultation exercise.

## **2.6 Risk management**

- 2.6.1 The draft CAMS 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**

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

## **2.8 Environment and sustainability**

- 2.8.1 Conservation practice and the objectives of the draft CAMS are consistent with the aims of promoting environmental sustainability as they advocate, for example, the repair and re-use of buildings and materials, good design and protection of open spaces.
- 2.8.2 The draft CAMS has been subject to a screening exercise to establish whether it would result in "significant effects" as defined by the Environmental Assessment of Plans and Programmes Regulations 2004. A Screening Statement has been prepared that recommends that the draft CAMS is unlikely to have significant effects on the environment. Statutory consultees the Environment Agency, Historic England and Natural England will be

consulted on the Statement in conjunction with the draft CAMS. The SEA Screening Statement is available at Appendix 2.

2.8.3 Under the Conservation of Habitats and Species Regulations 2017, a Habitats Regulations Assessment (HRA) screening exercise has been carried out to determine if the draft CAMS would give rise to likely significant effect upon habitats and species of European nature conservation importance. A Screening Statement has been prepared that recommends that the draft CAMS is unlikely to have significant effects. Statutory consultees the Environment Agency, Historic England and Natural England will be consulted on the Statement in conjunction with the draft CAMS. The HRA Screening Statement is available at Appendix 3.

### PART 3 – SIGN OFF

- Chief Executive  X
- Director(s) of Service  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Assistant Chief Executive  X