

To: City Executive Board

Date: 20th May 2009

Item No:

Report of: Head of City Development

Title of Report: Conservation and the Historic Environment

Summary and Recommendations

Purpose of report: To advise the City Executive Board on motions agreed by Council on 30th June 2008 and 19th January 2009 on the management of trees across the city and a proposed conservation area for Jericho.

Key decision? No

Executive lead member: Councillor Colin Cook

Report approved by:

Executive Director: Mel Barrett

Finance: Christopher Kaye

Legal: Lindsay Cane

Environmental Development: John Copley

Policy Framework: Corporate priorities, legislation, national advice and guidance, Local Development framework.

Recommendation(s): The City Executive Board is asked:

- 1) To agree to create a conservation area for Jericho, when resources permit.
- 2) To support the principle of the preparation of a Heritage Strategy and a Tree Strategy for the City.
- 3) To agree that officers should seek external funding towards this work.

Background

1. Two Council motions, of 30th June last year and 19th January this year proposed steps to secure more effective management of aspects of Oxford's built and natural environment that are valued by local communities:

- i. Increase the extent of tree and shrub planting in development projects that have planning permission
 - ii. Monitor and be proactive in securing implementation of approved landscaping schemes and support exemplar schemes
 - iii. Designate Jericho as a conservation area
2. The full text of the approved motions is attached as **Appendix 1 and 2**. This report explains the relevant policy framework, explains current project initiatives, and the extent of work and resources involved. In respect of trees this report addresses those matters where City Development has a responsibility through development control. The Parks Services have a role in managing the Council's own tree stock and parks & gardens but this is not discussed here.

Policy

3. Embedded in the Local Development framework and the Council's own corporate priorities is the recognition of the importance of the natural and built environment, including the public realm, to the quality of people's lives and well being. Development control policies seek to ensure that existing landscape features, especially trees and shrubs, are retained and enhanced, and that new planting is introduced where appropriate.
4. For the built environment, respecting existing character and delivering quality developments is a high priority. Legislation is available to ensure that important elements which contribute to existing quality and character, can be protected. Tree Preservation Orders are used to manage the public amenity value of trees, and Conservation Areas are designated to recognise areas that have special architectural or historic interest. .

Current situation and developing an evidence base

5. To be effective, decisions on managing trees need to be informed by an evidence base that sets out the nature and extent of the city's tree population, its vulnerability, and the opportunity for enhancement. Similarly before a new Conservation Area can be proposed, evidence needs to be available about the historic environment, the character and appearance of historic areas, their vulnerability and the opportunities for enhancement.
6. There is some work already completed, such as the Character Study of Oxford in its Landscape Setting (LUC 2001), commissioned by English Nature, which has informed the Local Plan policies and Local Development Framework and is a useful tool in helping to assess the character of the landscape and townscape. It recommends further studies – particularly an Urban Tree Strategy to help identify priorities for planting and management of trees.
7. Work is in progress to develop character appraisals for all our existing 16 conservation areas (covering 20% of the city), to help inform decisions on the management of change. Just over half of our conservation areas now have a completed or draft appraisal in place. A project is also underway, in partnership with English Heritage, to develop a robust methodology for

describing and evaluating the character and significance of a place – historic or otherwise (*capacity building project for Heritage management*)

Tree matters (Council motion 30th June - Item 34.b)

8. Currently, the Council's Officers critically review landscape proposals which form part of a proposed development and seek to ensure that new trees are planted wherever this is appropriate and reasonable given the circumstances of the development.
9. The desirability to retain and plant additional trees has to be balanced against other council priorities and policies (for example use of brownfield sites, efficient use of land) (motion b (1)). We currently seek to secure the right balance and support exemplar schemes. There is the opportunity to celebrate success through the Oxford Preservation Trust annual Amenity Award scheme. (motion b(2)).
10. A 'considerable' number of new trees are planted in the city each year as a result of development being granted planning permission, much of which is 'added value' that would not take place if officers did not insist on it in negotiations with developers. However, without a city-wide evidence base about the nature and extent of the tree resource in different parts of Oxford, and without establishing priorities it is not possible to set targets for the number of trees that should be planted at any given site. (motion b(1)). Similarly without such an evidence base it is not possible to produce an annual monitoring report.
11. There is no evidence locally to suggest that landscaping schemes are not implemented as part of a development. Oxford is fortunate to have alert and observant local communities whom we can rely on to advise if a development is not proceeding as planned. This helps officers to ensure that conditions about tree planting and tree protection are complied with. More proactive enforcement would have a significant impact on the delivery of other aspects of the planning service. (motion b(3)).
12. The City Council has been undertaking a survey of trees in its ownership and so information is now available for street trees and trees standing within some of the Council's parks and open spaces. However, by far the greatest proportion of trees in the City stand on private land and more information is needed on the nature and extent of the resource in private ownership. Information is also needed about the constraints on planting trees on land in public ownership. A city wide Tree Strategy is needed to consider these matters to establish the evidence base described above, priorities for action and set targets for performance. Action without a city-wide understanding of the issues, priorities, or costs involved, risks failure.
13. In any event there is no resource available to carry out the work requested in the Motion. Members of staff dealing with tree and landscape matters are currently fully committed in managing a caseload of applications for consent to do work to trees, responding to requests to protect trees, and

advising on landscaping schemes. To produce monitoring reports and to be more proactive in encouraging tree and shrub planting will mean a reduction in the service that is currently provided. Given that the service is already pared down to deliver on the minimum statutory requirements, to reduce it further would put the protection of existing trees and managing the implementation of landscaping schemes at risk with a concurrent risk of customer complaints and ombudsman investigations.

14. Motion b (4) requests that a letter is sent to the two Oxford MPs asking them to support tree planting and raise the matter in Parliament. In the light of the discussion above it is suggested that it would not be appropriate to do this.

Conservation Area for Jericho (Council motion 19th January – item 105e)

15. A Conservation Area can be designated if the Council considers an area has special architectural or historic interest that it wants to preserve and enhance. It is not appropriate to designate an area for the sole purpose of stopping or controlling change. The Government's guidance on the process and procedures for designation are very clearly stated in PPG15 *Planning and the Historic Environment*

- The City Council needs to form a judgement on whether the area is special and define that special interest to be able to justify designation
- Definition is derived from an assessment of all the elements that contribute to, or detract from, the area.
- The resources needed to carry out this work, the public consultation, administration of conservation area controls, (post designation), and the formulation of policies for a new area is a relevant consideration. *'Without follow up designation is unlikely to be effective in itself'* (paragraph 4.5 PPG15).
- An authority's justification for designation, as reflected in its assessment, is a factor a planning inspector will take into account in considering conservation area consent and planning appeals (an area that is designated without the assessment will be more difficult to justify, may be vulnerable, and will carry less weight in decision making).

16. The government also asks Councils to establish consistent local standards for designations, to reduce the risk of devaluing the whole concept. The existing 16 conservation areas cover 20% of the city and the areas designated have particular qualities that are unique – the city core, the rural villages, the ancient suburbs, and the garden suburbs. There are other parts of the City like Jericho that represent evidence of the C19th/20th growth of the city, each with their own unique history – for example New Hinksey, East Oxford, and Morrell Avenue. It would be inconsistent to consider one area without considering the importance and value of all these similar aged suburbs. (This issue has been explained in a letter from the Chief Executive to Evan Harris MP, see **Appendix 3**). The Character Study of Oxford in its Landscape Setting (LUC study (2002)

recommends that a heritage strategy, to include an analysis of the character, condition and vulnerability of Oxford's Townscape, should be prepared to generate an appropriate management strategy and priorities.

17. Current studies on conservation areas are only possible through funding from English Heritage (EH). (An appraisal can take 12 months to complete, depending on extent and complexity). At the moment this funding does not allow the Council to extend the scope of the EH project. There is no other resource currently available to undertake this work.

Resource implications of Council motions

18. To implement the suggestions in the Motion about tree planting would involve up to two days a week additional work. This will represent an ongoing commitment year on year and is estimated to cost in the region of £10-15K. This cost is not budgeted for and without any evidence base or strategy as a framework and to decide priorities, we may deliver very few positive results and be very inefficient in the resources we use.
19. To prepare an assessment of Jericho, consult with the local community and consider Jericho for designation as a conservation area as requested by the Motion it is estimated would require in the region of £30-40K. There is currently no budget for this, and if an area is designated there would be an ongoing management commitment that could not be absorbed within existing resources (it is difficult to quantify the ongoing cost without the assessment of the area).
20. To implement any new project over and above what the service already provides has a cost attached to it. There is no allocation included in this year's budget to make provision for implementation of these proposals. However, this year efforts will be made to seek external funding and in the preparation of the 2010/11 budget a bid will be made as necessary. We will engage with the local community to understand what offers of assistance they consider they might be able to make.

Two new strategies

21. Officers are very aware of the underlying concerns that have led to the proposal of these two Motions. However, it is suggested that these matters are better addressed through a city-wide and comprehensive approach, rather than more piecemeal actions as sought by the Motions.
22. The Character Study of Oxford in its Landscape Setting (LUC study (2002) recommends that a Heritage Strategy, should be prepared to generate an appropriate management strategy and priorities (to include an analysis of the character, condition and vulnerability of Oxford's Townscape). This should be the first step towards reviewing the Council's protection regime for the historic environment of Oxford, so that there can be priorities set and consistency and clarity in decision-making.
23. A strategy will assess the significance of Oxford's heritage assets, how current resources are used and how effective these are in sustaining the

historic environment. It will examine the dynamics of our changing city and the potential impacts on the historic environment, identifying areas that are vulnerable. Effective management of the historic environment needs to be co-ordinated with other Council strategies. In a climate where resources are scarce the strategy will be an essential tool to identify priorities for action, source external funding and deliver results.

24. Components of a Strategy might include

- development and application of policy guidance
- mechanisms for monitoring change
- considerations of the resources needed to sustain the historic environment
- priorities for action and coordination with other initiatives e.g. regeneration

25. The LUC study recommends also that a Tree Strategy should be prepared to help identify priorities for planting and management of trees.

26. Currently officers are exploring potential sources of external funding to undertake there two strategies – working with English Heritage, West End Partnership, Oxford Preservation Trust and other partners because there is not the capacity within the service at present to undertake any new projects without such additional resources. It is estimated that each strategy would require 8 –12 months work and cost in the region of £30-40K. This would be for collecting an evidence base, testing, preparation of each strategy and consultation.

27. Officers have had fruitful discussions to date and hope that one if not both projects can be commenced this financial year.

Legal Implications

28. Not pertinent to this report although the main tree and conservation services are creatures of statute

Risk Management

29. One of the reasons that the requests set out in the Motions to undertake the work cannot be implemented immediately is to manage the potential risks that would be placed on the Service Budget. A risk assessment has been undertaken and the risk register is attached as **Appendix 4**. All risks have been mitigated to an acceptable level.

Equalities Implications

30. If and when new Strategies are prepared the appropriate equalities assessments will be undertaken.

Climate Change Implications

31. Retention of trees and new planting are inherently good practices to mitigate the adverse impacts of climate change. As too is the retention and re-use of existing buildings

Conclusion

32. A Heritage Strategy and a Tree Strategy will be important tools to help inform and manage priorities. As explained officers are currently exploring sources of external funding to help set up these projects and deliver these strategies as there is not the funding in existing or future budgets to undertake the work. While there is currently no resource available within the service to progress a conservation area for Jericho, nevertheless officers will pursue alternative sources of funding to achieve the intentions of the Motion.

Recommendation

33. The City Executive Board is asked:

- i. To agree to create a conservation area for Jericho, when resources permit.
- ii. To support the principle of the preparation of a Heritage Strategy and a Tree Strategy for the City
- iii. To agree that officers should seek external funding towards this work.

Name and contact details of author:

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List of background papers:

PPG15 *Planning and the Historic Environment*

Guidance on the Management of Conservation Areas. English Heritage 2006

Guidance on Conservation Area Appraisals.

English Heritage 2006

Letter to Evan Harris MP.

November 2008.

Version number: 5

(b) Planning and the Public Environment

Councillor Fooks seconded by Councillor McCreedy moved the following Motion on Notice:-

"This Council notes:-

- (a) That green and brown spaces - whether commercial developments or publicly owned, well-planted local streets and roads, and blooming private gardens - are all integral components of a modern sustainable community.
- (b) That trees and shrubs contribute to the control of climate change effects (e.g. absorbing rainfall, anchoring riverbanks), to a better environment (visual, air, and sound), to reducing violence and to improving quality of life.
- (c) That national statistics suggest landscaped areas have been reduced by 50% in new development plans compared with 10 years ago and that only 50% of the landscapes specified in planning applications are being delivered.
- (d) That developers are failing to deliver local enhancements of the environment through their failure to deliver adequate landscaping projects.

Council therefore wishes there to be a greater emphasis on the need for adequate planted green space in all planning applications.

Council resolves to:-

- (1) Ask the Head of City Development to report upon increasing the amount of tree and shrub planting required within planning approvals.
- (2) Support exemplar schemes which reflect the importance of green space and green planting on both public and private land, including the use of planting to improve the council owned streetscene.
- (3) Ensure, using enforcement powers, that the planting required by planning approvals is actually installed and maintained.
- (4) Require the annual monitoring report to include a section on the planting required and installed.
- (5) Write to Oxford's two MPs asking them to support the principle of more, properly maintained, planting of trees and shrubs and raise the issue within Parliament."

M23

Following debate Councillor Fooks, with the agreement of her seconder and Council withdrew resolution (4) of her Motion.

Council then voted upon the amended substantive Motion, as follows, and this was carried, more members voting in favour of the Motion than voting against it:-

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- (c) That national statistics suggest landscaped areas have been reduced by 50% in new development plans compared with 10 years ago and that only 50% of the landscapes specified in planning applications are being delivered.
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- (4) Write to Oxford's two MPs asking them to support the principle of more, properly maintained, planting of trees and shrubs and raise the issue within Parliament."

e) **Proposed Jericho Conservation Area**

Councillor Morton seconded by Councillor Dhall moved the following Motion on Notice:-

“Given that:-

- (1) There is considerable and growing pressure for Jericho to be declared a Conservation Area;
- (2) Jericho is under growing threat from the encroachment from developers;
- (3) Jericho is a thriving and integrated community;
- (4) Jericho is a much loved example of post industrial Victorian architecture in the City centre, linking the canals, the old iron foundry, the Oxford University Press with the City and is also the birthplace of the Pre-Raphaelite art movement and Oxford’s industrial heritage,

Council invites the Executive to agree to formally consider declaring Jericho an official Conservation Area.”

The Motion was adopted by Council with two members voting against.

Dr Evan Harris MP
House of Commons
London
SW1 0AA

Date:
Your ref:
My ref:
Please ask for: Peter Sloman
Extension:
Direct Dial:
Email:

Dear

Re: A conservation area for Jericho

Thank you for your letter dated 3rd September 2008 about designating a conservation area for Jericho.

We regularly receive requests to designate parts of Oxford as a conservation area, and Jericho is by no means the only one.

A decision to designate a conservation area is a major policy decision that has significant consequences for both house owners and the City Council and should not be taken lightly. There is clear advice from both English Heritage and the Government that only areas which are demonstrably of '*special architectural or historic interest*' in the local or regional context should be designated.

Deciding which areas are of '*special interest*' is a matter of judgement for the local authority and is based on the degree of architectural or historic interest in the context of the character of all areas within its boundary. There are already 16 conservation areas covering approximately 20% of the city. Those areas not included are predominantly suburban developments of the 19th and 20th centuries, of which there are many examples here and elsewhere in the region and indeed throughout England.

English Heritage advises that understanding an area's distinctive character (called a *conservation area appraisal*) is a starting point, to define the special interest of an area, and so help determine if designation as a conservation area is justified.

Analysis of an area is very rigorous and examines such matters as archaeological significance, architectural and historic significance of buildings, townscape quality, quality of building materials and the character and hierarchy of spaces. As a matter of fact many existing conservation areas in England, designated since the 1970s do not have up to date appraisals and Oxford is no exception. English Heritage and Government have been pushing to change this poor situation and we have embarked on a programme to prepare appraisals for our existing conservation areas. To ensure effective engagement with local communities and to help ensure 'public' ownership of the work we do each appraisal takes about a year to complete. In addition, with funding from English Heritage with are working on a 'capacity building' programme, using our appraisal

work to broaden the value and impact of this work and to provide tools for assessing the impact of proposals on all aspects of the built environment.

Jericho has a distinctive character that is valued and cherished by many, but there are other areas similar that would on this basis deserve designation also. This in turn could begin to devalue the purpose and the authority of conservation area designation, incorrectly using it as a tool to try to stop unfavourable developments rather than a means to recognise the special architectural or historic interest of areas. In addition the Government makes it clear that local authorities should ensure that sufficient resources are available to manage the additional responsibilities and workload resulting from designation. Given our existing commitments the City Council needs to consider very carefully the value of designating a conservation area because there is a real risk of failure to meet communities' expectations of designation through lack of capacity to effectively manage change.

We constantly explore ways that we can work with other organisations to deliver projects and we have worked with Oxford Brookes conservation students in the past to help with research. Whilst Oxford Brookes building conservation students may be able to help in some aspects of the appraisal – such as survey and research, that is a small part of the appraisal process and the demands on existing resources will still be significant. In any event that does not help with the long-term management should it be decided that a conservation area is justified.

There are already planning policies and other controls that seek to ensure that the distinctiveness and character of an area is not eroded, for example the City Council's local plan policies. There is more that the local community could achieve. For example the Countryside Agency has worked with local communities to produce Village Design and Town Design statements – an audit of the character of an area and the communities expectations for the future. More information is available from the Natural England or visit their web site at: - <http://naturalengland.communities.com/NaturalEnglandShop/product.aspx?ProductID=0d9a32d8-fe2a-4f9a-a2f6-f3c9f6d2a065>

Yours sincerely

Report Risk Register

Conservation and the Historic Environment

APPENDIX 4

Risk Score **Impact Score:** 1 =Insignificant; 2 = Minor; 3 = Moderate; 4 = Major; 5 = Catastrophic **Probability Score:** 1 = Rare; 2 = Unlikely; 3 = Possible; 4 = Likely; 5 = Almost Certain

No.	Risk Description Link to Corporate Obj	Gross Risk		Cause of Risk	Mitigation	Net Risk		Further Management of Risk: Transfer/Accept/Reduce/Avoid	Monitoring Effectiveness				Current Risk		
		I	P			I	P		Q1	Q2	Q3	Q4	I	P	
1		I	P		Mitigating Control: Level of Effectiveness: (HML)	I	P	Action: Action Owner: Mitigating Control: Control Owner:	Outcome required: Milestone Date:	Q1 1 ⊕	Q2 2 ⊕	Q3 3 ⊕	Q4 4 ⊕	I	P
2	May result in adverse press response and letters from local community (improve the local environment and quality of life)	1	4	Not meeting community expectations	Mitigating Control: develop longer term strategy to prioritise and manage historic and natural environment Level of Effectiveness: M	1	3	Action: Reduce Action Owner: Michael Crofton-Briggs Mitigating Control: consider resources and programming to deliver strategy. Partnership with local community to assess character of the proposed conservation area Control Owner: M Crofton-Briggs/ NGrigoropoulos	Outcome required: Heritage strategy to deliver effective and efficient management of the historic and natural environment Milestone Date: as a part of local development framework						
3	May lead to erosion of character and appearance of local neighbourhoods (improve the local environment and quality of life)	2	3	Not meeting community expectations. Additional planning controls not introduced	Mitigating Control: develop longer term strategy to prioritise and manage historic and natural environment. Continue to use existing planning controls effectively Level of Effectiveness:M	1	2	Action: Reduce Action Owner: Michael Crofton-Briggs Mitigating Control: consider resources and programming to deliver strategy. Partnership with local community to assess character of the proposed conservation area. Monitor planning outcomes Control Owner: M Crofton-Briggs/ N Grigoropoulos	Outcome required: Heritage strategy to deliver effective and efficient management of the historic and natural environment Milestone Date: as a part of local development framework						

