

	REPORT TO EXECUTIVE	Agenda Item No.
		7
Title	Canal Conservation Area	
For further information about this report please contact	Roger Beckett RIBA Assistant Conservation Officer E Roger.Beckett@warwickdc.gov.uk T 01926 456533	
Wards of the District directly affected	Arden, Budbrooke, Woodloes, Saltisford, Emscote, Myton & Heathcote, Brunswick, Leam, Sydenham, Radford Semele	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	Appraisal summary (Appendix 1); Draft Canal Conservation Area Plans (Appendix 2) Process (Appendix 3)	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes 934
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive	10.07 18	Chris Elliott
Head of Service	10.07 18	Dave Barber
CMT	10.07 18	Chris Elliott, Bill Hunt, Andy Jones
Section 151 Officer	10.07 18	Mike Snow
Monitoring Officer	10.07 18	Andy Jones
Finance	10.07 18	Mike Snow
Portfolio Holder(s)	10.07 18	Cllr Alan Rhead
Consultation & Community Engagement		

Initial Consultation has been undertaken with the Canal & River Trust, Historic England, Warwickshire County Council Heritage Environment Record, and others with an interest and knowledge of the relevant history.	
Final Decision?	No
Suggested next steps (if not final decision please set out below)	
Following evaluation of the consultation and possible amendments and additions, the head of service will bring forward a resolution to approve.	

1. Summary

- 1.1 This report updates Executive on work being undertaken to designate a Canal Conservation Area as outlined on the enclosed draft boundary maps, including public consultation on the proposed designation. The Canal Conservation Area will assist heritage-lead regeneration, including the Creative Quarter in Leamington's Old Town, and other waterside development opportunities across the district.

2. Recommendation

- 2.1 That the Executive;

- i - notes the special interest identified in the summary canal appraisal (Appendix 1);
- ii - notes the work being undertaken to designate a proposed Canal Conservation Area as outlined on the enclosed draft boundary maps. (Appendix 2);
- iii - agrees to undertake a seven week public consultation on the proposed Canal Conservation Area as set out in Appendix 2.

3. Reasons for the Recommendation

- 3.1 Warwick District Council Local Plan has identified that Waterways can be used as tools for place making and place shaping and contribute to the creation of sustainable communities (Warwick District Local Plan NE7).
- 3.2 The Grand Union canal (including the former Warwick and Birmingham canal and Warwick and Napton canal), and Stratford on Avon Canal serve as a major heritage asset that strengthens Warwick District's overall economy and tourism offer and enhances the quality of life for the 66,000 residents who live within one kilometre/ ten minutes' walk of a canal.
- 3.3 An appraisal has been undertaken to explore the physical context, to understand, analyse and articulate exactly how the eighteenth century

landscape has changed and evolved and will continue to do so; why the waterway corridor is special and what elements within the area contribute to this special quality and which do not; and how to preserve and enhance what is significant.

- 3.4 It is therefore in the public interest for the Council to work with the Canal & River Trust and owners in the surrounding area to:
- sustain the existing heritage assets;
 - manage change to enhance the settings;
 - promote access and use that will enhance quality of life for the District’s residential population; and,
 - strengthen the local economy and tourism offer.
- 3.5 Public Consultation will extend over a seven week period and follow the procedure adopted by the Council’s Statement of Community Involvement adopted in January 2016. The reward for meaningful engagement is that community knowledge and values can inform professional judgment, and is the best way to generate broad support for plans and projects that impact on places people value. A public meeting and Formal resolution to adopt appraisal and management proposals will be required.

4. Policy Framework

4.1 Fit for the Future (FFF)

4.1.1 The Council’s FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit.

4.1.2 The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal in relation to the Council’s FFF Strategy.”

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<i>Intended outcomes: Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities</i>	<i>Intended outcomes: Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB</i>	<i>Intended outcomes: Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels</i>

Impacts of Proposal		
<p>The proposal will enhance the health and wellbeing of Warwick's residential population by promoting the intrinsic value of this significant local asset. By enlightened policy Warwick District Council will share in stewardship of this legacy, responding to the range of communities of interest that engage with this distinctive part of the public realm, thus contributing to broaden community, cultural, and civic life.</p>	<p>The local waterways link historic towns with the countryside beyond. An ecological resource, they provide open access to a landscape of character for the many residents who do not have their own garden, want to walk, jog or cycle along the 40 Km of Canal in Warwick District. By realising the potential of this heritage asset, increasing safe use and enjoyment.</p>	<p>The canal infrastructure formed a key element in the industrial revolution. The 18C enterprise led by Warwick people is an example of how ideas can transform places. The project will encourage local people to explore the assets on their doorstep as well as enhance the attractiveness of the district to visitors on and to the canals. The CCA seeks to promote intelligent and inspired design, which is responsive to local distinctiveness and respects history and context, that can bring about economic and social benefits.</p>
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<p><i>Intended outcomes:</i> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours</p>	<p><i>Intended outcomes:</i> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services</p>	<p><i>Intended outcomes:</i> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money</p>
Impacts of Proposal		
<p>The full impact of designation is a saving in officer time, by providing design guidance that informs applications and helps</p>	<p>Guidance will inform a creative dialogue on investment that will explore the potential of the waterway environment to</p>	<p>Properties in waterside conservation areas have greater value. (Historic England and London School of Economics research)</p>

<p>speed up decisions. Staff will have access to good appraisal information, with better informed proposals by applicants. Designation should not create added bureaucracy and especially not if early consultation with the planning authority and other stakeholders is undertaken which also reduces risk and removes uncertainty</p>	<p>enhance quality of life for residents, visitors and businesses. Designation is a measure available to local authorities to assist in raising the quality of the environment in an appropriate context. Public will understand the ethos and policy approach, reducing opposition to this aspect of any proposals.</p>	<p>Increasing use and enjoyment will help sustain this important part of the Public Realm that links open space, landscape and enclosing structures as a supportive setting for creative business. Attracting people to live, work and play in the locality will increase the return on the legacy of local investment that created this enduring national heritage asset.</p>
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4.2 Supporting Strategies

- 4.3 A core planning principle outlined in the current National Planning Policy Framework (NPPF) is to: 'Conserve heritage assets in a manner appropriate to their significance
- 4.4 The Warwick District Local Plan 2011-2029. Policy NE7 Use of Waterways; Policy DS17 Supporting Canalside Regeneration and Enhancement; Strategic Policy DS3 (Supporting Sustainable Communities; and Local Plan Policy HE1 seeks to protect the historic environment - see 8.14 - 8.18

5. Budgetary Framework

- 5.1 The costs of public consultation and designation will be met from the existing service budgets.
- 5.2 The duties associated with formal designation require an advertisement in a local paper and the London Gazette, together with letters to all property owners affected within the proposed boundary.

6. Risks

- 6.1 There is a risk that doing nothing will result in the further erosion of the quality of canals in the district; partly through ignorance of their significance as a heritage asset with an evolving setting; and a common misunderstanding that they are a natural feature, rather than something designed and then constructed.

- 6.2 There is a risk that without the conservation area appraisal and planning and design guidance being implemented effectively, piecemeal change will be allowed to incrementally devalue the significance of the waterway heritage. This is countered by this work that has identified the opportunity to enhance both what is there and how change could enhance further the waterways contribution to the district in the future.
- 6.3 There is a chance of reputational harm should the appraisal, consultation, designation or design guidance not be considered a success and not bring about an improvement in quality. To minimise this risk, the work has been carried out by an Architect/Planner with over forty years' experience of waterside planning, design and conservation.
- 6.4 There is a possibility of legal challenge if the consultation process and the formal resolution is not carried out correctly. This risk is to be avoided by following due process. The intention to designate is clear from the adopted local plan. The town and parish councils will be advised and the document placed on the WDC Website and in local Libraries. Appendix 3.
- 6.5 In Leamington Spa the Grand Union Canal forms one edge to the Creative Quarter. This presents an opportunity for appropriate water based regeneration as was envisaged in the adopted Local Plan. The Conservation Area document should help inform this.
- 6.6 An Avon link is being promoted by others, that would use the river between Warwick and Stratford upon Avon to create a strategic 'broad waterway', capable of taking larger boats than the route via the Stratford Upon Avon Canal. If this project were to go ahead and connect with the canal, it will have to have due regard to the proposed canal conservation area.

7. **ALTERNATIVE OPTION(S) CONSIDERED**

- 7.1 It would be possible for the Council to ignore this opportunity to work with the Canal & River Trust and others in the stewardship of this asset. This fails to recognise the foresight and belief of Warwick's eighteenth century citizens, in creating this enduring legacy. Not to designate would accept that this was a lost opportunity to build on that enterprise, and thus to miss out on the regeneration, investment and improved quality of life that recognition of this asset through designation and guidance brings.

8. **Background**

- 8.1 A major conservation project to establish a new Canal Conservation Area began in October 2017. The key output is a new designated conservation area- to be approved by WDC - following public engagement informed by the appraisal of existing policy, social and physical context.

- 8.2 The appraisal document describes the character and appearance, and defines the heritage values of this two centuries old heritage asset; by explaining what is significant about the evolution of the district that flows from the canals; identifying key features in the landscape and built form and considering setting; and, to identify vulnerabilities and opportunities for enhancement. The appraisal explains the influence on the district's development, identifies what is distinctive, and provides an evidence base for analysis of significance. It will inform conservation area management, underwrite detailed guidance and shape policies aimed at constructive conservation and enhancement.
- 8.3 The advantage of a clear appraisal is it provides support and guidance to planning applicants and officers, who may be less familiar with the waterway corridor and its historic significance. It should also improve consultation by providing an informed overarching policy framework that has been built through an established measure of significance.
- 8.4 The conservation area boundary distinguishes the canal environment, however the sphere of influence both to and from can be significantly greater. This is reflected in Historic England policies that recognise impacts from 'beyond the pale or boundary', so the appraisal plans will also include a washed over area where change will impact on the experience of the canal setting. This will alert applicants to the necessity to fully address the impacts on the canal corridor as a heritage asset.
- 8.5 Documentary and other sources that further reveal the history will be signposted within the appraisal document to enable applications to be informed, and to fit fit with the public policy framework for conservation of the waterways and support those parts of the heritage asset that are in need of care and are not appropriate to exploit for development.
- 8.6 The benefit of both restoring damaged townscape and creating exciting new waterside development within a supportive development framework is that the whole is more than the sum of the parts. Under its general planning powers an LPA can serve a Section 215 notice (*Town and Country Planning Act 1990*) on the owner or occupier where the building or land is adversely affecting the amenity of the area and can require them to clean up the building or site.
- 8.7 it is proposed that an arts trail will be pursued to enrich the designated Canal Conservation Area, based on the approach used in the RTPi award winning programme in Coventry, subject to identifying suitable sources of funding and creative support for both temporary installations and events like the Anthony Gormley structure outside the listed Lock Cottage at Lawsonford on the Stratford canal, but also longer lasting responses to the past.
- 8.8 There are historic structures such as Avon Aqueduct and Hatton lock flight, that the appraisal has identified are not currently listed, that may be appropriate for statutory listing. It has also identified additional features that may be considered for local listing. An informed analysis

substantiates the ability to advise or steer proposals affecting the local character and significance of the historic waterway environment within the district's public realm.

- 8.9 An implication of Canal Conservation Area Designation is, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the heritage asset's conservation, including sustaining significance' (NPPF, paragraph 132).
- 8.10 Conservation Areas are created where a local planning authority identifies an area of special architectural or historic interest, which deserves careful management to protect that character. A core planning principle outlined in the current National Planning Policy Framework (NPPF) is to: 'Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.'
- 8.11 Section 12 of the National Planning Policy Framework states,
- 'local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and the opportunities to draw on the contribution made by the historic environment to the character of a place'. - Paragraph 126
- 8.12 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.'- Paragraph 137
- 8.13 'Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance.' - Paragraph 138.
- 8.14 The Warwick District Local Plan 2011-2029. Policy NE7 Use of Waterways 'The waterways can be used as tools in place making and place shaping, and contribute to the creation of sustainable communities. Therefore, any development should not:
- a) adversely affect the integrity of the waterway structure; b) adversely affect the quality of the water; c) result in pollution due to unauthorised discharges and run off or encroachment;
 - d) adversely affect the landscape, heritage, ecological quality and character of the waterways; e) adversely affect the waterways potential for being fully unlocked or discourage the use of the waterway network.

The explanatory text says, 'Whilst regeneration and reuse is to be supported, there are clear reasons for managing the type and nature of new development in order to protect the environment. These include the presence of many listed buildings and their settings and the natural environment and biodiversity, some of which has evolved as a direct result of the former neglect of the waterways. The historic environment includes buildings and structures pertaining to the previous uses of the canal network as a major carrier of goods and includes wharfs, towpaths, bridges and buildings that may be listed nationally or included on local lists or of interest because of their historic industrial importance to the local area.'

- 8.15 the appraisal document feeds into the work to be carried out for Policy. DS17 Supporting Canalside Regeneration and Enhancement
The Council will prepare and adopt a Canalside Development Plan Document (DPD) to:
- i. assess the canals in the district and their environment and setting;
 - ii. identify areas for regeneration along urban sections, particularly for employment, housing, tourism and cultural uses; and
 - iii. identify areas for protection, where these are appropriate, throughout the canal network within the district.
- This document will designate particular areas and uses and will set out policies for use in assessing planning applications.
- 8.16 The explanation is, 'The Council wishes to see the canals reach their full potential, providing not only for leisure pursuits but also for the possibility of opening up and regenerating areas that have fallen into disuse over time, particularly where this may help to boost the local economy by providing new jobs. A holistic approach is needed to avoid piecemeal development that may result in the sterilisation of other sections of the canalside.
By carrying out a study into what activity is currently taking place along the canal and within its environs, the Council can plan for a sustainable and productive future.
A Development Plan Document produced by the Council will be able to allocate specific sites for appropriate uses whilst building on and reinforcing existing successful canalside developments. This should result in a set of proposals to guide sustainable and dynamic future development that contributes to the prosperity of the district.'
- 8.17 The Local Plan includes Strategic Policy DS3 (Supporting Sustainable Communities) which states that, 'The Council will promote high quality new development including: d) protecting area of significance including high quality landscapes, heritage assets and ecological assets.'
- 8.18 Local Plan Policy HE1 seeks to protect the historic environment by ensuring that any development leads to less than substantial harm to the significance of designated heritage assets, weighing harm against public benefit. Designation of the Canal conservation area should ensure that

assets will be sympathetically altered and restored, access and interpretation will be enhanced, and the opportunities for new development that sustains the significance of the waterways as heritage assets, and the public's use and understanding of them, is enhanced

Appendix 1, Summary canal appraisal and relevant local plan policies

Document can be viewed here [`insert link`](#)

Appendix 2, Draft Canals Conservation Area Plans

All maps can be viewed here [`insert link`](#)

Appendix 3 Process

Appendix 3 PROCESS

In accordance with Section 71 Planning and Listed Buildings and Conservation Areas Act 1990 Formulation and publication of proposals for preservation and enhancement of conservation areas.

(1) It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.

(2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate.

(3) The local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.