

# Public Document Pack



**Committee:** Overview and Scrutiny Committee  
**Date:** Tuesday 21 September 2010  
**Time:** 6.30 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

|   |   |
|---|---|
| <b>Councillor Daniel Sames (Chairman)</b> | <b>Councillor Lynda Thirzie Smart (Vice-Chairman)</b> |
| <b>Councillor Ann Bonner</b>              | <b>Councillor Nick Cotter</b>                         |
| <b>Councillor John Donaldson</b>          | <b>Councillor Andrew Fulljames</b>                    |
| <b>Councillor Alastair Milne Home</b>     | <b>Councillor Chris Smithson</b>                      |
| <b>Councillor Trevor Stevens</b>          | <b>Councillor Keith Strangwood</b>                    |
| <b>Councillor Lawrie Stratford</b>        |   |

## Substitutes

|                                      |  |
|--------------------------------------|--|
| <b>Councillor Tim Emptage</b>        | <b>Councillor Timothy Hallchurch MBE</b> |
| <b>Councillor Simon Holland</b>      | <b>Councillor Rose Stratford</b>         |
| <b>Councillor Douglas Williamson</b> |  |

## AGENDA

Overview and Scrutiny Members should not normally be subject to the party whip. Where a member is subject to a party whip they must declare this at the beginning of the meeting and it should be recorded in the minutes.

- 1. Apologies for Absence and Notification of Substitute Members**
- 2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

**3. Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

**4. Minutes** (Pages 1 - 4)

To confirm as a correct record the minutes of the meeting held on 20 July 2010.

**5. Built Environment Conservation Area Policy Scrutiny** (Pages 5 - 14)

Report of Head of Legal and Democratic

**Summary**

The purpose of this report is to set out the plans and timetable for the agreed scrutiny review into the council's policies for conservation areas.

**Recommendations**

The Overview & Scrutiny Committee is recommended to:

- (1) Note contents of the report.
- (2) Agree the dates and the content of the meetings to be used for this scrutiny review:
  - 26 October 2010 – briefing session by CDC officers
  - 14 December 2010 – Q&A session with witnesses based on issues identified; identify emerging conclusions
  - 25 January 2011– Agree recommendations and report

**6. Overview and Scrutiny Work Programme 2010/11** (Pages 15 - 22)

Report of Head of Legal and Democratic Services

**Summary**

To update the Committee on the Overview and Scrutiny Work Programme 2010/11.

**Recommendations**

- (1) To note the current Overview and Scrutiny Committee element of the work programme for 2010/11 as set out at Appendix 1.

- (2) To note any items of interest in the current version of the Forward Plan (September - December 2010) and consider whether to include them on the work programme for 2010/11.
- (3) To note the feedback from the Executive consideration of the scrutiny reports on Democratic Engagement with young people and Crime & Anti-social behaviour.
- (4) To note the current status of the Civil Parking Enforcement / Banbury Resident's Parking schemes.
- (5) To note the update regarding RAF Bicester
- (6) To note the feedback from the Centre for Public Scrutiny Annual Conference.
- (7) To note the agenda items for the 6 and 26 October 2010 meetings of the Overview and Scrutiny Committee.

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or (01295) 221583 prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

**Personal Interest:** Members must declare the interest but may stay in the room, debate and vote on the issue.

**Prejudicial Interest:** Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Queries Regarding this Agenda**

Please contact Catherine Phythian, Legal and Democratic Services  
catherine.phythian@cherwell-dc.gov.uk (01295) 221583

**Mary Harpley**  
**Chief Executive**

Published on Monday 13 September 2010

# Agenda Item 4

## Cherwell District Council

### Overview and Scrutiny Committee

Minutes of a meeting of the Overview and Scrutiny Committee held at Town Hall, Bridge Street, Banbury, OX16 5QB, on 20 July 2010 at 6.30 pm

Present: Councillor Daniel Sames (Chairman)  
Councillor Lynda Thirzie Smart (Vice-Chairman)

Councillor Andrew Fulljames  
Councillor Alastair Milne Home  
Councillor Chris Smithson  
Councillor Keith Strangwood

Substitute Members: Councillor Simon Holland (In place of Councillor Ann Bonner)

Also Present: Councillor Colin Clarke

Apologies for absence: Councillor Ann Bonner  
Councillor John Donaldson  
Councillor Lawrie Stratford

Officers: Catherine Phythian, Senior Democratic and Scrutiny Officer

#### 10 **Declarations of Interest**

There were none.

#### 11 **Urgent Business**

There was no urgent business.

#### 12 **Minutes**

The minutes of the meeting held on 22 June 2010 were agreed as a correct record and signed by the Chairman.

#### 13 **Breaking the Cycle of Deprivation**

Councillor Colin Clarke, Portfolio Holder for Breaking the Cycle of Deprivation, attended the meeting to brief the Committee on the Banbury Brighter Futures project. He explained that this was a complex multi-agency project focusing on three wards in Banbury and that the project had some very long lead times

before there would be tangible results. The project began in the spring of 2009 and the initial work had centred on information gathering and data analysis whereas the focus of activity in 2010 would be on practical action planning and public consultation and communication.

In discussion the Committee reflected on the importance of maintaining data protection standards, the important role that the voluntary sector would play in the success of the project and the need for strict enforcement of the powers available to the project partners.

The Committee thanked Councillor Clarke for his presentation and reaffirmed their offer of support should it be needed as the project progressed. They concluded that there were no issues for them to review at this stage and agreed that it would be appropriate to revisit the Banbury Brighter Futures project in early 2010 to note progress and developments.

### **Resolved**

That the Portfolio Holder for Breaking the Cycle of Deprivation be invited to attend the January 2011 meeting of the Committee to brief them on the progress of the Banbury Brighter Futures project.

#### 14 **Completed scrutiny reviews: Democratic Engagement with Young People and Crime and Anti-Social Behaviour**

The Chairman introduced the scrutiny reports on Democratic Engagement with Young People and Crime and Anti-Social Behaviour. He explained that these reports were now ready for submission to the Executive on 6 September 2010 and that this would be the last opportunity for the Committee to make any final observations. The Committee agreed that both reports had relevance to the Council's work on breaking the cycle of deprivation and that the work of the street wardens and the rest of the safer communities team should be recognised.

### **Resolved**

That the scrutiny reports on Democratic Engagement with Young People and Crime and Anti-Social Behaviour be noted and referred to the Executive.

#### 15 **Overview and Scrutiny Work Programme 2010 - 2011**

The Committee considered the report on the Overview and Scrutiny Work Programme 2010/11.

### **Preparations for an Ageing Population**

The Committee noted that this topic had been carried forward from the previous year. The Committee noted the conclusions of the county wide scrutiny review of this area and agreed that there was little merit in undertaking a similar review as it was unlikely to produce any different or tangible results. They agreed that the topic should be deleted from the work programme.

### **Forward Plan**

The Committee noted that the Executive was due to consider a progress report on Civil Parking Enforcement and Banbury Residents' Parking in October 2010. They asked that the Portfolio Holder for Community Safety, Street Scene and Rural be invited to bring the report to the Committee for discussion prior to its submission to the Executive.

### **Kidlington Pedestrianisation Capital Bid**

The Committee were pleased to note that the Executive had accepted the scrutiny recommendation to approve the release of funding for the Kidlington Pedestrianisation project. The Scrutiny Officer undertook to keep the Committee informed of progress on the implementation of the project.

### **Centre for Public Scrutiny Annual Conference**

The Committee asked that the Committee member who had attended the Centre for Public Scrutiny Annual Conference in June 2010 bring a written report on the conference to their next meeting.

### **RAF Bicester**

The Committee noted the recent sale of the Domestic Site at RAF Bicester and the Council's ongoing concerns about the condition of the structures and buildings on the Technical Site. They agreed that the Chairman should ask the Leader of the Council and the Portfolio Holder for Planning and Housing to write to the new minister setting out the basis of the Council's concerns and asking him to intervene with the Ministry of Defence.

### **Overview and Scrutiny Committee Meeting on 21 September 2010**

The Committee noted that there were two main topics for discussion at the September meeting and agreed that the consideration of the project plan for the Built Environment Conservation Area Policy should be scheduled as planned. However, some members of the Committee remained concerned about the proposal to review secondary education attainment levels in Cherwell and questioned its relevance to the work of a District Council.

In conclusion the Committee agreed to proceed as proposed and invite the County Council Cabinet Member and lead officer to attend the September meeting to present the findings of their scrutiny review. The Committee agreed that the discussion should be broadened to include consideration of the work on NEETS (the acronym for the government classification for people currently "Not in Employment, Education or Training") and that local employers should be invited to attend the meeting so that their views on the local job and labour market could be considered.

### **Resolved**

- (1) That the current Overview and Scrutiny Committee element of the work programme for 2010/11 be agreed.
- (2) That "Preparations for an Ageing Population" should be deleted from the work programme.

- (3) That the Portfolio Holder for Community Safety, Street Scene and Rural be invited to bring the progress report on Civil Parking Enforcement and Banbury Residents' Parking to the Committee for discussion prior to its submission to the Executive (Forward Plan item ~ October 2010).
- (4) That the Executive approval of the Kidlington Pedestrianisation Capital Bid be noted.
- (5) That the Committee member who had attended the Centre for Public Scrutiny Annual Conference in June 2010 be asked to bring a report on the conference to the next meeting.
- (6) That the Chairman request the Leader of the Council and the Portfolio Holder for Planning and Housing to write to the new minister asking him to intervene with the Ministry of Defence regarding the Council's concerns about RAF Bicester.
- (7) That the proposed agenda items for the 21 September 2010 meeting of the Overview and Scrutiny Committee be noted.

The meeting ended at 8.00 pm

Chairman:

Date:

## Overview & Scrutiny Committee

### Built Environment Conservation Area Policy Scrutiny Review

21 September 2010

### Report of Head of Legal and Democratic

#### PURPOSE OF REPORT

The purpose of this report is to set out the plans and timetable for the agreed scrutiny review into the council's policies for conservation areas.

This report is public

#### Recommendations

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The Overview & Scrutiny Committee is recommended to:

- (1) Note contents of the report.
- (2) Agree the dates and the content of the meetings to be used for this scrutiny review:
  - 26 October 2010 – briefing session by CDC officers
  - 14 December 2010 – Q&A session with witnesses based on issues identified; identify emerging conclusions
  - 25 January 2011– Agree recommendations and report

#### Introduction

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- 1.1. In March 2010 the Committee agreed that a review of the Council's Built Environment Conservation Area Policy should be included as a review topic on the work programme for 2010 -2011. The Committee also agreed that it would be best conducted in select committee rather than by a task and finish group and identified the meetings in October and December 2010 and January 2011 as the preferred dates for this work.
- 1.2. The agreed scoping document for this review is attached at Annex 1. A list of the Conservation Areas in Cherwell is attached at Annex 2

(however please note that this document was prepared in March 2009 and is now slightly out of date).

- 1.3. The Head of Planning and Economic Development will be present at the meeting on 21 September 2010 to assist members in their initial consideration of this topic. Further members of the Planning department will be present at the later meetings.

### **Proposals**

- 2.1 The proposed approach to this review is as follows:

26 October 2010

A detailed briefing session by CDC officers to provide information on:

- the different types of conservation area in Cherwell
- the issues facing the built environment conservation areas
- the current procedures for designation and enforcement
- current national legislation (what it allows and what it does not cover)
- possible changes to national legislation
- budget and resource implications (Comprehensive Spending Review)

14 December 2010

- A Q&A session with witnesses based on issues identified at the previous meeting
- Overview & Scrutiny Committee identify emerging conclusions

25 January 2011

- Overview & Scrutiny Committee review and refine emerging conclusions and agree recommendations and report.

### **Conclusion**

- 3.1 In undertaking this Scrutiny Review, members should be aware of two further issues relating to conservation areas.
- 3.2 Firstly, it is possible that there will be changes to the planning system introduced by the new Coalition Government that will directly impact upon the role of a local planning authority in designating conservation areas and considering proposals within them. These are not known yet but will have an impact upon the Council in how we manage conservation areas.
- 3.3 Secondly, there are resource implications which sit behind our decision to designate conservation areas. The Council is required to undertake certain duties relating to the periodic review of, and preparation of management plans for, conservation areas and this has a significant

call on officer time. Furthermore, once conservation areas are designated we have additional applications for “conservation area consent” for development within our conservation areas, for which no planning application fee can be charged.

- 3.4 The extent of our obligations will be set out at the presentation on 26 October, and an awareness of this will need to inform proposals that members subsequently make in response to this Scrutiny Review.

## **Implications**

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- Financial:** There are no financial implications arising directly from this report. The report of the individual scrutiny review will address any specific financial issues.
- Legal:** There are no legal implications arising directly from this report. The report of the individual scrutiny review will address any specific legal issues.
- Risk Management:** There are no risk implications arising directly from this report. The report of the individual scrutiny review will address any specific risk issues.

## **Wards Affected**

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All

## **Corporate Plan Themes**

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All

## **Executive Portfolio**

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Councillor Michael Gibbard, Portfolio Holder for Planning and Housing

## **Document Information**

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| <b>Appendix No</b>         | <b>Title</b>   |
|----------------------------|--|
| 1                          | Scoping document   |
| 2                          | List of Conservation Areas in Cherwell                   |
| <b>Background Papers</b>   |  |
| None                       |  |
| <b>Report Author</b>       | Catherine Phythian, Senior Democratic & Scrutiny Officer |
| <b>Contact Information</b> | 01295 221583<br>Catherine.phythian@Cherwell-dc.gov.uk    |

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## Planning the scrutiny review

(Use this form to plan the work of a Task & Finish Group)

BUILT ENVIRONMENT CONSERVATION – APPROACH, RESOURCES AND OUTCOMES (Particular reference to Conservation Area - CA - designation and policies)

### Purpose of Review

Specify exactly what the Scrutiny Review should achieve and refer where possible to VFM issues of service cost, service performance and/or customer satisfaction.

### Origins of Scrutiny Review

Councillors have expressed concern about the outcomes achieved by the Council's conservation area work. They have approached the Planning and Housing Portfolio Holder Councillor Gibbard and suggested that the topic should be considered in detail via a Scrutiny Review.

Similar issues have been raised by Banbury Town Council.

The scrutiny topic and focus is initially one of questioning the customer satisfaction position in this field.

In particular the concerns arise from experience in respect of Banbury / Grimsbury Conservation Areas:

- The original aims of the designation to protect the built environment are not being achieved
- Planning decisions do not take full account of the quality of the built environment in these areas
- General planning policies are not appropriately reconciled with the aims of conservation area designation (this is links to the formulation of policy through the Local Development Framework and pressures for housing development, especially flat conversions)
- The Council does not effectively enforce against breaches of planning control that detract from the qualities of the conservation areas
- The Council is not active in undertaking management and enhancement work in conservation areas (e.g. street improvements and facelift approaches, living over the shop initiatives, grant schemes to private owners, use of national funding sources)
- The Council has not considered using stronger controls (special levels of restriction on normal permitted development rights via Article 4 Direction – this approach can prevent some smaller scale changes to buildings and the external environment – such as replacement windows, painting etc.) [Note: Article 4 direction - remove permitted development rights within Conservation Areas or areas that are sensitive to change but only under very special circumstance can they be used.]
- The Council has not done enough to encourage or persuade good practice by private property owners

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|   | <p>(especially by producing and promoting design guidance – a project to introduce a design leaflet on good practice in flat conversion works has been delayed)</p> <p>Because the concerns are raised in context of a specific conservation area – a case study approach might be considered within the review – using Grimsbury. However generalisation of issues from a specific Conservation Area requires care and some balancing, wider, consideration will be needed. It will also be important that the case study is used to raise general issues – it is procedurally inappropriate for specific conclusions for Grimsbury Conservation Area to be drawn by through the review.</p> <p><b>Purpose</b></p> <p>To review the Council’s general approach and resource commitment to built environment conservation (with specific reference to Conservation Area designation, policies, controls and guidance).</p> <p>To review how policy is applied and what outcomes are achieved.</p> <p>This to include consideration of:</p> <ul style="list-style-type: none"> <li>• The national legislative and policy framework</li> <li>• The current state of local policy</li> <li>• The interface between built environment conservation and other planning policy objectives</li> <li>• The current service offering (performance, costs etc)</li> <li>• Councillor and customer satisfaction with the service and the outcomes achieved (see below for particular issues) against the original expectations</li> <li>• Possible improvements or changes of approach in respect of current service and policies, including Use of specific design guidance (sub-division)</li> <li>• Appropriateness and implications of additional controls (Article 4 directions)</li> <li>• Compare and contrast effectiveness of conservation area status</li> <li>• Review of conservation related appeal decisions</li> <li>• The implications for the Local Development Framework (LDF) and conservation area appraisal and management plan work – which is the place where final policy balance and detail has to be resolved and formalised</li> </ul> |
| <p><b>Outcomes</b><br/>What will demonstrate that this Scrutiny Review has been a success</p> | <ol style="list-style-type: none"> <li>1. Identification of possible improvements/changes approach and resources</li> <li>2. Identification of policy issues relating to LDF.</li> <li>3. Improved customer satisfaction ratings with the policy/process</li> <li>4. Wider understanding of, and support for, the built environment conservation work of the Council (internally and externally)</li> </ol>  |
| <p><b>Methodology/ Approach</b><br/>What types of enquiry will be used to gather evidence</p> | <ul style="list-style-type: none"> <li>• Whole committee review (<b>not</b> smaller informal T&amp;FG, as wider understanding and ownership of findings is essential to success. Formal political responsibility for outcomes is also crucial as recommendations could carry through into formulation and application of planning policy and case decisions)</li> <li>• Officer briefing and Q&amp;A session</li> <li>• Literature and desk top research on legislative and policy framework and best practice models</li> <li>• Witness sessions (see below for ideas)</li> </ul>   |

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| <p><b>Target body for Recommendations</b><br/>Executive, Council, Other/Partners</p>  | <ul style="list-style-type: none"> <li>• LDF Panel</li> <li>• Portfolio Holder</li> <li>• Executive</li> </ul>   |
| <p><b>Key dates</b><br/>Identify key meeting dates and any deadlines for reports or decisions</p>   | <ul style="list-style-type: none"> <li>• Autumn 2010 ~ preferred date for scrutiny review based on availability of planning resources</li> <li>• Likely to take 3 - 6 months to complete</li> </ul>  |
| <p><b>Risks</b><br/>Identify any weaknesses and barriers to success</p>   | <ul style="list-style-type: none"> <li>• Constraints on CDC resources (in conducting a review with substantial workload and in implementation of some possible outcomes)</li> <li>• Difficulties of securing adequate external input and understanding and buy in to purpose of review from partner organisations</li> <li>• Danger of cross over from “in principal” consideration of approaches to local or individual planning cases</li> <li>• Danger of role confusion in terms of outcomes – Planning Committee consideration of current or specific future planning application cases can not be subject to discussion (Excluded Matters). The planning policy formulation role of Executive in considering the overall balance between conservation and other planning objectives must be clear. There is already an established method of involving O&amp;S Members in overall policy – via the Local Development Framework Advisory Panel – which has a link member for scrutiny and is chaired by the Portfolio Holder (membership update of this panel is due). Outcomes should be in the form of recommendations to the Portfolio Holder and for him to consider via the Panel</li> </ul> |
| <p><b>Witnesses/ Experts/ Site Visits</b><br/>Who, why and when</p>   | <p>Suggestions:</p> <ul style="list-style-type: none"> <li>• Other councils with similar characteristics – good practice examples</li> <li>• National specialist bodies (official and voluntary - e.g. English Heritage, Society For Protection of Ancient Buildings, English Historic Towns Forum etc)</li> <li>• External specialists / experts (may be necessary to buy in)</li> <li>• Resident representatives</li> <li>• Landowner/developer interests</li> <li>• Local amenity groups and societies (including Banbury Civic society who have a special interest in this topic)</li> <li>• Town and parish councils (possible juxtaposition of views between Banbury experience – for greater controls? and some Shennington and Alkerton village interests – against greater controls)</li> </ul>   |
| <p><b>Publicity &amp; Media</b><br/>Do we need to publicise the review to encourage community involvement? what sort of media coverage do we want? Fliers, leaflets, radio broadcast, press-release, etc.</p> | <ul style="list-style-type: none"> <li>• Will this review be subject to a press embargo? No, though appropriate stage of releasing information on outcomes and reporting in public should be carefully considered according to objectives and outcomes</li> <li>• CDC press contact: TO BE CONFIRMED</li> <li>• Spokesperson for Scrutiny Review: TO BE CONFIRMED</li> </ul>   |
| <p><b>Resources &amp; Budget</b></p> <ul style="list-style-type: none"> <li>• specialist staff</li> <li>• external support</li> <li>• consultation</li> <li>• research</li> </ul>                             | <p>Sources of information include:</p> <ul style="list-style-type: none"> <li>• CDC Planning Officers will be called as witnesses</li> <li>• CDC Legal team will be required to support this review</li> <li>• Published materials and related research (key documents are CA Legislation, Planning Policy Guidance Note 15 Planning and the Historic Environment, other national and local policy sources)</li> </ul>   |

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|  | <ul style="list-style-type: none"><li>• External witnesses (see above)</li></ul> <p>Note – this is an internally driven review and the degree to which CDC can expect external input is limited – especially in respect of national and specialist bodies. It may therefore be necessary to rely mainly on particular local interests already involved in the issue and holding strong views. The method of balancing this with other views needs to be considered.</p> <p>Purchase of external advice is a possibility – albeit overall resource issues need to be well judged.</p> |
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| <b>Completed by:</b> John Hoad                        | <b>Date:</b> amended June 2010 |
| <b>Approved by Overview &amp; Scrutiny Committee:</b> | <b>Date:</b> June 2010         |

therefore looks very carefully at the design of new development and has policies in the local plan which seek to control changes in conservation areas. Where planning permission or conservation area consent is required, proposals are advertised on site and in the local press to allow for comments from the public.

### Repairs and maintenance

The prime concern of owners of buildings in conservation areas should be to repair and maintain their properties without damage to their character and integrity. Repairs should be considered as the preferred option with replacement of features only where justified. Historically correct solutions should be adopted, using appropriate design, materials and methods to match the original.

### Conservation Area Consent

There is no fee for applying for conservation area consent. The procedure is similar to that for listed building consent.

### Planning Permission

Planning applications in conservation areas should be accompanied by sufficient details to enable the impact of the proposed development on the character of the conservation area to be assessed. Details of new proposals should include scale, massing, design, materials and their contextual relationship to existing buildings.

### Advice and Guidance

The Design and Conservation team will be pleased to assist you with any queries you may have regarding conservation areas.

Please contact us at

Telephone 01295 221846

Fax 01295 221856

Email: [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk)

### Conservation Areas in Cherwell District

|  | Designated  | Reviewed                |
|--|-------------|-------------------------|
| Adderbury                                  | April 1975  | July 1991, Sept 1997    |
| Ardley                                     | August 2005 |                         |
| Balscote                                   | April 1980  | March 1998              |
| Banbury                                    | 1969        | May 1991, Oct 2004      |
| Barford St John                            | Mar 1988    |                         |
| Barford St Michael                         | July 1988   |                         |
| Begbroke                                   | July 1991   | June 2008               |
| Bicester                                   | 1969        | Oct 1992, Jan 1998      |
| RAF Bicester                               | July 2002   | Oct 2008                |
| Bletchinghamdon                            | April 1980  | May 1991, July 2008     |
| Bloxham                                    | April 1975  | July 1991, May 2007     |
| Bodicote                                   | Mar 1988    | Nov 1995, April 2008    |
| Charlton-on-Otmoor                         | Nov 1989    | Mar 1996                |
| Chesterton                                 | Mar 1988    | Jan 1995, Feb 2008      |
| Cottisford                                 | Nov 1980    |                         |
| Cropredy                                   | Feb 1978    | Sept 1995               |
| Deddington                                 | Mar 1988    | Nov 1997                |
| Drayton                                    | Feb 1977    | Oct 2008                |
| Duns Tew                                   | Dec 2005    |                         |
| Fewcott                                    | Oct 2008    |                         |
| Fritwell                                   | Mar 1988    | Jan 2008                |
| Hampton Gay, Shipton on Cherwell & Thrupp  | Oct 1975    | August 2007             |
| Hampton Poyle                              | May 1991    |                         |
| Hanwell                                    | Jan 1985    | March 1995, August 2007 |
| Hethe                                      | Mar 1988    | July 1993               |
| Hook Norton                                | Mar 1988    | May 2007                |
| Horley                                     | Jan 1987    | July 1991, March 1996   |
| Hornorton                                  | Mar 1988    | July 1988               |
| Islip                                      | Nov 1989    | Nov 1994, April 2008    |
| Juniper Hill                               | Nov 1980    | Mar 2009                |
| Kidlington, Church Street                  | 1974        | May 1991, Mar 1996      |
| Kidlington, High Street                    | May 1991    |                         |
| Kidlington, The Rookery                    | May 1991    | Mar 1996                |
| Kirtlington                                | Mar 1988    | Nov 1998                |
| Milton                                     | Mar 1988    | March 1996              |
| Mixbury                                    | Mar 1988    |                         |
| North Aston                                | Mar 1988    |                         |
| North Newington                            | May 1989    |                         |
| Rousham (includes Lower and Upper Heyford) | July 1991   | May 1996                |
| Shenington and Alkerton                    | Feb 2009    |                         |
| Sibford Ferris                             | Nov 1985    |                         |
| Sibford Gower & Burdrop                    | Jan 1988    |                         |
| Somerton                                   | Oct 1992    | Mar 1996                |
| Souldern                                   | Mar 1988    |                         |
| South Newington                            | April 1989  |                         |
| Steeple Aston                              | Mar 1988    | May 1996                |
| Stratton Audley                            | Mar 1988    | July 1996               |
| Swalcliffe                                 | Mar 1988    |                         |
| Tadmarton                                  | Oct 1992    | Nov 1995                |
| Wardington                                 | Mar 1988    |                         |
| Weston on the Green                        | Oct 2000    |                         |
| Wigginton                                  | Mar 1988    |                         |
| Williamscot                                | Oct 1992    | Nov 1995                |
| Wroxton                                    | Sept 1977   | Nov 1996                |
| Former RAF Upper Heyford                   | April 2006  |                         |

# CONSERVATION AREAS

a general guide

Planning Guide No.4

March 2009



# CONSERVATION AREAS

## A GENERAL GUIDE

This leaflet explains why the Council designates conservation areas and outlines the implications of conservation area designation.

Conservation areas came into being with the Civic Amenities Act of 1967 and the current legislation is the Planning (Listed Buildings and Conservation Areas) Act 1990. Under this Act Councils have *duty* to designate conservation areas, to keep them under review and to publish proposals for their preservation and enhancement. Some 9,000 conservation areas have been designated in England and there are 56 in Cherwell District.

### What is a conservation area?

A conservation area is defined as 'an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.'

It is the quality and interest of areas rather than individual buildings that are the prime consideration in identifying conservation areas. Spaces between buildings, trees and other features of local interest are important to the character and ambience of the area. Conservation area designation should therefore be seen as the means of recognising and protecting the importance of all the factors that contribute to the character of the area.

### Conservation area appraisals

The first step towards designation is the preparation of a character appraisal. This defines the special architectural or historic interest that justifies designation, and is used to identify areas for preservation or enhancement. The methodology used to appraise the character of conservation areas in Cherwell is based on advice from English Heritage and the Royal Town Planning Institute.

The character appraisal examines topography, historical development, archaeological significance and potential, prevalent building materials, character and hierarchy of spaces, quality and relationship of buildings, trees and other green features and unlisted buildings that make a positive contribution. The appraisal also puts forward proposals for the good management of the area. The Council has a programme for the review of character appraisals for conservation areas already designated.

It is important that the areas designated justify their status and that the concept is not devalued by the designation of areas lacking special interest. Cancellation of consideration can be considered where an area or part of an area is no longer considered to possess the special interest which led to its original designation.

Although not required to do so by the Act, the Council always seeks local opinion prior to designation. Notice of a newly designated or revised conservation area is publicised in the local press and registered in the Local Land Charge Register.

### What special controls apply in conservation areas?

When determining applications for development within conservation areas, the Council has a duty to assess the proposal against the need to preserve or enhance the character or appearance of the area. *You are advised to seek advice from planning staff at an early stage.* The following additional planning controls apply within conservation areas:

*Demolition:* The character of conservation areas is often defined by groups of buildings, both listed and unlisted, and the loss of an individual building can be

detrimental. For this reason, conservation area consent is required for the demolition of certain buildings exceeding 115 cubic metres. Consent may also be required for the demolition or substantial demolition of boundary walls in conservation areas.

*Permitted Development Rights:* Some minor developments which do not require planning consent outside the conservation area will need permission in a conservation area, including all dormer windows or other roof extensions and cladding. The size and location of extensions are also subject to stricter controls. Satellite dishes on a building may require consent depending on the size and location.

*Trees:* Within a conservation area trees are given special protection. Anyone wishing to top, lop or fell a tree over 75mm (3") in diameter, measured 1.5m above ground must apply to the Council for consent giving 6 weeks for the approval of the application or the service of a Tree Preservation Order. Certain trees such as dead trees and some fruit trees, are exempt from controls.

*Windows and doors:* In historic buildings and conservation areas the Council encourages repair of existing features, rather than replacement, particularly with UPVC.

### New development in conservation areas

Conservation area designation does not prevent new development. It does however help to ensure that the natural process of renewal and change is managed, to preserve and enhance the best of the past and allow for sympathetic new development. General planning standards are applied sensitively in the interest of harmonising new development with its neighbours in the conservation area. The Council

## Overview and Scrutiny Committee

**Overview and Scrutiny Work Programme 2010/11**

**21 September 2010**

**Report of Head of Legal and Democratic Services**

### **PURPOSE OF REPORT**

To update the Committee on the Overview and Scrutiny Work Programme 2010/11.

|                       |
|-----------------------|
| This report is public |
|-----------------------|

### **Recommendations**

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The Overview and Scrutiny Committee is recommended to:

- (1) Note the current Overview and Scrutiny Committee element of the work programme for 2010/11 as set out at Appendix 1.
- (2) Note any items of interest in the current version of the Forward Plan (September - December 2010) and consider whether to include them on the work programme for 2010/11.
- (3) Note the feedback from the Executive consideration of the scrutiny reports on Democratic Engagement with young people and Crime & Anti-social behaviour.
- (4) Note the current status of the Civil Parking Enforcement / Banbury Resident's Parking schemes.
- (5) Note the update regarding RAF Bicester
- (6) Note the feedback from the Centre for Public Scrutiny Annual Conference.
- (7) Note the agenda items for the 6 and 26 October 2010 meetings of the Overview and Scrutiny Committee.

## Details

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### **1 Overview and Scrutiny Work Programme 2010/11**

- 1.1 Appendix 1 sets out the existing work programme for both the Overview and Scrutiny Committee and the Resources and Performance Scrutiny Board, as agreed at the committee meetings in July 2010.

### **2 Forward Plan**

- 2.1 The Committee will wish to note any items of interest in the current version of the Forward Plan (September - December 2010) and consider whether they wish to include them on the work programme for 2010/11.
- 2.2 The latest version of the Forward Plan can be found at:  
<http://modgov.cherwell.gov.uk/mgListPlanItems.aspx?PlanId=135&RP=115>

### **3 Executive consideration of scrutiny reports**

- 3.1 The Executive agreed the scrutiny reports on Democratic Engagement with young people and Crime & Anti-social behaviour at their meeting on 6 September 2010.

### **4 Civil Parking Enforcement and Banbury Resident's Parking**

- 4.1 The Executive report on this topic has been postponed until later in the autumn. The Portfolio Holder, Strategic Director and Head of Service are all aware of this committee's desire to have a chance to consider the report before it is submitted to the Executive.

### **5 RAF Bicester**

- 5.1 The Chief Executive wrote to the Rt Hon Dr Liam Fox MP, Secretary of State for Defence, on 21 July 2010, regarding the future of RAF Bicester. As yet there has been no response. At present there is nothing further to report and we are awaiting an update from Government / MOD on future of the site.
- 5.2 City and Country Group, the new owners of the domestic site at RAF Bicester, are holding a public exhibition at the site on Friday 17 September (3pm – 8pm) and Saturday 18 September (11am – 3pm).

## **6 Centre for Public Scrutiny Annual Conference**

- 6.1 Councillor Donaldson will brief the committee on his attendance at the Centre for Public Scrutiny Conference on 30 June – 1 July 2010.

## **7 R&PSB Work Programme**

- 7.1 The Committee may wish to note that the proposals for the Resources and Performance Scrutiny Board's scrutiny of the 2011/12 Budget include an item on training (member and staff).

## **8 Joint Scrutiny Committee Meeting 6 October 2010**

- 8.1 The Chairmen of the Overview and Scrutiny Committee and Resources & Performance Scrutiny Board have agreed to hold a joint meeting of the two committees on Wednesday 6 October at 6.30pm. There will be one item of business at this meeting: consideration of the draft business case for the shared management arrangements between South Northamptonshire Council and Cherwell District Council. As is usual practice, the agenda will be available a week before the meeting and the Chairmen will be agreeing the procedure for the meeting in due course.

## **9 Overview and Scrutiny Committee Meeting 26 October 2010**

### **Built Environment Conservation Policy**

- 9.1 This will be the main topic for discussion and the approach and format will be as set out in the detailed project plan.

## **10 Future Meetings Schedule**

|  |  |
|--|--|
| <b>Overview and Scrutiny Committee</b> | 6 October 2010, 6.30pm<br>26 October 2010, 6.30pm<br>14 December 2010, 6.30pm<br>25 January 2010, 6.30pm<br>8 March 2010, 6.30pm |
|--|--|

## **Implications**

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**Financial:** There are no financial implications arising directly from this report. The report of the individual scrutiny reviews will address any specific financial issues.

Comments checked by Denise Westlake, Service Accountant CS&R, 01295 221982

**Legal:** There are no legal implications arising directly from this report. The report of the individual scrutiny reviews will address any specific legal issues.

Comments checked by Paul Manning, Solicitor, 01295 221691

**Risk Management:** If too many items are included on the work programme there is a risk that scrutiny agendas become overloaded. This undermines effective scrutiny because Members are unable to concentrate on the key issues and officer resources are over-stretched. It may be necessary to hold further meetings during the year if the risk of not achieving the work programme becomes apparent. The report of the individual scrutiny reviews will address any specific risk issues.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer, 01295 221566

### **Wards Affected**

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Each scrutiny review will identify the wards affected.

### **Corporate Plan Themes**

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Each scrutiny review will identify the relevant corporate plan themes.

### **Document Information**

| <b>Appendix No</b>         | <b>Title</b>   |
|----------------------------|--|
| Appendix 1                 | Overview and Scrutiny Work Programme 2010/11             |
| <b>Background Papers</b>   |  |
| None                       |  |
| <b>Report Author</b>       | Catherine Phythian, Senior Democratic & Scrutiny Officer |
| <b>Contact Information</b> | 01295 221583<br>Catherine.phythian@Cherwell-dc.gov.uk    |

# Overview & Scrutiny Work Programme 2010/11

| Title   | Committee | Comments  | Meeting |     |     |       |
|---|-----------|---|---------|-----|-----|-------|
|   |           |   | Sept    | Oct | Nov | Later |
| <b>Scheduling – to identify and agree potential topics for scrutiny</b> |           |   |         |     |     |       |
| Breaking the Cycle of Deprivation                                       | OSC       | PfH for Breaking the Cycle of Deprivation to brief on the project.  |         |     |     | ✓     |
| Secondary School Education Attainment Levels                            | OSC       | Invite OCC cabinet member and lead officer to brief on recent scrutiny review and actions identified. Consider whether there are any issues for review by CDC in 2010/11.   | ✓       |     |     |       |
| Youth Services  | OSC       | Discuss outcomes from Young Peoples VFM review in January 2011. Consider whether there are any issues for review by CDC in 2010/11.   |         |     |     | ✓     |
| The cost and use of external consultants by Cherwell District Council   | R&PSB     | A member of the Board suggested this as a potential work topic item. The Board agreed that this could be interesting and will consider whether there are any issues for scrutiny to address.                                  |         |     |     | ✓     |
| <b>Scrutiny – agreed topics for consideration at committee meetings</b> |           |   |         |     |     |       |
| Built Environment Conservation Area Policy                              | OSC       | Confirmed as select committee topic for Oct/Dec/Jan 2010/11. Discuss detailed project plan in Sept.   | ✓       | ✓   | ✓   | ✓     |
| Partnerships: Cherwell Safer Communities                                | R&PSB     | Chairman of CSCP, Superintendent Howard Stone, PfH and lead officer to brief members on the partnership. Consider whether there are any issues for scrutiny to address.   | ✓       |     |     |       |
| Contracts review  | R&PSB     | To consider and agree an approach for contract scrutiny   | ✓       | →   | →   | →     |
| The cost and length of planning appeals                                 | PSWG      | Members of the Board suggested this as a work topic item as it had been highlighted by the PSWG. Planning Officers and Improvement Officers will attend the July meeting to discuss the draft development control VfM report. | ✓       |     |     |       |

| Title  | Committee | Comments   | Sept | Oct | Nov | Later |
|--|-----------|--|------|-----|-----|-------|
| Disabled Facilities Grants   | R&PSB     | Briefing meeting held in June 2010. Agreed to nominate 3 Board members to meet Housing Officers to consider the draft Disabled Facilities Grants policy. Draft policy to be considered by R&PSB when available |      |     |     | ✓     |
| <b>Task &amp; Finish Groups</b> – agreed topics for review outside committee meetings                                      |           |  |      |     |     |       |
| None   |           |  |      |     |     |       |
| <b>Monitoring</b> – to examine responses to scrutiny reports and to check on progress on implementation of recommendations |           |  |      |     |     |       |
| Kidlington Pedestrianisation   | OSC       | Monitor progress of capital bid  |      | ✓   |     | ✓     |
| Houses In Multiple Occupancy and Planning Policy   | OSC       | Monitor legislative position and progress of recommendations to Portfolio Holder and LDF Advisory Panel  | ✓    |     | ✓   |       |
| Democratic Engagement with young people  | OSC       | Note Executive response  | ✓    |     |     | ✓     |
| Crime & Anti-social behaviour  | OSC       | Note Executive response  | ✓    |     |     | ✓     |
| Partnerships: ORCC   | R&PSB     | Review progress against recommendations accepted by Executive in April.  | ✓    |     |     |       |
| Private Sector Housing Strategy  | OSC       | Review progress against action plan in spring 2011   |      |     |     | ✓     |
| Preparation for 2012 Olympics  | OSC       | Review progress and work of Member/Officer working group in summer 2010.   |      | ✓   |     |       |
| RAF Bicester   | OSC       | PfH and Strategic Director to provide briefing notes on progress.  |      |     |     |       |

OSC: Overview & Scrutiny Committee  
T&FG: Task & Finish Group

R&PSB: Resources & Performance Board

FSWG: Finance Scrutiny Working Group  
PSWG: Performance Scrutiny Working Group

| Title  | Committee | Comments  | Sept | Oct | Nov | Later |
|--|-----------|---|------|-----|-----|-------|
| Residents' Parking Schemes                           | OSC       | PfH and Strategic Director to provide briefing notes on progress. |      |     |     |       |
| Partnerships: Bicester Vision                        | R&PSB     | Retain on work programme for 2010/11                              |      |     |     | ✓     |
| Past year Budget Scrutiny Recommendations Monitoring | R&PSB     | Retain on work programme for 2010/11.                             |      |     |     | ✓     |
| Food Waste Processing                                | PSWG      | Review autumn 2010  |      |     | ✓   |       |
| Sports Centre Modernisation                          | FSWG      | Review summer 2010.   | ✓    |     |     |       |

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