

## 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 (Banbury) 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

	<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> What will demonstrate that this Scrutiny Review has been a success</p>	<ol style="list-style-type: none"> <li>1. Wider understanding of, and support for, the built environment conservation work of the Council (internally and externally)</li> <li>2. Identification of possible improvements/changes approach and resources</li> <li>3. Identification of policy issues relating to LDF.</li> <li>4. Improved customer satisfaction ratings with the policy/process</li> </ol>
<p><b>Methodology/ Approach</b> 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>

<p><b>Target body for Recommendations</b> 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> Identify key meeting dates and any deadlines for reports or decisions</p>	<ul style="list-style-type: none"> <li>• Early 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> 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> 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> 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>

- External witnesses (see above)

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.

Purchase of external advice is a possibility – albeit overall resource issues need to be well judged.

**Completed by:** John Hoad,

**Date:** amended May 09

**Approved by Overview & Scrutiny Committee:**

**Date:**