

Briefing Note

February 2010

Conservation Areas

1 Role of Conservation areas

“Areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.”

Supported by:-

- Legislation (Planning (Listed Building and Conservation Areas) Act 1990)
- National Guidance (PPG15, English Heritage Guidance on best practice, etc)
- Regional and local planning policy and guidance (South East Plan, Cherwell Local Plan)
- Conservation Area Appraisals

2 Role of Local authority

- Duty to designate and review
- Duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area
- Duty to assess special character

3 What difference does conservation area designation make?

- Different **permitted development rights** in conservation areas
- Opportunity to consider **removing permitted development rights** (Article 4 Directions)
- Consent required for **demolition**
- Greater control over **advertisements** and **trees** in conservation areas
- LPA can require **additional details** as part of planning applications
- Presumption in favour of **retaining buildings** that make a positive contribution (even if unlisted)

4 Cherwell's approach to conservation area designation and management

- Planning policies in Local Plan and LDF
- General guidance notes
- Consider SPGs and SPDs where appropriate
- Conservation area appraisals
- Article 4 Directions
- Grant schemes to support specific local areas (new initiative)

5 Key issues

- Are there misconceptions over the role and purpose of Conservation Area?
- Are there misconceptions as to what the extra controls Conservation Area designation provides?

6 How can we best direct our efforts to protect, maintain and enhance our conservation areas?

Possible priority areas

- Shop fronts and signage
- Subdivisions of houses into flats
- Loss of traditional features
- Maintenance of buildings and public realm
- Improving quality of new development including extensions to existing buildings

1 Role of Conservation areas

Conservation areas

“Areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.”

Planning (Listed Building and Conservation Areas) Act 1990

PPG 15

SE Plan

Adopted Cherwell Local Plan

Non Stat Cherwell Local Plan

Supplementary Planning Documents

Conservation Area Appraisals

English Heritage Guidance on best practice

2 Role of Local Authority

Provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990

S69:

- duty to designate
- duty to review from time to time

S71:

- duty to publish proposals for the preservation and enhancement
- submit proposals to a public meeting
- have regard to views expressed

S72:

- pay special attention to the desirability of preserving or enhancing the character or appearance of that area

S74

- a building cannot be demolished without consent

S57

- councils can contribute towards the repair or maintenance of a listed or unlisted building of architectural or historic interest and its garden through grant or loan

SE Plan policies

POLICY BE5: VILLAGE MANAGEMENT

In preparing local development documents (LDDs), local planning authorities should positively plan to meet the defined local needs of their rural communities for small scale affordable housing, business and service development, taking account of changing patterns of agriculture, economic diversification, and continued viability of local services.

LDDs should define their approach to development in villages based on the functions performed, their accessibility, the need to protect or extend key local services and the capacity of the built form and landscape setting of the village. All new development should be subject to rigorous design and sustainability criteria so that the distinctive character of the village is not damaged.

To assist this, local planning authorities should encourage community-led local assessments of need and action planning to inform decision making processes.

POLICY BE6: MANAGEMENT OF THE HISTORIC ENVIRONMENT

When developing and implementing plans and strategies, local authorities and other bodies will adopt policies and support proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place. The region's internationally and nationally designated historic assets should receive the highest level of protection. Proposals that make sensitive use of historic assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate use should be encouraged.

3 What difference does conservation area designation make?**Provisions of PPG 15** (by paragraph reference)

- 4.3 Important that conservation areas are seen to **justify their status** and that the concept is not devalued by the designation of areas lacking any special interest
- 4.4 Definition of an area's special architectural or historic interest to derive from an **appraisal** of
- Topography
 - Historical development
 - Archaeological significance
 - Prevalent building materials
 - Character and hierarchy of space
 - Quality and relationship of buildings
 - Trees and other green features
 - Unlisted buildings that make a positive contribution to the special interest
- 4.5 In deciding whether to designate LPA may take into account the **resources** required for
- administration of controls
 - consultation with local residents
 - formulation of policies
- 4.9 **Policies** will be needed setting out what is to be preserved and enhanced and how, separate from Development Plan, in an appraisal
- 4.14 Development proposals will be judged for their **effect** on the character and appearance as identified in the appraisal
- 4.16 Emphasis on controlled and managed change, avoiding unnecessarily detailed controls
- 4.17 New buildings should be designed with respect for their context
- 4.18 LPA can ask for **detail**. Special regard should be had for
- Scale
 - Height
 - Form
 - Massing
 - Respect for pattern of frontages
 - Vertical & horizontal emphasis
 - Detailed design eg scale & spacing of window openings, nature & quality of materials

- 4.19 Must give high priority to preserving or enhancing the character or appearance. If conflict, presumption against
- 4.20 Development can leave the area unharmed ie neutral
- 4.21 Different **permitted development rights** in conservation areas. Need consent for
- cladding
 - dormer windows
 - satellite dishes fronting highway
 - smaller extensions
 - Demolition of buildings over 115 cubic metres (=single garage)
 - Demolition of front walls over 1m and other walls over 2m
- 4.22 Under Article 4(2) can withdraw permitted development rights eg for replacement of doors, windows, roofs, on frontages, subject only to publicising proposals and views of local people
- 4.23 Under Article 4(1) can withdraw wider PD rights, subject to SoS approval. SoS generally in favour where
- backed by clear assessment of special interest (in appraisal)
 - importance to special interest is established (in appraisal)
 - local support
 - involves minimum necessary withdrawal.
- 4.24 Provision for payment of compensation for removal of PD rights
- 4.25 Consent required for **demolition**
- 4.27 General presumption in favour of retaining buildings that make a positive contribution. Must be assessed against same broad criteria as for demolition of listed buildings. Where little or no contribution, full information required about replacement and merits of this can be considered.
- 4.28 Demolition of part of a building: Schimitzu case
- 4.29 Can link by condition that a contract for redevelopment must be let before demolition
- 4.30 **Advertisement** control
- 4.31 **Trees:** need to give 6 weeks notice in writing of intent to lop, top or fell. Up to 2 years work to a group of trees can be approved at one time.

4 Cherwell's approach to conservation area designation and management

Adopted Cherwell Local Plan Policies

- C18** In determining application for LBC the Council will have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Council will normally only approve internal and external alterations or extensions to a listed building which are minor and sympathetic to the architectural and historic character of the building.

- C23** Presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character or appearance of a conservation area.
- C27** Development in villages will be expected to respect their historic settlement pattern.
- C28** Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas, such as conservation areas development will be required to be of a high standard and the use of traditional local building materials will normally be required.
- C30** Design control will be exercised to ensure
- i) New housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity;
 - ii) that any proposal to extend an existing dwelling is compatible with the scale of the existing dwelling, its curtilage and the character of the street scene;
 - iii) that new housing development or any proposal for extension... or conversion provides standards of amenity and privacy acceptable to the LPA.
- C31** In existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted.
- C33** The Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value.

Non Stat Plan policies

Limited weight

Draft policy in emerging Core Strategy

Policy SD 13

The Built Environment

New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. Where development is in the vicinity of any of the district's distinctive natural or historic assets, delivering high quality design will be essential.

New development should:

- Respect local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting.
- Preserve and enhance designated historic assets, features, areas and their settings, and ensure new development is sensitively sited and integrated
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings
- Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials and colour palette
- Demonstrate an holistic approach to the design of the public realm following the principles set out in The Manual For Streets

- Be compatible with up to date urban design and Secured By Design principles
- Incorporate energy efficient design, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies SD 1 - 5 on climate change and renewable energy)

The Council will provide more detailed design policies in the Delivery DPD.

Where the Council prepares site specific Supplementary Planning Documents (SPDs), generic SPDs on non-site specific issues and Informal Development Principles, applicants should have regard to these when drawing up design proposals for these sites.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application.

For major sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and that co-ordinated high quality design is delivered throughout.

SPG/Ds

- We currently only have site specific SPGs and SPDs.
- We have informal guidance notes (with limited weight) on
 - Conservation Areas
 - Listed Buildings
 - Doors and windows in Conservation Areas
 - Building in harmony with the environment
 - Householder design guide
 - The redevelopment of specific sites (eg Dashwood School, St Edburg's School)
- Informal guidance is in preparation on
 - Subdivision of Houses into Flats (held in abeyance for 2 years, work now recommenced)
 - The use of lime
 - Energy efficiency in historic homes

Conservation Area Appraisals

The role of appraisals is to define the special architectural and historic character. The Council has recently invested staff time in preparing appraisals.

- 58 Conservation Areas designated
- 43% reviewed within last 5 years
- 4 underway at present including new designation at Mollington
- 6 new designated within last 5 years
- 75% with management plans
- Programme recently of 11 pa to get all up to date within 5 years
- Future programme reduced to 6 pa due to staff reduction and other commitments
- Have concentrated on those closest to urban areas
- Now concentrating on category A and B villages

Article 4 Directions

Within conservation areas permitted development rights are automatically reduced so that more work requires planning permission. However, they are not removed altogether and a significant amount of development can still be carried out, particularly to dwelling houses, without the need for planning permission. The accumulation of minor works can have a significant impact on the character and appearance of conservation areas.

Article 4 Directions can be introduced to remove specific permitted development rights. Article 4(1) Directions require the permission of the Secretary of State. Article 4 (2) Directions do not and apply only to dwelling houses in conservation areas, enabling LPAs to bring the permitted development rights of dwelling houses into line with those for flats, shops and commercial premises within conservation areas. Article 4 (2) Directions can be introduced to take away specified permitted development rights for works which affect the frontages (only) of dwellings to a highway, waterway or open space. Works covered by the Direction then require planning permission; no fee is payable; there is the usual right of appeal.

Article 4(2) Directions are usually require that permission be sought for

- Alterations to windows such as the replacement of timber sliding sashes with mock sashes, casements or uPVC;
- Alterations to doors such as the replacement of timber panelled or boarded doors with glass or uPVC doors;
- Alterations to roofs including the replacement of natural stone flags or slate with concrete tile, or the insertion of rooflights;
- Alterations of roofing alignment and insertion of rooflights;
- The erection of porches;
- The removal of chimneys;
- The removal of boundary walls, fences or railings and gates;

Research by the English Historic Towns Forum has shown that 81% of local planning authorities have Article 4 directions for one or more of their conservation areas and that 19 % of conservation areas nationwide have Article 4 Directions applied to them.

Cherwell has 6 very specific Article 4 Directions in place at

- Kidlington: 1977 restricts motor cycle racing
- Mollington: 1970 restricts erection of agricultural building on specific land
- Balscott : 1969 restricts erection of agricultural building on specific land
- Wroxton: 1953 removed specific permitted development rights (enlargement, improvement, garage, stable, loose box) from historic part of the village.

Grant Aid

Section 57 of The Act enables LPAs to contribute towards the repair or maintenance of a listed or unlisted building of architectural or historic interest and its garden through grant aid or loan.

The Council used to operate Conservation area improvement grant schemes and also grant aid the repair of listed buildings but these programmes ceased over 10 years ago.

A bid was made for an allocation in the 2010-11 budget to target three specific areas. Although this was unsuccessful, it is now proposed to allocate £100,000 of the Planning Delivery Grant award to achieve the same outcomes. Terms of reference of the scheme to be put to The Executive shortly for approval. Initiatives such as this are very heavy on staff time so we have also applied for funding through English Heritage for financial assistance from the New Jobs Fund programme, which would pay for administrative support for this programme for 6 month period. The three proposed areas are

- shop front improvements in Parsons Street
- shop fronts improvements in Market Square, Bicester
- environmental improvements in Grimsbury.

Shop front improvement schemes

It is proposed that a combination of guidance and incentive be offered:

- A revised Shop Front Design Guidance document be produced
- Grant aid equivalent to a proportion of the costs of the repair of an historic shop front or replacement of a poor quality shop front be offered
- Effort be targeted at specific identified properties in Parsons Street and Market Square

Grimsbury Property Improvements

It is proposed that this initiative be two fold:

- Many properties, particularly in **West Street and Middleton Road**, are in a very poor state of repair, with inappropriate replacement windows etc. It is proposed to target specific property /ies, possibly working in conjunction with A2 Dominium, to achieve an exemplar project, and also to grant aid the repair of other properties in these streets.
- Detailed guidance would be produced and distributed in the area advising people how to repair their property
- Consideration will also be given to the benefits of serving an Article 4 (2) Direction with the aim of preventing any further deterioration in the character and appearance of the area.
- The **brick raised planting beds** in Centre Street and East Street, erected some 15 or so years ago to prevent rat running, are in a state of collapse. It is proposed to work with Oxfordshire Highways and Banbury Town Council, involving local residents, to secure replacement landscape schemes for these three areas.

5 Key Issues

- **Are there misconceptions over the role and purpose of Conservation Area?**
- **Are there misconceptions as to what extra controls Conservation Area designation provides?**

Discussion points:

Designation does not require consent to be sought for

- changing windows
- doors
- demolition of front boundary walls under 1m in height
- re-roofing.

How can we best direct our efforts to protect, maintain and enhance our conservation areas?

Possible priority areas

- Shop fronts and signage: Parsons Street and Market Square
- Subdivisions of houses into flats
- Loss of traditional features
- Maintenance of buildings and public realm
- Improving quality of new development including extensions to existing buildings.