



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Built Environment Conservation Area Policy  
Scrutiny Review**

**Overview and Scrutiny Committee  
November 2010**

## **Membership of the Overview and Scrutiny Committee**

Cllr Dan Sames (Chairman)	Cllr Linda Thirzie Smart (Vice-Chairman)
Cllr Ann Bonner	Cllr Nick Cotter
Cllr John Donaldson	Cllr Andrew Fulljames
Cllr Alastair Milne Home	Cllr Leslie F Sibley
Cllr Chris Smithson	Cllr Trevor Stevens
Cllr Keith Strangwood	Cllr Lawrie Stratford

## **Acknowledgements**

The Overview and Scrutiny Committee would like to thank the following for providing information and evidence to the Committee:

- Cllr Gibbard, PfH Planning and Housing
- John Hoad, Strategic Director Planning Housing and Economy
- Phil Clarke, Head of Planning Policy and Economic Development
- Linda Rand, Design & Conservation Team Leader
- Bob Duxbury, Development Control Team Leader
- Jenny Barker, Team Leader - Development Control & Major Developments

## **1 Introduction**

In the summer of 2010 the Overview & Scrutiny Committee considered undertaking a full scrutiny review of the work of the planning service within conservation areas insofar as this work relates to:-

- Identifying, appraising and reviewing conservation areas
- developing planning policies and guidance to protect conservation areas
- determining planning applications, Listed Building Consents and Conservation Area Consents
- enforcing the planning decisions of the Council

A detailed briefing pack of documents relating to the above issues was circulated to members of the Committee in advance of the meeting on 26 October 2010. The Head of Planning Policy and Economic Development, the Design and Conservation Team Leader and the Team Leaders from Development Control and Major Developments attended that meeting to answer the Committee's questions about the Council's policy and practice with regard to conservation areas.

## 2 Evidence

The issues considered and the information reviewed by the Overview and Scrutiny Committee is listed below:

Ref	Title of document
1	Type and number of Conservation areas in Cherwell Evidence provided: List of conservation areas, date designated and date(s) reviewed
2	Current national legislation as it applies to conservation areas (what it does and does not allow)
3	Provisions of Local Planning Policy Evidence provided: Bryan House / Chapel Street Informal Development Principles Stanbridge Hall Informal Development Principles Subdivision of Buildings for residential use (working draft not for public distribution) RAF Bicester Planning Brief Householder Design Guide
4	The current procedures for the designation of conservation areas and examples of existing conservation area appraisals and the guidance documents available to residents Evidence provided: Typical poster advertising exhibition and public meeting Typical leaflet distributed to all households advertising exhibition and public meeting Typical ballot Typical letter to all households within the designated area informing of changes that result. Mollington Conservation Area Appraisal Shennington with Alkerton Conservation Area Appraisal RAF Bicester Conservation Area Appraisal Banbury Conservation Area Appraisal
5	An example of the current procedure for planning applications within a conservation area and the type of advice / support provided by officers to the public. Evidence provided: Rosebank, Bloxham Vine Cottage, Noke 20-21 Newton Purcell Littlebury Hotel, Bicester
6	Information on the number and incremental cost of processing conservation area consent application
7	Information on the frequency of instances where the advice of the Conservation Officer is over-ruled by colleagues or Planning Committee
8	Details of the relationships with local amenity groups (eg the local civic society) with regard to conservation areas.
9	Clarity on the Council's legal powers – Cherwell District Council Planning Enforcement Policy – and what additional measures are available.

### 3 Conclusions

Having been presented with information by officers and based on discussion of a wide range of issues relating to the matter, the Committee has decided not to undertake a full scrutiny review of this matter at the current time. The Committee is, however, able to draw a number of conclusions and make several recommendations to Executive.

The Committee recognises the importance of conservation areas in helping to maintain the quality of the environment in Cherwell, attract businesses to the district and enhance the quality of life for its residents. It strongly supports the work which the council does to seek to protect conservation areas and properly control development within them.

The Committee recognises the limitations imposed by national legislation and planning policy on the power of local authorities to intervene in conservation areas. It particularly notes the new PPS5 (Planning and the Historic Environment) which places greater weight on the concept of undesignated heritage assets than has previously been the case.

The Committee endorses measures taken by Cherwell District Council to put appropriate local planning policies and guidance in place to protect conservation areas, and would wish to urge the council to ensure that this continues into the future. Whilst the committee supports the role of informal planning guidance documents (such as the emerging document "*Subdivision of buildings for residential use*" and proposed shop front design guide) it would be concerned if these are not subsequently found to be effective as a development control tool. The Committee considers that this matter should be kept under close review by the LDF Advisory Panel. If it was found to be the case that such informal documents are not supported by inspectors in planning appeals, or cannot otherwise be given appropriate planning weight, the Committee would wish to see such documents produced as formal "local development documents" within the Local Development Framework.

The Committee recognises that there will be cases where the professional opinion of the Design & Conservation Officer on a planning application will not be reflected in the final recommendation of the case officer or decision of the Council. It agrees that in making a balanced judgement in respect of any application, the case officer has to balance a number of (sometimes competing) interests or factors. The Committee welcomes, however, the fact that the views of the Design & Conservation officer are only "overruled" in approximately 2% of cases.

The Committee welcomes the work that the council does to enforce against breaches of planning control within conservation areas. The Committee recognises that there is currently no scope for the Council to recover the costs of enforcement and prosecution other than the normal legal costs associated with a court appearance. The ability to issue fines and recover actual costs associated with planning enforcement cases would require a change to primary legislation. The Committee agreed that this was an issue that should

be raised at the forthcoming visit to the Council by John Howell, Member of Parliament for Henley and a principal author of the government's proposals for reform of the planning system.

The Committee recognises the opportunities open to the council, working with partner organisations, to do more to enhance the conservation area, including through the use of environmental improvement grants, but acknowledges the cost and time required to deliver these. Furthermore, there are opportunities where other council services are carried out (such as highway repairs by the County Council) to ensure that these are done appropriately, recognising the special character of conservation areas. In regard to Article 4 Direction Orders, it is recognised that in addition to the cost and time required to create these, there is then an ongoing resource commitment from the Council to determine planning applications within the affected area. Such applications would not attract a planning fee.

## **4 Recommendations**

The Committee wish to make the following recommendations to the Executive.

1. That the Executive recognises the importance of our conservation areas and continues to support the work carried out by the Council to protect their character.
2. That the Executive asks the LDF Advisory Panel to make sure that policies to protect conservation areas are contained within the LDF at the appropriate earliest opportunity.
3. That the Executive approves the informal planning guidance document "*Subdivision of buildings for residential use*" which is shortly to be brought before it for approval following public consultation.
4. That the LDF Panel be requested to keep under review the effectiveness of the document "*Subdivision of buildings for residential use*" and in due course, if this document is found not to be effective in generally achieving its objectives, to consider whether the document should be reviewed and incorporated more formally as a Local Development Document within the Local Development Framework.
5. That Executive supports the efforts of the Council as a whole as we work with other organisations (such as the Highway Authority in respect of highway maintenance) to make sure that where public money is spent in conservation areas, this is appropriately directed to ensure that priority is given to ensuring the enhancement of the conservation areas.