

Executive

Oxford Canal Conservation Area Appraisal

1 October 2012

Report of Head of Strategic Planning and the Economy

PURPOSE OF REPORT

To seek the approval of the Executive to designate the Oxford Canal Conservation Area with immediate effect.

This report is public

Recommendations

The Executive is recommended:

- (1) To consider the representations received following consultation and the changes made to the draft conservation area appraisal and to the proposed conservation area boundary as a result.
- (2) To approve the conservation area appraisal for the Oxford Canal accordingly.
- (3) To resolve, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to designate the Oxford Canal Conservation Area with immediate effect.

Executive Summary

Introduction

- 1.1 This report sets out the comments received on the draft appraisal and the new designation and indicates the amendments that are considered appropriate in response.
- 1.2 The appraisal sets out the importance of the Oxford Canal and its relevance to the District's historic environment. The work has been undertaken by consultants CgMS and Richard Morriss of RKMorriss Associates under the guidance of Linda Rand (former CDC Design and Conservation Team Leader) and Mandy Lumb (SNDC Conservation Officer). The designation of part of the Oxford Canal as a Conservation Area aims to ensure that the special character and appearance of the area can be identified and protected, through ensuring that any future development preserves or enhances that identified special character.

- 1.3 If approved it will be a material consideration in the determination of planning applications within the conservation area and its setting.

Background Information

- 1.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 [The Act] places a duty on local planning authorities [LPAs] to identify areas of special architectural or historic interest and to designate those areas as conservation areas. Thereafter the LPA is required to formulate and publish proposals for the preservation and enhancement of the conservation area, submit these to a public meeting and have regard to views expressed.
- 1.5 The canal has particular support from the Proposed Submission Draft Local Plan under policy EDS17, which highlights the 'significant industrial heritage, tourism attraction and major leisure facility' that is the canal. The canal is an iconic historic structure running the length of the district through the attractive Cherwell Valley, and the Council seeks to promote leisure and tourism related uses, as well as mixed use development in urban settings. The accessibility of the towpath and suitable parking facilities for visitors are identified as significant issues requiring appropriate design solutions.
- 1.6 The recently adopted Design and Conservation Strategy 2012-2015 also recognises the balance between preserving the canal's sensitive ecology, tourism growth, and development pressures (section 5.3). The designation of the conservation area is seen as a first step in the Heritage Partnership Agreement process.
- 1.7 There are currently 59 conservation areas designated in Cherwell District and there is an ongoing programme of review and new designations, with 25 (42%) having been designated or reviewed within the last 5 years.
- 1.8 Conservation Area designation can sometimes cause local controversy and so this Council operates a policy of not proposing designation without consulting those people who would be affected by the proposals.
- 1.7 The Council put the appraisal out to tender on 22nd November 2011 and received 4 tenders. CgMS was chosen based on a number of factors and work commenced on 8th December 2011.
- 1.8 The draft appraisal identifies the special architectural and historic interest of the Canal, the character and appearance of which it is desirable to preserve or enhance, as required by The Act. The appraisal follows a format recommended by English Heritage and assesses the geology, topography, historical development and architectural history, identifies buildings of local interest as well as those statutorily listed and other heritage assets. It includes a character analysis of the length of the canal in 20 distance-related areas, and the specific features of the canal such as engineering and structures. It is used in the determination of planning applications and by inspectors at appeal.
- 1.9 The Oxford Canal runs from Coventry to Oxford, and a stretch of around 33 miles lies within the Cherwell and South Northamptonshire districts. The canal is of the rural contour type, using and circumnavigating the landscape, giving it the relaxed cruising atmosphere that is its greatest attraction for tourists and residents alike. Work on the canal started in 1769; the stretch between Banbury and Oxford was constructed between 1778 and 1790, making it one

of the largest man-made features in the Cherwell district. The arrival of the railways reduced the use of the canal, which was used mainly for coal transportation, and following WWII, the canal was classed as a 'cruiseway', rather than for commercial use. Since then it has become one of the busiest and most popular recreational cruiseways in the country.

Public Consultation

- 2.1 **Public consultation** commenced on 5 March 2012 for a period of 2 weeks. After discussion with consultees, the consultation period was extended until 16 April 2012 (6 weeks).
- 2.2 The **draft document** was made available on the Council's website, in the Banbury library, Bicester library and Kidlington library. Many copies were distributed at the public exhibitions and meetings.
- 2.3 **Publicity** included:
 - Posters and an invitation to the public exhibitions and meetings were sent to each of the 17 parish councils whose parishes would be affected by the proposals.
 - A media release was sent out.
- 2.4 A **public exhibition** was held in Upper Heyford Village Hall (1 March), Banbury Town Hall (8 March) and Exeter Hall, Kidlington (12 March).
- 2.5 In each case, this was followed by a **public meeting**, which was chaired by the local member and attended by residents and interested parties. Mike Dawson and Richard Morriss made presentations, setting out the justification for designation, and this was followed by a question and answer session.
- 2.6 A **stakeholder workshop** was held on 12 March at Exeter Hall, Kidlington. Approximately 26 attendees were present from a variety of organisations including parish councils and local residents.
- 2.7 The **completed draft appraisal** including consultee comments was received by the council on 10 May. Following this, the proposed boundary and the content of the draft was reviewed.
- 2.8 Following consideration of the additional information contributed by consultees, the document was amended by the consultants and a précis of the comments included as an appendix to the document.

Consultation Responses

- 3.1 **Sixteen** written consultation responses were received from a potential 114 consultees, including all affected parish councils. All were in favour of the designation in principle. These are reported in précis at appendix 4.
- 3.2 All comments were noted by the consultants. Where appropriate, alterations to the text were made. The main comments were concerned with the following:
- 3.3 Maintenance, either piecemeal or comprehensive undertakings: Concern was

raised over the maintenance programme and materials used. The overall maintenance is now undertaken by the Canal and Rivers Trust [the Trust], with additional works being undertaken by individual land/property owners. The Trust prefers traditional repair methods and materials, which is encouraged by the Council. Further requests are made to treat the canal as a tangible asset, encouraging landowners, boatowners and visitors not to harm its appearance with inappropriate dumping.

- 3.4 Specific towpath and embankment maintenance: due to its method of construction, the towpath is not easily accessible during all seasons, particularly for those with limited mobility. Standard repair methods are not appropriate due to their appearance, and it is recommended that this be a matter to be raised as part of a heritage partnership agreement with the Trust.
- 3.5 Boundary line drawn too tightly to contain all the relevant important structures and features: Features which were constructed in association with or influenced by the canal have been included within the boundary, including the towpath and embankment. Some features are already covered by existing conservation areas and therefore may not appear within the Canal conservation area. Areas which are not included but are adjacent have a degree of protection as part of the setting of the conservation area.
- 3.6 Visitors, in particular parking accommodation: Banbury and Thrupp are two popular areas which have limited parking provision for visitors to the canal. This is a common issue in historic areas, which had no need to acknowledge vehicles. It is recognised that the fine balance between tourism, highway safety, and the poor appearance of modern car parks has not been reached along much of the canal. It is thought that this could also be included in a partnership agreement.
- 3.7 Health and safety: the Canal is a working feature, and as such has many inherent dangers such as locks, bridges and boats. Traditional restraints such as low-level timber fencing, wrought-iron railings and coppiced trees would be more sympathetic than modern safety solutions. It is recommended that this be included in a partnership agreement.
- 3.8 Livestock and farming: several landowners are affected by this designation in that it includes the metre of their land closest to the canal. Some farmers allow (or are unaware) that their livestock drink from the canal, leading to bank collapse and further requirement for maintenance. It is a difficult issue to solve, as fencing off an area would reduce the amount of usable land. The matter was raised formally through consultation responses and through informal discussions at the public meetings and exhibitions, highlighting its importance to local residents and canal users. It is recommended that a solution be sought through a heritage partnership agreement with the Canal and Rivers Trust.
- 3.9 Continuing the working heritage and allowing evolution of the canal: the most important feature about the Canal is its continued role as a mode of transportation where people live, work and travel. Any attempt to remove this primary function would alter the character swiftly and detrimentally. Alterations do not always have to be harmful, and not all traditional methods will continue to be appropriate. The balance will need to be reviewed often to ensure that it keeps up to date.

Document Structure

- 4.1 Due to the differences between this conservation area and others in the district, the structure of the document has been altered slightly to aid the reader:

The location, geology and topography of the area

The History of the canal with reference to the Grand Cross

A thematic study of the architecture and character of the canal

Visual assessment of the linear route including setting and features of interest

- 4.2 Particular focus should be paid to:

Section 10: Implications of Designation.

Appendix Three: Recommendations for Local List of Non-Designated Heritage Assets

Appendix Four: Public Consultation. The boat and landowner issues raised during this are likely to form the basis of a Heritage Partnership Agreement with the Canal and Rivers Trust.

Conclusion

- 3.10 The area has been identified as an area of special architectural or historic interest, and as such, the Council is duty bound to designate a conservation area under section 69 of The Act.
- 3.11 The document sets out the reasons why the area is of such interest and justifies its designation. Such justification will be of use to planning officers and inspectors when determining applications along the route of the canal.
- 3.12 The document should form a starting point for a heritage partnership agreement with the Canal & Rivers Trust, attempting to consider the maintenance and management of the canal.

Key Issues for Consideration/Reasons for Decision and Options

- 4.1 To designate a conservation area along the Oxford Canal.

The following options have been identified. The approach in the recommendation is believed to be the best way forward

Option One To accept the recommendation

Option Two To decline to designate a conservation area along the Oxford Canal

Option Three To designate a conservation area with a different boundary, as Members see fit

Consultations

Banbury Town Council	Welcomes the designation in principle. Concerns regarding the boundary with Spiceball Park. Hopes better management will come through Canal & River Trust involvement. Would like to see canalside buildings included as well but aware of area redevelopment potential. Important that the towpath surface is maintained and appropriate for the area it is travelling through.
Claydon with Clattercote Parish Council	Pleased to endorse the area and appraisal. Important to note the scale of development in the village. Hopes the designation will help to control and restrict ribbon development along the canal bank. Designation can only be a benefit.
Somerton Parish Council	Supportive on the designation: provides some protection for a valuable piece of British heritage. Concerned about towpath and fencing quality/siting. Would like minimum fencing distance to be considered. Support the removal of PD rights.
Catesby Parish Meeting (N.Hants)	Support the designation; encourage further stretches to north and south be investigated for designation as well.
Steeple Aston Parish Council	Agree with the designation. Regret that a wider area is not proposed (including River Cherwell) – suggest an AONB designation is considered for the rural valley area. Important to safeguard the qualities of heritage and landscape.
N. Stapleton, landowner	Supportive – would like to enable everyone to enjoy the area
E. Tonkin, towpath walker	Concerns regarding the towpath and walking/cycling
C. Turley, resident	Agree with the proposals. Non-designated heritage assets need a comprehensive survey. Protection for canal-related flora, fauna and archaeology should be considered.
J. Carter, resident	Concerns regarding parking at popular tourist stops along the route.
G. Klaes, resident	Concerns regarding the maintenance and management of woodland, livestock, speeding, education, residential mooring, towpath. Suggestions for the marinas at Cropredy and management of locks. Observations and suggestions for document content.
Bruce Tremayne CPRE Bicester	Support designation. Hope this will bring proper protection for the area and any planning rules will be enforced.
Mick Jeffs CPRE Warwickshire	Support the designation but recommend that Stratford on Avon and Rugby Councils are encouraged to do the same.
Ray Treadwell,	Support proposals. Wider issues of live-aboard

Sovereign Wharf	management need to be addressed by a partnership agreement with Canal & Rivers Trust.
Richard Peats Area Adviser, English Heritage	Strongly supportive of the concept of creating a conservation area based on the canal and the approach taken, that of restricting the area to cover the canal, tow-path and associated wharfs is considered sound. In places we would suggest that the boundary may be drawn a bit too tightly and it may be worth including buildings which, while they may pre-date the canal have been very closely associated and their form shaped by the canal. The appraisal shows a very thorough understanding of the development and significance of the canal and its character.
Jane Henell Area Planner, British Waterways (South)	Broadly supportive of the designation, pleased the LPA recognises the benefits that the canal brings to the community. Should not be seen by the public as stopping progress or preventing improvement. Aims that the new Canal and River Trust should work with partners including the Council to unlock the potential of the canal.
Olivia Euesden, Land Use Operations, Natural England	Pleased to see promotion of towpath as recreational part of the proposal. Would like more mention of flora/fauna and areas of scientific interest.

Implications

Financial:	The cost of preparing and consulting on this draft Strategy is being met from existing resources. Comments checked by Karen Curtin, Head of Finance and Procurement, 0300 0030106
Legal:	The Council would be failing in its duty under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 if it declined to designate a conservation area where it had determined the area to have special architectural or historic interest. Comments checked by Kevin Lane, Head of Law and Governance, 0300 0030107
Risk Management:	In failing to designate a conservation area, the Council would not be using all the powers at its disposal to preserve or enhance the identified special interest and could be putting this at risk. Comments checked by Kevin Lane, Head of Law and Governance, 0300 0030107

Wards Affected

Adderbury
Astons & Heyfords: Lower Heyford, Somerton, Souldern & Upper Heyford Parishes
Banbury

Bloxham & Bodicote: Bodicote Parish
Cropredy: Bourton, Claydon with Clattercote, and Cropredy Parishes
Deddington
Kidlington
Kirtlington: Bletchington, Hampton Gay & Poyle, Shipton on Cherwell &
Thrupp, and Kirtlington Parishes
Yarnton: Yarnton, Gosford & Water Eaton Parishes

Corporate Plan Themes

Corporate Theme 6: Protect and enhance the local environment
Corporate Theme 8: Rural Focus

Lead Member

Councillor Michael Gibbard
Lead Member for Planning

Document Information

Appendix No	Title
1	Oxford Canal Conservation Area Appraisal
Background Papers	
None	
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