



Guidance on the management of conservation areas



ENGLISH HERITAGE

PAS

planning advisory service

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1a Park Road cottages, Hampton Wick, Richmond upon Thames © The Paul Drury Partnership

1b Tynemouth village, North Tyneside © English Heritage (Catherine Dewar)

1c Church Street, Weybridge, Surrey © The Paul Drury Partnership

1d Appletree field barn, Swaledale, North Yorkshire © Yorkshire Dales National Park Authority

1e South Shoreditch, London © Urban Practitioners

1f Truro, Cornwall © Cornwall County Council



This guidance identifies the key aspects of good practice that need to be taken into account by local authorities in managing their conservation areas, whilst recognising that resources are limited and have to be prioritised. It aims to relate the designation and management of conservation areas to the principles of conservation management planning for historic places [■], outlines how the management of conservation areas relates to the new development plans system and provides references to other relevant information.

In English Heritage's view, it is essential that local authorities should:

- include policies in the local development documents to safeguard the character or appearance of conservation areas and their settings (page 6);
- formally adopt and publish the character appraisals and management proposals for each of the authority's conservation areas in support of the relevant supplementary planning document(s) (page 6).
- involve the local community fully in the appraisal and designation process and in decisions about the future of an area (page 9);
- designate only areas that are of 'special interest' in the local context, based on consistent criteria and recognising that such areas need careful management (pages 8 and 10);
- define the 'special interest' that justifies designation through a detailed character appraisal of each conservation area (page 12);
- base the management of each area on understanding it and considering how its value or importance is vulnerable to harm (and might be reinforced) through using the appraisal as the starting point for developing management proposals and policy guidance for the area (page 13);

- where necessary, make Article 4 directions to control damaging cumulative change in conservation areas and take statutory action to secure the future of significant buildings at risk (pages 14 and 16);
- where appropriate, draw up specific enhancement/improvement schemes to reinforce the character of individual conservation areas (page 21);
- encourage the sympathetic redevelopment of buildings or sites which detract from the character or appearance of an area and prepare appropriate design/development briefs (page 21); and
- regularly monitor and review the effect on its character of changes in an area, and take rapid action to deal with current problems (page 24);

In order to manage their conservation areas and undertake their statutory duties effectively, local authorities will need access to specialist expertise, normally through the employment of appropriately qualified historic environment staff of adequate status within the authority.

[■] See *Informed Conservation: Understanding historic buildings and their landscapes for conservation*, Kate Clark for English Heritage, 2001

I INTRODUCTION

BACKGROUND

1.1

Much has been written and published since English Heritage's guidance *Conservation Area Practice* (1993, revised 1995) was issued. The principles of conservation management planning – that managing any historic place should be based on understanding it and assessing its significance and values – are now accepted as applying to historic areas as much as to historic buildings.

1.2

Government reform of the planning system inevitably will have an impact on the way in which the heritage is dealt with. Our approach to understanding and managing historic areas needs to be kept under review and adapted as the wider planning context becomes clearer. ***This guidance is therefore being issued as a consultative document.*** It is intended to review it within the next two years and feed-back to the English Heritage Policy Team on its scope, practicability and usefulness would be welcomed.

THE IMPORTANCE OF CONSERVATION AREAS

1.3

Historic areas are now extensively recognised for the contribution they make to our cultural inheritance, economic well-being and quality of life. Public support for the conservation and enhancement of areas of architectural and historic interest is well established. By suggesting continuity and stability, such areas provide points of reference in a rapidly changing world: they represent the familiar and cherished local scene. Conservation areas are widely considered by local authorities to be useful and more than 9,100 have been designated.

THE NEED FOR ACTION

1.4

Change is inevitable in most conservation areas; the challenge is to manage change in ways that maintain and, if possible, reinforce an area's special qualities. The character of conservation areas is rarely static and is susceptible to incremental, as well as dramatic, change. Some areas are in a state of relative economic decline, and suffer from lack of investment. More often, the qualities that make conservation areas appealing also help to encourage over-investment and pressure

for development in them. Positive management is essential if such pressure for change, which tends to alter the very character that made the areas attractive in the first place, is to be limited. Some designations are intended to help promote beneficial change, although this usually only applies in run-down areas.

BV 219

1.5

Government policy stresses the need for local planning authorities to define and record the special interest, character and appearance of all conservation areas in their districts ². A local authority's performance in designating conservation areas, defining the special architectural or historic interest that warrants designation through up-to-date character appraisals, and publishing management proposals for the areas based on the character appraisals is now the subject of a three-part heritage "Best Value Performance Indicator" (BV 219) for 2005-06 ³. The purpose of BV 219 is to monitor local authorities' performance in relation to Sections 71 and 72 of the principal Act – see page 9. BV 219a comprises the total number of conservation areas in the local authority's area. BV 219b requires the percentage of conservation areas in the local authority's area that have an up-to-date character appraisal to be calculated, noting that "Clear and concise appraisals of the character of conservation areas provide a sound basis for their designation and management, and will inform local development documents" (see below). BV 219c requires the percentage of conservation areas with published management proposals to be calculated, noting that "Public support for conservation areas as places that give identity to people and communities is well-established. This indicator will monitor how local authorities are managing their development." *Guidance on how BV 219 should be applied and measured is being prepared by English Heritage.*

Unless otherwise indicated, references are to the Planning (Listed Buildings and Conservation Areas) Act 1990

² Planning Policy Guidance note 15: *Planning and the historic environment* (PPG15), paragraph 4.4

³ BV 219a-c *Preserving the special character of conservation areas* issued by ODPM on 28 February 2005

PART I: POLICY AND PRACTICE

2 CONSERVATION AREA POLICY

LOCAL DEVELOPMENT FRAMEWORKS

2.1

The government has introduced a new kind of planning system in which the focus is on flexibility, strengthened community and stakeholder involvement, making key decisions early in the preparation of plans, sustainability appraisal, programme management, and the use of evidence to underpin both policy choices and monitoring.

2.2

Local planning authorities now produce local development frameworks (LDFs), a portfolio of local development documents which fall into three categories:

- *Development plan documents* (DPDs) – which are subject to independent examination and with the relevant Regional Spatial Strategy ⁴, will form the development plan for a local authority's area ⁵.
- *Supplementary planning documents* (SPDs) – which provide further detail of and/or guidance on policies and proposals included in a DPD. SPDs do not have development plan status, but must be subject to rigorous community involvement procedures.
- The local authority's *statement of community involvement* (SCI) – which sets out standards to be achieved in involving the community in the preparation and review of all local development documents and in significant development control decisions.

All local development documents, with the exception of the SCI, must be subject to sustainability appraisal (SA), incorporating the requirements of the Strategic Environmental Assessment Directive (SEA) ⁶ and need to be included in the local authority's *local development scheme* (LDS)

2a+2b The centre of Tynemouth village, which retains its distinctive character © English Heritage (Catherine Dewar)



COMMUNITY INVOLVEMENT: TYNEMOUTH VILLAGE CHARACTER STATEMENT

Tynemouth is a village located at the mouth of the Tyne between Cullercoats and North Shields. It is a suburb of the Tyneside conurbation, yet manages to retain its own distinct character. A community-led initiative, undertaken in partnership with the North East Civic Trust, has produced the Tynemouth Village Character Statement. The aim of the statement is to capture Tynemouth's unique character, to influence future planning decisions and to help manage, not prevent, the process of change in the conservation area. Information for the statement was collected over six months during 1999. In all, some 300 local people contributed, either by completing questionnaires or through workshops. The draft document was well publicised and over 70 people provided useful feed back. The outcome is a plan that contains the voice and views of the community. The character statement not only highlights the significance of Tynemouth and its heritage, but also includes practical recommendations on how to preserve and enhance the area. The statement has since been adopted by the council.

⁴ References to regional spatial strategies in this document also apply to the *Spatial Development Strategy for Greater London*, also known as the 'London Plan'.

⁵ Planning and Compulsory Purchase Act 2004, section 38(2)(3).

⁶ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001, on the assessment of the effects of certain plans and programmes on the environment. ODPM has issued a consultation paper on *Sustainability*

Appraisal of Regional Spatial Strategies and Local Development Frameworks, September 2004, available from their website and accompanied by a helpful *Interim advice note on frequently asked questions*

2.3

The key document in the LDF is the *core strategy* (a development plan document) ⁷, which is a new kind of “spatial” plan that aims to bring together the aspects of all relevant strategies in an area, especially the community strategy, which have a bearing on the use and development of land.

2.4

Local authorities should express in their core strategy how their broad strategy for conservation is integrated with other policies and then locally applied in the building of specific local sustainable communities and places. They should avoid simply repeating national policy statements ⁸ and regional policies.

2.5

In demonstrating how it adds value to national policy, the core strategy might indicate in which parts of the authority’s district conservation objectives are key priorities, why they are and how those objectives are interrelated with other, wider objectives. For example, a local authority might set out heritage-led regeneration as a key part of its corporate and community strategy.

2.6

The core strategy should also set out how the authority intends to deliver its strategic intentions. This can be achieved through a variety of instruments and activities, which are described below. Some of this material will be supporting evidence that shows how the strategy will be delivered and thus demonstrate its soundness. This could include stating that the authority will prepare character appraisals and management strategies for all its conservation areas, as a means of fulfilling its duty to preserve and enhance these areas.

AREA ACTION PLANS

2.7

Area action plans (AAPs) should be used to provide the planning framework for areas where significant change or conservation is needed, for example, a neighbourhood undergoing a radical regeneration programme, or where measures are needed to protect areas particularly sensitive to change ⁹. For conservation areas where such need is evident, or which are included in a wider area undergoing change, area action plans should set out the policies and proposals for action, based on the character appraisal, required to preserve or enhance the area.

These may include defining sub-areas where particular measures are proposed and/or which will be subject to specific controls over development (eg Article 4 directions) ¹⁰, or setting out a strategy for heritage-led regeneration. A key feature of AAPs will be the focus on rapid implementation.

2.8

Area action plans are development plan documents and therefore subject to sustainability appraisal and public examination. It will not generally be appropriate to start preparation of an AAP for a particular area if, for example, the budget for implementation is small and the degree of activity proposed is limited, since the work of preparation would not be justified ¹¹.

SUPPLEMENTARY PLANNING DOCUMENTS

2.9

These provide a means for giving greater specific guidance, for example on development control matters relating to conservation areas, or to expand or provide further details on policies in a development plan document. Supplementary planning documents (SPDs) can be produced rapidly, generally within a 6 – 12 month timescale. They could be appropriate for the generality of conservation areas where area action plans are not required or justified.

2.10

SPDs can supplement higher level policy in controlling erosion of the special interest that warrants designation and where appropriate, guiding the form of new development. Whilst a proliferation of policy documents should be avoided, it is envisaged that separate supplementary planning documents will be used to detail conservation area policies for major or complex conservation areas, or to produce a conservation area policy SPD covering part or all of a local authority’s district, if this is appropriate. Such SPD should be supported by adopted and published character appraisals which define the specific character that is to be preserved and enhanced and proposed management strategies for the individual conservation areas concerned. A conservation area character appraisal, with or without a related management strategy, cannot itself be a SPD and therefore does not require sustainability appraisal.

⁷ Planning Policy Statement 12: *Local Development Frameworks* (PPS 12), paragraphs 2.9-2.10

⁸ PPS 12, paragraph 2.30

⁹ PPS 12, paragraph 2.17

¹⁰ PPS 12, page 17, paragraphs 2.2.12-14

¹¹ See page 20 of *Creating Local Development Frameworks: A Companion Guide to PPS 12*, ODFM (2004)

2.11

The conservation area policy SPD should expand and provide guidance on historic environment policies in the core strategy: it should also make reference to the character appraisals for the conservation areas concerned, which provide supporting evidence. The SPD might provide policy guidance on, for example, important views and vistas, demolition, alterations and extensions to historic buildings, securing good design quality in new development and other conservation area issues. SPD could also be produced in the form of development/design briefs for specific key sites identified in a sites allocation development plan document ¹².

2.12

All SPDs should be included in the authority's local development scheme and must be in conformity with the policies of the relevant development plan documents which they supplement, in general conformity with the Regional Spatial Strategy and consistent with national planning policies. SPDs are to be produced through community involvement as set out in the authority's statement of community involvement ¹³ and must be subject to sustainability appraisal, incorporating the requirements of the SEA Directive ¹⁴. SPDs are not subject to independent examination.

2.13

If the regional or core strategy policy with which a SPD is in general conformity has already been appraised, the scope of the sustainability appraisal for the SPD may not need to be extensive. Forthcoming ODPM guidance will indicate how the maximum benefit can be drawn from sustainability appraisal work at regional level in order for local authorities to avoid having to duplicate it at local level. If the SPD is in conformity with a policy or policies in a 'saved' development plan which has not undergone sustainability appraisal, the appraisal of the SPD will need first to assess the significant effects of the saved policy or policies which the SPD is helping to implement. This will establish the baseline against which the effects of the SPD can be compared.

By virtue of their preparation process and inclusion in the local development framework, SPDs will be an important material consideration in the determination of planning applications ¹⁵.

PROPOSALS MAP

2.15

Following commencement of the new planning system, the proposals map is usually that in the saved local plan or Unitary development plan. As each Development plan document (DPD), which makes site specific allocations, is adopted, the proposals map will be updated automatically to reflect the contents of the DPD. In the interests of accuracy and convenience, local authorities should take the opportunity to indicate any changes to the boundaries of existing conservation areas and/or any new designations whenever the proposals map is updated.

ANNUAL MONITORING REPORT

2.16

Local authorities are required to prepare an annual monitoring report which will assess progress with the implementation of the local development scheme and the extent to which policies in the local development documents, including policies for the historic environment, are being achieved.

THE NEW HERITAGE PROTECTION REGIME

2.17

Protecting our historic environment: Making the system work better ¹⁶ proposes a new, simplified approach to managing the historic environment. A unified protection regime, in the form of a single 'Register of Historic Sites and Buildings of England', has been proposed, bringing together the current regimes of listing, scheduling, registration and World Heritage Sites. The post-consultation report, *Review of heritage protection: The way forward* ¹⁷, has confirmed the Government's intention to introduce a single unified 'Register'. The new system will be structured in two sections, national and local: local authorities will be responsible for compiling the latter. To achieve consistency across the country, local designations, including conservation areas, will be made against high-level national criteria and guidance to be published by English Heritage.

¹² See PPS12 paragraph 2.15

¹⁴ PPS12, page 24, checklist 3b

¹⁶ DCMS/ODPM, July 2003

¹⁷ DCMS, June 2004

¹³ See PPS12, page 47

¹⁵ By Section 38(6) of the Planning and Compulsory Purchase Act 2004

3 THE IMPLICATIONS OF DESIGNATION

LOCAL AUTHORITIES' DUTIES

3.1

The Act defines a conservation area as 'an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' ¹⁸. Local planning authorities have a duty to review the overall extent of designation in their areas regularly and if appropriate, to designate additional areas ¹⁹. Designation remains the principal means by which local authorities can apply conservation policies to a particular area.

3.2

Following designation, local planning authorities have a duty:

- from time to time, to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts and to consult the local community about these proposals; ²⁰
- in exercising their planning powers, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas ²¹.

THE IMPLICATIONS OF DESIGNATION FOR LOCAL AUTHORITIES

3.3

The designation process should never be seen as an end in itself. Designation without the commitment of sufficient resources to fulfil the duties that follow, including the adoption of appropriate policies, can seriously undermine the purpose and value of conservation areas. Where resources are limited, balances will obviously need to be struck and priority given to key issues.

3.4

The requirement for applications to be made for conservation area consent for the demolition of unlisted buildings, to advertise these and applications for planning permission for development that would affect the character or appearance of conservation areas and for the felling or lopping of trees to be notified to the

local authority, all require staff time. The need to consider the impact of development proposals on the special interest of the area means that the local authority must be able to call on appropriate conservation expertise in assessing and negotiating on statutory applications and ensuring that appropriate quality is achieved in the implementation of consents.

3.5

A direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 may be required to preserve the character or appearance of the conservation area, or part of it (see page 16). Financial assistance for owners, through some form of grant scheme, may be needed to encourage repairs and preventative maintenance to historic buildings (again requiring the input of specialist expertise) and enhancement proposals may involve major investment.

3.6

It is essential, therefore, for all the departments within the local authority to understand the significance of designation and to work corporately to ensure that development control decisions are appropriate to the historic context and that street management does not damage the historic fabric or appearance of conservation areas. A 'development team' approach can help to ensure such that issues are widely understood within an authority.

THE IMPLICATIONS FOR OWNERS AND RESIDENTS

3.7

Designation has some resource implications for owners and occupiers of property within the area, because of the increased statutory controls and particular requirements for the repair or alteration of existing, or construction of new, buildings. For many owners, however, these implications may be outweighed by the 'cachet' of designation (as demonstrated by estate agents' increasing emphasis on a conservation area location when advertising property for sale) and the tendency of development controls aimed at maintaining the character of the conservation area to sustain, or enhance, the value of property within it.

¹⁸ 1990 Act, Section 69 (1)(a)

²⁰ 1990 Act, Section 71

²¹ 1990 Act, Section 72

¹⁹ 1990 Act, Section 69 (2)

THE NEED FOR COMMUNITY INVOLVEMENT

3.8

Much greater emphasis now needs to be given to involving the local community in decisions about both the designation and the management of conservation areas ²². Technically, SCIs do not apply to consultations about conservation area issues (although they do apply to public involvement in conservation area casework) ²³, but good practice would be for a local authority to devise a strategy for public involvement that was generally in line with its SCI. Organisations to be consulted should be directly relevant to the authority's area and might include, for example, town and parish councils, conservation area advisory committees or groups, local amenity societies, environmental groups, residents' associations, chambers of commerce and local business organisations.

3.9

Community involvement and support also needs to be maintained (or stimulated) after designation, through, for example, consultation on specific proposals; ²⁴ the establishment and support of a conservation area advisory committee or conservation advisory group (which might cover several related conservation areas); and through continuing publicity, especially web-based.

3.10

The internet provides an effective way of providing information and seeking views via the local authority's website. Leaflets and guidance (both published and available online) can help the local community, particularly those living, working or proposing any form of development in a conservation area, to understand why the area has been designated, what constraints and opportunities result from designation, and what policies the local authority has adopted. Most importantly, the benefits of designation can be explained. Local amenity and community groups can provide a further channel for distributing information.

3a Church Street, Weybridge, in the heart of the conservation area © The Paul Drury Partnership



3b Map of the Weybridge conservation area © Elmbridge Borough Council



ELMBRIDGE BC'S "COMMUNITY CAPACITY BUILDING" PILOT PROJECT

This joint initiative between English Heritage and Elmbridge Borough Council aims to help local people undertake conservation area studies and appraisals themselves. Focused on four specific areas in Weybridge and East Molesey, a two-year pilot project is helping volunteers to "grow" conservation skills that can then be passed onto volunteers in Elmbridge's other conservation areas.

The project's principal aims are to:

- build community awareness and appreciation of heritage issues;
- harness expertise and employ local volunteers' analytical skills;
- produce conservation area character appraisals for the four selected areas;
- provide information for Heritage Counts for a wider database; and
- develop a character appraisal methodology for wider application in the Borough.

²² op cit, para 64

²³ See *Creating Local Development Frameworks*, page 69, including footnote 41.

²⁴ 1990 Act, Section 71

4a Barf End field barn, Swaledale
© Yorkshire Dales National Park Authority

4b Appletree field barn and boundary walls, Swaledale
© Yorkshire Dales National Park Authority

4a



4b



BARNS AND WALLS CONSERVATION PROJECT, YORKSHIRE DALES NATIONAL PARK

The field barns and dry stone walls of the Yorkshire Dales National Park are distinctive features of an efficient, but labour-intensive, traditional farming system. They are essential components of the cultural heritage and landscape character of the Swaledale area.

The centralisation of farming activities and changes in land management after the Second World War resulted in many barns becoming redundant and boundary walls not being maintained. By the mid 1980s, the characteristic patchwork of barns and walls was under serious threat. The extensive Upper Swaledale and Arkengarthdale conservation area, some 15 miles across and containing 1017 field barns, was designated in 1989. A “barns and walls conservation project”, grant-aided by English Heritage and supported by DEFRA agri-environment funds, was established by the Yorkshire Dales National Park Committee to encourage their repair. By 2000, some 340 of the field barns had been repaired, although those with just DEFRA funding not necessarily to conservation standards.

DESIGNATION PROCEDURES

3.11

Deciding which areas are of ‘special architectural or historic interest’ is ultimately a matter for the judgement of local planning authorities. But local communities have a vital role to play – what is valued by the community may add a new perspective to what is considered to be ‘special’ by the local authority. Where the designation of a new conservation area, or changes to, or review of, an existing area, is proposed, it is essential for the local community to be involved in the decision making. Community interest, or suggestions put forward by a local group, can also prompt consideration of a particular area for designation. Advertising a proposed designation and arranging a local meeting, or presentation(s) to local interest groups, can provide a good opportunity to test and consolidate wider community support and ‘ownership’ which are essential if policies aimed at the preservation or enhancement of the character or appearance of the area are to succeed.

3.12

The assessment of an area’s special interest should be made against local (district-wide) criteria. Local distinctiveness and community value, ‘specialness’, in the local or regional context, should be recognised in drawing up these criteria. Designation is therefore unlike the statutory listing of buildings, where the Secretary of State for Culture, Media and Sport, on the advice of English Heritage, decides what is of ‘special architectural or historic interest’ against national criteria. Ideally, a character appraisal of an area should be undertaken prior to designation (see below).

3.13

The new protection regime described above (see page 8) lies in the future, but the proposals indicate how the approach to historic area conservation is likely to change. In the meantime, local authorities should continue to take a consistent and objective approach when considering the extent and adequacy of designation across their districts.

3.14

Whilst designation can be a legitimate response to an actual or perceived threat to the character of an area, the first consideration should always be whether the area is of sufficient special interest to warrant designation, rather than whether designation would provide an additional control. Designation should never be undertaken solely in response to local pressure, or to bring the future of particular unlisted buildings under control.

3.15

The immediate setting of the area also needs to be considered carefully and within reason, included in the boundary, if protection is desirable ²⁵. The test should be whether a wider area justifies the additional controls that result from designation, or whether it is more a matter of adding an appropriate policy and/or applying normal development controls in a way that respects the character and appearance of the conservation area. PPG15 points out ²⁶ that the effect of proposed development outside a conservation area on its setting, or on views into or out of the area, is a material consideration which should be taken into account by the local planning authority when considering the proposal.

3.16

Conservation area designation is not generally an appropriate means of protecting the wider landscape. Circumstances where it is appropriate may include historic gardens and parkland associated (or formerly associated) with buildings and containing structures or trees deserving protection, areas where the physical fabric of man-made components is particularly significant, or the immediate setting and landscape backdrop of smaller rural settlements. Managing the historic character of a wider landscape requires an alternative approach, for example, through historic landscape characterisation or landscape character assessment ²⁷, or within existing National Parks or Areas of Outstanding Natural Beauty (AONB).

REVIEW

3.17

A district-wide re-assessment of existing conservation areas is desirable from time to time, especially where there is increasing pressure for change and/or to ensure consistency of designation criteria. This is also relevant now in relation to BV 219b and 219c, which require conservation area character appraisals to be kept up-to-date and management proposals to be developed (see page 4). Areas designated many years ago should be re-appraised to see if they are still of special interest. If the original interest has been so eroded by subsequent changes (either cumulative or dramatic) or by inappropriate development that the area is no longer special, boundary revisions or even cancellation of designation may need to be considered.

3.18

The general appropriateness of current boundaries should also be assessed as part of the review process. Many early conservation areas were drawn too tightly, omitting, for example, the full extent of historic rear plots, which are often of archaeological interest and an essential part of the framework of an historic town, or the Victorian or Edwardian phases of development, now considered of special interest. If this is the case, extension of the existing boundary will need to be considered.

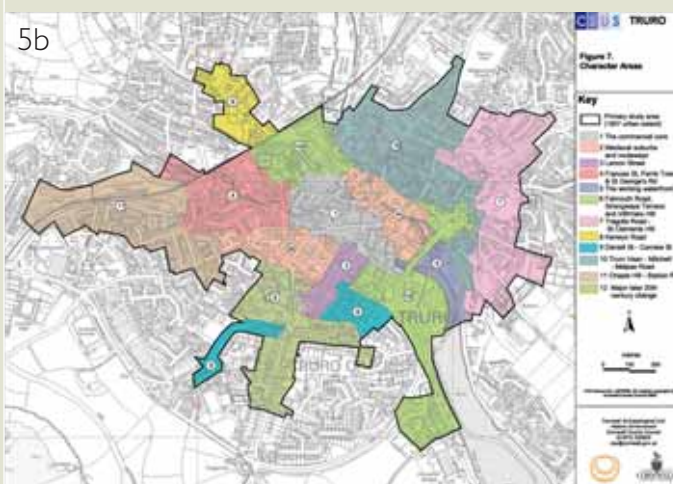
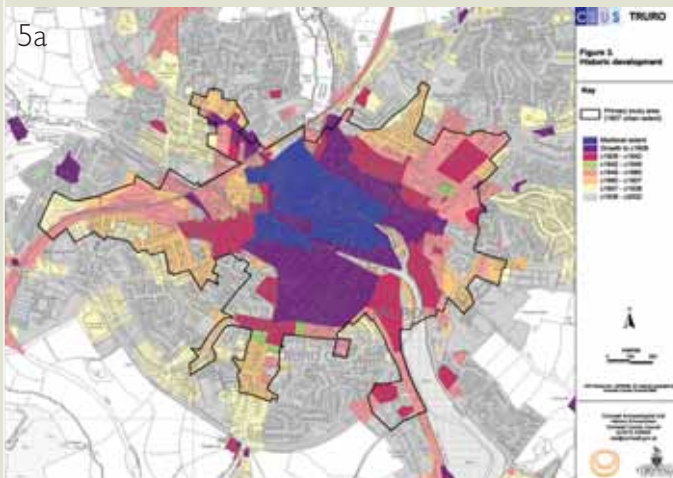
²⁵ Useful lessons on wider designation can be drawn from case law – see Mynors C, *Listed Buildings, Conservation Area and Monuments* (3rd edition) 1999, section 3.2.6, pages 69-70

²⁶ PPG15, paragraph 4.14

²⁷ PPG15, paragraphs 2.26, 6.40

5a Truro: map illustrating the historical development of the town © Cornwall County Council

5b Truro: map of the conservation area sub-divided into character areas © Cornwall County Council



THE CORNWALL AND SCILLY URBAN SURVEY: TRURO

Their rich historical and archaeological legacy has given the historic towns of Cornwall and Scilly a distinctive and special character. Objective 1 and other vital regeneration initiatives will bring major benefits to these towns over the next few years. The Cornwall and Scilly Urban Survey (CSUS) ²⁸ is supporting this process of change by seeking to ensure that regeneration is based on a thorough understanding of the historic environment and builds upon the existing character of each settlement. The project is investigating 19 historic towns and creating individual information bases and character assessments that will provide the framework for sustainable action. The report for Truro, Cornwall's only city, identifies 14 'character areas' within the city, then sets out nine character-based principles for regeneration. It also highlights a number of regeneration and conservation opportunities in 12 'key themes for Truro'.

4 SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

DEFINING SPECIAL INTEREST

4.1

PPG15 emphasises that *'It is the quality and interest of areas, rather than of individual buildings, which should be the prime consideration in identifying conservation areas'* ²⁹. When designating new, or reviewing existing, areas, it is vital for the special architectural or historic interest that justifies designation to be defined and recorded in some detail. This is important for providing a sound basis, defensible on appeal, for local policies and development control decisions, as well as proposals for preserving or enhancing the conservation area. The existence of a clear definition of the area's special interest, in the form of a published character appraisal, also helps to reduce uncertainty for owners and others when investment or development in the area is being considered. English Heritage places a great emphasis on the need for local authorities to have appraisals in place for all their conservation areas, an emphasis now formalised in the requirements of BV 219b.

CHARACTERISATION

4.2

Understanding an area's distinctive historic character and how it came to be as it is, is one of the starting points for deciding its future. Characterisation can help to develop an appreciation of an area as the basis for making sustainable decisions on managing change within it. The aim of most historic landscape characterisation studies is to define the distinctive historic dimension of today's urban and rural environment within a given area and its capacity for change, through mapping, describing, analysing and understanding the landscape. Characterisation can assist with conservation area appraisals by providing the landscape context of settlements ³⁰ and helping to identify and analyse different 'character areas' or zones within large and/or complex areas.

²⁸ Cornwall and Scilly Urban Survey funded by English Heritage and the Objective One Partnership for Cornwall and Scilly (European Regional Development Fund)

²⁹ PPG15, paragraph 4.2

³⁰ See *Using Historic Landscape Characterisation*, Jo Clark et al, English Heritage/Lancashire CC, 2004

CONSERVATION AREA CHARACTER APPRAISALS

4.3

A character appraisal should set out how the area or place has evolved as an exciting, but unfinished story, draw out the key elements of the townscape quality and character of the place as it now is and define what is positive and negative – the opportunities for beneficial change. A successful appraisal should provide an insight into the character of the area that goes beyond mere description linked to historical facts. The form and content of conservation area appraisals obviously will need to vary according to the nature and complexity of the area concerned.

4.4

Involving the community in the appraisal process is vital: important lessons on local engagement in the preparation of conservation area appraisals can be learned from The Countryside Agency's *Village Design Statements*. These aim to establish the local community's views on and aspirations for their historic environment through a bottom-up, participatory process. *Parish Plans*, local, action-based plans, which address a range of problems and opportunities affecting rural communities, provide another model ³¹.

4.5

Conservation area character appraisals need to be kept up to date, not least because of the requirement in BV 219b (see page 4). Advice on the cycle for reviewing existing appraisals and what should be covered can be found on page 22 of *Guidance on conservation area appraisals*.

*Detailed advice on preparing conservation area character appraisals is provided in the companion English Heritage publication **Guidance on conservation area appraisals**, which includes a suggested format for an appraisal and a checklist of headings that may be helpful.*

³¹ See *An Introduction to Village Design Statements and Guidance for parish and town councils* on The Countryside Agency's website, www.countryside.gov.uk

³² by Section 71 of the 1990 Act

³³ Under Section 72 of the 1990 Act

PART 2: MANAGEMENT

5 MANAGEMENT ACTION

DEVELOPING A MANAGEMENT STRATEGY

5.1

The character appraisal should provide the basis for developing management proposals for the conservation area that will fulfil the general duty placed upon local authorities under the Act ³², now formalised in BV 219c, to draw up and publish such proposals. The proposals should take the form of a mid- to long-term strategy, setting objectives for addressing the issues and recommendations for action arising from the appraisal and identifying any further or more detailed work needed for their implementation. Tools such as a SWOT (strengths, weaknesses, opportunities and threats) analysis can be helpful in this process. Local authorities have a duty ³³ to hold a public meeting to discuss the proposed management proposals – and involving the local community in their development is essential if the proposals are to succeed.

5.2

Components of a management strategy might include, as appropriate:

- the application of policy guidance, both generic and local (for example, on planning applications and design statements, new development, repairs, alterations and extensions to historic buildings, demolition and the need for historic environment impact assessment) and site-specific development briefs: such guidance will need to be linked to the LDF via policies and guidance in a local development document (see earlier section on LDFs, page 5) in order to carry any weight in planning decisions;
- consideration of the resources needed to sustain the historic environment in the area concerned;
- procedures to ensure consistent decision-making, based on the published policies and guidance;
- a mechanism for monitoring change on a regular basis, including periodic, dated, photographic surveys and recording;
- an enforcement strategy to address unauthorised development (helpful advice on best practice is provided in the Enforcement Concordat); ³⁴

³⁴ In March 1998, the Cabinet Office, in partnership with the Local Government Association, published the central and local government *Concordat on Good Enforcement* (the *Enforcement Concordat*),

a voluntary, non-statutory code setting out best practice – see www.cabinet-office.gov.uk/regulation/PublicSector/enforcement/enforcement.htm

- proposals for the imposition of Article 4 directions, following detailed survey and justification;
- intended action to secure the repair and full use of any buildings at risk in the conservation area, based as necessary on detailed survey of building condition and occupancy;
- proposed enhancement schemes and ongoing management/improvement strategies for the public realm, recognising that many local authorities are not highway authorities;
- proposals for developing an economic development and regeneration strategy for the area, including grant-aid for the repair and restoration of architectural features to buildings;
- a strategy for the management and protection of important trees, greenery and green spaces; and guidance on the need for an assessment of the area's ecology/bio-diversity value and its implications; and
- proposals for an urban design and/or public realm framework, dealing with spaces, movement, etc.

5.3

The management strategy ideally should form part of the same document as the character appraisal, but should be dealt with as a separate section: it will need to be reviewed and updated regularly, say on a five year cycle. The strategy should be realistic, bearing in mind the resources likely to be available and define priorities for action; be specific to the needs and nature of the conservation area concerned; and include a programme, setting targets and milestones for the recommended actions. Most importantly, it should be concise.

5.4

The policy guidance to which the management strategy refers and any plans or programmes proposed should be set out in a SPD (see page 6), which will need to be subject to sustainability appraisal incorporating the requirements of the SEA Directive and community involvement procedures in accordance with the authority's statement of community involvement. ³⁵

5.5

In parallel with the application of appropriate planning policies, it is essential that a flexible approach is taken to the requirements of the Building Regulations and Fire

Precautions Act and that rigorous application of general planning and highway policies should be relaxed where they would be in conflict with the preservation or enhancement of the area's character or appearance.

TOWNSCAPE HERITAGE INITIATIVE MANAGEMENT PLANS

5.6

Where the Heritage Lottery Fund (HLF) is investing public funds through a Townscape Heritage Initiative (THI) scheme, a specific 'conservation area management plan' is required to ensure that the conservation benefits achieved by the THI do not disappear once the scheme ends. The HLF requires the management plan, which all members of the THI partnership, including the local planning authority, must formally adopt, to be put into practice for at least ten years after the scheme has ended. The management plan must cover the heritage value of the area and problems posing a threat to it; planning policies; proposed planning measures; a framework for design standards; education and training; community consultation and involvement; and putting the management plan into practice ³⁶.

URGENT WORKS AND REPAIRS NOTICES

5.7

Keeping historic buildings repaired and where possible, in use, is the key to their preservation. Owners of listed buildings are under no statutory obligation to maintain their properties in good repair (although it is usually in their interests to do so). But local authorities have statutory powers and can take action to instigate repair when it becomes evident that a building is falling into decay.

5.8

Urgent works notices ³⁷ to secure emergency or immediate repairs to arrest deterioration can be served on the unoccupied parts of both listed and unlisted buildings in conservation areas (in the case of the latter, only with the agreement of the Secretary of State for Culture, Media and Sport, advised by English Heritage) ³⁸. An urgent works notice is a statement of the local authority's intent to carry out works itself if the owner does not and to reclaim the costs from the owner. Such notices are often enough to encourage owners to repair the buildings, or to put them on the market ³⁹.

³⁵ See *Sustainability Appraisals of Regional Spatial Strategies and Local Development Frameworks: Consultation Paper*, ODPM, September 2004, section 2.3, page 65

³⁶ See *Monitoring documents for development grants and guidance for THI Stage 2 submissions*, Heritage Lottery Fund, January 2004

³⁷ Under section 54 of the 1990 Act

³⁸ Under section 76 of the 1990 Act

³⁹ See PPG15, Part 2, Section 7, *The upkeep and repair of historic buildings*, paragraphs 7.5-7.8

5.9

Repairs notices ⁴⁰, requiring works reasonably necessary for the proper preservation of the building to be undertaken, can only be served on statutorily listed buildings. The service of a repairs notice is formally the first step towards compulsory purchase, but most such notices prompt owners to sell the buildings concerned, rather than allowing the procedure to run its course ⁴¹. Much more extensive repairs can be specified than under an urgent works notice, but the notice cannot require works to put the building into a better condition than it was at the date of listing. The local authority cannot carry out the works itself (although it can, of course, carry out urgent works concurrently with the repairs notice, to prevent further deterioration), unless by agreement, or it proceeds to compulsorily purchase the building in default of the owner taking steps to carry out the specified works.

5.10

Urgent works and repairs notices can be very effective in helping to secure the future of historic buildings and local authorities should make full use of their statutory powers if listed buildings, or unlisted buildings that contribute positively to the special interest of a conservation area, are falling into decay. Fuller information on serving urgent works and repairs notices is available in English Heritage's step-by-step guide, *Stopping the Rot* ⁴².

5.11

Before serving a repairs notice, or attempting to acquire property by other means, the local authority must (if they are to be successful in any subsequent compulsory purchase order public inquiry) ensure that arrangements are in place for the subsequent repair of the building. This is usually achieved by means of a prior agreement with a buildings preservation trust, or private buyer (a 'back-to-back' arrangement), involving a binding contract to purchase the building from the authority as soon as it has been acquired.

6a 26-30 Normandy Street, Alton, showing failure of temporary roof covering before service of second urgent works notice. © East Hampshire District Council

6b 26-30 Normandy Street, Alton, after repair © East Hampshire District Council



26-30 NORMANDY STREET, ALTON, HAMPSHIRE: USE OF REPAIRS NOTICE AND COMPULSORY PURCHASE ORDER PROCEDURE

26-30 Normandy Street, Alton, is an 'ordinary' listed building in a conservation area, an early 17th century timber-framed structure encased by late 18th century construction and further altered in the 19th century. The building was already in poor condition when it was listed at grade II in 1987. East Hampshire District Council first served two urgent works notices, then a repairs notice. A public inquiry in 1994 resulted in the Secretary of State confirming the Council's compulsory purchase order (CPO) ⁴³ and a direction for minimum compensation. Most importantly, the inclusion of the whole curtilage of the building in the CPO was upheld on the grounds that, as well as being necessary for access and amenity, the repair of the listed building might need to be cross-subsidised by development on the land to the rear. After the CPO had been actioned, applications were received from the owner proposing 'enabling development' at the rear. Negotiations resulted in a Section 106 agreement that secured the repair of the listed building in parallel with the construction of the (acceptable) new development, to a pre-agreed timescale.

⁴⁰ Under section 48 of the 1990 Act

⁴¹ PPG15, paragraphs 7.0-7.11

⁴² *Stopping the Rot: A step-by-step guide to serving Urgent Works and Repairs Notices*, English Heritage, 1998 – currently being updated.

⁴³ Under section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Acquisition of Land Act 1981

5.12

A local authority may also use its general planning powers to serve a Section 215 notice ⁴⁴ on the owner (or occupier) of any land or building whose condition is adversely affecting the amenity of the area, particularly a conservation area. Such a notice requires the person responsible to clean up the site or building, or the authority can carry out the work itself and reclaim the cost from the owner. Section 215 is a relatively straightforward power that can deliver important, tangible and lasting improvements to amenity – and local authorities are positively encouraged to use these powers wherever appropriate. ODPM has recently published a helpful *Best Practice Guidance* note on the use of Section 215 notices ⁴⁵.

ARTICLE 4 DIRECTIONS

5.13

Under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, a general planning permission is granted for a range of minor developments, subject to limits and conditions designed to protect amenity and the environment. “Permitted development” rights are, however, more restricted in conservation areas than elsewhere for certain types of development: these include the addition of dormer windows to roof slopes, various types of cladding, the erection of satellite dishes fronting a highway and a reduction in the size of permitted extensions.

5.14

Articles 4(1) and 4(2) of the General Permitted Development Order (GPDO) enable local planning authorities to make certain directions withdrawing the permitted development rights given under the Order. Article 4(2) directions apply only to parts of dwelling houses and associated buildings and structures that front onto highways, waterways or open spaces. They can be confirmed by local authorities once the direction has been advertised locally and notice served on residents, without reference to the First Secretary of State. Article 4(1) directions can be used to withdraw permitted development rights on any type of land or building, whether or not fronting onto highways, waterways or open spaces, but they need to be approved by the First Secretary of State. Unfortunately, some conservation areas will already have undergone such significant loss of historic features that this procedure is no longer appropriate.

5.15

In detail, Article 4(2) directions may be used to withdraw permitted development rights for a prescribed range of development which materially affects aspects of the external appearance of dwelling houses in conservation areas. This includes the erection, alteration, or removal of a chimney; various kinds of development fronting a highway, waterway, or open space, such as the enlargement, improvement, or other alteration of a dwelling house; the construction of an external porch; and the painting of a dwelling house, or of a building or enclosure within its curtilage. Article 4(2) directions may also be used in a conservation area to withdraw the permitted development rights to demolish a gate, fence, wall or other means of enclosure, if it is within the curtilage of a dwelling house and fronts a highway, waterway or open space.

5.16

Article 4(2) directions can be selective both between and within the categories of development specified. The removal or alteration of a particular type of architectural feature which is important to the character or appearance of the conservation area, such as distinctive windows, doors and fanlights, or cornices, parapets and other characteristic architectural details, could be specified in the direction. Local authorities are not required to obtain the approval of the First Secretary of State to serve a direction: but they should notify local people and take account of public views before deciding whether to confirm it. A direction should be confirmed within six months, or it lapses. For the direction to become effective once confirmed, the local authority must give notice by advertisement in a local newspaper and normally serve a notice on the occupier or owner (if there is no occupier) of all the properties affected by the direction ⁴⁶.

⁴⁴ Under section 215 of the Town and Country Planning Act 1990

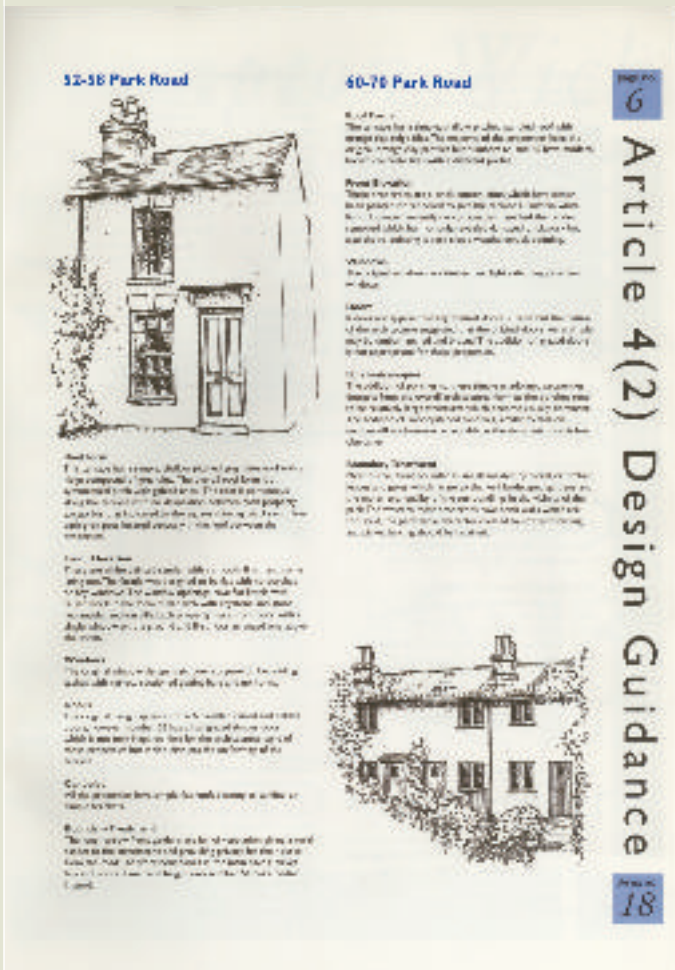
⁴⁵ *Town and Country Planning Act 1990, Section 215: Best Practice Guidance*, ODPM, January 2005 – see www.odpm.gov.uk, under ‘Planning Guidance and Advice’

⁴⁶ For further advice, see Mynors (3rd edition), 1999, section 8.4

7a 60-70 Park Road, Hampton Wick, subject to the Article 4(2) direction © The Paul Drury Partnership

7b 52-58 Park Road, Hampton Wick, also subject to the direction © The Paul Drury Partnership

7c Article 4(2) design guidance leaflet © London Borough of Richmond upon Thames



HAMPTON WICK CONSERVATION AREA: ARTICLE 4(2) DIRECTIONS

The London Borough of Richmond upon Thames has published conservation area studies for the majority of the 63 conservation areas in the borough. The studies include character appraisals and based on these, proposals for the preservation and enhancement of the areas. In some cases, detailed guidance is provided for owners of properties where Article 4(2) directions to protect the architectural character of groups of houses have been made as part of the study. The example illustrated is for the Hampton Wick conservation area. The guidance explains the provisions of the Article 4(2) direction, illustrates the architectural features that contribute to the character of the conservation area, and offers advice on appropriate repair methods, materials and details.

8a The Town (north side) in Enfield Town. These commercial buildings are protected by an Article 4(1) direction. © The Paul Drury Partnership

8b Buildings on the corner of The Town and Silver Street, also covered by the Article 4(1) direction. © The Paul Drury Partnership



ENFIELD TOWN ARTICLE 4(1) DIRECTION

Complaints about the repainting in inappropriate colours of a prominent building in the Enfield Town conservation area prompted the London Borough of Enfield to consider the need for an Article 4(1) direction to control the external painting of commercial properties (normally 'permitted development') in the town centre. A detailed report confirmed that a direction, to control the painting of previously unpainted brickwork and repainting of painted surfaces on the principal facades of the mostly late 19th and early 20th century buildings, was needed to protect the contribution that the buildings make to the character of the conservation area. For reasons of urgency, the Article 4(1) direction was served immediately, without prior public consultation. The First Secretary of State's approval was then sought and the direction subsequently confirmed by the government Regional Office.

5.17

Article 4(1) directions need to be approved by the First Secretary of State, either by submission of a prior application for approval (via the government Regional Office), or by confirmation of the direction within six months of its service, if the matter is urgent. English Heritage is of the view that, if the exercise of the permitted development rights concerned within a conservation area could materially detract from the special interest of the area, then the local authority should consider seeking an Article 4(1) direction. This is often desirable to protect investment already made in the area by private owners and/or developers, by the local authority, and through central government grant-aid. The existence (or proposed establishment) of a publicly-funded grant scheme can also be cited in support of a proposal for an Article 4(1) direction.

5.18

When considering seeking an Article 4(1) direction, local authorities should contact the relevant government Regional Office and discuss informally the scope and presentation of the proposed direction, before making an application.

5.19

The fact that an area is a conservation area does not, of itself, automatically justify making an Article 4(1) direction – as PPG 15 makes clear⁴⁷. Directions in conservation areas are more likely to be approved, however, where they are justified by a clear assessment of the area's special architectural and historic interest; where the importance to the special interest of the features in question is established; where the local authority can demonstrate local support for the direction; and where the direction proposes the minimum withdrawal of permitted development rights necessary to achieve its objective. Careful definition and a reasoned argument in support of the proposed direction and its extent are, therefore, essential in making the case to the government Regional Office.

5.20

Although the First Secretary of State is not required to explain disallowing a direction, government offices usually make the reasons known to the local authority – which of course remains free to make a revised application. Full guidance on Article 4 directions is given in DoE Circular 9/95.

⁴⁷ PPG15, paragraph 4.2.3

5.21

When a direction is proposed, the local authority should consider carefully whether to consult the public at the outset, since, in some cases, a lengthy consultation period may provoke the carrying out of the very works which the direction would control. If this seems likely, the direction should be served and consultation undertaken subsequently: if not confirmed following consultation, the direction will lapse. It may be possible for compensation to be claimed from the local authority if permission is refused following an application that was only required as a result of the Article 4 direction, but this is rare ⁴⁸. The calculation of the sum involved is a complex matter, requiring specialist legal and valuation advice ⁴⁹.

5.22

Generally and subject to the guidance in Appendix D of DoE Circular 9/95, *General Development Order Consolidation*, permitted development rights should only be withdrawn where there is firm evidence to suggest that permitted development which could damage the character or appearance of a conservation area is taking place or is likely to take place, and which therefore should be brought within full planning control in the public interest. Once an Article 4 direction has been confirmed, the local authority will need to monitor the area to which it applies and pursue any breaches. A photographic survey made at the time the direction is made will provide a useful baseline for future monitoring and dealing with subsequent enquiries, especially when properties change hands.

6 REGENERATION AND CONSERVATION AREAS

EFFECTS OF ECONOMIC DECLINE

6.1

In many conservation areas, particularly in former industrial or commercial areas of large cities, property values are low and economic activity marginal, resulting in a steady deterioration and eventual loss of the built fabric unless action is taken. Such areas may well warrant designation within the statutory definition; but, if this is to be effective, more than just a strategy to achieve repairs and physical improvements will be needed. Even in less obviously run-down areas, the

significant under-use or vacancy of historic buildings, especially of upper floors above shops, can be a serious problem. This needs to be tackled in order to encourage the return of such buildings to full beneficial use.

CONSERVATION AREAS AS THE FOCUS FOR REGENERATION

6.2

Conservation-led change has a vital role to play in the social and economic regeneration of our towns and cities: historic areas can provide a focus around which communities can regenerate. Where an area action plan focused on regeneration is being developed, it should pay particular attention to the character and appearance of any conservation area (or areas) that it encompasses. A thorough, expert analysis of the prevailing problems in the designated area and the causes of under-use and fabric decay, including realistic economic and valuation advice, should form an integral part of the overall strategy. In some cases, such as industrial areas where the original uses have ceased, the reasons for the decline will be simple and obvious; in others, particularly in the centres of major cities, they will be more complex. The impact of traffic and parking will also almost certainly have to be examined.

6.3

An important component of the analysis of the conservation area will be a survey of the condition of the historic buildings. A buildings-at-risk survey can be undertaken quickly and will give a measure of the scale of the problem and priorities for action. However, this will generally need to be followed by a more detailed assessment of the major structural and external elements of some or all of the buildings in the area to provide a realistic indication of the level of expenditure necessary to bring the physical fabric back into good repair. The availability of grant-aid should also be investigated. A survey might be considered of unlisted buildings of local interest that should be retained.

⁴⁸ Under the Town and Country Planning Act 1990, section 108

⁴⁹ Mynors (3rd edition) 1999, paragraph 8.4.9

9a Houses around The Green in Creswell, repaired (left) and awaiting repair (right). © The Paul Drury Partnership

9b Recent sales brochure (the houses were worth barely £10,000 before repair)

9c Creswell houses before (left) and after (right) repair and improvement © The Paul Drury Partnership

9d Creswell Schools at the gateway to the village. © The Paul Drury Partnership

9a



9b

CRESWELL MODEL VILLAGE, DERBYSHIRE: REGENERATION

Creswell Model Village was designed for the Bolsover Colliery Company by Percy B Houfton in 1896, to accommodate workers in an adjacent new colliery. The houses, forming a double octagon around a village green, were sadly degraded by British Coal 'modernisation' in the early 1970s and began to be abandoned after the closure of the mine in 1991. Bolsover District Council recognised that recovering the quality of the Model Village was key to the regeneration of Creswell. Designation as a conservation area was the first step in accessing Heritage Lottery Fund grants and regeneration funding that are crucial to delivering the transformation.

At the gateway to Creswell village, within the conservation area, two grade II listed former schools had also become vacant and derelict.

Urgent works notices issued by the Council, followed by a repairs notice and a draft compulsory purchase order (CPO), led to acquisition by agreement just before the CPO public inquiry was due to be held. The Council is now seeking a development partner for the buildings and adjacent land, and grant will be available if necessary to achieve a viable, conservation-led scheme.



9c



9d



7 ENHANCEMENT

GENERAL PRINCIPLES

7.1

Proposals for the enhancement of the character and appearance of a conservation area should be aimed at reinforcing those qualities and/or characteristics which provide the special interest that warrants designation.

7.2

Enhancement has two principal forms:

- the sympathetic redevelopment of sites defined in the detailed appraisal of the area as detracting from the character or appearance of the area; or
- pro-active proposals, such as the management and repair of a designed historic landscape, a scheme for the restoration of distinctive architectural features or traditional shop fronts, the reinstatement of historic surfaces, or the reduction of traffic intrusion and the rationalisation of street signage.

7.3

In commercial conservation areas, longer-term enhancement can be achieved through the consistent application of sensitive and detailed development control over alterations and shop fronts (see page 24 on generic guidance). Defining the need for, and design of, environmental improvements needs particular care. Enhancement schemes may simply not be required, or not be appropriate in some areas. The decision to do nothing should be a positive one, however, arrived at after careful consideration, and not as a result of inadequate resources or inertia. There are many examples of historic areas which have been damaged by well-intentioned, but misguided, improvements, often taking the form of a wall-to-wall carpet of hard, artificial materials in inappropriate colours: such examples are frequently associated with pedestrianisation.

7.4

Environmental improvements can also be achieved simply through the removal of negative factors such as obtrusive hoardings and unsightly poles and overhead wires, or through sympathetic landscaping and planting, where appropriate to the context. Section 215 notices (see above) can be used to deal with eyesores and clean up untidy sites, including buildings in disrepair.

DEVELOPMENT/DESIGN BRIEFS

7.5

A detailed appraisal of the conservation area is an essential pre-requisite to considering enhancement measures, or initiatives. If the appraisal has identified sites or structures which significantly detract from the character of the area, it should be followed up as quickly as possible by the preparation of specific development/design briefs for those sites. Unless the immediate context of the site clearly and fully dictates the form of the development (for example, a gap in an otherwise complete Georgian terrace), the brief should demonstrate how the general principles for new development embodied in the national, regional or local policy might be applied to the site concerned. Exploring such issues as scale and massing through three-dimensional sketches may be helpful, but fully worked-up, prescriptive design, or the dictation of a particular architectural style, should be avoided.

NEW BUILDINGS IN CONSERVATION AREAS

7.6

New development in conservation areas should aspire to a quality of design and execution, related to its context, which may be valued in the future. This neither implies nor precludes working in traditional or new ways, but will normally involve respecting values established through assessment of the significance of the area.

7.7

One of the most common problems in conservation areas is the lack of understanding by many developers and/or their designers of the urban context, resulting in crude or debased imitations of adjoining buildings, or token gestures towards the local architectural style. Where the character of the area derives from its diversity, the imposition of imitative or 'in keeping with existing' styles runs counter to the way in which the area has traditionally evolved. The aim of site-specific design guidance therefore should be to encourage new development that complements the established urban grain or settlement pattern, whilst representing the time in which it is built and the culture it accommodates ⁵⁰.

⁵⁰ See CABE's *Making design policy work: How to deliver good design through your local development framework* (2005)

10a Extract from *Royal Leamington Spa: a design framework in an historic town* (Rock Townsend) 1990 © Warwick District Council & English Heritage

10b Infill development, West Clarendon Square, Leamington Spa © The Paul Drury Partnership



ROYAL LEAMINGTON SPA DESIGN GUIDANCE

Warwick District Council and English Heritage jointly commissioned design guidance for Royal Leamington Spa ⁵² because of growing concern about the erosion of the town's historic character by bland new development in a debased 'Regency' style. The guidance, published in 1990, aimed to raise public awareness of the quality of Leamington's architecture. It provided advice on townscape criteria to be applied to development proposals in the central area and has proved useful since in informing development control decisions about key sites in the town. Case study 9, illustrated here, considered a vacant plot between the end of a Regency terrace and a Victorian cottage orneé and suggested an individual new building, rather than a continuation of the terrace. It proposed taking elements from terrace and cottage, while copying neither, and gained interest from subtle asymmetry. The built scheme has kept to fairly simple lines, but the result is more derivative than the guidance intended.

7.8

When considering proposals for new development, the local planning authority's principal concern should be the appropriateness of the overall mass or volume of the building, its scale (the expression of size indicated by the windows, doors, floor/ceiling heights, and other identifiable units), and its relationship to its context – whether it sits comfortably on its site ⁵¹. A new building should be in harmony with, or complementary to, its neighbours.

7.9

The footprint of new buildings should fit into the urban context of the area, and wherever possible, relate to the existing 'grain', for example, by respecting surviving medieval street patterns. The use of materials generally matching in appearance or complementary to those that are historically dominant in the area is important, as is ensuring that materials, detailing and finishes are all of high quality. Within these criteria, new development should aim to achieve creative design solutions, whether contemporary or traditional in style. There are exceptions and these may include new development forming part of, or adjoining, an important architectural set piece of recognised quality, which must be taken into account, or where a high-quality contemporary landmark building would clearly be appropriate.

7.10

Further guidance and case studies illustrating good design in historic contexts can be found in *Building in Context: New development in historic areas* ⁵³ and *Capital Solutions* ⁵⁴.

STREET MANAGEMENT AND IMPROVING THE PUBLIC REALM

7.11

The English Heritage manuals *Streets for All* provide a detailed guide to the management of streets for all those responsible in any way for their appearance. The guides' primary aim is to improve the appearance of streets by showing how practical solutions to common highway problems can be achieved. The underlying principles are to reduce clutter, co-ordinate design and reinforce local character – issues of particular importance in conservation areas, especially those in urban contexts. Each of the nine guides covering the English regions (including London) provides advice on street design that reflects the region's particular historic character:

⁵¹ See PPG15, paragraph 2.14, page 5

⁵² Rock Townsend: *Royal Leamington Spa: a design framework in an historic town* (Warwick DC and English Heritage, 1990)

⁵³ English Heritage/CABE, 2001

⁵⁴ English Heritage/RIBA London, February 2005

7.12

It is essential that public realm improvements are directed with specialist skill and based on a detailed appraisal and understanding of the qualities that contribute to local distinctiveness, and make an area special. Enhancement proposals should always be informed by historical research to determine the traditional types of materials used for paving and should retain existing historic surfaces wherever possible. Generally, the visual distinction between footway and carriageway should be maintained. The New Roads and Street Works Act 1991 makes statutory undertakers responsible for carrying out the permanent reinstatement of the highway where they disturb it. They are now required to do so with the existing materials, or in the closest possible match, if the materials cannot be re-used. The local authority should ensure that reinstatement is carried out to an appropriate specification and timetable.

7.13

Proposals for street improvements ideally should refer to a detailed audit of the public realm (which may be undertaken as part of the appraisal process, or at the second stage, as part of the development of a management strategy for the area – see page 13) and aim to minimise physical obstruction and visual clutter; new signs or street furniture should be properly integrated in the design of the street as a whole. Items of historic street furniture, such as red telephone kiosks, post boxes, drinking troughs and memorials (which may be listed in their own right), can make a major contribution to the local scene and should be retained in their original locations wherever possible. Clear lines of responsibility need to be established for their maintenance and repair, and authorities may find it helpful to keep an inventory of such items for which they are responsible.

7.14

Road signs and markings can also have a significant effect on the appearance of a conservation area. A proliferation of signs and posts should be avoided, and essential signs should be of a character and quality appropriate to their context ⁵⁵. A degree of flexibility in the size, siting and colour of signs is provided for in The Traffic Signs Regulations and the Department of Transport's *Traffic Signs Manual*, and local authorities should take advantage of this in conservation areas.

⁵⁵ Detailed guidance on road signs, lighting, street furniture etc is provided in *Streets for All*.

THE IMPACT OF TRAFFIC MANAGEMENT

7.15

Many problems in conservation areas can arise from, or be associated with, the measures required for traffic safety, control and calming, including pedestrianisation. The need for increased road markings and signage, as well as for physical constraints such as road humps, chicanes, islands, barriers, and safety rails inevitably introduces alien elements and visual clutter; none of which tends to preserve or enhance the character or appearance of the designated area. The impact of such measures can be lessened if their design and materials relates as far as possible to the overall townscape. Textured traditional materials, such as cobbles or stone setts, can be used to help keep down traffic speeds.

7.16

Extensive pedestrianisation of central streets or public spaces in historic areas requires very careful planning and implementation if it is not to result in as many problems as benefits. The need to provide new vehicular access and servicing arrangements for properties in the area, to provide additional or alternative car parking nearby, and to change local traffic circulation, can often have a significant impact on other parts of the conservation area and these issues should be considered. If practicable, park-and-ride schemes may offer some solution where it is desirable to limit car access to major historic centres.

7.17

In partially pedestrianised streets or areas, where buses and delivery vehicles have continued access, for example, one of the greatest difficulties will be balancing the need to make pedestrians aware that they are not in a traffic-free zone with creating a congenial and appropriate environment. Also, in such situations, paved surfaces need to be constructed and laid to support the weight of heavy vehicles, and paving materials chosen to resist traffic-generated staining.

OUTDOOR ADVERTISEMENTS

7.18

All outdoor advertising affects the appearance of the building or place where it is displayed. The main purpose of the advertisement control regime is to help everyone involved in outdoor advertising to contribute in a positive way to the appearance of an attractive and cared-for environment. These policies will be more effective if associated with published guidance about the design and siting of suitable displays that respect

the character and appearance of the area. In predominantly commercial conservation areas, the local authority ideally should produce detailed guidance on advertisements, whether attached to buildings or freestanding. Shop and trade signs should, wherever possible, be integrated in the design of the shop front or building as a whole and should be sympathetic in form, scale and materials to their context. Internally illuminated box signs and plastic blinds will nearly always be inappropriate in an historic context. Specific guidance is likely to be necessary on the installation of external security shutters.

7.19

Nevertheless, outdoor advertising is essential to commercial activity in a free and diverse economy, and local authorities should be sensitive in the use of their powers under the Town and Country Planning (Control of Advertisements) Regulations 1992 in conservation areas, many of which include retail and commercial premises. PPG 19, *Outdoor advertisement control*, gives policy guidance on these and other related issues, including the local authority's powers to issue a discontinuance notice requiring the removal of particularly unacceptable advertisements, and the First Secretary of State's power to make a direction under regulation 7, effectively removing the benefit of 'deemed consent' for a particular class or classes of advertisement. Local planning authorities are advised to discuss any proposal for a regulation 7 direction with the government Regional Office at an early stage, and justification of the merits of such a proposal will be needed if it is to be approved.

8 NEXT STEPS

MONITORING CHANGE

8.1

Changes in the appearance of conservation areas resulting from both the implementation of approved schemes and permitted or unauthorised alterations, as well as the condition of the areas' physical fabric, should be monitored regularly, the effects reviewed and policies modified, or specific action proposed as necessary, to deal with current issues. The aim should be to establish a 'virtuous circle' of monitoring, review and action as necessary to maintain a sustainable equilibrium. A review of the conservation area as

a whole will also need to be undertaken on a regular basis in order for the character appraisal to be kept up to date – see page 22 of *Guidance on conservation area appraisals*.

8.2

Ideally, a dated photographic record of the conservation area should be created during the appraisal process. This will provide an invaluable aid to any later enforcement action. It will also provide an important baseline for measuring change in the appearance of the area and monitoring the physical condition of the buildings. Once established, such a record should be kept up to date to maintain its usefulness (enforcement action cannot be taken unless the unauthorised alteration can be shown to have been carried out within the previous four years). This has resource implications, of course, but is well worth doing. Where appropriate, the local community might be encouraged to help with creating a photographic record of the area and monitoring change.

LOCAL GENERIC GUIDANCE

8.3

The provision of published or online policy guidance on general topics which may be relevant to all or many of a local authority's conservation areas is important and should be given priority. Guidance relating to individual areas, particularly site specific development briefs, is also valuable, especially where there is pressure for change or development. Collaboration between authorities, particularly within the same region, can sometimes help to make more effective use of limited historic environment resources. Authorities will need to consider whether such guidance should be developed as supplementary planning documents (SPDs) for individual conservation areas (where justified, for example, in large and/or complex areas), for groups of conservation areas which have similar characteristics, or on a district-wide basis (see page 7).

8.4

Two principal types of guidance should be considered:

- *Policy guides* These should outline the authority's development control policies, including an explanation of the statutory controls relating to listed buildings and advise on topics relevant to

local conservation areas (they can often also act as guides for the district generally). The authority's approach to such issues as the renewal of roof coverings, replacement windows and doors, and alterations to front boundary walls should be explained simply and succinctly.

- *Design guides* Guidance on extensions and alterations to historic buildings, development proposals in conservation areas, and the design of shop fronts (including security measures) and advertisements, will all probably need to be dealt with in some detail; appropriate illustrations are usually helpful in explaining what is and is not acceptable. Design guides can usefully include technical information aimed at architects, surveyors, and builders, especially on traditional local techniques and materials.

8.5

The identification of pressure for a certain kind of change which is acceptable in principle (for example, the addition of rear extensions to early nineteenth-century terraced houses), or, equally, which is not acceptable (such as the conversion of front gardens wholly into hard standing for cars), might lead to the production of guidance setting out the principles which the local planning authority expects to be followed by applicants. Such guidance can save much of the time spent in reiterating similar advice where repetitive applications are received. The need for it should be identified in a development plan document.

9 HELM

9.1

Historic Environment – Local Management (HELM) has been set up by English Heritage to provide local authorities with the tools they need to manage change in the historic environment with skill and confidence. Training is being provided for councillors and officers in local authorities and government agencies, including planners, highway engineers and land managers. See www.helm.org.uk

|| Examples of conservation advice leaflets available on Warwick District Council's website
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ONLINE CONSERVATION ADVICE AND INFORMATION

Many local authorities now provide a range of leaflets on their websites, usually in a downloadable form, giving advice on conservation and listed building issues. Warwick District Council typically has published a series of guidance leaflets on topics ranging from painting facades in Royal Leamington Spa to help with shopfront security. The sample leaflet illustrated, *Windows in listed buildings and conservation areas (2002)*, is intended as a guide for those considering the repair or replacement of traditional sash or casement windows. It summarises the main consent requirements simply and briefly, then explains with diagrams the key principles for conservative repair or replacement. It also provides clear guidance on the council's attitudes in principle to contemporary issues such as the use of uPVC, double glazing and rooflights in historic buildings and areas.

(next page) 56 Available from the Heritage Lottery Fund's website, www.hlf.org.uk, under "Guidance notes"

REFERENCES AND FURTHER READING

GOVERNMENT GUIDANCE:

For current information, see historic environment section of the Department for Culture, Media and Sport (DCMS)'s website – www.culture.gov.uk

Office of the Deputy Prime Minister (ODPM) *Town and Country Planning Act 1990 Section 215 – Best Practice Guidance* (2005)

ODPM *Planning Policy Statement 12: Development Plans* (2004)

ODPM *Creating Local Development Frameworks – A Companion Guide to PPS12* (2004)

ODPM *Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks – Consultation Paper* (2004) plus *Interim advice note on frequently asked questions* (2005)

DCMS *Review of heritage protection: The way forward* (interim report) (2004)

DCMS and Department for Transport, Local Government and the Regions

(DTLR) *Protecting our historic environment: Making the system work better* (2003)

DCMS *Social inclusion for the built and historic environment* (2001)

DCMS and DTLR *The Historic Environment: A Force for Our Future* (2001)

English Heritage *Power of Place: The Future of the Historic Environment* (2000)

Department of the Environment (DOE) and Department of National Heritage *Planning Policy Guidance 15: Planning and the Historic Environment* (1994)

DOE *Planning Policy Guidance 16: Archaeology and Planning* (1990)

DESIGN QUALITY:

CABE *Making design policy work: How to deliver good design through your local development framework* (2005)

English Heritage/RIBA *Capital Spaces-transforming London* (2005)

English Heritage/ CABE *Building in context: new development in historic areas* (2001)

CONSERVATION PLANS

Heritage Lottery Fund *Conservation management plans* (2005) ⁵⁶

Clark, K *Informed Conservation*, English Heritage (2001)

English Heritage *Conservation Plans in Action* (1999)

Heritage Lottery Fund *Conservation Plans for Historic Places* (1998)

ENGLISH HERITAGE GUIDANCE:

Guidance on conservation area appraisals (2006)

Regeneration and the historic environment (2005)

HELM: *Your guide to the historic environment* (2004) (www.helm.org.uk)

Using Historic Landscape Characterisation (with Lancashire County Council) (2004)

Streets for All (London, 2000; regional versions 2005)

Enabling development and the conservation of historic assets (1999, 2001)

Stopping the Rot: A step-by-step guide to serving Urgent Works and Repair Notices (1998)

GENERAL:

English Historic Towns Forum *Conservation Area Management – A Practical Guide* (1998) (www.ehtf.org.uk/publication_report38)

Cathedral Communications *The Building Conservation Directory* (published annually).

Mynors, C *Listed buildings, Conservation Areas and Monuments* (3rd edition) Sweet and Maxwell (1999) (4th edition due March 2006)

British Standards Institute BS 7913: *Guide to the principles of the conservation of historic buildings* (1998)

Text prepared for English Heritage by Anna McPherson of The Paul Drury Partnership

For copies of this booklet, please contact English Heritage Customer Services Department on 0870 333 1181 or email: customers@english-heritage.org.uk. (Product Code 51184). Copies are also available on www.english-heritage.org.uk and www.helm.org.uk. Published February 2006. Printed on recycled paper containing 75% post-consumer waste.

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