



ENGLISH HISTORIC TOWNS FORUM
for prosperity and conservation in historic towns

Report No. 38

Conservation Area Management

- A Practical Guide





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ENGLISH HERITAGE

The Forum are grateful for
the support of English Heritage

Foreword

The English Historic Towns Forum is to be congratulated on this timely addition to the guidance on conservation areas. Both English Heritage's previous notes - Conservation Area Practice (revised edition 1995) and Conservation Area Appraisals (1997) looked forward to the preparation of this practical guide and so it is encouraging that this suite of guidance documents is now complete. With a new Government in place and the need to reaffirm the value added to communities by their built heritage, the time is ripe for a thorough look at the management of conservation areas, set out in plain language and intentionally designed to be accessible to practitioners and laymen alike.

Because conservation areas are traditionally designated by local authorities, there is a danger that they may be considered to be of only local importance. This is certainly not so. Conservation areas can be of regional and national importance. Indeed, and where World Heritage Sites are involved, as in the case of the conservation area covering the greater part of the City of Bath, they can also be of international importance.

There are now more than 9000 conservation areas, and every local authority in England has at least one. They sit at the heart of all major urban areas and historic towns, with a representative coverage in market towns, villages and rural settlements.

A key element of English Heritage's involvement in urban regeneration is our Conservation Area Partnership (CAP) programme. Since the first 16 pilot projects were set up in 1994, we have established 202 partnerships from Ancoats in Manchester to Brixton in London. We have committed over £32 million in grants, which has been matched by our local authority partners, levering in an overall investment of around £200 million.

Individually, conservation areas have to be special in terms of their architectural or historic interest. They provide local distinctiveness and character and a strong sense of place to which local people can relate. Of particular significance is their intrinsic environmental quality, which enriches the quality of life and the daily experience of all those who live, work, shop, or play in them. This is now generally accepted to have a strong influence on inward investments decision, as we have seen in many recent examples of truly sustainable regeneration.

As well as providing a yardstick of quality for developers, and attractive working and living conditions that offer a real chance of a market-led resurgence of interest in maximising the development potential of existing urban areas, conservation areas make up a large part of "the fair face of England" that tourists come to see.

In short, conservation areas have become a key component of the historic environment. In addition to underpinning the "familiar and cherished local scene" for people up and down the country, they offer sustainable, quality solutions to the regeneration of inner city areas: adaptive re-use of existing buildings; mixed use opportunities; the application of urban village concepts; and the availability of accommodation suited for smaller households of all income levels. Although the concept of conservation areas only achieved statutory recognition as recently as 1967 - recent by comparison to the other major components of the historic environment - English Heritage fully recognises their importance and will continue to accord a high priority to our work with these historic areas.

Part of the working title for the Scarborough Conference at which this document is to be launched, posed the question "Is the Townscape Still in Trouble?". This was a reference to the original EHTF "Townscape in Trouble" document produced back in 1992, which spearheaded the campaign to achieve more effective planning controls over development in conservation areas. As we all know, that campaign was only partially successful.

The decision in the well-known Shimizu case has now resulted in a significant weakening of controls over demolition in conservation areas. One of the solutions being put forward by English Heritage and others would involve a much greater reliance on planning powers to control alterations to unlisted buildings. We believe this provides good grounds for re-opening the general debate on the operation of planning controls in conservation areas. I congratulate you on your achievements so far and, on behalf of English Heritage, look forward to joining with the Forum and other like-minded bodies in securing a sensible planning regime in conservation areas for the future.



Pam Alexander

Pam Alexander, Chief Executive
English Heritage

Preface

The English Historic Towns Forum is very pleased to have worked with English Heritage to produce this accessible and practical guide to managing conservation areas.

The English Historic Towns Forum (EHTF) is a group of some 60 local authorities. It has established a position as an active association which offers valuable services to its members and is an effective lobby.

Its objectives are to:

- Establish and encourage contact between local authorities having responsibility for the management of historic towns and cities, and between these authorities and other public, private and voluntary agencies
- Organise seminars, workshops and conferences to discuss issues of common concern
- Encourage a corporate, inter-disciplinary and multi-agency approach to the management of historic towns
- Compile and circulate information describing the approach of different authorities to critical management issues for historic towns
- Express and advocate a collective view on proposals which are likely to affect the interests of historic towns
- Establish links with the EU and European historic towns and cities

The key issues facing historic towns and cities inter-relate in complex ways. This is reflected in the holistic approach which is at the core of the Forum's work. A balanced approach, recognising the importance of sustainability, is critical in dealing with the challenges ahead.

It gives me great pleasure to present this practical guide to the Conservation Area Management. At the core of every historic town or city is at least one conservation area (and there are usually others outside the centre). Conservation areas give each historic town its unique character and are essential to its continued well-being. They have survived for many hundreds of years and have demonstrated that, by their very nature, they are eminently sustainable. They face immense pressures as they adapt to present day living, yet they offer enormous opportunities for the future. An understanding of how they work and a modern approach to their management will ensure that they survive for many more centuries.



John Walker
Chair
English Historic Towns Forum
June 1998

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Introduction to Conservation Area Management

1.1 The need for a Practical Guide

This guide aims to give easily accessible guidance and to provide examples of what needs to be done to preserve and enhance areas of special architectural or historic interest.

Although prepared within the English context, the document's principles and guidance are also entirely applicable to Scotland, Wales and Northern Ireland, with only slight variations necessary to accord with the different administrative and funding regimes of these other parts of the UK.

The document will:

- assist Local Planning Authority officers to manage and co-ordinate work in conservation areas
- help elected members place conservation issues in their proper context
- enable students to understand the role of conservation areas in town planning
- be useful for members of the public by providing information on a subject which can so easily become esoteric but which closely affects most people as they go about their daily lives.

1.2 Conservation areas

The general public, together with writers and commentators, have been concerned about the future of attractive historic areas for generations, particularly when these areas are faced with a combination of neglect and unsympathetic development. However, up until 1967, it was only individual buildings of special architectural or historic interest which were protected by law.

In the mid 1960s, the Council for British Archaeology drew attention to the need to preserve historic town plans and buildings, producing a list of 324 historic towns with an analysis of the characteristics which made each town worthy of inclusion.

The Civic Amenities Act 1967 introduced legislation which, for the first time, protected whole villages and towns which were part of the familiar and cherished local scene, referring to them as 'conservation areas'.



Stamford - the first Conservation Area 1967

That Act did not, however, bring any new powers with it. Designation of a conservation area meant only that special attention was to be paid to the desirability of preserving or enhancing the area when formulating policies or deciding planning applications, although every application which was likely to affect the character or appearance of a conservation area had to be advertised and comments taken into account. Local authorities were encouraged to use existing powers such as Building Preservation Notices (BPNs), Tree Preservation Orders (TPOs), Article 4 Directions (to control minor development), Areas of Special Control (for the display of advertisements), and to request more detailed applications. This was a hesitant start, the consequences of which still linger on, providing only a weak legislative basis and resulting in a wide variety of approaches and practices.

It was not until 1974 that certain demolition works could be controlled, and trees were given a degree of protection. In later years further controls were added to cover the stone-cladding

of facades and the installation of satellite dishes. The piecemeal changes up to 1990 were brought together in a consolidating Act, the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The English Historic Towns Forum document, *Townscape in Trouble* (1992), graphically showed how vulnerable conservation areas were to piecemeal alterations, mostly as a result of the permitted development rights of householders in non-listed buildings. Only a minor procedural change to the regulations has been put in place and conservation areas are still 'in trouble' (at the time of writing).

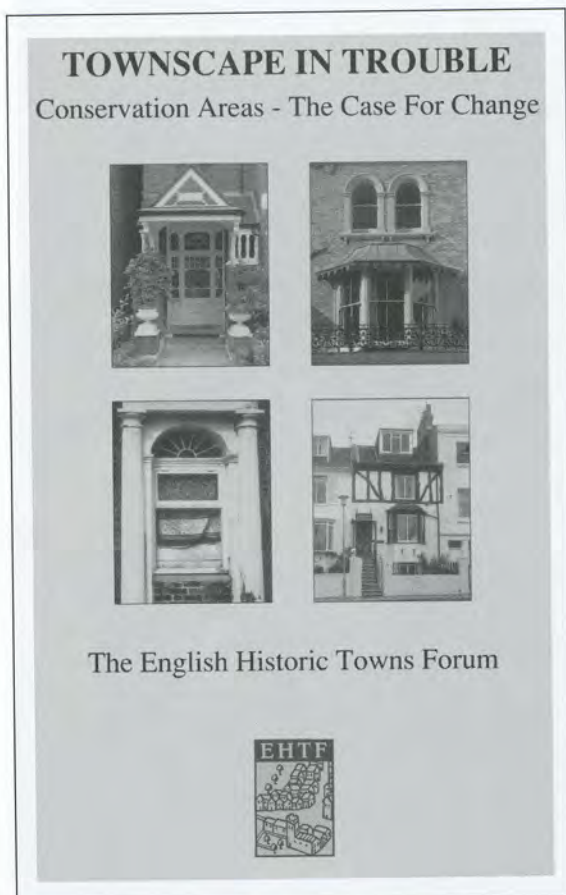
In 1995, the Planning Policy Guidance Note on 'Planning and the Historic Environment' (PPG 15) replaced circular 8/87. It shows the Government's commitment to conservation areas in the late 20th century. It states:

'It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes ... to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside.' (Para. 1.1)

PPG15 is a notable statement of national policy and a useful guide for anybody involved in the planning system.

The English Heritage document *Conservation Area Practice* (2nd edition, 1995) goes further in that it sets out in more detail the approach that should be taken by conservation area practitioners. However, *Conservation Area Practice* does not attempt to provide comprehensive guidance on the subject and it makes specific reference to the preparation of this EHTF practical guide.

This is a timely opportunity to provide a working guide written in straightforward terms for all those involved in the subject.



"Townscape in Trouble" EHTF's 1992 Document

1.3 The management of conservation areas

The weak and piecemeal legislative background to the preservation and enhancement of the historic built environment has meant that the care, protection and management of conservation areas by local authorities, and the duties that those authorities have for stewardship, have rarely been set out clearly.

It is no longer satisfactory merely to follow the letter of the law. Best practice indicates a whole series of additional activities, from public involvement to integrated town centre strategies, which are necessary for managing conservation areas.

Due to the extra powers which conservation area status confers, it is essential that decisions to designate are taken on a consistent basis and that they are managed in a professional manner. Furthermore, those who question the worth of conservation area designation need to be assured that there is an integrated approach to the care of such areas.

Conservation areas were never meant to preserve in aspic those views shown on chocolate boxes or calendars. Designation was meant to lead to an understanding of why a place was important, what features and qualities should be retained and how the new could best be accommodated.

This view is now stronger than ever before. Documents such as *Quality in Town and Country* (1996), the DOE/URBED *Vital and Viable Town Centres: Meeting the Challenge* (1994) and Boots' *Caring for our Towns and Cities* (1994), stress the need to determine what makes our towns and cities unique, and the importance of integrating these factors into a policy framework which will ensure that their special qualities make them attractive places in which to live, work, shop and play.

Encouraging a mix of uses back into our town centres and partnerships between various professionals and local people are important tasks, and the character or appearance of a conservation area is usually central to such programmes. This type of 'management' approach is becoming more widespread and it is generally considered that a practical and accessible guide to conservation areas, which concentrates upon their management within an integrated planning process, is now needed.

1.4 Conclusions on management issues

For anyone involved in the management of conservation areas there are several different strands of the process which have to be woven together.

Primary legislation and national guidance form an important strand and are reasonably constant. The basic principles have been in place for many years and are adjusted by Directions and Regulations when necessary.

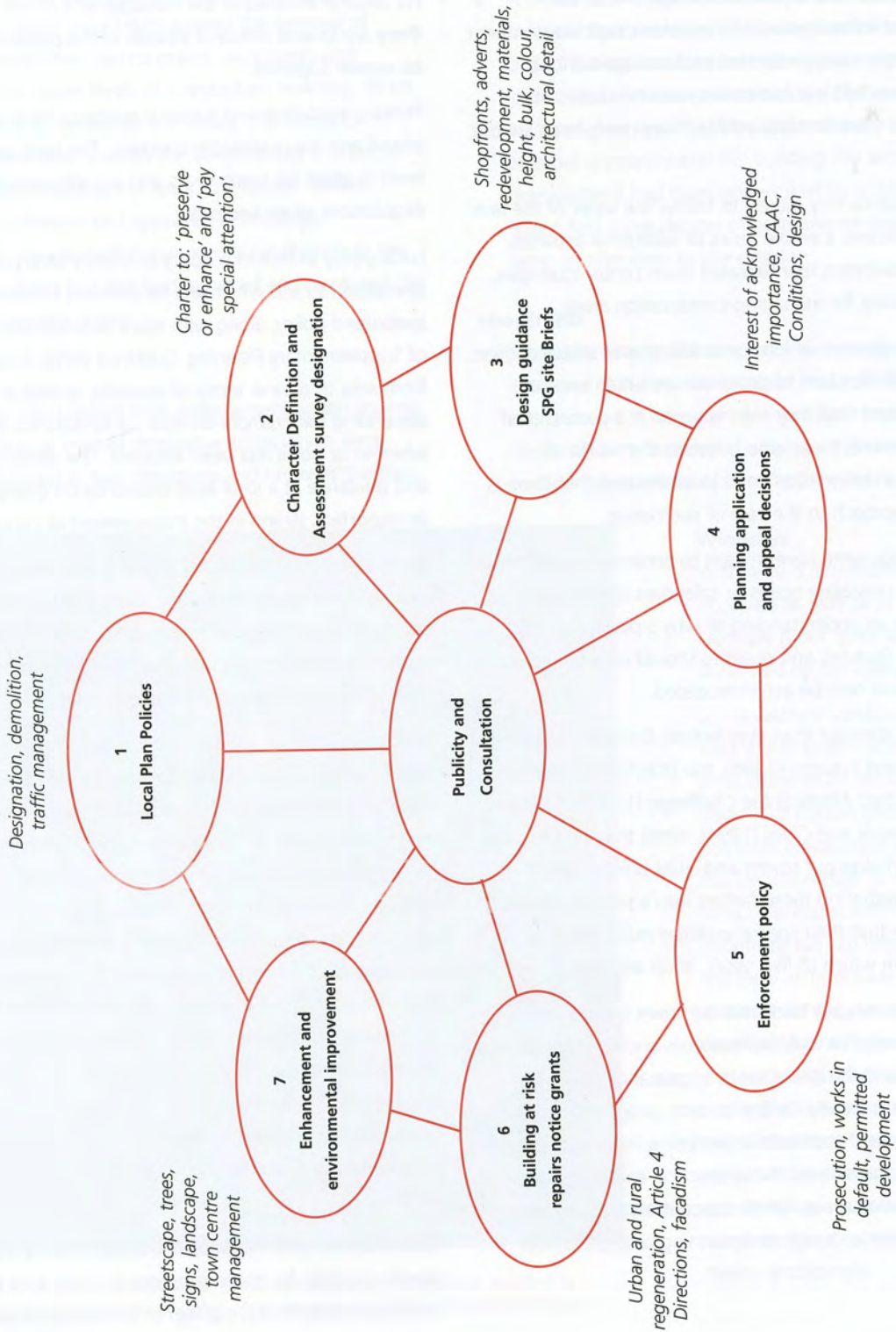
Local policy at district, county or unitary level provides a more specialised strand which will be different in each area. This specialised policy, along with more detailed advice in the form of Supplementary Planning Guidance (SPG), is likely to differ from area to area in terms of quantity, quality and formality, depending for example on how up-to-date the local plan is and whether or not it has been adopted. The development of policy and guidance at a local level should be on-going and must form an important strand in the management of conservation areas.

By far the most inconsistent strand in this tapestry is the availability of resources, both human and financial. The situation across the country will differ widely from local authorities with no specialist staff and no funds to other places with large teams and comfortable budgets.

The political will of a local authority has a major influence. The way in which resources are allocated to different services can have as much effect as the resources themselves. The protection and improvement of conservation areas is rarely given universally high priority and it is important that this state of affairs is addressed through detailed policy initiatives to which all parties are committed. If historic areas are to survive and the designation of a conservation area is to have any meaning then the commitment of all players - elected members, planners, engineers, tourist authorities, residents, builders, architects and business generally - needs to be assured. Conservation area management is a core activity which has to be co-ordinated at management team level, supported by elected members and adopted by professional staff in all departments within the local authority.

Conservation area management means having a clear idea and specific policies for the improvement of the area and for tackling problems in a number of co-ordinated ways. As the diagram on p4 shows, it is not enough just to have grants.

Conservation Area Management



Maximum use must be made of all the powers available. It may be that grants are not needed at all. Conservation area management is all about the six Cs:

- There has to be a **corporate approach** involving development control, engineers, etc.
- There must be a **commitment** to tackling specific issues.
- It has to be **comprehensive** but it is important to stress that this approach can be carried out with limited resources on a logical step by step basis. Do not start something that lack of resources cannot finish.
- It is about **communication** and taking the public and politicians along and, in the early days, tackling issues where the chances of success are high.
- There has to be **concentrated** effort rather than the spreading of resources and impact too thinly.
- Finally, there has to be **clarity of policy** and vision.

There are parallels with town centre management. There is a case for calling Conservation Officers Conservation Area Managers. New ways of doing things and of improving conservation areas have to be found.

Anyone who seeks to manage conservation areas needs to be multi-talented. This publication aims to bring together the main tools for this task and to provide a working guide on how to use them on a day to day basis.

Topic Papers

The topic papers address more specific issues rather than formal procedures and discuss the way issues such as pedestrianisation or economic vitality fit into the overall picture of conservation area management. The first topic papers cover: economic vitality and regeneration; participation and promotion; enhancing the street scene; traffic management, signs and lighting; trees, open space and landscape; and the corporate approach to conservation area management. They appear as part of this publication. Up-dates and topic papers on further subjects will be published periodically.

Conservation Area Strategy and Policy

2.1 The designation of conservation areas

What are conservation areas?

Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. They are special areas where the buildings and the spaces around them interact to form distinctly recognisable areas of quality and interest.

In conservation areas:

- buildings and other structures are protected from 'demolition'
- works to trees are controlled by giving the local authority six weeks to consider whether a Tree Preservation Order (TPO) should be made
- some minor developments (such as stone-cladding or positioning of satellite dishes) which do not require consent outside conservation areas may require consent within the designated area
- special attention must be paid to the desirability of preserving or enhancing conservation throughout the planning process
- enhancement schemes are the subject of public debate
- reviews take place from time to time

When to designate

Ideally most proposals for new designations should follow on from an evaluation of the area concerned.

Designations are likely to be made either as:

- part of a review of existing conservation areas and policies, or
- the result of the preparation of a local plan.

A written assessment or appraisal is desirable before any new conservation areas are designated.

Deciding the boundary

Conservation areas are all about definable, cohesive areas with a particular character. They must have a certain homogeneity.



A typical Conservation Area - Kings Lynn

- Conservation area boundaries should cover an area for which specific policy statements can be written. However, some large conservation areas can be divided into 'identity areas'.
- It is unlikely that only one side of a road or a river has the special character required unless there are unusual factors involved, such as a high town wall running alongside the road.
- It is preferable to see a conservation area boundary on the ground. Maps can be out of date and should not be relied on.

The setting of conservation areas

Boundaries may be drawn tightly around curtilages or widely, including surrounding countryside. Much depends on the particular circumstances.

It is not imperative to ensure that the wider landscape or streetscape that forms the setting of the special area is

included. PPG15 specifically refers to the setting of conservation areas, saying (in para 4.14),

'The desirability of preserving or enhancing the area should, in the Secretary of State's view, be a material consideration in the planning authorities' handling of development proposals which are outside the conservation area but which would affect its setting, or views into or out of the area.'

However, if that setting is of historic significance (as in the case of water meadows or a defensive site) it should be considered for inclusion.

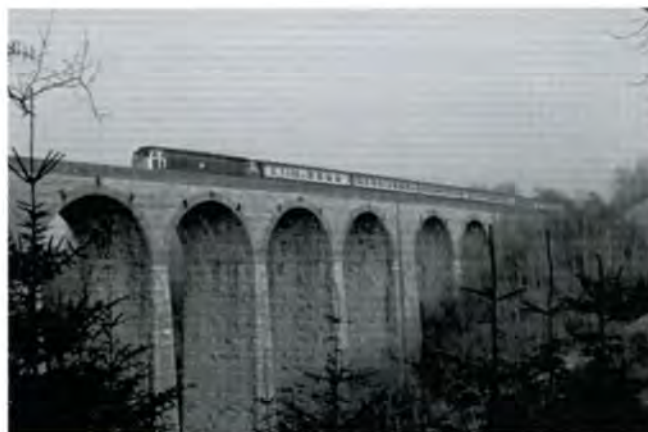


The setting of a conservation area - Oxford

Unusual conservation areas

Most conservation areas are historic settlements, but not all. Historic landscapes with designed structures (such as stone field barns and enclosures), although quite different from the usual type of conservation area, can best be protected by designation as conservation areas because of the consequent need to apply for consent to demolish, the eligibility for grant aid and the duty to preserve or enhance.

Some types of potential conservation areas (such as railways and canals) present certain problems because of their linear nature and lack of standing structures for much of their length.



The Carlisle - Settle Railway - an unusual conservation area

PPG15 makes it quite plain (in para 4.6) that 'designation is clearly not a proper means of controlling activities which do not fall within the definition of development.'

The landscape to each side of the linear conservation area, and those lengths which do not contain man-made features above ground and do not form part of the setting, would be better protected by strong local plan policies.

Designation procedures

The procedure for designating conservation areas is deceptively simple.

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 merely requires local planning authorities to:

- determine those areas of special architectural or historic interest which they wish to preserve or enhance
- advertise this in the London Gazette and one local newspaper
- notify the Secretary of State and English Heritage

(See Formal Notification below.)

Since this simple procedure was established in 1967 there have been quite far-reaching changes to conservation area legislation and practice. More controls have been introduced. Planning policy guidance, current best practice and established case law all indicate that minimum standards must now be set which are over and above those simple legislative requirements. In general, there is a need to increase public awareness, understanding and involvement.

There are three main areas where it is considered important to augment the basic requirements for information:

- Committee Reports - elected members must have all the material facts
- Public consultations - work with local communities and businesses
- Notifications - make formal notifications clear and also notify other interested parties



Involving local people at Bury-St-Edmunds

Information to elected members

Any proposal to designate should be taken with the elected members being fully aware of all the implications, presented in the form of a comprehensive report. (The High Court decision in the case of the conservation area extension at Barham (Canterbury) demonstrates that a Planning Committee has to be given information on all material matters that could influence their decision to designate. In this case the judge considered that it should have been explained to the committee why existing policies and a TPO were not sufficient in themselves to protect the areas concerned. (*R v Canterbury City Council ex parte Halford* 1992 JPL 851))

Seeking agreement to designate

A committee of elected members may resolve to initiate a study of a potential conservation area in a particular place without having an assessment of its appearance or character before it, although it is advisable to have a draft boundary available at this stage. This ensures that the committee supports the principle of designation and enables efficient management of

staff resources to take place, preventing abortive work being done. A full report will have to go to committee before formal designation can take place.

Seeking formal approval

The formal report to elected members must contain all the material matters, such as:

- the legislative background
- additional powers and controls being sought (including those under Article 4, if required)
- implications for planning applications in the area
- the assessment of 'special' interest
- results of public consultation
- any changes to the draft boundary
- procedures to be taken for formal and informal notification
- a request for formal approval to designate
- the date of designation

Public consultation

Although there is no legal requirement to consult the public before designation, some element of local involvement at this stage is considered to be a minimum requirement. Different situations will call for differing degrees of consultation. Public involvement on both the principle of designation and the details is necessary. The positive support of residents should be an objective.

The principle of designation

It is sensible to gauge people's opinion on the principle of conservation area designation in their area, either formally through the local plan process, or informally through local contacts (conservation area advisory panel, town or parish council, amenity society, chamber of trade, community groups, etc.).

It is vital that the advantages of designation are clear. Too often designation is seen as a negative, restrictive device which inhibits residents' ability to alter property. The advantages to amenity, property values, the availability of grants, and higher standards of development control all need to be emphasised.

Consulting on the details of the designation

Even if the designation proposal is set out in the local plan, and

has been the subject of lengthy consultation procedures, it is usually advisable to consult locally on the details of the individual designation. Local informal contacts (as above), or even public meetings, form a more effective basis for discussion and spreading information than the confrontational and impersonal local plan inquiries. If there is no public hall for hire in the immediate vicinity, there is nothing wrong with someone's sitting room. Indeed, such a venue can help both to relax participants and to stimulate discussion.

Methods of consultation

All presentations should include the assessment of the area, the boundary, and an explanation of the implication of designation. The degree of local consultation can vary according to the situation. The three ways usually adopted by local authorities are:

- Setting up an exhibition in the public library or village hall. Exhibitions are very popular, particularly if they contain old maps and photos.
- Holding a public meeting. This can involve valuable personal contact and much can be learnt from people who have lived in the area all their lives.
- Sending out leaflets and inviting written comments. These are an ideal way of getting the information across.
- A combination of the above is likely to be the most effective course of action.



Working with the community leads to local ownership of projects - Cotswald DC

Best practice indicates that working with the local community, commercial interests and amenity groups, enabling them to draw up their own criteria, develop their own assessments, and define the boundaries for themselves, can be very rewarding. It

leads to an invaluable local ownership of the project and greater co-operation and commitment.

Notifications after designation

The Listed Buildings and Conservation Areas Act demands that notification of designation takes place, but, in addition to the official procedures, there are many more groups and individuals that should be informed.

Advertisements

The new designation must be advertised in the London Gazette and at least one local newspaper. These advertisements do not include the map. The boundary will have to be described in a succinct way, either by defining the route it takes or as a schedule of streets.

Formal notifications

The Secretary of State must be formally notified of the designation. This is the Secretary of State for the Environment, Transport and the Regions, not the Secretary of State for Culture, Media and Sport; (there are internal arrangements to inform the latter.) The notification should be sent to the regional office of the DETR, not to the London headquarters, and should include a map and a copy of the committee resolution, showing the date on which the area was designated.

The Historic Buildings and Monuments Commission for England also has to be formally notified. Send the description and map to the regional team. Because of the impending regionalisation of English Heritage it is also advisable to notify English Heritage's Records Office at 23 Savile Row, London W1X 1AB.

Informal notifications

A local authority must be seen to be acting as a single body, rather than as a series of autonomous departments. It is therefore essential that other departments are made aware of the new designations and their implications. In particular, environmental health officers, highway engineers and building control inspectors should receive written notification and a map, together with references to policies and proposals which may affect them.

Other local authorities in the area should be notified, particularly if there is a separate Highway Authority, or if the setting of the new conservation area comes within the boundary of an adjoining local authority, as in the case of a river-side town on a county boundary.

2

Public utility companies should also be made aware of the designation because there may be opportunities for enhancement in their day-to-day maintenance and management programmes. Cable companies are more restricted in conservation areas, while, with other utility companies, there may be opportunities for local agreements (such as not to use metal telegraph poles or to retain K6 telephone boxes).

Local estate agents, surveyors, builders and tree surgeons will also be affected by the change in status and should be notified, as should town or parish councils and amenity societies.

Other publicity

Individuals living and working in the area should already be aware of the proposal to designate. Sending written notification to all the premises in the area is desirable. Ideally, leaflets should be sent to every household or business. If resources are limited, the local amenity society,

residents' group or even local college may help with the distribution. Leaflets can also be made available in local libraries, estate agents' and solicitors' offices.

Leaflets should clearly set out:

- why the area has been designated
- what its special features are
- how individual householders can help protect its character and appearance
- what controls over development will be introduced
- what further controls are likely
- opportunities for financial assistance
- who people can talk to for advice and further information.



Leaflets are an ideal way of getting information across

The local media will often respond well to an interesting and detailed press release and should be encouraged to run a long item on the designation, with a map and photographs.

Check List for Notification

Advertise:

- in the London Gazette
- in at least one local newspaper

Formally notify:

- Department of the Environment, Transport and the Regions (regional office)
- The Historic Buildings and Monuments Commission for England (English Heritage)

Also notify:

- other teams and departments within the local authority
- other local authorities within the area - the highway authority and town or town or parish councils
- adjoining local authorities affected by the designation
- public utilities
- local estate agents, surveyors, builders and tree surgeons
- amenity societies, Chambers of Commerce, and other local groups
- local residents and businesses

When not to designate

Conservation area designation brings with it a package of controls, duties and opportunities for a local planning authority. Designation is not to be undertaken lightly.

Designation should not be used if a perceived threat can be countered in a more simple way, for example, by using BPNS (Building Preservation Notices), TPOs (Tree Preservation Orders) or Section 215 'Amenity' Notices.

A small group of listed buildings surrounded by protected trees in an area of open countryside already has quite adequate protection and there is little point in going to the lengths of designation as a conservation area. The legislation covering conservation areas may refer to 'areas of special architectural or historic interest' but, because of the very nature of the controls and opportunities that designation brings with it, an historic landscape with no designed features or 'architecture' to be protected from demolition is no better protected by conservation area status than by a TPO.



Look at the effectiveness of the boundary - this house has been built right on top of it (Horringer)

Local authorities do come under pressure to designate conservation areas in order to counter threats to develop or demolish. If a careful assessment of such an area concludes that it is not of special architectural or historic interest, pressures to designate should be resisted.

An area which has the required special interest and which would benefit from the imposition of conservation area controls and policies should be designated and this can best be determined through a review. But if staff are already hard-pressed preparing conservation area policies for the local plan or are inundated with case-work, local authorities should not be

pressured into making promises they cannot keep by undertaking lengthy reviews or programmes of designation. Higher on the list of priorities might be a short, strategic report high-lighting the shortage of expert staff resources.

Urgent cases

Spot designation

There may be exceptional cases where a proposal to designate is not foreseen, such as:

- an extension to an existing conservation area
- an unprecedented threat (which might include the submission of a planning application), which could jeopardise a previously unrecognised area of special interest whose protection is desirable
- an opportunity to attract funds to a previously unrecognised area of special interest whose enhancement is desirable.

Procedure for spot designation

As the formal procedure for designation (described above) is simple, it is feasible to use it in an urgent case for spot designation: a committee resolution followed by placing two advertisements and writing two letters.

There may not be time to carry out a full assessment of the special interest of an area, but a case still has to be made in the report to the committee. A short statement of the area's perceived special architectural or historic interest will suffice at this stage (to be followed by a more detailed appraisal later), together with short statements covering what it is desirable to preserve or enhance, along with opportunity sites for enhancement through development.

Conservation area designation need not be a lengthy process but care must be taken to follow the procedure, including placing the advertisements and notifying all concerned fully.

Public consultation

It is good practice to involve local people even in the most urgent of cases.

It is quite likely that a threat and the need to identify the means to counter it will already have galvanised people into action, either through an amenity society, town or parish council or an ad hoc grouping. Public meetings or the attention of the local media are not difficult to organise in such circumstances.

When not to use spot designation

Spot designation should not be used unless there is a real and urgent reason for doing so (for example, an imminent threat to key buildings), because the procedure expressly excludes rights of appeal by those who may be most directly affected, other than on the basis of judicial review.

De-designation

De-designation is not a process to be entered into lightly. A few conservation areas may have been designated for the wrong reasons and never have possessed adequate special qualities to merit designation, but these will be rare. If a conservation area is found to no longer possess the special qualities which led to its designation in the first place, and there is no realistic possibility that lost features can be reinstated or replaced, consideration may have to be given to de-designating all or part of it. Where the special qualities of a conservation area have been eroded, efforts should be made to enhance them so that they are, once again, worthy of conservation area status.

There is no set procedure for de-designating a conservation area. It has always been assumed that a committee decision, some public consultation and an advertisement in the London Gazette (i.e., virtually the same procedure as for designation) suffices.

(See also the item on 'Changing the Boundary' in 2.2.)

2.2 Reviews of existing conservation areas

Introduction

Conservation area status has long-term implications for a designated area. Over the years, the area will change and, every so often, it is important to look with a fresh eye at existing conservation areas and the policies which apply.

Legislative background

Under Section 69(2) of the 1990 Listed Buildings and Conservation Areas Act, it is the duty of every local authority to review its conservation areas from time to time.

Because the review procedure is a duty under the Act, unlike the preparation of appraisals which is merely best practice (albeit enshrined in PPG 15), it follows that the programme for reviewing conservation areas should be the prime consideration. This programme should align with the programme for preparing appraisals.

Levels of review

The simple review will merely follow the legislation, but it is worthwhile to review other aspects of conservation areas at the same time.

A review of the type envisaged in the Act should be primarily devoted to:

- re-assessing the special qualities of the conservation area
- evaluating the change that has taken place since designation, including possible erosion of character
- looking at the effectiveness of the boundary
- deciding if the area should be extended (or reduced)



The boundary runs through here (somewhere!)

The opportunity might also be taken to review:

- the effectiveness of development control policies
- the success of enhancement schemes
- the impact of grant schemes

A review with a wider remit is particularly useful if a development plan is due to be drafted, or if a new conservation area strategy is envisaged.

Also consider looking at other places where there might be potential conservation areas. This does not mean trying to find the most historic or architecturally interesting areas of each settlement; what should be looked for are special areas.

Reviewing character, appearance, and special architectural or historic interest

A review should ideally look at all the special qualities of the existing conservation area. Most conservation areas should have had a written statement prepared at the original designation. These are commonly referred to as assessments or appraisals. They are very useful as a basis for a review, but are likely to need bringing up-to-date. Where an appraisal is not available the first review will have to start with one.

Photographs help to assess the special qualities of an area and can serve as a basic record for subsequent reviews.

Reviewing boundaries

What to look for

- *Does the boundary still exist on the ground?*

The first thing to check is the existing boundary. Hedges have only recently been protected and may have been grubbed out.

- *Does the existing boundary still make sense?*

Some boundaries were drawn so tightly that they cut across gardens. It is not unknown for a house to be within the conservation area but for its new extension to be outside.

- *Is the setting adequately protected?*

If the boundary was tightly drawn it is possible that essential landscape features were left outside. It has been established that an area may be added, even if it contains no buildings or structures, as long as it possesses the special qualities required. The converse may also apply where too much surrounding land has been included without adequate justification.

- *Has the legislation changed and made the boundary unworkable?*

The initial legislation did not protect trees. Some early boundaries cut through coppices, woods and even parkland. In this situation, it is impossible to know which trees are protected and which are not.

- *Does the new legislation help to protect features which were not protected before?*

Some vulnerable vernacular buildings which contribute to the special interest of an area may stand outside the boundary. This also applies to any walls, gates and fences which help to define the approaches to a conservation area. Similarly, there may be terraces of houses which were left outside the boundary, either because control over permitted development was previously more difficult to achieve, or (as in the case of council houses) control was not considered necessary.



Exceptionally planned 20th century housing may be worthy of designation - Rushbrooke

- *Have changes in attitudes to architecture made extension desirable?*

The general attitude to 19th and early 20th century architecture has changed since 1989, and many conservation areas could be extended to include Victorian or Edwardian areas. Even some more modern developments may have the required special qualities.

- *Have changes in attitudes to history made extension desirable?*

There is now a greater appreciation of the value of social history. Buildings and structures which were commonplace a quarter of a century ago may now possess a historic significance which was not apparent then. Grand dock-side buildings and

maltings are now redundant, smithies and village schools have closed down and K6 telephone kiosks and red letterboxes are disappearing.

Reviewing the success of conservation area policies and practice

This is not required under the Act but it can be a useful indicator for decision making and policy formulation.

The information required can readily be gathered during a conservation area review and might easily be missed during the review of a lengthy development plan.

Development

- Evaluate the impact of new development.
- Assess any gaps in the street scene or loss of character due to demolition.
- Look at key appeals lost or won.



Evaluation the impact of new development - Bury-St-Edmunds

Enhancement

- Trees will have become established, but were they the right species in the first place and are they being managed properly? Do not be afraid to thin out, or to remove unsuitable trees altogether. Too many planting schemes were done without adequate thought being given to historically correct species and locations. Where trees have been lost it may be appropriate to consider replacements.
- Paving. Is cleaning necessary? Has it worn well? Too many paving schemes were implemented but then abandoned with no maintenance budget or allocation of responsibility.

- Grants. Re-assess the effectiveness of the grant schemes. Perhaps the time has come to move on to another conservation area, or target all resources on one street.
- Development opportunities. A development brief for an eyesore site can lead to the enhancement of the area.

When to review a conservation area

It is quite likely that different pressures and demands will impose a variety of priorities on different local authorities.

- If appeals are being lost, or there is pressure for development on the edge of a conservation area, it may well be worthwhile considering a review of one particular conservation area.
- If objectors are questioning local plan policies which do not adequately protect areas of local importance, there may be a need to consider extending an existing conservation area or designating a new one.
- If the conservation areas were designated in the 1970s and have not been looked at since, a rolling programme of reviews may be appropriate.

There will be times when an urgent modification of boundaries is required and where there is no time to re-assess the special qualities of the whole of the existing conservation area. In this situation, it is acceptable for a review to look at only one part of the conservation area, and recommend an alteration, without having to assess the whole.

Some reviews can be fitted in comfortably between other work, as all that might be required is a short report advocating no change.

Similar conservation areas could be reviewed together, on a geographical or topic basis, such as:

- seaside towns
- settlements in a valley
- medieval market towns
- villages hidden in a city



Conservation areas could be reviewed on a topic basis; Scarborough - seaside town

Many of the factors involved will apply to more than one area. Reviewing them together leads to a consistency of approach and saves time. Furthermore, the reports based on such reviews are very popular with elected members and the local communities involved.

Changing the boundary

The legislation sets out a procedure for designating conservation areas but not for modifying them. It has always been assumed that amending a boundary is achieved in just the same way as designation. i.e., a committee decision, advertisement in the London Gazette and a local newspaper, and formal and other notifications, ideally involving the public.

2.3 Conservation area appraisals or assessments

PPG15 refers to these studies as 'assessments'. On the other hand, English Heritage refers to them as 'appraisals'. They are both the same.

Why do appraisals?

Many existing conservation areas do not have full, up-to-date appraisals and, as PPG15 points out (in paras 4.4 and 4.5), it is becoming increasingly important to have these available.

It is necessary to define what makes a conservation area special in order to:

- understand what it is that should be protected or enhanced
- formulate effective policies
- make sensible development control decisions
- be able to justify the designation when making development control decisions and at appeals
- make sympathetic proposals for the preservation and enhancement of the area's character and appearance, including the identification of development opportunities
- help residents, traders, council members, potential investors and other interested parties to understand the background to designation
- help potential developers to formulate their applications
- obtain funds or encourage inward investment

When to do appraisals

- *Before designation*

The most appropriate time to prepare appraisals is as part of the designation process, to establish the 'special' qualities of the area.

- *As part of a review*

When reviewing a conservation area there is usually a need to re-appraise its special qualities before deciding if it should be modified, or if policies and practices need to be revised.

The preparation of detailed appraisals of the townscape or of the problems and opportunities in every conservation area would be a very lengthy process. It is most unlikely to be necessary to do them all, or to start immediately. A programme

of appraisals should be drawn up, taking into account local circumstances. If inspectors are allowing appeals, if funding is not available for enhancement or repair grants, or if the special qualities of the conservation area are not obvious at first glance, some time must be set aside to appraise the area and justify why it is 'special'.



An appraisal may be required to justify an existing designation - Cheltenham

On the other hand, in a well-established conservation area of obvious historic or architectural significance, where appeals are being dismissed, funding for enhancement schemes is being attracted, and town centre management is progressing, an appraisal should not be a high priority.



Many conservation areas will not require justification - their special qualities are obvious - Buxton

What to appraise

A conservation area must, of its very nature, be special and it must have some cohesion, either in its form and appearance or in its character and function, which is based on its architecture or history.

Appraisals concentrate on the six topics highlighted in the 1990 Act:

- Special Architectural Interest
- Special Historic Interest
- Character
- Appearance
- Preservation
- Enhancement

Special architectural interest

Conservation areas are not about individual buildings, but about the special quality and interest of a specific area.

Assessing the special architectural qualities of an area involves:

- recording and evaluating the different periods and styles of architecture in the area
- picking out buildings which express local vernacular styles, as well as those formed by more polite architecture
- defining the various building materials used and giving examples of local usage
- stressing the importance in a street-scene of non-listed but architecturally interesting buildings, both as individuals and as groups, and giving examples (making it clear that this is not meant to be a complete list)
- including the list of buildings of Special Architectural or Historic Interest (if it is manageable)
- analysing the planned open spaces between buildings and recording the structures placed in them



Analyse the planned open spaces - Buxton

Special historic interest

Original historical research is rarely required. However, it is important not to go to the other extreme and rely on anecdote and legend.

The following is a useful checklist:

- Record office. Old prints, maps and photographs help bring the past alive and are extremely useful when considering enhancement ideas. Tithe maps and the very early OS maps are invaluable sources of information.



Old photos help to bring the past alive - Abbeygate Street, Bury-St-Edmunds

- **Morphology.** The way a settlement has grown up over the years as shown by historic boundaries, plot sizes and densities, is usually a very important factor in the appearance and character of an area.
- **Archaeology.** This will have had an influence on the morphology (above) in defining the grain of an area. Identifying areas of high archaeological importance (as set out in PPG16) is useful. It will also help potential developers if the appraisal identifies those areas where archaeological investigation will be required.
- **Landscape History and Geology.** The layout of parks and large gardens, and their planting schemes, could well be important factors in a conservation area's special qualities. The topography of an area and its setting may be natural, but will most likely have been managed over the centuries. Evidence of this management should be highlighted.



This historic planting scheme still exists

- **Other.** Specialist advice is available from local historians, archaeologists, archivists and museum curators, as well as from national and environmental groups, such as British Waterways. Some families may have lived in the area for generations and local people can provide valuable information.

Appearance

The English Heritage publication *Conservation Area Practice* (1995) is particularly useful in assessing appearance.

Appearance is what is seen with the eyes:

- what the area looks like
- how the buildings are grouped together
- how the groups are linked or divided
- colours
- views into, within and out of the area
- open spaces and vegetation

Appraisal should include an analysis of the following:

- the relationship between the built environment and its topography and setting
- the role of buildings and other structures (unlisted as well as listed)
- the hierarchy of spaces, together with the role of open areas and trees
- the main views into and out of the area and the area's skyline
- those buildings and features which adversely affect the appearance of the area

Character

If the appearance of an area is what is seen with the eyes, then the character of an area includes what is perceived by the other senses.

- **Smells and sounds.** Both natural and man-made smells and sounds contribute to an area's character. The smell of a brewery or fish market, the sounds of a busy harbour or city centre, a trickling stream or bees in a lime avenue - all contribute to the character of an area.
- **Atmosphere.** The layout of buildings and streets will combine to form an area's character, perhaps providing a sense of enclosure and well-being, or a hint of the unknown and uncertainty. The enclosed atmosphere of dark alleys and the breezy promenade of a fashionable seaside resort both contribute to the character of conservation areas.
- **Uses.** The use to which buildings and spaces are put can be as important to an area's character as what those buildings and spaces look like. The economic vitality and vibrancy of a city centre or the quiet repose of a residential square may be important factors in the character of a potential conservation area.

- What is hidden. Most conservation areas have hidden secrets which contribute to their architectural and historic character. Symmetrical Georgian facades can hide mediaeval interiors and lumpy ground can hide a Roman forum or Saxon hall.

Preservation

A clear and careful assessment of the special architectural or historic character or appearance of an area should lead to a full understanding of what it is desirable to preserve.

- New development. Define possible sites for development at an early stage, and indicate those which are likely to be the subject of a design brief. A good assessment will give potential developers an accurate idea of what is required and why.



Define possible sites for development - Bury-St-Edmunds

- Preventing demolition. It is an unusual conservation area that must be preserved, as designated, with no demolition or re-development. Define what is of special interest and (where appropriate) evaluate what may be expendable.
- Control of permitted development. The local authority has powers (under Article 4 of the General Permitted Development Order and under the Advertisement Regulations) to control development which would normally be allowed without the need for permission, but which could lead to a deterioration in the character and appearance of a conservation area. Indicate which groups of dwellings are vulnerable and which particular rights are likely to be taken away.

Enhancement

Even if there are no specific proposals for enhancement the assessment should refer to ways in which the area might be enhanced. Some conservation areas do not need active enhancement and it is wrong to think that extra financial resources are always required after designation.

The character and appearance of a conservation area should be taken into account at all times when proposing changes to the public realm, however small. Even if finance is not available to undertake specific enhancement schemes it is perfectly possible for works of routine maintenance, traffic management and pedestrianisation to be designed in such a way as to enhance the area. Select locations suitable for:

- re-surfacing
- hard and soft landscaping
- under-grounding of cables
- repair of enclosures
- improved street furniture
- other possibilities for enhancement



Select suitable locations for under-grounding cables - Cavendish



Identify opportunities for enhancement - Bury-St-Edmunds

Interim statements

The most important reason to prepare conservation area appraisals or assessments is to inform and justify development control decisions. Therefore, where staff resources are limited, appraisals must concentrate on the key issues which are vital to the preservation of the area. Normally, the main objectives will be to:

- control demolition
- prevent unsympathetic alterations

In such cases the appraisal need only record those features which contribute to the character and appearance of the area (such as sliding sash windows, front gardens or clay pantiles) and which the local authority particularly wishes to retain. A list of key buildings will reinforce their protection. Short, interim appraisals can be accompanied by clear policy guidelines on these key issues and buildings.

(Topic Paper 5, 'Trees, Open Space and Landscape', looks at the appraisal of open space and landscape in more detail.)

2.4 Development plans

Introduction

The drafting of effective policies and proposals is most important because of the primacy given to development plans in the planning process (under Section 54A of the 1990 Town and Country Planning Act).

Plan preparation, monitoring and review have become dominated by lengthy administrative procedures. They will become subject to fundamental performance reviews under the Best Value framework, with new targets for economy, effectiveness and efficiency. Care must be taken to ensure that this welcome initiative does not lead to the removal of effective policies. Although certain non-land use planning interests, such as Conservation Area Consent, are not subject to Section 54A, it is very important to include any policy or proposal which is linked (even indirectly) to the determination of planning applications.

Strong policies and proposals are needed in order to:

- provide a basis for development control
- set out those policies which are linked to development issues

The policies and proposals in a development plan will aim to:

- protect conservation areas
- set out priorities for enhancement
- provide a firm basis for expenditure on grants and projects
- co-ordinate planning activities affecting conservation areas
- put the concept of conservation in its proper context in relation to other local authority activities
- provide opportunities for change which are appropriate to the area

It is essential that there is a multi-disciplinary approach throughout the plan preparation process and that staff working in conservation areas are fully involved. The use of staff with a detailed understanding of the issues will lead to greater efficiency at all stages in the process. Ideally a conservation officer would draft the relevant section of the plan, negotiate with the DETR and English Heritage and take objections through the public inquiry process.

A general statement

Each development plan will have a clear statement which helps plan-users understand how the policies which are set out in the main body of the text have evolved.

A general statement will set out:

- what is important
- why it is important
- how things are to be achieved

It is important to ensure that the plan's general aims and objectives reflect the needs of the historic built environment.

Development plans are tending to take an environmentally-led approach in the light of the Government's commitment to sustainable development (through Agenda 21). The protection of the cultural and natural heritage of any area is likely to be one of the guiding principles of its development plan and (increasingly) is becoming one of the main factors in many opening statements.

Conservation policies and proposals

Where to put them in the document

More plans are becoming conservation-led and it is no longer unusual to find policies covering conservation areas in a prominent position in development plans.

There should be a section devoted to the historic built environment, which usually includes Listed Buildings, Conservation Areas and Archaeology. However, in a development plan which embraces the conservation ethic there will be many policies affecting conservation areas. They will cover a wide range of activities and it is most unlikely that they will all be in the same section.



Some related town centre issues will be in other sections of the development planning - cctv at Montpellier in Cheltenham

- Shop fronts, advertisements and security grilles might be under 'Shopping'
- Traffic management and pedestrian priority measures might be under 'Traffic'
- There may be a 'Design' section covering aesthetic guidelines

It is essential that these policies are fully integrated with policies in the main 'built environment' section, despite being in different parts of the document.

Other related topics such as tourism, the countryside and nature conservation are sometimes dealt with in the same section as conservation areas but this is inadvisable. The legislative background is quite different and these topics have developed into major subjects in their own right.

What to call the conservation area chapter

The conservation area chapter title varies:

- 'The Built Heritage'
- 'The Built Environment'
- 'Design and Conservation'
- 'Design and Townscape'

Each has its different emphasis, depending on the nature of the area concerned and the policies covered. It might be advisable to avoid the word 'heritage' as this does have connotations of theme parks and has been rather over-used.

Some people tend to think that a chapter headed 'Conservation' should cover the protection of wild-life habitats or the re-cycling of newspapers. They could well object to the plan on the basis that the chapter does not include these issues, whilst others see all forms of conservation as closely related.

The chapter heading therefore has to be chosen with care. The introduction should make it clear what aspects of conservation are being covered.



*Make it clear what aspects of 'conservation' are **not** being covered*

What to include

Para 2.8 of PPG15 specifies what is required:

'Local plans should set out clearly the planning authority's policies for the preservation and enhancement of the historic environment in their area, and the factors which will be taken into account when assessing different types of planning permission.'

The plan must set out a coherent framework of conservation area policies upon which development control decisions will be based, either directly or indirectly. This usually means land use policies and proposals but it can be interpreted quite widely.

The policies which are included will guide future expenditure and investment. Budgets and sponsorship for a project will be easier to obtain if the approved development plan contains an initiating policy.

Pressures to remove enabling policies must be resisted.

Level of detail

Detailed proposals for specific areas are not appropriate in the body of a development plan.

Specific design briefs or conservation area assessments can be included as Supplementary Planning Guidance (SPG), particularly if they have been the subject of consultation.

If they are added to the plan as Appendices they will become subject to the inquiry, possibly involving inappropriate objections over small details and lengthy cross-examinations.

Presentation

What the conservation area section of the plan looks like

The DOE (now the DETR) best practice guide on development plans has a very clear chapter on 'presentation' and there is little point in repeating that very useful advice here.

Development plan policies and proposals are usually preceded by a preamble which helps to explain how and why a policy has arisen. These preambles give the document its local flavour.

The designation of conservation areas in the development plan

The designation and review of conservation areas is a duty upon the local authority and will include local public participation at

the appropriate stage. A development plan is, therefore, not the appropriate place to cover this process in any great detail.

What the development plan should include, however, is a policy framework, setting out the duties under Section 69 of the 1990 Act and the procedures proposed for designation and review.

If it is desired to give some indication of where new conservation areas might be designated, basic proposals which seek to implement the Act could be included. The inspector is likely to accept a stated intent to designate conservation areas in specific places (with a draft boundary and perhaps an interim appraisal for information purposes).

A full assessment of the potential conservation areas is not required in the development plan. If one has already been prepared and has been the subject of consultation it could be attached as Supplementary Planning Guidance (SPG).

Alternatively, discussion on new designations could be initiated at the draft stage of the plan; once designated, these new conservation areas can be included in the final version. This procedure relies on very good timing and risks being delayed if it attracts vociferous objectors who insist on being heard at the public inquiry stage.

Enhancement proposals in the development plan

A plan should set out the priorities for public investment and sow the seeds for harnessing co-operation between statutory and voluntary bodies which successful enhancement projects need. This particularly applies to strategies for regeneration.

General statements regarding such issues as traffic management, street furniture, surface materials, public utilities, underground cables, etc., will also be required in the plan. For example, phrases such as '...aim to pedestrianise...' or '....look at traffic management measures...' should be used.

A development plan is not a suitable place to set out detailed proposals (although these could perhaps be included at the draft stage, for consultation purposes, and removed at the deposit stage). The inspector is likely to recognise that these are not issues for cross-examination at a public inquiry and that public discussion will take place locally, at the appropriate time and in more suitable circumstances.



A development plan is not a suitable place to set out detailed proposals for enhancement - Bury-St-Edmunds

Policy content

No two development plans will be the same. Each local authority should evolve policies of its own which meet local circumstances, though it is useful to look at other documents and see if there are better ways of covering similar issues. Policies applicable to conservation areas are likely to cover the main points set out below.

- *Commitment to preserve or enhance the character or appearance of areas of special architectural or historic interest*

Follow the wording of the 1990 Act to ensure that everything has been covered.

- *Statement covering existing conservation areas*

Explain in the preamble the effects of designation. Be careful not to use such phrases as 'the council confirms the following conservation areas'. Merely state that the following conservation areas have been designated, giving dates. The boundaries will be shown on the relevant maps.

- *Commitment to review existing conservation areas*

Follow the wording of the 1990 Act (Section 69(2)) and state, if possible, the frequency of reviews or indicate how the rolling programme works.

- *Proposal (if any) to designate more conservation areas*

There is no requirement to propose any new conservation areas in the development plan; they will become apparent as part of a review. However, if any potential conservation areas are being considered, a mere statement of the intention at the draft stage, indicating the flexibility of the legislative process and mentioning future public involvement, should suffice. A draft boundary and a short interim assessment could be provided, perhaps as Supplementary Planning Guidance (SPG), but they do not have to be included. The fact that a place is listed in the development plan as a potential conservation area goes some way to giving it a degree of interim protection and can be effectively referred to in appeals. Some objectors may want more conservation areas designated than have been indicated. They need to know that, even if their suggestion is not in the local plan, there is nothing to prevent it from being considered for designation.

- *Proposed character appraisals*

Do not make unrealistic commitments. Linking these studies to the programme of reviews and designations should be quite adequate, particularly if (like Cotswold District with 145) there is a vast number of conservation areas. If it is possible to undertake appraisals in addition to the review programme, set out the criteria for deciding priorities.

- *Policies protecting features*

Stress that the unique character and appearance of the conservation areas depend on many factors, and that it is not only the street frontages and the buildings that are important but also the street pattern, alleys, walls, hedges, open spaces, paving materials, etc. Add local examples. Some features may not have statutory protection and vague policies may have to be used in such cases where there is little or no control. Such phrases as '...will seek to ensure...' or '...their removal will be resisted. . . ' are useful in these cases.

- *Alterations to non-listed buildings*

Introduce the concept of permitted development, the controls over the demolition of walls, etc., and Article 4(2) Directions. Stress the cumulative effect of piecemeal alterations as shown in *Townscape in Trouble*. Set out which conservation areas are already affected by Article 4 Directions and the practical implications of this. If there are no Article 4(1) or 4(2) Directions in force already, use this preamble as a helpful introduction to

the subject. There is no point in going into the detailed application of Article 4(2) Directions in the plan as there will be consultation before serving directions and publicity afterwards, but the plan can be used to indicate which conservation areas are likely to benefit from this increased protection.



Stress the cumulative effect of piecemeal alterations to non-listed buildings - Bury-St-Edmunds

- *Demolition of non-listed buildings*

Stress the importance of individual non-listed buildings in the street scene. PPG15 made it clear (in para 4.27) that the Secretary of State treats these in the same way as listed buildings, with a presumption in favour of retaining them if they make a positive contribution to the special qualities of the area. The decision in the *Shimizu* case (*Shimizu (UK) Ltd v Westminster City Council 1997 JPL 523*) has provided a definition of 'demolition' which runs counter to the original intentions of the legislation. Amendments to the regulations are likely to be made which will reverse the damaging implications of that case. Therefore, development plan policies should continue to protect non-listed buildings. The wording 'presumption in favour of' may safely be used in policies. Policies may be further strengthened by warning potential developers that they will be expected to justify demolition proposals, referring to the character and appearance of the conservation area. Policies should be formulated to ensure that consent is not given to remove any building without knowing what will be erected in its place and that demolition will not proceed until just before re-building work is due to start.

- *Local lists*

A commitment to draw up a list of non-listed buildings which are of local architectural or historic interest, or of townscape value, will provide a well respected, additional development control tool. However, a hastily prepared list is worse than useless if it misses out worthwhile buildings of interest. It may be relatively simple to prepare a list if there has just been a list review as it will be clear which buildings were suggested for English Heritage to list but which were not considered worthy. Most local lists are drawn up as part of a conservation area assessment.

- *Neglected buildings and areas*

Reference should be made in the plan to surveys and registers of Buildings at Risk, urgent works and repairs notices. This is best covered in the section on listed buildings and cross-referenced. If applicable, neglected areas can be covered in the conservation area section, with a policy explaining the powers under Section 215.

- *New development*

There are no powers to refuse to accept a valid outline application even if it is preferable to receive full applications for conservation areas; however there are powers to ask for additional information to be submitted as part of an outline application. Potential developers cannot commit themselves to buying a site until they are sure that they are going to be able to develop it. They will be very unwilling to spend money on working up a full scheme and need to be given a firm indication of what the local authority is likely to be asking for at an early stage. Design and development guides can help in such circumstances and policies which support such an approach can be included.

- *Enhancement as a result of new development*

The development plan should encourage potential developers to aim to enhance conservation areas. PPG1 clearly states (in Annexe A) that, 'The aim should be for any development to result in a benefit in environmental and landscape terms.' Furthermore, PPG15 (in para 4.17) states that the replacement of buildings which detract from the special qualities of a conservation area or which do not make a positive contribution to the area should be a 'stimulus to high quality design', and seen as an 'opportunity to enhance the area'.

- *Trees*

Explain the notification procedure. Stress the importance of good tree management. If there are particular requirements regarding trees in the area, include a policy which sets them out clearly.

- *Open spaces and the landscape setting*

Views into and out of a conservation area can be protected by quite detailed policies. A commitment to prevent development on defined open areas will help to protect the setting of conservation areas as well as the open spaces within them. PPG15 specifically refers (in para 4.14) to the need to consider '... the desirability of preserving or enhancing a conservation area when handling development proposals which are outside the conservation area but would affect its setting, or views in or out of the area.'



Views can be protected by detailed policies - Buxton

- *Enhancement*

Even if there is no specific budget allocation for enhancement projects it does not mean that active enhancement work will not be undertaken. A commitment to work together with highway engineers and the public utilities can form the basis of an effective policy. A policy setting out the aims for an area could well lead to a future budget allocation or sow the seeds for local sponsorship. A positive approach to enhancement in the local plan could help to lead to positive action by bodies other than the local authority and local voluntary groups. It could also encourage inward investment.

- *Grants, Conservation Area Partnership Schemes and Heritage Lottery Bids, etc.*

It will be a simple process to set out the general grants policy if there is a co-ordinated and targeted scheme. It is wise to add

CAPs Action Plans as SPG, as they can be important catalysts for investment. As the rules for other grant funding schemes change periodically, policies regarding such areas should cover general intent rather than specific cases.

What to put in appendices

Appendices are useful for making the basic text clear and concise.

A lengthy list of conservation areas could well be placed as an appendix, as could leaflets and guidance notes which set out basic policies (such as Article 4(2) Directions or grant schemes).

Appendices form part of the development plan, are subject to objection, and could result in lengthy coverage and cross-examination at the public inquiry. Check very carefully to ensure that the information would not be better placed in the body of the plan itself and, conversely, that it should not be dealt with as SPG.

Supplementary Planning Guidance (SPG)

What not to include in the development plan

Because of the inordinate length and immense cost of public inquiries there is considerable pressure to cut down on the content of the plans themselves and to relegate much of the detail to Supplementary Planning Guidance (SPG). SPG is a very useful way of conveying a detailed message to readers who have a specific interest in a topic, but it is vital that the development plan includes all the basic policies which will enable the local authority to fulfil its duties, given its own local circumstances. There should be clear cross-referencing between the plan and any SPG which is already available. Greater weight is given to SPG which has been the subject of public consultation. Reference cannot be made within the plan to the intention to prepare SPG but proposed SPG may be mentioned in footnotes. Local authorities must resist the temptation to use SPG to avoid subjecting controversial policies and proposals to public scrutiny at the inquiry.

SPG does not form part of the local plan and cannot be the subject of the plan's public inquiry proceedings. However objectors can have SPG discussed at the inquiry if they believe that some of the material in the SPG should be transferred to the development plan document. A Conservation Area Strategy or similar statement could appear as SPG but all the policies and proposals which form the basis of that strategy must be within the body of the plan itself.

Public inquiries into development plans

Handy hints

Both PPG12 (in Annexe B) and the DOE best practice guide give information about this stage in the development plan process, but some additional hints for conservation practitioners may be useful.

- A spirit of co-operation between all parties is essential to the smooth and efficient running of an inquiry.
- Get to know the programme officer who is a helpful intermediary, with encyclopaedic knowledge of all the tiresomely complicated lists of objections, amendments, counter-objections etc.
- Attempts at negotiation are usually extremely worthwhile and many objectors withdraw their objections on condition that agreed amendments are made. Be prepared to negotiate away as many of the objections as possible before the inquiry. Make suitable amendments to the exact wording of the policies



Negotiate away as many objections as possible before the public inquiry - Cotswold DC

- English Heritage will want to ensure that the wording accords with their own policy and with any agreements (such as CAPs) that you have with them. Check this at an early stage.
- The DETR and English Heritage are extremely unlikely to be present at the public inquiry, but it has been known for them to attend.
- Some of the policies may give rise to objections from local amenity groups and even the local authority's own advisory body. These people are supposed to be on the same side and time must be spent with them, going over their objections. They might be able to help improve the policies.
- Whatever the original objection may have been the inspector is likely to entertain quite radical shifts in emphasis during the inquiry proceedings, and will allow discussion of matters only tenuously related to the original.
- There will always be a few objectors who want to make their case in person to the inspector and reserve their right to appear at the inquiry, despite the fact that nothing can be achieved by cross-examination. This can happen even when negotiations have led to amendments satisfactory to both parties.

- PPG15 has made certain points clear. Policies can be definitive and should not need to be qualified by '...normally...' and '...not normally...'. Policies which are based on 'presumptions in favour of...' are now likely to be acceptable, but avoid the negative stance taken by policies which contain 'presumptions against...'. There should be few difficulties with the DETR or any other body trying to weaken the policies. If this does happen, try to discuss the problem with the individuals concerned.

2.5 Conservation area strategies

What are conservation area strategies?

These are simply in-house documents, prepared either on a comprehensive or topic basis, which bring together conservation area issues and place them in their proper context. They are fundamental to good conservation area management as they:

- help to set targets
- are invaluable in the bidding process
- put conservation issues in their proper context
- lead to co-ordinated policies and proposals
- help with public consultation and involvement

They are extremely useful for a variety of reasons, such as:

- *Setting targets*

A general conservation area strategy will clarify a local authority's approach to conservation area issues, setting targets and priorities, defining added value and identifying regeneration opportunities. It not only gives the individual practitioner a sense of direction and purpose but also helps in the allocation of staff and finances, as well as being an essential part of the monitoring process. A concise strategy would ideally be the subject of an annual review which would assess the achievements of the past year and re-establish priorities.

- *Bidding for funds and budgeting*

It may be necessary to persuade elected members, potential investors, sponsors and funding bodies of the value of becoming actively involved in conservation area work. This is easier if they can see that what they are being asked to participate in is part of a larger, well thought out strategy.

- *Context*

There is an increasing perception of the need to conserve existing resources, and a conservation ethic is becoming central to decision making, policy formulation and general local authority activities. Conservation area issues have a strong role to play in a local authority's corporate activities. A Conservation Area Strategy will help to make elected members and those who formulate corporate policies aware of this and ensure that they are committed to giving conservation area issues a central

role, with practitioners being major players in corporate activities. A strategy will also serve as a background to other sustainability issues, such as Agenda 21.

- *Co-ordination*

Conservation area issues have links with many other issues, both within the planning process and outside it. Traffic management, tourism, town centre management, social housing provision and economic regeneration will often take place within a conservation area. These activities must have regard to the desire to preserve and enhance and can achieve more if they involve a partnership approach. A co-ordinated strategy can serve as a useful and effective basis for these other local authority activities.



A co-ordinated strategy can serve as an effective basis for other local authority activities, such as tourism: in Lincoln traffic management enhances tourist attractions

- *Evolving policies and proposals for the development plan*

Conservation area policies and proposals will evolve more naturally if they are part of the same strategy. Not all of the policies and proposals protecting and enhancing conservation areas will end up in the chapter on 'Conservation Areas'. Nothing will be left out if there is an overall strategy. An existing strategy for conservation areas or any topic reports which have been written should be available as Supplementary Planning Guidance.

• *Publicity prior to new designations or serving of Article 4(2) Directions*

The priorities for assessing conservation areas and the criteria for establishing rolling programmes of reviews are essential elements of a strategy. A concise document which has been prepared in advance means that each new initiative will not have to start right from the beginning.

• *Enforcement, appeals and public inquiries*

A full and fair approach to enforcement will be apparent if there is a clear strategy for conservation area management. Reference to a comprehensive strategy will be of assistance when presenting cases to magistrates. Similarly, a co-ordinated approach is much more likely to carry weight with inspectors.

• *Preparing talks and seminars and dealing with the media*

Local news items can arise at very short notice and it is easy to be caught unawares by a request for a statement or someone to give a talk. It is useful to have a strategy available so that a prompt press release can be issued, an interview on local radio set up, or a seminar be put together.

- a few, well documented conservation areas exist but are there further areas which merit designation?
- the existing conservation areas have no up-to-date appraisals
- comprehensive local plan policies need to be applied to the individual conservation areas
- work is about to start on a new development plan
- the existing plan is already out-of-date and needs reviewing
- an environmental audit is in progress
- a budget is available for environmental enhancement schemes
- there is a need to initiate agreements with the public utilities
- a new bidding round for funds is approaching

The variety is endless and, perhaps for this very reason if no other, it is important to clarify the situation by preparing a concise strategy.

• *Starting with a strategy*

Local plan policies, grant structures, new designations and reviews can all evolve from a comprehensive conservation policy which brings together every aspect of conservation area work.

• *Before bidding for funds*

Recent experience has shown that opportunities for additional funding can arise out of the blue, with impossible deadlines being set. Only if there is some form of strategy already in place can a response be made. In the current climate, where bidding rounds and competitions are key to obtaining funds, it is essential for all the players to know what the strategy is and be able to use it in order to produce effective bids. Producing a strategy could be the first step towards obtaining more resources.

• *After the development plan*

For those local authorities which already have a programme of conservation reviews rolling along, new designations determined, special interest assessed, and local plan policies prepared, it is often convenient and helpful to combine these in a conservation area strategy. This is a useful exercise in the monitoring process and will help with environmental audits.



A prompt press release can be issued if there is a strategy to quote

When to embark upon a strategy

Although it is ideal to start off with a strategy it is possible to put one together at any time to suit current circumstances and needs. It is obvious that each local authority is at a different stage in the management of its conservation areas.

The development of a strategy might be appropriate in the following situations:

- *Before designation*

A strategy can be used in determining consistent criteria for designation. Also, it will be easier to explain the implications of future designation if a strategy is set out in a precise and ordered manner.

- *After designation*

Once conservation areas have been designated, the assessments can be put together with the policies to form a useful document for potential developers and investors, and can also help in budgeting for future schemes.

- *Before a review*

A strategy will help the establishment of a rolling programme of reviews and a consistent approach for each review. This is particularly useful if it is intended to take a topic based approach.

- *After a review*

Once a review has been completed it is possible to put together an up-to-date and co-ordinated document, or perhaps bring together various conservation areas under one blanket strategy.

What form does a strategy take?

Even the most concise strategy should include:

- criteria for designation
- rolling programmes of reviews
- commitment to involve local people

Ideally a strategy will enlarge upon the national approach to conservation areas as given in PPG15 and other documents put out by the DETR such as *Quality in Town and Country*, as well as in English Heritage's document *Conservation Area Practice*.

It will refer to the Structure Plan and any Corporate Strategy which already exists. While it does not have to set out in full the policies and proposals for the protection and enhancement of conservation areas included in the development plan, it should refer to them and explain, in practical terms, how they will be implemented; it should also include a timetable for making bids for funding and staffing as appropriate.

It should be set out in a clear format which will allow for easy monitoring and review. A simple, concise strategy need not take up more than two or three pages.

The idea of producing a comprehensive strategy or report may, at first sight, seem daunting. However, some assessments, local plan policies and proposals, Supplementary Planning Guidance and other reports will already be on a word processor somewhere. Initially, these can be gathered together to see how they can be combined to produce the first draft.

Topic report

On the other hand, it may be more effective to concentrate upon just one aspect of conservation areas, producing a topic report on an issue such as 'Enhancement', 'Town Centre Management' or 'Protection of Our Heritage'. Such a report may involve other departments such as Leisure Services and Highways.

Group reports

It may be useful to cover a group of conservation areas, such as seaside resorts, market towns or, as in the case of Newmarket, the racing industry. If the conservation area reviews have been done on a topic basis, this type of report is particularly effective.



Newmarket's strategy covers the racing industry

Development Control in Conservation Areas

3.1 Introduction

The framework provided by legislation for the control of development, and especially that part of it which deals directly with sites within conservation areas, is a very useful tool to use in shaping the future of such areas. Development should not be resisted simply because of a conservation area designation, but each case must be tested against all the relevant criteria, including those which measure its impact on the character and appearance of a particular conservation area.

In some cases a proposal may be refused as being wholly inappropriate, but in many others there will be a much less clear cut line and it may be necessary to negotiate on issues such as materials or detailing.

Many conservation areas are capable of accepting new developments or alterations to existing buildings and it is the development control process which shapes that part of a conservation area's future.

Preservation and enhancement

In considering the appropriateness of a proposal within a conservation area there are four tests which must be applied, by asking four questions. There are three answers which can result from each test.

This is not as mathematically complicated as it may sound. It derives from the *South Lakeland case (South Lakeland District Council v Secretary of State for the Environment and Carlisle Diocesan Parsonage Board 1991 JPL 654 and 1992 All E R 573)* which focuses on the four words in the legislation.

The following four words are the basis of the tests:

- **Preserve**
- **Enhance**
- **Character**
- **Appearance**

In terms of any proposal therefore, the four tests (or questions) are:

- Does it preserve the character of the conservation area ?
- Does it enhance the character of the conservation area ?
- Does it preserve the appearance of the conservation area ?
- Does it enhance the appearance of the conservation area ?

There are three answers which can be given to each of these questions:

- **Yes**
- **No**
- **Neutral**

It is the overall picture provided by these answers which will guide the judgement on the effect of the proposal on the conservation area.

This and the other 'material considerations' are then weighed against each other and a recommendation or decision made.

3.2 Planning applications and decisions

Getting off to a good start

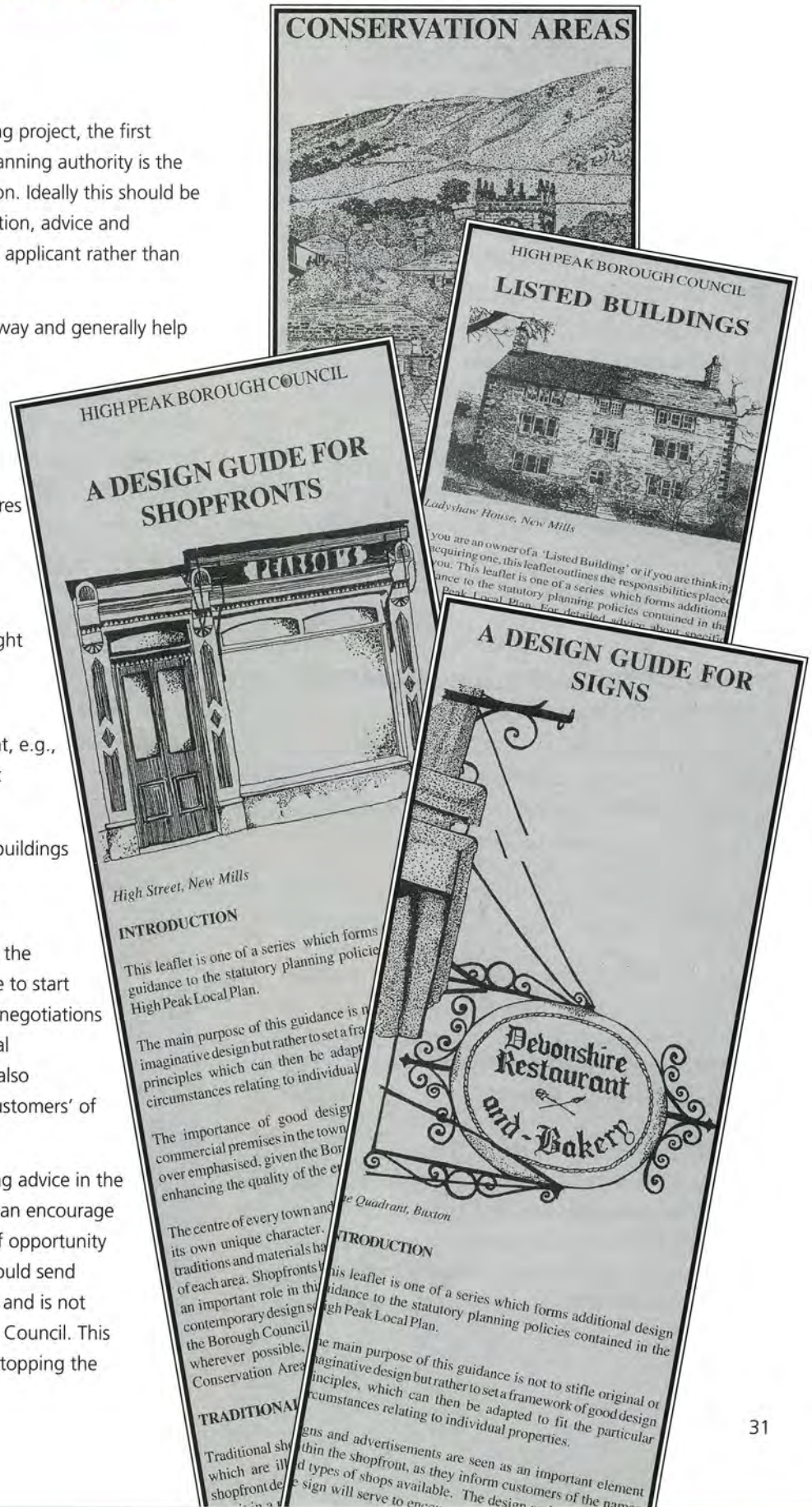
For many people embarking on a building project, the first contact they have with the council as planning authority is the day they submit their planning application. Ideally this should be the culmination of a process of consultation, advice and discussion between planning officer and applicant rather than the 'cold start' to a statutory procedure.

Local planning authorities can pave the way and generally help applicants get off to a good start by:

- providing leaflets on local plan policies of particular relevance in conservation areas
- giving advice about the special features of each area which the Council is seeking to conserve and enhance
- providing Supplementary Planning Guidance to lead applicants in the right direction
- making available information about particular constraints on development, e.g., archaeology, important trees, historic gardens
- identifying individual and groups of buildings which are important features in the conservation area's townscape

Pump priming in this way will mean that the development control officer will not have to start from scratch, or be wrong-footed when negotiations start. It will benefit not only the individual householder with a one-off project, but also professional agents and other 'regular customers' of the planning system.

Where specific sites are involved, planning advice in the form of development and design briefs can encourage sympathetic and positive development of opportunity sites within conservation areas. Briefs should send developers a clear message as to what is and is not likely to be considered acceptable by the Council. This can save applicants time and money by stopping the



development of inappropriate schemes, and can help the planning authority give broad brush but consistent advice to all interested parties (a wearing and time-consuming process for sites which attract a significant amount of developer interest), allowing resources to be concentrated on detailed discussions with the successful tenderers.

Early informal consultation with officers is good practice.

This is endorsed by the Government in PPG15. 'There is likely to be much more scope for refinement and revision of proposals if consultation takes place before intentions become firm and time-scales inflexible.'

If an applicant is already well briefed on the basis of published policies and Supplementary Planning Guidance, it should result in a more productive discussion with planning staff prior to an application being submitted.

Informal discussions are also more likely to be of help if development control staff have advance notice of the development proposals on which their views are sought. 'Cold calling' on a specific proposal is not conducive to a considered response on most schemes, and should not be encouraged (although general advice should be available on request).

Improving the quality and content of planning applications

In controlling development in conservation areas, planning authorities have a duty to pay 'special attention' to the need to preserve or enhance each area's special character or appearance. PPG15 points out that special regard should be had to such matters as:

- height
- scale
- form
- massing
- respect for the traditional pattern of frontages
- vertical or horizontal emphasis
- detailed design

While legislation allows the submission of outline applications in conservation areas, lack of detailed information is likely to make it difficult for a local authority to properly assess the impact of the development and thus fulfil its duty under Section 72 (S.72)

of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Many authorities therefore actively discourage outline applications for conservation area sites. This approach can be reinforced by the inclusion of a policy to this effect in the local plan.

Planning application documents should be accompanied by notes to applicants which clearly state the level and detail of information required to support applications in conservation areas (over and above other sites in other areas) and how this should be presented.

PPG15 stresses the importance of elevations which show the development in its setting. Similarly, PPG1 promotes the practice of providing a short written statement, setting out the design principles of the proposal and providing appropriate illustrative material to show the proposals in context. This puts the onus onto the applicant to demonstrate that consideration has been given to the wider setting of buildings.

Some authorities have incorporated these good practice requirements into their local plans. For example, Cheltenham has policies requiring contextual drawings and models to be submitted in support of developments likely to have a significant impact on the surrounding area. Winchester's approach has been to make an annual 'Plan Presentation Award', which identifies and rewards good practice in planning application submissions and spreads the message that good presentation is an essential part of the proper consideration of a planning application.



Contextural drawings are extremely helpful (Courtesy of "Philip Aitkens for the Countryside") The Suffolk Hotel, Bury-St-Edmunds. © P Aitkens

When applications are registered as valid but are not accompanied by sufficient information to make a proper assessment, authorities have powers, under article 3(2) of the General Development Procedure Order 1995, to seek additional information on outline applications and, under Regulation 4 of the Town and Country Planning Application Regulations 1988, on detailed applications. If it is necessary to use these powers, it should be done early in the process and applicants warned that failure to provide this information may lead to a delay in determining the scheme, or refusal on the grounds of insufficient information to assess the development.

Local authorities should expect applications to be accompanied by accurate scaled drawings based on a survey of the site and buildings affected. Decisions should not be made on the basis of drawings with disclaimer notes such as 'do not scale', or measurements which are 'assumed' or 'approximate'.

In relation to the use of imperial scales or measurements, the Association of District Councils (now the Local Government Association) recommends that planning authorities request applicants to provide drawings based on metric scales, so that there is no question of validity if a decision is challenged.

Special publicity or notifications required in respect of applications for development in conservation areas

Once an application is registered as valid, publicity must be undertaken in accordance with statutory procedures. In addition to the requirements of the General Development Procedure

Order 1995 (article 8), publicity is required under S.73 of the 1990 Listed Buildings and Conservation Areas Act, by way of a notice in the local newspaper and the display of a site notice. The overlap between the statutory requirements of the two pieces of legislation is addressed in Circular 15/92 (paras 18-20), which advises that

provided the more stringent publicity requirements are satisfied, there is no need for duplication.

No special statutory consultations are required simply because the development site is in a conservation area. However, when planning applications are submitted in tandem with applications for conservation area or listed building consent (where there are different requirements for publicity, notification and consultation), PPG15 advises that it is preferable for such related applications to be considered concurrently. It is inadvisable for a planning application to be determined in advance of a conservation area consent application. (See also circular 14/97.)

It is a statutory requirement to consult the Royal Fine Art Commission on planning applications which raise conservation issues of more than local importance, and local authorities should take the RFAC's views fully into account in reaching a decision.

Determining applications

The need for planning permission is probably the most important tool available to a local planning authority in its efforts to preserve and enhance the character and appearance of a conservation area.

With the advent of S.54A, regard must be had to the development plan and any determination under the 1990 Planning Act must be made in accordance with the development plan, unless material considerations indicate otherwise. However, the courts have held that S.54A does not apply to listed building or conservation area consent, since (in these cases) there is no statutory requirement to have regard to

the development plan. In practice most development plans will include policies relating to listed buildings and demolition in conservation areas, which will be relevant to applications submitted under the 1990 Listed Buildings and Conservation Areas Act. Where a planning application is being considered in tandem with listed building or conservation area consent applications, that application will remain subject to S.54A.

It is important to correctly identify the development plan and be clear as to the weight to be given to out-of-date plans and emerging plans. The more stages an emerging plan has been through in the adoption process, the more weight it should be given in assessing development proposals. Failure to acknowledge the correct status of the development plan can lead to a decision being quashed.

For development proposals in conservation areas, there is the additional duty under S.72 of the 1990 Listed Buildings and Conservation Areas Act. The courts have held that this duty does not override the development plan but must be taken into account as a material consideration when determining applications in conservation areas. Conversely, decisions have also been struck down for relying on the development plan, while ignoring the requirement of S.72 (or the closely related S.66 on listed buildings). In other cases, the courts have held that development in a conservation area which has a neutral effect (i.e., neither harms nor enhances) may be said to preserve the character or appearance, and that a change of use that would not affect physical structures may nevertheless affect the character of an area.

In cases where the development will simultaneously enhance the area but cause some detriment, the courts have held that any detriment identified is a material consideration which should be weighed in the balance against the enhancement. So the decision-maker may have to balance an enhancement to the appearance against damage to the character to cite an actual case.

Site visits, photographs and 'virtual reality'

It is important that case officers visit the site and note the date of the visit and observations on site. Photographs taken on the site visit will help councillors to visualise the proposal and there may be some occasions when an organised site visit for the members is appropriate. In these circumstances, there may be merit in arranging for the footprint of a proposed building to be accurately pegged out on site and 'outlined' with tape, or

perhaps for the height to be indicated by a temporary scaffold structure.

With the development of 'virtual reality' computer programs, the use of computer generated models of proposed developments, in which the viewer can move around or between buildings or look along a street to see the new work in context, is likely to become more widespread.

Committee reports and minutes

Best practice requires that written reports be prepared for all applications, whether determined by committee or under delegated powers. Reports should be explicit about how material considerations have been weighed in the balance against the relevant policies and each other. The *Pothecary* case (*R v Leominster District Council* 1997 JPL 835 and 1998 JPL 335) underlines the inherent dangers of poor report writing and minuting of resolutions which can lead to litigation, with all the attendant expense and stress.

Use of conditions on planning permissions

When granting planning permission, it is important that any conditions which are attached are drafted so as to satisfy the tests in Circular 11/95. It is important to get it right so that the conditions can be justified and supported if challenged on appeal, and to avoid any ambiguity in the event of a Breach of Condition Notice being issued or challenged.

If permission is granted on the basis of a revised scheme which has come about as a result of negotiations with the local planning authority, then it is vital to condition the permission so that it relates to the amended rather than the original proposal, and identifies the drawings to which it refers.

It is also good practice to condition conservation area consent for demolition so that it leaves no doubt as to the extent of demolition approved (preferably by colouring the building to be demolished on survey drawings and drafting the condition to specifically relate to the coloured area) and, as a matter of course, that it ensures no demolition starts until a contract has been let for approved works of redevelopment. This will prevent unnecessary demolition taking place and ensure that there is not a long interval between demolition and rebuilding.

If the necessary information was not provided as part of the application, detailed control over design details and materials can be ensured with the use of appropriate conditions. For

example, Cheltenham has standard conditions requiring the local planning authority's approval of detailed drawings to a scale of 1:20 before the start of work on site, and requiring windows and doors to be set behind the front face of all walls by a specified distance to ensure a satisfactory depth of reveal.

In relation to materials, conditions can be used not only to require samples to be submitted for approval before work starts, but to require the construction of a sample panel on-site for approval of materials, mortar and jointing details.

Landscaping and tree protection is another area in which conditions can play an important role in ensuring that the spaces around new buildings are sensitively treated and that trees to be retained are adequately protected before site clearance starts, and for the duration of the construction period.

When permission is granted retrospectively, it is important to ensure that any modifications or additional work required to make the development acceptable are secured by a condition which specifies the items involved, the date by which details of any such works are to be submitted to the local planning authority for approval and the period within which the approved details or modifications are to be implemented.

Refusal of planning permission and appeals

If planning permission is refused, then the reasons for refusal should be clear and concise. They should identify which development plan policy has been offended and indicate the harm which is likely to result. If other material considerations were taken into account but were not considered to be of sufficient weight to justify setting aside the development plan, then this should be reflected in the reasons for refusal. In conservation areas, it is particularly important for the decision notice to address how the proposed development fails to preserve or enhance the character or appearance of the conservation area in which it is located.

If additional information was formally requested but not provided within the period specified, local planning authorities can legitimately refuse permission on the grounds of insufficient information on which to make a proper assessment of the proposal in relation to the relevant development plan policy and/or the effect on the conservation area.

If refusals are challenged on appeal, reasons for refusal can be supported not only by development plan policies but also by

representations received from English Heritage, the Royal Fine Arts Commission, local amenity groups and residents. Even if English Heritage was not consulted originally, there may be benefits in contacting them at the appeal stage for support. Photographs - both historic and current - can convey much information about appearance. Reference to character appraisals will further strengthen the council's case.



Former NatWest Bank, Cheltenham - as a shop circa 1845 "George Rowe's Illustrated Guide" and 1998

The local planning authority will need to refer back to the original reasons for designating the area as a conservation area and draw attention to other relevant appeal decisions in which the council has been supported locally. Parallels may also be drawn with appeal decisions elsewhere, where similar issues have been addressed. Computerised planning appeal databases can help here (for a fee).

Speed of decision making

The Government has set planning authorities the target of deciding 80% of planning applications within eight weeks of receipt. However, in doing so, it recognises that there are some applications which are likely to take longer to determine. The advice of the Audit Commission, as set out in *Building in Quality*, is to determine, within the statutory period, those applications which are acceptable and those to which there are fundamental objections.

Resources can then be concentrated on schemes which, with modifications, could be made acceptable or which could be improved significantly given a little extra time. The added value which results from such revisions (whether it will be a negotiated approval or a positive enhancement) can justify taking extra time, provided the applicant is willing to co-operate.

Local planning authorities should consider at the outset which category an application falls into and aim to deal with the first two types quickly. If negotiation is needed, notify the applicant and give reasons. It is advisable to seek an extension of time as soon as it becomes clear that the statutory period is likely to be exceeded. In this situation, agree a timetable and target a later committee date according to how much time is anticipated necessary to achieve the objective, and review progress regularly.

Most applicants seem to prefer a positive decision outside the statutory period than a prompt refusal. If in doubt, clarify the applicant's attitude early on, to avoid abortive work and an appeal against non determination.

3.3 Enforcement

Introduction

PPG15 stresses the important role played by local authorities in the stewardship of the historic environment, through the adoption of suitable policies in development plans and their implementation through development control decisions, and in taking a responsible attitude to the care of old buildings.

This stewardship role extends to the enforcement of planning control in conservation areas, both by ensuring that authorised development is carried out in accordance with approved plans and in compliance with any conditions attached to permissions, and by investigating unauthorised development and, when expedient, taking enforcement action to remedy any breaches of control.

The sensitive use of enforcement powers is therefore an important tool for a local planning authority in carrying out its duty to preserve the character and appearance of its conservation areas. Ignoring this tool can allow conservation areas to drift into decline and lead to complaints of maladministration if suspected breaches of planning control are not investigated, or known breaches are ignored when it would be expedient to take action.

Responsive enforcement

Traditionally, enforcement has been responsive, investigating complaints and following up breaches of control - an understandable approach but not necessarily best practice. It continues to be a valid approach but, in the face of a plethora of assorted complaints, there has to be a clear set of priorities, tailored to the needs of the particular authority, which should be set down in writing and preferably endorsed by members.

While it may vary from place to place, best practice suggests that priority should be given to the following:

- unauthorised works in progress on listed buildings
- unauthorised demolition of buildings in conservation areas
- unauthorised works likely to damage or destroy trees which are protected by Tree Preservation Orders or by virtue of their location in a Conservation Area

All these works involve criminal offences. It is essential in these circumstances that witnesses are interviewed and statements taken under caution, and photographic evidence taken as soon as possible.

The value of photographs

As well as being used as evidence in prosecution and enforcement cases, photographs can provide a useful tool in conservation areas. They enable authorities to monitor changes and to assess the effectiveness of the management of the conservation area by reviewing how its appearance and character have changed over time.

Some local planning authorities carry out regular photographic surveys of all properties in conservation areas. If this is done at least once every four years, the results can also be used as an enforcement tool. The photographic record enables the local planning authority to date the period within which works were carried out and to be confident that action can be taken, using this essential evidence, if works have been substantially completed within the last four years and are therefore not immune from enforcement action (or ten years in the case of most changes of use or breach of conditions). A photographic record will also save time on a site visit and can be a useful public relations tool.

ensuring that development is carried out in accordance with approved plans and/or that conditions are complied with.

Some local authorities employ enforcement officers whose specific responsibility is to monitor the implementation of planning permissions and compliance with conditions. Some have a dedicated Conservation Enforcement officer.

Other local authorities have good working relationships (in some cases a service level agreement) with Building Control, who in any event are on-site inspecting buildings at various crucial stages and can check that construction is in accordance with approved plans.

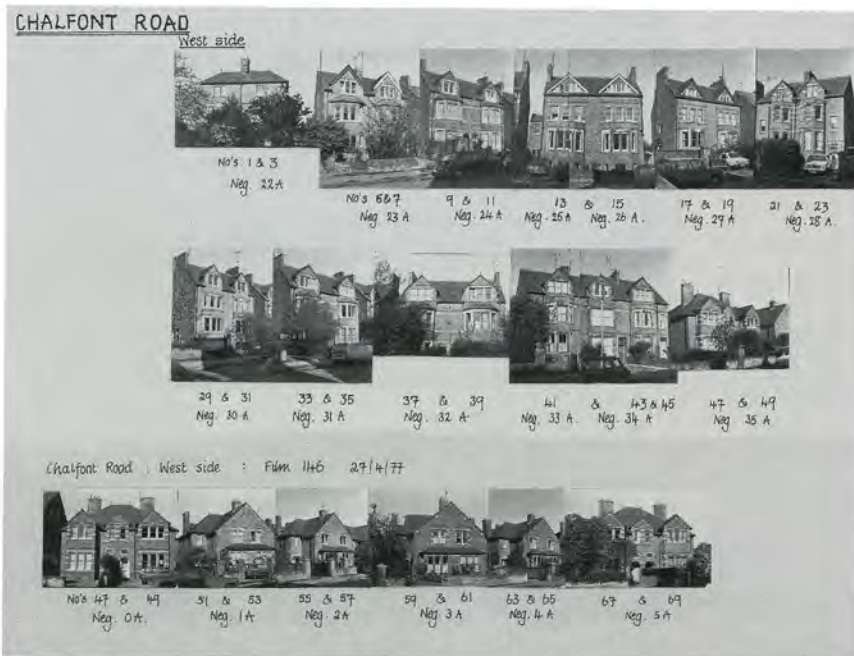
Even if it is not possible for Building Control officers to act as the planning authority's 'eyes on the ground', there is still much to be gained from a close working relationship with the Building Control section.

Most Building Control sections publish a regular list of Building Regulations applications and Building Notices received and planning authorities can use this information to identify any

development which does not already benefit from planning permission, to check proposals and to invite planning applications where works require planning permission. Regular checking of Building Control 'commencement' lists against planning permissions will identify permissions where there are outstanding conditions requiring the prior approval of the local planning authority before the start of work on site. These may then be drawn quickly to the developer's attention and any failure to respond voluntarily can be followed up by a breach of condition notice.

However, the advent and increasing use of approved building inspectors from outside the local authority will mean that, in future, there are likely to be more major developments where the local authority's own building control staff are not involved

in inspection of works in progress; planning staff will need to fill the vacuum if pro-active monitoring is required. Nevertheless, close liaison with other departments and professionals is desirable. It will ensure a corporate approach and should help bring to light any breaches of control at an early stage.



Photographs provide a useful tool in enforcement cases (Oxford)

Pro-active enforcement

The Audit Commission, in its publication *Building in Quality*, stressed the importance of pro-active enforcement. This involves

Pro-active enforcement benefits from clear objectives which provide a framework for priorities and a consistent approach. Investigations can be carried out on a subject by subject basis (e.g., illegal advertisements are blitzed once a month), or on an area basis (taking one street at a time and looking at it comprehensively for breaches of planning control). Whatever method is chosen, a consistent approach will help the local authority's case on appeal and in the courts if investigations result in prosecutions.

Dealing with breaches of planning control

There are no enforcement powers specific to breaches of planning control in conservation areas. However, new and substantially improved powers to enforce planning control were given to local planning authorities by the Planning and Compensation Act 1991. The Government's guidance on the use of these powers is set out in PPG18.

Local authorities should not be afraid to make full use of the powers now available. These include:

- Planning Contravention Notices (where it appears there is or may be a breach of planning control)
- Breach of Condition Notices (against which there is no right of appeal and failure to comply is an offence)
- Enforcement Notices
- Stop Notices
- Injunctions

Where a use is clearly in breach of control and creating a severe amenity problem, and an Enforcement Notice has been issued but the steps required have yet to be carried out, a Stop Notice can be used as a means of preventing the continuation of the breach.

Stop Notices can also be used in tandem with Breach of Condition Notices and are therefore particularly helpful in protecting trees at risk, when work starts on-site in breach of conditions requiring protective fencing (or similar measures) to be in place before site clearance starts.

Local authorities also have powers to carry out work in default of action by an owner who fails to comply with an Enforcement Notice. Costs can be recovered and a charge made on the land.

Where it is considered necessary and expedient for an actual or apprehended breach of control to be restrained, local authorities may apply to the court for an injunction, whether or not they are proposing to exercise any other powers under the Act.

When all other methods of enforcement have been exhausted, compulsory purchase powers may be considered as a last resort.

ENFORCEMENT NOTICE
 SPECIAL ENFORCEMENT NOTICE
 ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT
 MODEL STOP NOTICE
 MODEL PLANNING CONTRAVENTION NOTICE
IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
MODEL BREACH OF CONDITION NOTICE
IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)
BREACH OF CONDITION NOTICE

SERVED BY: [name of Council]
 To: [name(s) of person(s) responsible for the alleged breach of condition]

1. THIS NOTICE is served by the Council, under section 187A of the above Act, because they consider that [a condition] [conditions] imposed on a grant of planning permission, relating to the land described in paragraph 2 below, [has] [have] not been complied with. The Council consider that you should be required to [comply] [secure compliance] with the condition[s] specified in this notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES
 Land at [address of land], shown edged red on the attached plan.

3. THE RELEVANT PLANNING PERMISSION
 The relevant planning permission to which this notice relates is the permission granted by the Council on [date of issue of permission] for [description of development] Ref [Council's reference number].

4. THE BREACH OF CONDITION
 The following condition[s] [has] [have] not been complied with:
 (1) []
 (2) [State the terms of each condition which has not been complied with.]
 (3) []

5. WHAT YOU ARE REQUIRED TO DO
 [] responsible for the breach[es] of condition[s] specified in paragraph 4

Section 215 or 'Wasteland Notices':

Land and buildings which adversely affect amenity of a neighbourhood

Circular 2/98 - prevention of dereliction through the planning system - promotes the use of Section 215 notices to require owners to maintain their land and buildings properly, if they affect the amenity of the surrounding area.

Although not specific to conservation areas, the Government actively encourages local authorities to use the 1990 Town and Country Planning Act as a positive tool to deal with eyesores which injure amenity and thus help to prevent dereliction and arrest decay. Section 215 notices can be used on both land and buildings, and can deal with a wide range of problems, for example:

- clearing rubbish and waste materials from open land
- removal of abandoned vehicles from private land
- removing the remains of derelict/fire-damaged buildings
- restoring damaged paintwork
- refurbishing important features (e.g., porches, verandas, balconies) which have been left to deteriorate to the point where they harm, rather than enhance, a building or the street scene
- removing fly-posting and graffiti, where they adversely affect amenity (although the use of Section 215 powers for this purpose is not encouraged by the DETR)
- tidying up land awaiting redevelopment

'Wasteland' notices have, on rare occasions, been used to secure the completion of building works, when the issue of a completion notice was not appropriate, and to remove the foundations of an authorised building where work had started but not progressed and a completion notice had not been complied with, thus effectively revoking the permission.

Similar to an enforcement notice, a Section 215 notice must specify what is causing the injury to amenity and the steps to be carried out, together with the period for compliance. If the work is not done within the period specified in the notice, the local authority can follow it up with prosecution or enter the land and take direct action to carry out the works, in default of action by the owner.

Changes to the regulations which came into force in January 1998 mean that the local authority can recover its costs if direct action is taken in default, if necessary by making a charge on the land.



Section 215 notices can be used to deal with problems such as where important features have been left to deteriorate (Oxford)

When considering whether to use Section 215 powers, the local authority must bear in mind that wasteland notices cannot be used to improve the condition of land if the problems stem from operations or use of land which is not in breach of planning control. It must also be said that appeals against Section 215 notices are dealt with by magistrates, rather than a planning inspector, and experience suggests that magistrates will need to be convinced that every possible attempt has been made to secure voluntary improvements.

In addition to Section 215 notices, there are powers under other legislation (i.e., Section 79 of the 1984 Building Act, and Environmental Health and Highways legislation) to tidy up sites and make them secure; depending on the particular circumstances, these may be appropriate to use as a stop-gap measure.

Organisation of enforcement functions

PPG18 recognises that the organisation of the administrative function of enforcing planning control is for each local planning authority to decide; however, it stresses the importance of a close and co-operative working arrangement between planning staff and their legal advisors.

The success of enforcement action depends upon speed of assessment and process, which requires good communication and understanding and speed of delivery. Prompt and effective action also delivers an important message to others who might transgress!

3.4 Permitted development

Background

The Town and Country Planning (General Permitted Development) Order 1995 (GPDO) sets out the various categories of development which are allowed without the need to apply for planning permission and are classed as 'permitted development'. In order to protect the special character of our conservation areas, the level of permitted development allowed by the above Order is more restricted within them.

It is not the aim of this Section to restate the GPDO, but rather to outline the salient points relating to conservation areas and to address common issues of concern. Note that in this Order, land covered by conservation areas is termed Article 1(5) land.

In general terms, these extra controls restrict the following:

- various types of cladding
- the insertion of dormer windows
- the installation of satellite dishes on walls and roofs facing a highway
- the installation of radio masts, antennae or radio equipment housing with a volume of over two cubic metres

The size of residential and industrial extensions which may be carried out without the need for planning permission is also reduced.

Schools, colleges, universities and hospitals are afforded certain levels of permitted development but this is subject to the use of materials that match the original building.

It is important to note that where proposals concern residential property, it is only development within the curtilage of a 'dwelling house' which has the benefit of 'permitted development'. This would not include a building that is subdivided into flats, or where the residential use has intensified to such an extent that it no longer has the characteristics of a conventional single or 'family' dwelling. Under the Order, one of the principal tests as to whether premises are a 'dwelling house' is the question of whether or not a building provides facilities for daily domestic existence.

The courts have held that a holiday chalet does not cease to be a dwelling house merely because there are restrictions on the duration and frequency of the use. However, a building with mixed uses, for example a shop on the ground floor with a flat

above, is not classed as a dwelling house for the purpose of the Order. In another case, the courts considered the extent to which another use within a house may compromise permitted development rights. In this case, two rooms of a house were used as an estate agency, and it was held to have no permitted development rights to alter the windows without planning permission. However, it would seem reasonable to assume that where a use in a house is ancillary to the residential use or is *de minimis*, thus not requiring planning permission, the building remains a dwelling house with full permitted development rights.



Properties in mixed use have few permitted development rights. Any material change to the appearance of the building, such as the windows to the upper floors of these buildings, requires planning permission (Deal)

Many conservation areas cover town centres and commercial areas. It is important to remember that buildings in commercial use have only very limited permitted development rights. Moreover, planning permission would be required for any material alteration to the building. If the proposed development is not permitted under the terms of the GPDO, then the question as to whether it is exempt from the definition of operational development, under Section 55(2) of the 1990 Act, needs to be addressed. Generally, operations carried out for the

maintenance, improvement or other alteration of any building or work, which affect only the interior of unlisted buildings or which do not materially affect the external appearance of such buildings, do not constitute development.

It should be noted that where there are no permitted development rights for the material effect test to operate, works must fall within the definition of operational development in the first place. In practice, because of the wide scope of the definition of Section 336 of the 1990 Town and Country Planning Act which includes 'other operations normally carried out by a builder', most changes to the fabric or appearance of buildings are deemed to be 'building operations'. Very minor accretions may be held to fall within the *de minimis* principle.

The remaining part of this section seeks to clarify various parts of the above legislation through examples of case law.

Pebbledash rendering

In the case of *Tower Hamlets London Borough Council v Secretary of State and Nolan* (1994 JPL 1112) it was held that the application of cement and pebbledash rendering to the front elevation of a house in a conservation area constituted permitted development. It did not fall within 'the cladding of any part of the exterior with stone, artificial stone, timber, plastic or tiles', which is not classed as permitted development within conservation areas.

Roof materials and roof lights

- The slate roof of a hotel in Folkestone had been replaced by grey concrete interlocking tiles and its dormer windows removed and substituted with Velux roof lights. At an appeal against refusal of planning permission for the works, the appellants argued that there had been no material effect. The inspector considered that the new roof, although of an appropriate colour, had a more pronounced relief pattern than natural slates, and a combination of this and the new roof lights materially affected the appearance of the building. However, the inspector concluded this was not to the detriment of the particular building or location and allowed the appeal. A similar case of interest (Lake District Special Planning Board) concerns the replacement of a green slate roof with dark grey concrete tiles, together with the insertion of three Velux roof lights on a public house. In this case, the inspector considered there was an unmistakable difference in appearance which constituted development.

Removal of architectural features

- The removal of architectural features, such as cornices and architraves, can have a material effect on the appearance of a building. For example (Croydon London Borough), enforcement action was taken against the removal of decorative band lines, stucco grains, architraves and cornices at the upper levels of a restaurant building. At an appeal against the enforcement notice, the inspector considered that even though the building was in a better state of repair following the work, the facade 'lacked rhythm and cohesion and appeared disturbingly unbalanced'. He concluded that a material change to the appearance of the building had occurred and dismissed the appeal (*Context 40*, p 26).

Lighting

- Westminster City Council took enforcement action against the installation of lines of decorative lights which were permanently fixed to two elevations and ran over the tops

of three domes on a Bayswater hotel. An inspector considered that the provision of such lights was development.

- A similar case of interest concerned the fixing of lines of coloured lights on a public house. South Pembrokeshire District Council took enforcement action against the lights. In this case the inspector considered that works constituted an 'operation' and that they did materially affect the external appearance of the building. He argued that the development had been undertaken by a skilled electrician, that it had some degree of permanence and that there had been an alteration to the exterior.

Shopfronts

- The replacement of a shopfront is normally held to be so extensive that there is no doubt that a 'building operation' has occurred. Consequently there is no need to consider if there will be a 'material change' to the external appearance in order to ascertain if planning permission is required.

Windows

With regard to windows in buildings occupied as flats or in mixed use, the case law is not quite so clear cut, as illustrated by the following examples:

- Lewisham London Borough Council took enforcement action against the installation of an aluminium shopfront and PVCu double glazed windows in the front elevation of a building within the Deptford High Street Conservation Area. The inspector held that the new shopfront did not preserve or enhance the local architectural or historic character of the area and was incompatible with the scale, form and materials of the building. With regard to the PVCu windows, the inspector considered that they did not preserve or enhance the character of the conservation area and so did not merit consent. He upheld the enforcement notice accordingly.



The use of article 4 Directions can be used to control the provision of appropriate windows in conservation areas. In this example the use of uPVC windows detract from the special character of this Victorian house (Deal)

- In a similar case (North West Leicestershire District Council), the traditional timber sash windows above a restaurant were replaced with PVCu windows in a wood-grain finish. It was argued that there was no material effect to the external appearance of the building, but the inspector considered that the modern design and materials were clearly inappropriate to the building in which they were located.
- Traditional timber sash windows were replaced with PVCu windows at an office building in Bristol. Planning permission had been refused and listed building enforcement action taken against the windows. At appeal against the refusal of planning permission the inspector considered that where the difference is simply in manufacturing materials or construction techniques development will rarely be involved. In this case he concluded that the differences were sufficiently substantial to materially affect the external appearance of the building. The listed building enforcement notice was upheld.

Works to the interior of a building

The issue of whether a shopfront within a covered shopping centre required planning permission was addressed in a case concerning the Metrocentre. A Certificate of Lawful Use on Development was requested, relating to a new shopfront. The Secretary of State held that the whole of the Metrocentre was a building and the particular unit was wholly enclosed by walls, doors and a roof. Therefore, the shopfront was not development requiring planning permission. It should be noted, however, that in this case it was also held that individual lettable units within the Centre were separate planning units, and that consideration of whether a material change of use had occurred should be considered accordingly.

Vents

Generally, it has been held that small items such as extractors and domestic flues are unlikely to have a 'material effect' on the appearance of a building. In a case concerning air conditioning units to the rear of a shop it was considered to have no material effect (South Hams Borough Council). Similarly, with a case in Glasgow, it was held that a balance flue extract on a tenement building would be inconspicuous.

Fire escapes

The provision of a fire escape may have a material effect on the appearance of a building as in a case considered by Newport Borough Council. A fire escape at a nursing home was held to have a material effect on the external appearance of an Edwardian building.



The provision of most fire escapes will have a material effect on the appearance of the building and will require planning permission (Deal)

3.5 Article 4 Directions

Background

Although there are tighter controls over the level of permitted development within conservation areas than elsewhere, in many instances such controls may still not be enough to safeguard the character of an area, particularly where there are a significant number of unlisted buildings in residential use. A large number of small changes, such as replacing original roof tiles with unsympathetic modern materials, substituting traditional windows and doors with PVCu or aluminium replacements, and removing front boundary walls or hedges to provide off street parking, can cumulatively detract from the 'special' character of an area.



The removal of boundary walls and the use of front gardens for car parking can be visually intrusive and can be controlled by the use of Article 4 Directions (Deal)

Where such problems occur, there is an opportunity under the 1990 Act to control the alterations by making Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (the 1995 Order), and removing specified development rights in respect of specified buildings.

Prior to 1995, under earlier General Development Orders, the decision whether or not to proceed was made by the Secretary of State rather than the local authority. Furthermore, the approach of different government regions to Article 4 Directions was not consistent across the country. It was often necessary to

demonstrate that the character of the conservation area was under threat and, by the time that threat could be demonstrated, it was often too late to do anything about it.

The EHTF publication, *Townscape in Trouble*, argued the case for changing the permitted development rights to safeguard conservation areas.

However, the response of Government in 1995 was merely to simplify the procedures in particular circumstances. Under the 1995 Order, the Secretary of State handed over to local authority the decision-making function in respect of an Article 4 Direction relating to the front facades of buildings in conservation areas, to be known as an Article 4(2) Direction. At the same time, the original procedure was retained as an Article 4(1) Direction.

The two types of direction therefore allow the local authority to control varying amounts of permitted development, and involve different procedures in their introduction. In considering which type of Article 4 Direction should be adopted, the decision should be guided by:

- the type and extent of permitted development which is threatening the character of the conservation area - Article 4(2) Directions are limited to certain works, mostly in Part 1 of the 1995 GPDO (development within the curtilage of a dwelling house)

and, even then, only to works affecting certain elevations or parts of the curtilage

- the urgency with which action needs to be taken and the staff resources available to devote to the introduction of a direction - the Article 4(1) Direction being the far more involved, and a successful outcome from the Secretary of State not being guaranteed

English Heritage considers that local authorities should seek Article 4 Directions to control development rights otherwise permitted in conservation areas under the General Development Order if the exercise of those rights 'could detract significantly from the special character of the areas'. (*Conservation Area Practice*, revised 1995)

Article 4(1) Directions

Article 4(1) Directions allow the local planning authority to control most forms of development that would affect the character of a conservation area and would otherwise be permitted under the GPDO. There are certain exceptions and these are defined in the Order (paragraph 4(1), (3) and (4)).

These directions need to be approved by the Secretary of State and a specific need for them has to be demonstrated. The chances of an application succeeding will be improved if it can be shown that the local authority has a comprehensive set of conservation related policies in a statutory development plan (or draft development plan). Such a document can refer to Article 4 Directions being made where appropriate, and that these will be part of a co-ordinated approach to protecting and enhancing historic areas.

The procedure for applying to the Secretary of State for an Article 4(1) Direction is well documented in the GPDO; however, an informal discussion with the regional office of the DETR can save a lot of time and effort.

There are two methods that can be used when making an Article 4(1) Direction.

- Firstly, the direction can be made by the local authority and served on the landowners. A copy of the direction must then be sent to the Secretary of State, who has six months in which to confirm, reject or modify the direction. If rejected, reasons will normally be given so a modified submission can be made, changing the emphasis or scope of the direction in order to address the problems identified. A direction made under this procedure takes effect from the date the local authority serves it, thus giving instant protection.
- The second method is to send the application directly to the Secretary of State for approval, before it is served on the landowners.

Scope of an application for an Article 4(1) Direction

Any application must include a clear assessment of the area's special architectural and historic interest and the nature of the threat to this special character. The use of annotated photographs can be particularly helpful in achieving this and can save a lot of descriptive text. If the threat is the use of PVCu windows and doors then copies of any sales literature that has been circulated in the area will help to support the case.

A resumé of the action taken by the authority to preserve and enhance the character of the area is useful. It could include the policy context taken from the District Plan, together with information on grant schemes (such as a Conservation Area Partnership Scheme), environmental improvement initiatives and copies of any leaflets or guidance notes produced. Get the message across that this is part of a much wider programme of work.

Following on from this, the application must identify the minimum level of control required to deal with the identified threat, listing the appropriate classes of development in the GPDO for which permitted development rights are to be withdrawn. Classes not relevant to the threat should not be included.

A plan identifying the boundary of the area to be covered by the direction is essential, as this will form part of the legal document. The boundary should not automatically follow that of the conservation area. Instead it should identify where the specific extra control is needed. For example, where a conservation area has a distinct commercial area or a block of listed buildings, there may be no need for the direction to cover them as commercial properties generally do not benefit from permitted development rights and alterations to listed buildings can be controlled through listed building legislation. This will demonstrate that the authority is adopting a considered and pragmatic approach. Conversely, if it can be shown that the threat affects most parts of the conservation area, it will be far easier from an administrative point of view, and for the public to understand, if it follows the conservation area boundary. The important thing is to justify the boundary.



Roofscapes are important to the character of most conservation areas. Article 4 Directions can prevent the use of unsympathetic materials (Sandwich)

3

Public support for Article 4(1) Directions

A key element of any submission for an Article 4(1) Direction will be the level of public support for the proposal.

Consultations must include town or parish councils, local amenity groups and residents as well as any other interested parties. Such action can be a 'double edged sword' because it may stimulate alterations to buildings before a direction is made. Additionally, support from residents may not be forthcoming for fear of further restrictions and bureaucracy.

The consultation process could include advertisements in the local press, individual letters to residents and a public meeting. The aim should be to sell the idea to the public by stressing the benefits of an Article 4(1) Direction: how it can help to maintain the special character of an area and, conversely, how property values can be adversely affected by unsympathetic alterations. An important part of this will be to demonstrate that it is nearly always cheaper to repair rather than to replace particular features, such as windows and doors, which are not, as many makers claim, maintenance free. (Framing Opinions Campaign, English Heritage.)

It may also be useful to explain that any planning application received as a result of the direction will not require a fee, unlike ordinary planning applications. Letters sent to residents seeking their support should include a simple reply slip and a pre-paid envelope.

PPG 15 states that the Secretary of State will generally be in favour of approving directions which can show local support. In view of this, it is somewhat surprising that one local authority had its application turned down even though there was clear evidence of public support. In this instance, the Secretary of State interpreted this support as evidence of there being no threat to the character of the area. This can work both ways though and authorities should not be dissuaded from applying if they do not receive wide scale public support. It is interesting to note that there is no obligation on the local authority to notify owners of their proposals to make a direction. It will normally be best, however, to secure public support at the beginning. Nobody likes being dictated to and the success of the direction will depend ultimately on public co-operation.

Article 4(2) Directions**Extent of control**

An Article 4(2) Direction is restricted mainly to Part 1 of Schedule 2 of the 1995 Order, that is, development within the curtilage of a dwelling house. It therefore mainly applies to buildings in this use.

The specific works which can be controlled by means of an Article 4(2) Direction are set out in paragraph 4(5) of the Order. They include works which commonly threaten the character of a conservation area **where the building fronts a highway, waterway or open space**, such as:

- roofs
- doors
- windows
- porches
- chimney stacks



Inensitive alterations, such as the provision of this porch, can be controlled by the use of Article 4 Directions (Deal)

The direction can also apply to Classes A and C of Part 2 (minor operations) of the Schedule:

- the creation or alteration of a means of enclosure
- the external painting of a building

Significantly, in the light of the recent *Shimizu* case, it also allows the local planning authority to control (via the need for planning permission rather than conservation area consent): the demolition of the whole or part of a gate, fence, wall or other means of enclosure

The main disadvantage of such a direction is the limited extent of the controls, together with the fact that it can only be applied to elevations fronting a highway, waterway or open space.

Its distinct advantage, however, is that it does not need to be referred to or confirmed by the Secretary of State, thus making confirmation of the direction more certain.

Introducing an Article 4(2)

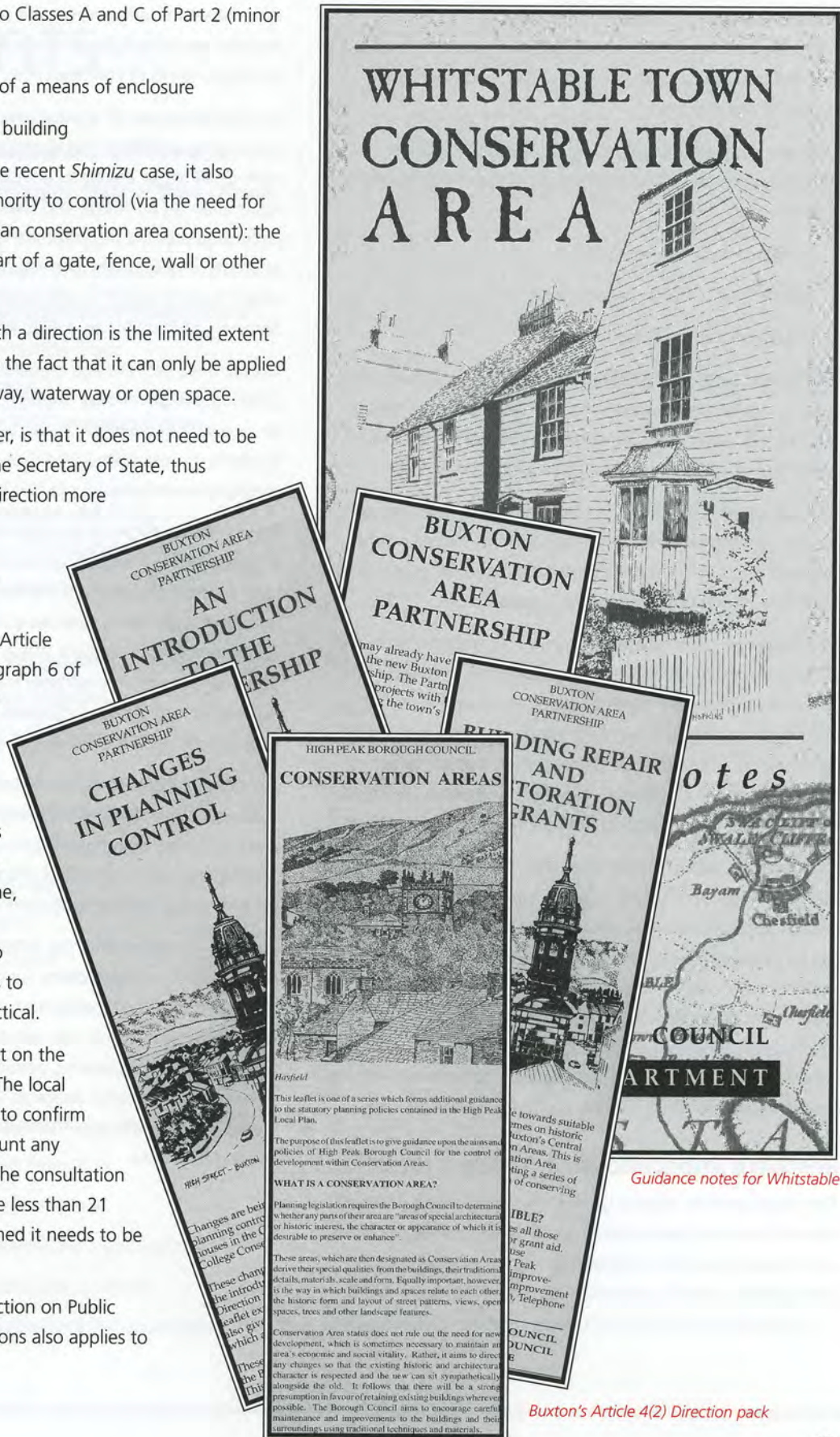
Direction

The procedure for making an Article 4(2) Direction is given in paragraph 6 of the Order. In general terms, it involves advertising the direction locally and serving a notice on residents.

There are, however, provisions to allow the local authority to rely on the advertisement alone, where property owners and occupiers are either difficult to identify or are so numerous as to make individual service impractical.

The direction comes into effect on the day that the notice is served. The local authority then has six months to confirm the direction, taking into account any representations made during the consultation period. This period shall not be less than 21 days. Once it has been confirmed it needs to be advertised again.

The advice given under the section on Public Support for Article 4(1) Directions also applies to Article 4(2) Directions.



Guidance notes for Whitstable

Buxton's Article 4(2) Direction pack

Implementation of Article 4 directions

Once either an Article 4(1) or 4(2) Direction has been made, it is essential to produce guidance notes. This is crucial to the success of any direction.

Any such literature should be sent to all affected parties, preferably with the formal notification of the direction, and is likely to cover:

- the reasons for the direction
- exactly how it affects householders
- the benefits it can bring

Care should be taken if setting standards that indicate what is likely to receive planning consent. The 'standard' can rapidly become the maximum to be achieved in order to get consent, rather than the minimum basis upon which to improve.

In a case in the town of Buxton, an Article 4(2) Direction was used in conjunction with the launch of a Conservation Area Partnership Scheme – a carrot and stick of providing grants to soften the effects of the additional controls.

Obviously, over time, residents change so it is useful to do mail shots of guidance notes every couple of years or so to ensure that new residents are made aware of the direction, and to remind existing ones. The existence of a direction should be identified on a Land Charges Search when a property is purchased; however, mistakes are made and not every solicitor will explain its implications to the purchaser.

Enforcement becomes a key issue once the direction has been made. For it to be effective, it is very important to have a photographic record of all principal elevations (at least these can be seen from a highway, waterway or open space), together with written details. These can take the form of a checklist, commenting on all the items included in the direction. Unless this is produced at the beginning, effective implementation will become impossible. Photographs with the date displayed on them are very useful for this work.

Resource implications of Article 4 directions

The most common reasons given for not making an Article 4 direction are that preparation is a very time-consuming process and it could generate a substantial amount of work for development control and conservation staff. However, if it is concluded that an Article 4(2) Direction would adequately deal

with the permitted development problem, then the procedures involved are remarkably simple and should not be at all off-putting in terms of staff resources.

An alternative way of approaching the issue is to consider introducing an Article 4(2) direction as a preliminary medium term measure, to enable its effects to be monitored; an application for an Article 4(1) Direction can then be made if it is concluded that the first direction is not proving successful. The attempts to address the permitted development issue locally ought to carry weight in any subsequent submission to the Secretary of State for an Article 4(1) Direction.

Clearly there are resource implications in preparing a direction covering a large number of properties but a substantial amount of survey work could be carried out by untrained staff or students; for example, it could be part of a school or college project to investigate 'our fading heritage'.

Provided the policies of the local authority are clear, experience suggests that any additional workload for development control staff is negligible. Much of the work generated can be dealt with by a telephone call or site visit so the need for a planning application or enforcement action can be avoided by discussion at an early stage. This normally leads to the repair or identical replacement of particular features. Grant aid can also help to avoid conflict and ensures a high standard of work.

As suggested earlier, the benefit of retaining and repairing the existing historic fabric is a vital message to get across. This is the whole purpose of introducing an Article 4 Direction and, if the publicity has been successful, there is only a minimum risk of it adding to the development control workload.

Provision is made within the 1990 Act to allow owners affected by a direction to make claims for compensation and this has dissuaded some authorities from making them. However a claim for compensation can only be made if owners can show that the refusal of planning permission has devalued their land or property. Experience suggests that the number of successful claims is very small, so authorities should not be deterred from making directions.

3.6 Advertisement control

Introduction

PPG15 recognises that all outdoor advertisements affect the appearance of the building or neighbourhood where they are displayed. Many conservation areas include retail and commercial premises, from corner shops to busy commercial centres. Local planning authorities must reconcile the advertising needs of the businesses with their own duty to preserve and enhance the character and appearance of conservation areas. PPG15 expects more exacting standards of control over advertising to be exercised by local authorities in conservation areas and this must be followed up if local authorities are to fulfil their duty.

Advertisement control policies, education and publicity

PPG15 draws attention to the value of education and co-operation in helping prevent unsympathetic advertisements, and suggests various ways in which these might be promoted in association with local businesses, including publishing design guidelines, mounting exhibitions and providing an advisory service. It also stresses the benefits of adopting advertisement control policies to inform prospective advertisers about acceptable types of displays in an area, and to provide a rational and consistent basis for decision-making on all advertisement control decisions.

This approach is also promoted in PPG19, which urges co-operative working arrangements between applicants and planning authorities in which designers should be prepared to



Corporate image can be modified to suit a conservation area - McDonalds Chichester

compromise on matters of corporate design, while local planning authorities should not refuse consent simply because they do not like the design.

Differences between advertisement control inside and outside conservation areas

The Advertisement Regulations recognise that additional control is justified in conservation areas by excluding from 'deemed consent' certain classes of advertisements which can be displayed without express consent elsewhere. These include:

- advertisements on tethered balloons for any length of time (elsewhere consent is only needed if the advertisements are displayed for more than ten days a year)
- illuminated signs in retail parks and on business premises
- advertisements on hoardings around building sites

However, this leaves many classes of advertisement which can be displayed with the benefit of deemed consent, but which still harm amenity, especially in historic shopping centres.

Exercising control in conservation areas and the duty under Section 72

Where express consent is required for advertisements in conservation areas, as with all advertisements, control must be exercised in the interests of amenity and public safety. PPG19 gives guidance on amenity criteria as well as public safety.

The courts have held, however, that when exercising control over advertisements, decision-makers must also pay special attention to the duty imposed by S.72 of the 1990 Town and Country Planning Act and that this duty is in addition to any controls under the Advertisement Regulations.

The courts have also held that it is perfectly proper for a local authority to exercise control over the display of advertisements 'against the background of a desire to enhance the character of an area, rather than to merely preserve it'.

This aim can be supported by local plan policies to reduce the number and/or size of advertisements over time. It is also possible to produce supplementary design guidance (which should be short, sharp and clear) on specific types of advertising, such as:

- blinds
- security shutters
- bus shelters
- shopfronts
- street signs

While the effect of an advertisement on a conservation area must be considered, it will often not be the determining factor because the extent of the effect is likely to be limited to the immediate locality, rather than the conservation area as a whole. Nevertheless, if its display is held to harm the area, such that it will neither preserve nor enhance its character or appearance, then it becomes a major factor against granting consent.

Additional powers of control over deemed consent applications

Where a local planning authority has formulated and promoted policy statements on outdoor advertising, issued design guides and encouraged a good working relationship with businesses, but still finds that unsuitable or harmful advertisements are displayed with the benefit of deemed consent, then there are additional powers of control which it can pursue.

Regulation 7 Directions

Where a particular class of advertisement is giving cause for concern, the local planning authority can invite the Secretary of State to make a direction under Regulation 7 that the display of certain advertisements which would normally benefit from deemed consent should not be undertaken in a particular area or on a particular site without express consent. Local planning authorities will need to demonstrate that they have well-formulated policies for the display of advertisements and that the vigorous use of normal powers has proved inadequate. This type of control has been used successfully in Westminster in relation to estate agents' boards.

Discontinuance notices

Similar justification will also need to be demonstrated if a local planning authority uses powers under Regulation 8(2) to discontinue the display of an advertisement which, although displayed with deemed consent, is considered to cause 'substantial injury to the amenity of the locality or dangers to members of the public'. Discontinuance notices can be used to secure the removal of a specific advertisement or the use of a particular site for the display of advertisements. This can be particularly effective when used to 'sweep up' particular types of signs in an area, e.g., estate agents' boards or signs at first floor level. A consistent approach of this nature will help the local authority if notices are challenged on appeal, and if failure to comply is prosecuted through the magistrates court.

Areas of special control

Circular 5/92 gives advice about the designation and implementation of areas of special control by local planning authorities, which require the endorsement of the Secretary of State and can be used for areas which merit special control on amenity grounds. While such orders are usually endorsed in rural areas, they are likely to be more difficult to achieve in urban areas; particularly sensitive areas, such as cathedral precincts, should be selected.

There is an obligation to review areas of special control every five years in recognition of the changing nature of both urban and rural landscapes.

Once designated, much stricter rules for deemed consent advertisements apply and virtually no illuminated advertisements are allowed. As with Regulation 7 and discontinuance notices, local planning authorities who wish to designate areas of special control will need to demonstrate that the additional powers are essential, and that their normal powers of control and other options (such as discontinuance notices) have not proved effective or practical.

Local planning authorities are advised to discuss potential areas of special control with their regional office of the DETR. The Circular also advises local planning authorities who are contemplating such control to consult with the Outdoor Advertising Council which represents outdoor advertising interests.

Enforcement notices

There is nothing in law to prevent the use of enforcement powers against an advertisement, provided that it falls within the definition of development. Some types of hoardings have been treated as development because of the substantial size of the structure and the considerable degree of permanence. The fixing of a fascia box sign has been accepted as operational development, although changes to the fascia sign have not been held to constitute a new sign.

Although ministerial advice states that it is not intended that ordinary planning powers (including enforcement) be used to control the display of advertisements, from a local planning authority's point of view, the use of planning powers has several distinct advantages. A planning enforcement notice can require the removal of the structure, whereas a successful prosecution for an offence under the Advertisement Regulations will only

result in a fine and not the removal of the offending sign; it is therefore unlikely to deter a persistent offender if the income from the display of the sign is more lucrative than the financial penalty.

In addition, failure to comply with the requirements of an enforcement notice can be remedied by the local planning authority taking the necessary steps in default of action by those responsible.

The disadvantage of using enforcement powers is the immunity rule (4 years), whereas discontinuance powers can be used to remove advertisements which have been in place for many years.

Revocation/modification

Where express consent has been granted for a sign which has then turned out to be less than satisfactory, the consent can be modified or revoked by order of the local authority, although compensation may be payable.

Fly-posting

Fly-posting can be a problem (particularly in town centres) on sites awaiting development and on vacant retail premises.

Circular 5/92 sets out the powers which are available to local authorities to remove or obliterate posters and placards

displayed illegally. It advises on procedures which may be used to combat fly-posting.

Some local authorities have adopted a more wide-ranging approach to deter fly-posting in the first place. For example, Oxford has provided 'official' poster sites throughout the city centre, in the form of drums, free-standing and wall-mounted display boards, on which posters can be displayed (free of

charge in some instances or for a small fee on managed sites), in return for a guarantee of no over-posting for a specified period.

Other ideas worth pursuing include: encouraging the use of vacant shop premises for a display by charities, artists, local businesses and institutions; encouraging local children or art students to paint murals on hoardings; promoting the use of a hoarding material which makes posters difficult to paste but easy to remove; having a 'flying squad' to remove illegal posters as soon as they appear; promptly contacting the owners or agents handling empty property to request removal of illegal signs, together with regular inspections to prevent re-occurrences (S.21.5 notices can be used for this purpose).



Oxford's official poster board



Fly-posting can harm the appearance of a conservation area - Oxford

3.7 Demolition

Following the decision in the *Shimizu* case, the situation with regard to the control of demolition is, at the time of writing, still unclear. It is intended to publish a topic paper to serve as an addendum to this document once the matter has been resolved. In the meantime, the section below may provide a starting point.

Introduction

The control of demolition in conservation areas has recently been cast into doubt and then clarified, first by the House of Lords decision in the case of *Shimizu (UK) Ltd v Westminster City Council* 1997 and then by Circular 14/97.



Alteration or demolition? (Bury-St-Edmunds)

The *Shimizu* judgement concluded, in very simple terms, that partial demolition was not demolition, but alteration. This appeared to make the need for conservation area consent only appropriate to total demolition and clearance of the site. Anything less was free from conservation area consent control.

Circular 14/97 has now generally clarified the situation by stating (or re-stating) the kinds of works which are exempt from the need for conservation consent, leaving the rest subject to control.

Extent of control

Conservation area consent is required from the local planning authority for the demolition of most unlisted buildings within a conservation area.

There are certain exceptions to this and they are set out in Section 75 of the 1990 Act, Circular 14/97 and in the relevant Direction.

Essentially, conservation area consent is not required for the demolition of:

- buildings of less than 115 cubic metres
- walls of less than 2 metres (or 1 metre abutting a highway)
- agricultural buildings erected after 1 January 1914

Procedures are essentially the same as for listed building consent applications. When considering such applications, local planning authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Account needs to be taken of the contribution made by a building to the architectural and historic importance of an area, and of the wider effects of demolition on the building's surroundings and the area as a whole. Local planning authorities are not required to notify the Secretary of State before granting conservation area consent. However, applications submitted by a local authority must be determined by the Secretary of State.

The general presumption should be in favour of retaining buildings which make a positive contribution to an area. The Secretary of State expects that demolition applications should be judged against the same broad criteria used for the demolition of listed buildings. In cases where buildings make little or no contribution to the character of an area, then the local planning authority will need to consider what is proposed for the site following demolition. If there are no acceptable detailed plans for redevelopment, consent should not be given. This was confirmed by a case in Canterbury concerning the replacement of a bridge within a conservation area. Here the Secretary of State was 'not satisfied that the proposed

replacement schemes would preserve or enhance the character and appearance of the conservation area. Accordingly, the nature and appearance of the new works is a relevant and material consideration when arriving at a decision on whether or not to give conservation area consent to the proposed demolition.' (Nov 1994, JPL, PB119).

Approval of replacement buildings will not in itself guarantee the redevelopment of the site following any demolition. Consequently, it is desirable to impose on the granting of consent for demolition, a condition under Section 17(3) of the Act, as applied by Section 74(3), to ensure that demolition will not take place until a contract for carrying out the redevelopment has been made and planning permission granted. This should help to prevent unsightly gaps appearing in conservation areas as a result of demolition taking place well in advance of any redevelopment.

As we currently cannot rely on controls claiming partial demolition on unlisted buildings, it is worth remembering that work which has an effect on the appearance of a building (e.g., the removal of chimneys) may need planning permission. In situations where conservation area consent might not provide the necessary control, it may still be achieved using 'ordinary' planning control (*Burrows-Day v Bristol City Council* 1996, 19 E G 126).

What does or does not need consent must, in the final analysis, be a matter of 'fact and degree' with each case being considered on its merits.

For more detailed discussion on certain aspects of conservation area management, see the Topic Papers published with this Practical Guide. Papers on further subjects are to follow.

Suggestions for future Topic Papers should be sent to:

The Conservation Area Management Working Group
EHTF
P O Box 22
Bristol
BS16 1RZ

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Economic Vitality and Regeneration

Introduction

The character and appearance of a conservation area is unlikely to be preserved or enhanced for very long unless, in order to sustain continued maintenance and improvement, economic vitality is encouraged. Appropriate, revenue-inducing uses are usually needed to provide most of the funding required for repairs or improvement and this, in turn, can promote employment and a high level of economic activity. Managing conservation areas goes beyond the more typical planning tasks of development control and policy making, and is an activity closely related to economic development, bringing added value to an area.

The role of prosperity in conservation

PPG15 places increased stress on the strong inter-relationship between a prosperous economy, supporting the protection of our historic environment, and the economic benefits that flow from conservation. It emphasises the benefits of an attractive

historic environment in which to live and work, and the investment induced as a consequence. It is clear from this that government advice is not intended to encourage the designation and methods of management of conservation areas where policies and practices fail to take proper account of these economic factors, although the preservation of their special character and appearance remains the prime aim of all conservation activity.

Regeneration funding

In historic settlements, the designation of a conservation area can be used as a key factor in any scheme of regeneration. Funding for regeneration, such as Single Regeneration Bids (SRBs), is usually greater than that available for typical conservation schemes, and can be equally (or even more) effective in promoting the enhancement of an area. However, to ensure inadvertent damage is not done to its special interest, it is essential that close liaison takes place between the funding

agency and the local planning authority team (or individual) responsible for conservation work. Internal liaison within the local planning authority is also vital, so that conservation guidance is brought to bear on project groups responsible for grant funding of projects.

One aspect of conservation is the often relatively small funds required in order to have a significant effect on improvements to an area. Also, very small sums from traditional conservation grant budgets can lever much larger regeneration-based funding, either from external agencies or other budgets from within the local planning authority.



There is a strong link between a prosperous local economy and support for the protection of the historic environment - Bury-St-Edmunds

Tourism

Conservation areas are often not only attractive to those who live and work in them; they are also a very common destination for visitors. Tourism in historic places has become one of this country's great economic successes although it should be very carefully balanced against the needs and wishes of the local population.



Tourism in historic places - York

Visitor income can bring a major boost to the local economy especially through the provision of a series of related attractions. It follows that liaison with the local or county tourism office can produce collaborative ventures that also aid conservation and regeneration.

Public and commercial funding

In the course of developing proposals for the regeneration of a conservation area, it is important to consider the relationship between repairs to private or commercial property, and enhancements in the public domain, such as paving improvement, tree planting and such like. Local authority grant money can be used to support either, but it is usually the case that grant money is most

effectively directed to improvement and enhancement of the visible infrastructure of the area. This investment can commonly attract similar investment in private property. Equally, commercial interests may be willing to contribute to improvements to the public areas near their properties, and a contribution from one company may yield further contributions from their competitors. A common example is the willingness of

telephone and electricity supply companies to take down overhead wires and put them underground if appropriately favourable publicity and acknowledgement is arranged.

New development and regeneration

Vacant sites in conservation areas - where these do not constitute the important open spaces which, in themselves, form part of the essential character and appearance of the area - can provide a valuable opportunity for new development.

While the design of new buildings in a historic context needs very skilful consideration (and will usually be the subject of specific policies in the local plan), the role such development can play in sustaining or improving the economy of the area also needs careful consideration.



Vacant sites can provide opportunities for new development

A typical example of a failure to consider the economic implications of new development is where a new supermarket draws off so much trade from traditional, small-scale shops as to cause their closure and potential decay. However a development that brings in highly sought after new shops could revitalise - or at least stabilise - the economy of a conservation area, supporting existing establishments. The aim must be to ensure that the characteristic mix of uses is retained and supported by any new development.

Sustainability

All strategic decision making relating to conservation areas should, as in any historic environment, be carefully considered against the principles of sustainability. The main aspects of sustainability to consider are generally taking a long-term view of the consequences of any change, and considering its effects on the environment as a whole. Public involvement is vital to ensure that all decisions gain local support, whether these are proposals for change or for preservation. If the essential historic character of an area is to be preserved, decisions have to be based on a very thorough understanding of the area from a variety of viewpoints and on a very detailed analysis to identify which elements of the area can take change, and which cannot.

Building conservation, by ensuring the re-use of old buildings, or at least of precious hand-produced materials, is naturally allied to the principles of sustainability, and the sensitive changes which are usually sought in historic places assist in sustaining the historic and cultural environment which is inherent in the place.

Environmental capacity

Also to be fully acknowledged is the capacity of a conservation area to accept change without fundamental damage to its nature, its character or appearance. The level of activity and nature of each conservation area can be very different. Some areas may traditionally have an intense, busy nature which needs to be preserved; others may be much quieter places and this particular character could equally be lost, even if any new development is discreetly located or well integrated in terms of its design.

Conservation areas have an inherent environmental capacity which, if breached, will result in serious damage to them as special places, just as surely as if inappropriate design or materials are used. It is part of the aim of a conservation area

appraisal to establish the capacity of an area, or parts of an area, where change could be accommodated, while giving guidance on the overall capacity of the area.

Participation and Promotion

Conservation areas are not the sole property of the local planning authority. If they are to have any meaning, and to have the support of those who live and work in them, everyone must feel that they have been involved in the processes of designation, review and the production of conservation area appraisals, policies or studies. The most ardent defenders of the character of conservation areas are often those with a stake in the area, such as residents and businesses concerned to attract people into the area. To the local authority Conservation Officer, these are worth fostering as potential allies, although be aware of concerns about further restriction, especially those potentially hampering commercial activities.

Public involvement from the start

Consultation with, and the involvement of, local people should start at the earliest stage. Designation should only follow discussions, usually involving a public meeting. It is difficult to make any headway after designation if the initial decision to have a conservation area does not carry public support.

Care should be taken, however, to ensure that nothing is offered in the early stages if delivery is unlikely, such as grant aid or schemes of improvement by local authorities. Furthermore, it must always be understood that designation is only justified if the area is of special architectural or historic interest, and where it is considered desirable to preserve or enhance its character or appearance. Promises that conservation areas prevent change or 'keep out developers' should be avoided, and a clear understanding of the implications of designation should be conveyed.

Keeping people in touch

After designation, it is important that a programme of continued involvement with the community is followed. If, as a follow up, schemes for preservation or enhancement are drawn up, a public meeting is a requirement of the Town and Country (Listed Buildings and Conservation Areas) Act 1990. Any other policy or development control changes should only follow some form of consultation, although this can often be informal in nature.

In particular, the creation of an Article 4 Direction is best done following initial correspondence with all owners or occupiers of the affected properties. This will give an opportunity for the early reaction of people to be gauged (and it can often be unexpectedly enthusiastic) and for explanations to be given. An early judgement will be needed of the pressure to make the changes that will subsequently be controlled by the direction and, in the case of an Article4(2) Direction, the likely level of compensation (if any) will need to be assessed. An eventual

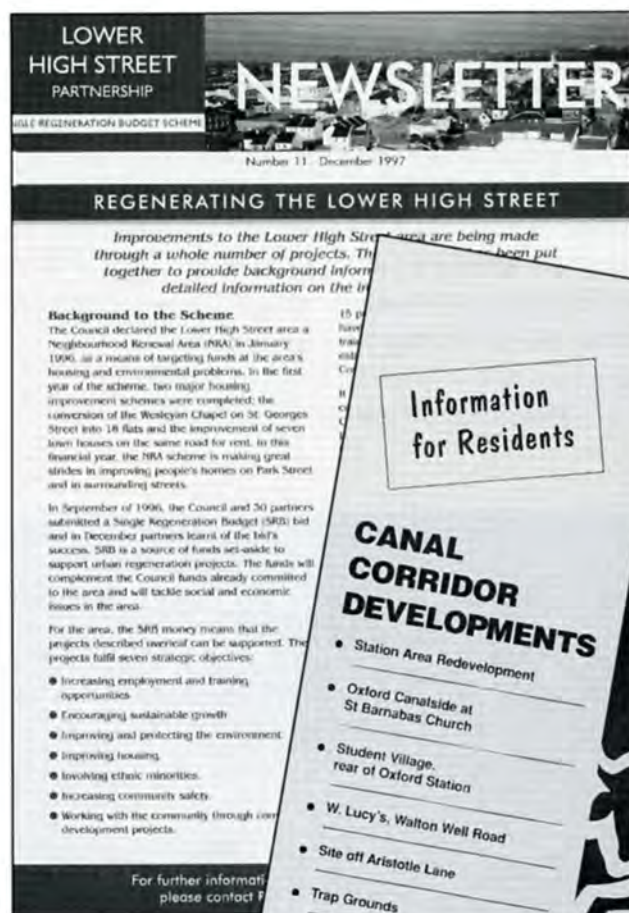


Public involvement should start at the earliest stage; public meeting at Chichester

Article 4 Direction is often much better honed when it follows this initial informal process.

It should be noted that prior notification to owners of property intended to be included in an Article 4(2) Direction is a requirement of the General Permitted Development Order 1995.

A newsletter, or contributions to a neighbourhood magazine, can be a very effective way of keeping people up-to-date with developments, particularly information about improvement works about to take place, such as re-paving, tree planting or pedestrianisation.



Information leaflets

Apart from public meetings, leafleting is another tool to use to convey information, and to promote the management of the conservation area. Although laborious, assembling a database of all postal addresses in a conservation area will often ease this communication process, though it may not be practical in larger conservation areas. It would also aid the distribution of any guidance leaflets the local authority (or other appropriate organisation) publishes.

Fairly essential is some sort of brief guide to what it means to own or occupy property in a conservation area. This ought to be in the hands of all occupants and businesses, and is best made available at public meetings before designation. The guide should also be distributed to architects, surveyors, estate agents and any other professionals likely to be involved in the planning system in the area and, again, keeping a database of these is a good practical step to aid communication.

While an initial distribution of guidance is useful, it is equally important to repeat the process every two or three years (more frequently if the area is one where changes of occupant are constant, less frequently in quieter neighbourhoods).

Conservation area appraisals

The process of producing conservation area appraisals is one readily open to public involvement and influence at many stages. One technique is to prepare the appraisal in close collaboration with a steering group comprising relevant local planning authority officers and elected members and representatives of the local community, such as a parish councillor, and a member of the local civic or amenity society. Text and ideas for schemes for preservation or enhancement could first be drafted by local representatives rather than officers, and a local historian is an obvious source for a summary of the history of the development of a conservation area. There may be a local archaeologist who can advise on this aspect of the appraisal. Local knowledge should never be underestimated and this steering group approach can be a very effective method of harnessing this knowledge.

Other techniques for encouraging participation in the process of drawing up appraisals can be explored, but a balance is always needed to ensure that the final document is not too long delayed.

Local Agenda 21

Implementing schemes of enhancement are most effective where the community has already been empowered through the planning process. While local authority officers may need to provide technical guidance, much work can be done through local voluntary groups. Indeed, environmental improvement is almost impossible to achieve without appropriate community involvement.

The principles behind such involvement are fundamental to Local Agenda 21, the local element in government policies charting a sustainable environment and lifestyle for communities in the 21st century. These principles are intended to reinforce local distinctiveness, such as that promoted by the Countryside Commission through the use of Village Design Statements. Being prepared largely through local groups, although in conjunction with the local planning authority, these statements can be used to ensure new development adopts the local forms and characteristics. The best of these statements can achieve considerable status, being adopted by the local planning authority as Supplementary Planning Guidance (SPG).

The aim of these new approaches to participation is to allow local people to have a direct and controlling involvement in the planning policies that affect their communities. The local planning authority becomes an advisor and enabler in the collaborative process.

Enhancing the Street Scene

It is important to recognise that, while buildings contribute to the character of the area, the spaces between them are of equal importance. It is here, in the public realm, that a local authority can have the greatest impact on the enhancement of the character of a conservation area.

The implementation of projects, whether one-off traffic management schemes or a more comprehensive Historic Core Zone initiative, is ideally done with a multi-disciplinary team of professionals working together to ensure that the traffic measures are effective and that the whole scheme enhances the appearance of the conservation area. Strong and effective lines of communication should be established with the Highways Authority and a joint working group is best of all. Common design principles and objectives can be agreed through a co-ordinated approach, ensuring that the project does not end up as a purely engineering solution. An understanding of the importance of buildings, spaces and materials on the part of the highway engineer, coupled with an understanding of the constraints imposed by the various Traffic Regulations (and the leeway available) on the part of the Conservation Officer, will lead to a smoother working relationship.

Enhancing conservation areas is much more than just adding traditional materials after a traffic calming or pedestrianisation scheme has been designed. Conservation and planning issues must always form part of the design and decision-making process. This can involve a variety of factors, such as:

- the hierarchy and orientation of streets
- local paving materials
- the colour and texture of local building materials
- proximity of cellars to the carriageway
- the vulnerability of certain buildings to traffic vibration
- the choice and location of street furniture and signs
- public art
- road markings
- the lighting of streets and buildings
- pedestrian patterns
- traffic speeds

- the impact on trade
- facilities for physically disabled people



In Norwich new paving has reclaimed this shopping street for pedestrians

Working together as a local authority team

However small the project, it is important at an early stage to draw together a team of all the local authority professionals involved in altering or improving the townscape. This should include landscape architects, urban designers, traffic engineers and planners, and Conservation Officers. It may also involve such departments as Environmental Health for street cleaning and the positioning of litter bins. It may not be necessary for all the team members to attend every meeting; some may be called in as consultants at certain stages. The first meeting

should establish the aims or goals of the exercise and it is important to get the team members to share this commitment. Areas of responsibility and lines of communication should be established at an early stage and regular meetings focused on specific issues to make efficient use of time. Ensure that minutes or notes of the meeting are circulated to all team members. Establish future plans for the area, such as resurfacing, in order that these can be included in the timetable. The professional discipline of the team leader may vary from project to project. It is commitment to the scheme which is important - there is no reason why a traffic management scheme cannot be led by a Conservation Officer or why an engineer cannot take the lead in a conservation area enhancement project!

The multi-disciplinary team should carry out certain tasks together, such as:

- explaining the proposals to the public
- keeping in contact with householders and traders throughout the project
- drafting client's instructions
- holding pre-contract meetings and subsequent liaison and progress meetings
- getting the contractor to do the work again if it is not satisfactory
- snagging the scheme when complete

Working with the public utilities

Co-operation between the local authority and the public utilities, as well as between the public utilities themselves, is worth the effort. Agreements can be reached over a whole range of matters, such as:

- the location, style and colour of housings
- the retention and replacement of K6 telephone boxes
- the use of timber poles rather than metal ones
- rationalisation
- the positioning of inspection chambers
- sharing trenches

- the location of trenches
- temporary re-instatement
- the timing of works in relation to other projects

Before getting too far on in designing a scheme which affects a carriageway, footway or other open space one must establish which public utilities have services in the area. Details should be requested of the positions and depths (or heights) of services or equipment, indicated on standard maps so that they can be transferred to a central plan. The information received may not always be precise - this will not be the first (or last) time an active sewer is discovered under the new tree positions.

Establish the future programme of the public utilities. If a company is already intending to spend money on modernising its services it will make sense to do the work at the same time as the traffic management or enhancement scheme and will undoubtedly reduce costs to the local authority and the utility company. Also, utility equipment, (e.g., cable TV, BT, signal control equipment or a new gas service) may be accommodated at the planning and design stage, but may compromise the completed scheme. Similarly, the laying of a new service or the removal of an existing one can play an important part in the contract programme.

There are statutory consultation periods to be observed when working with public utilities.

Co-ordinating public utilities and ensuring that temporary and permanent reinstatement are appropriate to the conservation area is an important part of managing the street scene.



Letter boxes and listed 'phone boxes in Cheltenham

Maintenance

Conservation Officers need to be fully aware of the implications of maintenance requirements so that appropriate materials and street furniture are used and that opportunities can be taken to enhance the area at the same time. The Suffolk local

authorities have useful guidelines on maintenance, and co-ordinating public utility and highway works in conservation areas.

The maintenance of street furniture is important as a poorly maintained scheme will soon detract from the character of an area. Litter bins can be a particular problem, as they are heavily used and prone to vandalism.

Lines of responsibility should be established and budgets set for special materials for future repairs. Inventories or schedules may help. A store of spare materials for particular schemes will assist future maintenance.

Public consultations

There is a statutory requirement to carry out public consultations prior to implementing traffic measures or enhancement schemes. The involvement of the eventual users of the scheme at the planning stage is vital. They need to identify their requirements and may lend valuable support for the final scheme. Initial consultation with local traders, either individually or through business associations, should ascertain their operational requirements, e.g., the position and type of servicing - particularly important if vehicle access is to be restricted or time-limited. It is advisable to consult on amendments to the scheme throughout the design process, and recognise that it will rarely be possible to satisfy all individual requirements, particularly when radical alterations are being made. Be prepared to rationalise the final solution. Consultation with amenity groups and other users can be via leaflets, exhibitions, public meetings or in small groups. 'Walkabouts' around the site of the scheme work well, and workshops bringing together all interested parties are a useful means to aid the understanding of others concerns. Leaflets should include a tear-off response slip with an easy method of returning replies such as collection boxes or pre-paid envelopes. Exhibitions and public meetings should be well advertised (local radio and TV coverage is especially good), held in easily accessible locations (particularly for those without private transport or with physical disabilities), and at times convenient to those to be consulted. Exhibitions should be staffed at specified times to answer queries, and facilities provided for recording comments.

Research

Before embarking on a scheme it is essential to establish how spaces and streets are used by pedestrians and vehicles at various times of the day or week. A little used area on an early closing day may be under pressure on market day, for example. The beginning of the school holidays makes a great deal of difference to activity in a town centre and needs to be taken

into account. Notes should also be taken of desire-lines, particularly in areas heavily used by pedestrians. Using the CCTV video tapes, speeding them up to gain a general impression of flows, or slowing them down to count specific numbers, is an invaluable tool. Tapes cannot usually be shown to the public but information can be extrapolated from them.



The desire-lines of pedestrians need to be balanced with their safety - Norwich

Design

It is important to bring out and strengthen local distinctions.

Finding creative solutions to old problems, by using cobblestones rather than guard-rails, for example, or commissioning an artist to design guard-rails, will enhance each conservation area in a unique way. A simple and practical approach to work in conservation areas is often best. Complicated designs may look good on paper but their significance is rarely appreciated on the ground and they usually require a great deal of expensive cutting of paving. Trees, grass and soft landscaping may be appropriate in a village setting or in large urban spaces, but small areas are difficult and expensive to maintain.

Colour schemes

An agreed palette of colours for street furniture, lamp columns and areas in local authority control can be extended to privately-owned buildings and spaces, as in Norwich.

Street furniture

It may be appropriate to submit for spot-listing some items of street furniture which are of historic importance, such as:

- seats
- K6 telephone boxes
- cattle troughs

3

Their siting may be visually or historically important but it may also be appropriate to consider their repositioning in a new scheme. If this is the case, establish ownership so that the relevant approvals can be obtained. Inspect any street furniture which is to be retained so that it can be repaired or renovated.

The provision of additional street furniture should be carefully considered to avoid introducing too many visual elements to the street scene. Visual clutter can be reduced by using street furniture for more than one purpose, such as, litter bins to protect trees or prevent vehicle entry, or bollards to support signs.

The choice and position of new street furniture should be part of the overall design and should take account of ease of movement of pedestrians, particularly those whose mobility is impaired. Norwich City Council has produced simple guidelines to illustrate critical dimensions.

The design of street furniture should complement the character of the area - beware of creating 'instant heritage' which can erode that particular and distinctive character. It may be more appropriate to use simple modern designs than reproductions of designs which belong to another era and place. It is worth costing purpose-made designs or copies of existing local items, especially in a large scheme. Lincoln City Council has revived a local traditional street lamp design and a Lincoln bollard, painted in a distinctive Lincoln green. Norwich City Council worked with a national manufacturer who now produces a lamp column and street lamp based on a local design.

Paving and other surfaces

Materials

Research into traditional, local, distinctive paving materials is essential. Advice on this can be obtained from the Traditional Paving Group at the University of the West of England.

Traditional paving materials should always be retained if at all possible, but may have to be re-laid. Historic paving materials often survive under modern surfaces. New and second-hand traditional materials for re-introduction must be chosen with care, as colours and textures can vary widely.

In areas where there is not a strong local tradition of the widespread use of traditional materials, modern alternatives will

have to be found. Modern textured surfaces are appropriate for villages or lightly trafficked areas. Tumbled, machine-made

concrete blocks can provide an attractive and appropriate road finish in conservation areas.



Careful detailing of materials enhance the street scene - Norwich

Design

When designing a paving scheme consider its context within the street, its relationship to the buildings, the kerb line, and footway and carriageway widths. Be wary of bringing up the levels as this can block off

ventilation to cellars and cause rainwater run-off to flow over thresholds. It may be possible to restore historic levels.

Details

Design details with care. Kerbs, gulleys, channels, and edges, e.g., around street furniture, should be cut as little as possible. Consider changing the laying pattern to provide tactile surfaces, rather than use standard tactile slabs. Alternatively, brass studs can be let into York Stone, as in the Halifax Historic Core Zone. At Shrewsbury, drop kerbs have been facilitated by grinding down paving slabs rather than through complex cutting and patterns.

Methods of laying and standard of workmanship

Contractors will require supervision when first working with traditional or non-standard materials. The use of lime mortar and forming narrow joints is particularly difficult at first. Laying cobbles in a random fashion to form a traditional finish seems to be especially difficult to achieve. Ensure that specific details are given at the earliest stages to ensure that the client is not charged for work which has to be done again. Do not hesitate to seek quotations from specialists who are not on the standard lists for small sections of work.

Traffic Management, Signs and Lighting

Historic Core Zones

The EHTF is working closely with the Department of the Environment, Transport and the Regions (DETR) and the Transport Research Laboratory on the full integration of effective traffic measures and good design in conservation areas. This initiative provides practical examples of ways in which the existing legislation can be used to enhance town centre conservation areas by reducing the impact of traffic volumes and speeds, while minimising signs and lines.

The towns chosen to take part in the Historic Core Zones project are:

- Bury St Edmunds
- Halifax
- Lincoln
- Shrewsbury

The proceedings of a conference held in Shrewsbury in 1997 will be published. Further seminars and publications are planned.

The DETR is publishing Traffic Advisory Leaflets on all these schemes.

Other towns taking part in the initiative include Canterbury, Chester, Cirencester, Lewes and Wells.

Removing clutter

Rationalisation of street furniture and the removal of clutter will do much to enhance an area. The EHTF has promoted this approach for some years. The careful detailing of standard road signs, minimal lighting, sensitive location and reasonable size (all within the regulations) can lead to enhancement. Auditing traffic signs and removing those that are unnecessary or just do not make sense can be very effective, and it is not expensive. Exeter and Brighton have established policies in relation to signs in the townscape.



Lamp columns can provide support for more than one function (Traffic Measures in Historic Towns 1993)

Street lighting

Evaluate existing schemes to define whether the fittings are well positioned, provide light in the right places and at appropriate levels for the activities involved. Establish which authority is responsible for lighting, as there may be more than one involved. Consult with the lighting engineers about the type and level of lighting required. Complete replacement of an existing scheme may generate new lighting levels that are inappropriate for historic areas, so a balance between safety and conforming to the British Standards may need to be negotiated. The replacement of existing fittings in their existing positions may not require the upgrading of lighting levels.

The colour produced by the light source can complement the character of an area. Choosing the right colour can be helped by playing various colours on to a building or down the street one evening. This can usually be arranged by the regional electricity company or one of the large lighting companies.

When a street no longer carries through-traffic and is downgraded from a trunk road there may be an opportunity to reduce the height of the columns and install more appropriate light sources using traditional or good modern designs. At the same time there may be a requirement to increase lighting levels for the CCTV systems being installed and the existing columns may have to be retained.

Telegraph poles can be removed when under-grounding the cables, but plans for the street lights which use the poles will have to be considered at the earliest design stages. Lighting columns may have to be introduced, as it is not always appropriate to place new lights on buildings. Some clay lump, timber-framed or brick-faced buildings cannot take the strains imposed by a projecting lantern and, in a street containing both humble and grand buildings of all shapes and sizes, it may be impossible to agree an appropriate mounting height. Care should be taken when deciding whether to install the columns on the back edge of the footway or on the kerb. It is no use making the footway wider and then putting columns in the way of pushchairs. The agreement of building owners will need to be obtained and listed building consent sought (where appropriate) if placing street lights on buildings.

The position of switch gear and cables should be agreed with the contractors to provide for adequate maintenance and not detract from the appearance of the buildings. Where lamp columns are used these should be positioned within the scheme as a whole, both physically and visually.

The design of columns and lamps should be chosen with due regard to the character of the area - a simple design would be better than an inappropriate reproduction.

Traffic signs

The Traffic Signs Regulations and General Directions 1994 prescribe the size, type, colour and level of illumination for traffic signs. These requirements were introduced to ensure a consistent level of signing and illumination across the United Kingdom. However, variations of these signs or exemptions can be achieved by application to the local regional office of the DETR.

Exemptions or variations can cover:

- non-illumination
- smaller sizes
- non-provision
- special signs (those not in the Traffic Signs Regulations. but particular to an individual town or city).
- non-standard mountings, (e.g., cycle logo in traffic signal head)



Carefully chosen signs still get the message across function (Traffic Measures in Historic Towns 1993)

The DETR is usually sympathetic to requests for special authorisation from local authorities providing there is reasonable justification (such as in a Conservation Area, an AONB, or near listed buildings). This in practice means that the orientation of signs (vertical instead of horizontal) and their mountings (e.g., onto bollards instead of poles) can be tailored to particular situations.

If signs are provided for an experimental scheme, plate signs (preferably faced with retro-reflective material) may be used instead of internally illuminated signs for the duration of the experimental period, (usually eighteen months). Smaller numbers of signs, smaller signs or no signs at all may be used if included in an 'experimental' scheme. The scheme must be monitored for one year and, if accident records prove that the absence of signs/lines has not generated accidents, application can then be made to the DETR for special authorisation.

Lines

Carriageway markings are covered under the same legislation as signs. These regulations can be used flexibly if required:

- line widths can be altered (e.g., reduce width of yellow lines to 50mm)
- colours can be altered (e.g., primrose instead of bright yellow)
- size can be altered (e.g., half size give-way markings for cyclists etc., in shared schemes)

Carriageway markings can more easily be removed and sign size and requirements reduced if a 20 mph. zone is introduced. Safety and liability requirements will, of course, need careful consideration. There may still have to be 'give way' markings at junctions, for example, but these could perhaps be done using blocks rather than painted lines.

Twenty mph zones

An area may be declared a 20 mph zone only if it contains sufficient traffic calming or speed reducing measures to be self-enforcing, (i.e., to ensure that the average vehicle speed through the area does not exceed 20 mph). The existing average speeds must be established right from the beginning to identify the scale of the problem to be overcome. It may be that average speeds are already close to 20 mph in an urban area.

Some methods of achieving a reduction in speed can have adverse effects on a historic townscape. Chicanes, for example,

can destroy the clean-cut appearance of a straight street and often result in a clutter of bollards, litter bins and planters. If parking is to be permitted, a staggered layout can act as a chicane.

Speed humps are a somewhat draconian method of achieving 20 mph speeds. They are particularly problematical close to cellars. They should not be any higher than 100mm +/-12mm (Road Humps Regulations 1996) and should ideally be 'flat topped'. For bus routes or those routes likely to accommodate large vehicles (e.g., hearses, HGVs) the flat top should be a little longer than the longest expected wheel-base of the vehicles and round top humps may not be used. Most bus operators prefer humps to be less than 75mm in height.



Restricted 20 mph zone in Bury-St-Edmunds

Other traffic management measures can be used in combination to achieve 20 mph speeds (e.g., road closures, surface changes, 'gateways', pedestrianisation, road narrowing, chicanes or even an increase in street parking).

Where a 20 mph zone is introduced the police may not feel the need to enforce speed limits as the requirement is for them to be self enforcing. However it is obviously essential to enlist

police support for the scheme from the start. The emergency services may object to the provision of traffic calming features, especially on their primary response routes. The police, fire brigade and ambulance service are statutory consultees for these sorts of schemes and may veto the proposals if they think that their service will be adversely affected. It is therefore good practice to consult with the emergency services at an early stage of design to ensure their requirements are accommodated. A good selling point to the emergency services is that the reduction in road traffic accidents accompanying the introduction of a 20 mph zone reduces the number of incidents they need to attend. Their support can also smooth the path through public consultation.

Twenty mph zones currently have to be authorised by the DETR. Guidelines on the previous requirement to introduce temporary limits for an experimental period of eighteen months are currently being revised. There are indications that the regulations covering the introduction of 20 mph zones may be relaxed in the near future.

Under the 20 mph zone regulations it is possible to reduce the need for lines and signs and push the size requirements in the regulations to the minimum. There may also be more scope to obtain DETR authorisation for experimentation. The degree of flexibility possible within the regulations is not generally realised, but the paramount concern is safety and visibility and these risks decrease with a reduction in speed. A complete absence of signs and lines is unlikely to be acceptable, since it could lead to dangerous situations and to enormous liability problems. However, it is an approach worth using. In a 20 mph zone it is advisable to start designing a scheme with no signs and lines and to work up to what is the absolute minimum required to make the zone work safely. If it is adopted as an experimental scheme, additional measures can be added, if required, after monitoring the scheme.

This is the opposite of the usual engineering approach which starts with a large book of regulations and omits one or two carriageway markings to appease conservation staff.

Controlled Parking Zones

A Controlled Parking Zone is a special form of Traffic Regulation Order which enables Local Authorities to control on-street parking by identifying areas of 'permit parking', 'short term parking' or 'no parking'.

Within a Controlled Parking Zone, road-side space is covered by a Traffic Regulation Order for the duration of the times of the zone. This can be 24 hours a day, 7 days a week, or any other appropriate period. The area must be clearly signed and marked, with the resulting potential for street clutter in terms of signs and lines. Early consultation with the police is vital as they will be enforcing the order through the traffic wardens. The local authority can choose to charge users for any permit it wishes to issue and most do.

Norwich City Council has obtained authorisation from the DETR to dramatically reduce the signs and lines in Controlled Parking Zones within conservation areas, and the DETR is considering the need not to sign double yellow lines.

New legislation originally introduced in London, and now extended to the rest of the country, will enable local authorities to implement Special Parking and employ their own parking wardens. Unfortunately, these new zones will require almost the same quantity of signs and lines.

Restricted zones

These occur where consistent parking restrictions are in force and suitable entrance and repeat signing reduces or removes the need for yellow lines. Careful design is needed to indicate to the motorist where parking is or is not permitted. These zones have enormous potential for the removal of street clutter but need special authorisation by the DETR; the support of the local police is also essential.

Bus and cycle lanes

The impact of traffic in a conservation area can be reduced by encouraging cycling and by providing clean and efficient public transport.

In 'Keeping Buses Moving' (Local Transport Note 1/91) the DETR advises that bus lanes should be of a different colour to the surrounding road surface to emphasise their existence and encourage compliance. They are therefore often red or green in colour, but do not have to be a bright colour. Current advice is to use red for areas from which vehicles are excluded and other colours for other uses, e.g., green for cycle lanes. This is advice only and not mandatory. Local authorities have discretion regarding the type and degree of colour of the surfacing, or indeed whether to use colour at all. This could be used to advantage within a conservation area.



Cyclists can normally use bus lanes - Oxford

Cyclists can normally use bus lanes. The joint use of lanes saves money and road space.

The DETR published Local Transport Note 1/89, regarding the design and provision of cycle lanes, and has subsequently published various Traffic Advisory Leaflets regarding detailed aspects of design (e.g., Advanced Cycle Stop Lines). As with bus lanes, this is not mandatory and local authorities have discretion regarding the use of such advice.

Dedicated cycle lanes can provide safe routes to shops and schools. They must be planned carefully to ensure that there is no conflict between users in public open spaces. Once again, brightly coloured lanes could adversely affect the appearance of a conservation area. Clumsily painted logos and arrows should be avoided, with inserted blocks containing clear symbols used instead.

Traffic Management and Pedestrianisation

Useful reference sources

DETR Traffic Advisory Leaflets

- 9/96 'Cycling Bibliography'
- 10/96 'Traffic Calming Bibliography'
- 10/97 'Halifax Historic Core Zone'
- 5/97 'Cycles and Lorries'
- 7/97 'Supply and Demand for Cycle Parking'
- 9/97 'Cyclists at Roundabouts - Continental Design Geometry'
- 12/97 'Chicane Schemes'
- 2/98 Lincoln Historic Core Zone'

Traffic Advisory Leaflets are available free from:

Traffic Advisory Unit, Zone 3/32,
Great Minster House, 76 Marsham Street,
London, SW1P 4DR
Tel: 0171 271 5169

ACC

Towards a Sustainable Transport Policy (2nd ed.), Association of County Councils, London, 1994

Brixton Streetscape Manual, Brixton Challenge Co. Ltd, English Heritage and London Borough of Lambeth, 1996

Built Environment

New Ways of Managing Traffic, Volume 12, Numbers 1/2; 1986

Cyclists Touring Club

Cyclists and Traffic Calming, CTC, 1991

Danish Road Directorate

An Improved Traffic Environment, A catalogue of Ideas, Report 106, Copenhagen, 1991

Urban Traffic Areas, Booklets 0 and 7, Copenhagen, 1991

Consequence Evaluation of Environmentally Adapted Through Road in Vinderup, Report 52, 1987

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Speed Management in Urban Areas, Danish Road Directorate Conference, Copenhagen, 14-16 May 1990

Davis, Colin, *Traffic Measures in Historic Towns*, Civic Trust/EHTF, 1993

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Edinburgh Streetscape Manual, Lothian Regional Council 1995 (available from Edinburgh City Council). ISBN 0 9528145 2 8

Engwicht, D., *Towards an Eco-City, Calming the Traffic*, Envirobook, 1992

EHTF

Traffic in Historic Town Centres, EHTF, 1994

English Heritage

Conservation Area Practice, English Heritage, 1993, revised 1995

Street Improvements in Historic Areas, English Heritage, 1994

Friends of the Earth

Hass Klau, C., *An Illustrated Guide to Traffic Calming*, Friends of the Earth, 1990

Pharoah, T., *Less traffic better towns*, Friends of the Earth, 1992

Institution of Highways and Transportation

Guidelines for Urban Safety Management, IHT, London, 1990

Transportation in the Urban Environment, IHT, London, 1997

Managing Urban Spaces in Town Centres - Good Practice Guide, DOE and Association of Town Centre Managers, Stationery Office Books, 1997. ISBN 0 11 753392 0

Pharaoh, T., and Russell, J., *Traffic Calming: Policy Evaluations in Three European Countries*, South Bank Polytechnic, London, 1988

PIARC

Reduction of Car Traffic in City Centres, Pre-Congress Report, Marrakesh, 1991

Technical Committee on Roads in Urban Areas, Paris; 1991

Roberts, J., *Quality Streets - How traditional streets benefit from traffic calming*, TEST, 1988

Speed-Reducing Devices in Residential Areas, Report No 4, Swedish Road Safety Office, 1982

Summary of Phases One to Three of a Safe Routes to Schools Study, Road Safety and Design Partnership, Bristol, 1989

Tolley, R (ed.), *The Greening of Urban Transport*, Belhaven Press, 1990

Traffic Calming in Practice, Landor Publishing, 1994. ISBN 1 899650 00 8

Traffic Calming - A Code of Practice, Kent County Council, 1994

Traffic in Towns (The 'Buchanan Report'), Ministry of Transport, HMSO, London, 1963

The Traffic Signs Regulations and General Directions 1994, HMSO

Woonerf, Road Safety Directorate, Royal Dutch Touring Club, 1980

Open Space, Landscape and Trees

A conservation area will consist of a hierarchy of spaces, with its streets and squares, alleyways and riverbanks. Some spaces form the public realm, the external living room of a town or village, and an arena for many different uses. They can also be private, intimate and inward looking. Whether intensive or extensive, permanent or temporary, they are vital determinants of a conservation area's special interest.



Open space structure

Open spaces within conservation areas

Understanding open spaces

A careful analysis of the hierarchy of open spaces will be a valuable part of any conservation area appraisal or assessment, as it will lead to a greater understanding of the character of a conservation area and can reinforce reasons for designation, as well as for enhancement. Such an analysis would cover some of the following questions:

- what is the open space within the conservation area used for?
- how important are the open spaces to the character of the area?
- are they assets or eyesores?
- are they part of the traffic or pedestrian networks?
- how can they be incorporated into proposals for land use change or traffic management proposals?

- should land use policies preserve the existing pattern of open spaces, or extend and enlarge them?
- should temporary open spaces (where buildings have been removed, for example, and the site now used for car parking) be redeveloped or else left and used for public amenity space?

Policies may dictate against retaining cleared sites for open space, but a pragmatic look at whether a space 'works' or not within a conservation area may be timely. A study of the periphery of such 'new' open spaces and likely enhancement of 'sharp edges' could offer real enhancement potential.

The public realm

Open spaces are frequently hubs or nodes in a larger network of vehicular and pedestrian route-ways. How these relate to each other is essential to the contribution spaces make to a conservation area. Flows of vehicles, cyclists or pedestrians, studied at various times of the day or week, can show up the value of spaces, how they are used at various times of day and night and, if possible, how they can be enhanced.

Enhancement proposals for open space should recognise whether, for example, new surfacing is necessary, whether trees or other landscaping should be added or whether the open space needs a harder, urban character.



Public open space - Tunbridge Wells

Views into and out of open spaces are important and must be fully considered when drawing up enhancement policies.

Private spaces

Private open space within a conservation area may serve a valuable role even though enclosed, or otherwise denied to public access. The case of *Ward v Secretary of State for the Environment and others* (1990 JPL 347) established that private gardens can

contribute to the character and appearance of a conservation area.

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Gardens and back-land are frequently a backdrop to the built environment. A study of these gardens, burgage plots and curtilages could indicate their status, value and the need to keep them undeveloped, with whatever trees are within them protected.

Structures

Features within open spaces that contribute to their character should be recorded. They can be very vulnerable to theft and damage and a good photographic record is essential for insurance purposes. Such structures include:

- follies
- fountains
- statues
- drinking troughs
- ornamental railings

Lost structures that once contributed to the character of a space can with benefit be restored, relying on photographic and map evidence.

Management

A management plan for open spaces in conservation areas can be valuable. This should:

- identify open spaces and their value within the hierarchy
- identify circulation patterns
- identify the design of the buildings around the space
- consider the style of park furniture and other structures
- assess whether the pattern of open space is under threat and whether incremental changes in land use would disrupt or sever the network
- re-examine conservation area boundaries in relation to open space and decide whether these boundaries respect current spaces and are drawn tightly enough against buildings, incorporating, say, large gardens
- set out a phased, rolling programme, in conjunction with the local authority's Parks Department, for the future maintenance, protection and enhancement of the conservation area's spaces

Management agreements

Where development is allowed, a management agreement, securing the long-term care of historic open spaces and gardens by a Section 106 agreement based on a management plan, can protect the character of the site from subsequent incremental changes which do not require planning permission, such as the creation of water features and unsympathetic large scale planting. Projects for replacement of railings in parks could be included in such an agreement.

Landscape

Designation of conservation areas

The designation of large areas of landscape as part of a conservation area is justifiable if the landscape forms an integral part of the historic built environment, such as a system of field barns, the setting of a monument, or the definable grounds of a listed building with historic structures.

There is little point in designating an open landscape with a few trees (which can be protected by Tree Preservation Orders if under threat) and no designed features as a conservation area.

Designation should not be used as a means of controlling forestry operations or orchard management as trees in these categories are not protected by conservation area status.

Where the setting of a conservation area is important, such as water meadows or a backdrop of hills or downs (Salisbury, Rye, Guildford etc.), it may be more appropriate to rely on other designations, such as Area of Outstanding Natural Beauty, Green Belt or other local plan designations to protect the setting.

Assessments

Landscape within a conservation area, or acting as an immediate setting for one, can be assessed for quality using landscape assessments. These offer the nearest thing to an objective measure of landscape importance, and are of value in designating or enhancing a conservation area. Subjective 'feelings' of landscape quality often do not translate into workable enhancement policies and so should be treated with caution.

Landscape can contain varying and sometimes disparate elements which together can form its character. Those elements can be analysed so that their individual monitoring can ensure retention or enhancement. Analysis will cover such elements as:

- the degree of tree cover
- its type i.e., coniferous, deciduous or planted ornamental
- presence of hedgerows
- tumuli, tors or geological features
- cliffs, hills, ravines
- rivers, lakes or ponds

Historic parks and gardens

Conservation area designation is a useful additional way of protecting historic parks and gardens, and many authorities have systematically undertaken such designations. However, PPG15 considers designation appropriate only in a more limited sense, if structures that contribute to the park's special interest and that come within categories subject to conservation area controls are



Historic Park or Garden - Windsor

involved. Designation is applicable both to those parks and gardens on English Heritage's Register, and to non-registered historic parks and gardens which are of local importance, cemeteries, town squares, etc. Northavon District Council proposed the creation of 10 new conservation areas around non-registered parks or gardens, although this would be difficult to justify according to the criteria laid down by PPG15.

Conservation area designation confers a number of advantages:

- There is control over the demolition of unlisted buildings which make a positive contribution to the conservation area. Many garden structures remain unlisted because individually they may be modest although they contribute to the overall character of the site.
- Trees in a conservation area are protected and this, of course, is of great significance for historic parks and gardens.
- Where new development is proposed in a park or garden which is a conservation area, the character and appearance of the conservation area can be given full weight in any planning decision, and thus appropriate development allowed.
- The overall character of a historic park or garden is greater than the sum of its individual components, and this notion can be encompassed within the 'special interest' which is the reason for the designation of the conservation area.
- The duty of the formulation of proposals for enhancement of a conservation area encourages proposals for sympathetic management or restoration of historic parks and gardens.
- The conservation area appraisal should analyse the character of the open spaces and draw attention to their contribution to the overall character of the conservation area. Individual features (such as fountains, statues, grottoes) should be recorded.

Parks

Municipal parks are often important in landscape terms. An analysis of the peace and quiet and character of Victoria Park, Leamington

Spa, in its designation statement, enabled its protection from unsuitable development proposals.

Consultations

In addition to consulting English Heritage on applications affecting Grade I and II* Historic Parks and Gardens, local planning authorities must now consult the Garden History Society on proposals affecting any Historic Parks and Gardens.

Where appropriate, the views and involvement of historic park trusts should be considered in any enhancement proposals as these will often be the operative arm in any active enhancement of the landscape of the new conservation area, and can be of valuable support, if necessary at Appeals.

Trees



Trees in conservation areas - Salisbury

Notifications

Under Part 8 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, anyone intending to carry out, in a conservation area, works to a tree (such as lopping, topping or felling), is required to give the local authority six weeks notice in writing - a section 211 Notice. This gives the local authority time to consider whether to respond to this threat by placing a Tree Preservation Order (TPO) on the tree, although it cannot refuse consent, nor grant consent subject to conditions. A section 211 Notice is not an application under a TPO.

Trees are normally defined as being above 75mm trunk diameter at 1.5 metres above ground level (or 100mm if the work is carried out to improve the growth of other trees). TPOs on trees or groups of trees in conservation areas may be made at any time and not necessarily as threats materialise.

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Care should be taken when an application is submitted for planning consent that there are no proposals to do works to trees shown on the plans which could be regarded as 'written notice'. It is safer to have a set procedure and forms for dealing with notifications. A good example of the kind of information required is that requested by Norwich City Council in its site survey leaflet.

Most works to trees in conservation areas which are picked up by this procedure will be for normal maintenance work. Owners with large numbers of trees within the conservation area could agree a programme of maintenance work with the local authority. However, it should be noted that if the work is not done within two years, a further notification is required before actually going ahead with the work.

As it is currently drafted, the legislation protecting hedgerows is unlikely to be effective in conservation areas as it does not apply to private gardens, even though those private gardens might have historic hedges which form the boundary of the conservation area.

Assessment

The protection of trees should ideally stem from a comprehensive survey of all amenity trees by the local authority. Assessments of amenity worth could result from such a survey, with recommendation either for a programme of Tree Preservation Orders (TPOs) or as the basis for such orders, should a threat materialise. The survey would be repeated every five years, to cover protected and unprotected trees. The Arboricultural Association's amenity valuation of trees and woodlands is a useful basis for assessing amenity value of trees. Such an assessment would form part of a conservation area appraisal.

Development

The tree cover of a conservation area is under threat from development pressures, perceived nuisance value and the trees' ageing cycle. Trees are seen as constraints by owners and developers.

Road works and other development pressures can lead to damage to trees in conservation areas, sometimes years after works are completed. Statutory undertakers and cable layers excavating alongside trees should be requested to work to a code of practice such as BS 5837:1991, 'Trees in Relation to Construction'.

Planning conditions

Planning conditions protecting trees on development sites cease to have effect once development is completed and so permanent protection by tree preservation order from then on is imperative. A Code of Practice should be made available by the Planning Authority to developers on all sites where trees are involved, and this should also be based on BS 5837: 1991.

New planting

The enhancement of conservation areas can (frequently) include new tree planting. This should follow preparation of a comprehensive landscape and tree management plan, designed to take a long-medium term view of tree cover, its age and expected life span and opportunities for supplementary planting. Appropriate species for planting should be specified and the need for follow-up management stressed. The locations and species of trees for planting in historic areas must be chosen with extra care to ensure that they are historically appropriate and that they enhance, rather than obstruct, historic views. This is particularly important in medieval streets and spaces which have not had later planting regimes introduced.

Landscape management plan

Landscape and tree management plans should be part of a local authority's overall Tree Strategy (itself a phased programme of civic, public and private tree management) both within conservation areas and in other environmentally sensitive areas.

They should take account of:

- tree planting and protection
- landscape regeneration measures
- repair and expansion of footpaths and walkways
- land-form re-grading
- waterside schemes
- wildflower planting



A Landscape Assessment

Educational publicity, such as in the Norwich Green Plan, is an essential element of such a plan. Where Community Forest planting is being carried out with the co-operation of the Forestry Commission, it should take account of the strategy.

The Corporate Approach to Conservation Area Management

The need for a corporate approach

Funding

Bidding for funds in today's climate calls for a comprehensive approach. A strategic overview ensures that activities are focused and that funds can be channelled effectively. Grant schemes and capital projects often need the support of the public and the sponsorship of the private sector. Identifying the need for action in various fields and co-ordinating the approach makes sense to elected members, the public and to funding organisations.

Preservation

Preserving the character and appearance of a conservation area is achieved through a basic process of drafting strong policies and practical proposals, issuing guidelines to help developers and members of the public and then using these to negotiate with developers and determine applications.

However, this process can be strengthened considerably by the local authority taking a corporate approach as well as initiating a whole host of other initiatives.

Enhancement

It is often imagined that enhancement can best be achieved through the spending of large capital sums, but there are many other ways in which both the character and appearance of a conservation area can be considerably enhanced by various local authority departments.

The character of historic town centres

Most historic town centres are increasingly reliant on their individual character to attract investment. The economic viability of such a town centre depends heavily on its historic and architectural character. Therefore the preservation and enhancement of the conservation area is essential for the well-being of any historic town.

Historic towns owe their unique character to their conservation areas. Any local planning authority which

is responsible for an historic town should have an integrated approach to the management of its historic core, preserving and enhancing its historic character and appearance.

Understanding how towns work

Conservation Area Appraisals provide an over-view of a conservation area in historic and aesthetic terms for Conservation Officers and other practitioners; however, there are other aspects of the settlement which are regarded as just as important by other groups within the local authority, as well as by developers, employers and the general public. It is important that the local authority appreciates how its town works from these other points of view. As well as being a conservation area it is also likely to be a commercial centre and a visitor destination, as well as a residential area. The conflicts and interactions between these roles are very dynamic.

The vitality of the town centre and its focus as a place to visit, shop, work and play is part of its historic character. The qualitative experience of a visit to a historic town centre is most important if such places are to survive in the modern world. Visits can be made more pleasant if the town centre is easily accessible, free from pollution and not dominated by traffic. Historic town centres are attractive to shoppers for their variety of specialist shops, often located in interesting historic



Historic towns owe their unique character to their conservation area - Bath

buildings. It is therefore essential that, if the historic character of the conservation area is to be preserved and enhanced, conservation issues, traffic issues, town centre management and economic development are all tackled together.

Understanding how a visitor sees the town goes a long way to getting it right, such as:

- effective road signs
- car parks which are easy to find, pleasant, safe and convenient
- simple and integrated public transport interchange
- efficient shopmobility scheme
- pleasant links between parking and shops
- easily accessible visitor information
- general good welcome

Similarly, how a property manager sees the town, with its various levels of rental and its market position, will help the local authority to understand the development pressures being put on the town by national multiples. Meeting the needs of small, speciality retailers and service providers is particularly important in historic town and city centres.

Prime properties or sites which are available can be marketed by the local authority by setting out a brief which includes their potential for development, their historic context and the appropriate design parameters. Opportunities for mixed use development should be targeted, especially as the desired mix is likely to be particularly difficult to achieve and a pro-active approach is often necessary. Listening to local residents and understanding the problems and advantages of town centre living is essential if the town's social and cultural interactions are to be fully appreciated.

Conservation area management within the Planning Department

The role of Conservation Officers

Conservation officers tend to work on their own or in very small teams within Planning Departments. However, they have a much wider role to play within the local authority as a whole. They have a lot to offer, not only to other teams within the Planning Department, but also to other departments. Conservation area management is a core activity which needs

to be co-ordinated at management team level, supported by elected members and adopted by other professional staff.

Conservation Officers are often part of the Development Control team but they have an essential role to play in the forward planning and implementation processes as well.

Development control

The Conservation Officer's comments are material considerations when determining applications. They should be sought at an early stage as they can give a valuable insight into how the site or building in question has evolved. Once consent has been given, it is the Conservation Officer who follows through, by inspecting work in progress, dealing with minor amendments and learning from what has been uncovered during the works.

Development plans

The Conservation Officer will be fully involved in the formulation of policies and proposals affecting the conservation area, will defend these at the inquiry stage and negotiate with objectors. Design briefs, supplementary planning guidance and other information leaflets ideally are drafted by the people who are most closely involved.

Enforcement

Enforcement Officers and Conservation Officers need to work closely together because of the many value judgements that are involved in this type of work. Certain enforcement issues, such as Article 4 Directions and Advertisement Control, will require specialist input.

Research

The research section can provide a great deal of data which helps others within the department to understand how the conservation area works. Much of the information which is generally available, such as the CIPFA returns, can be of value not only in gauging performance but also for giving data comparable with national figures, such as the EHTF's annual State of the Heritage Survey or the English Heritage Monitor.

Building Control

Changes of use bring with them the potential for altering the appearance of a conservation area as well as its character. Fire protection measures, including the provision of alternative means of escape, can change historic structures and alter the fabric of historic town centres where there are flying freeholds, buildings held up by their neighbours and cramped back yards.

Bringing in the building control officers at the earliest stage of pre-application negotiations is essential.

Where neglected buildings become potentially dangerous structures a close working relationship with Building Control can prevent unnecessary demolition and lead to viable (and safe) alternative solutions.

Conservation management throughout the local planning authority

Transportation



The enhancement of a conservation area is unlikely to be possible without the full co-operation of the highway engineers

The enhancement of a conservation area is unlikely to be possible without the full co-operation of the highway engineers. A close working relationship is essential. In a combined Technical Services Department, it is possible to have traffic engineers and Conservation Officers working together in the same group. This leads to a closer understanding of each other's approach and a co-ordinated handling of contracts.

Town Centre Management and economic development

Town Centre Management is a relatively new concept but has a strong commitment. It has arisen from fears about the loss of

vitality and viability in town centres due to increased competition between neighbouring town centres and out-of-town centres. Town Centre Management is a concept aimed at combating this threat by identifying opportunities to improve and enhance town centres, both physically and economically. This can be achieved through a co-ordinated partnership between the local authority, the private sector and the local community. The main areas of interest are:

- attractive presentation - including street cleaning
- town centre security and safety
- environmental improvements
- accessibility, both pedestrian and vehicular, able bodied and disabled
- leisure and recreation - street entertainment (vibrant town centre)
- public art opportunities
- promotion of town centre as more than a shopping centre

By looking at these interests in a co-ordinated way, Town Centre Management can strengthen the role of a historic town centre and reduce the tensions between the various interest groups active in the town centre. Threats to historic town centres can have a detrimental impact upon the built environment and its attractiveness, both physically and economically. Town Centre Management and economic development together have a positive role to play here.

Housing

Housing is likely to be the key to funding regeneration schemes. People will be encouraged back to live in town centres and over



Working closely with the Housing Department brings results - Bury-St-Edmunds

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shops, and redundant buildings will find an appropriate new use. Some housing associations specialise in restoring and converting old buildings. Many owners of under-used or redundant buildings do not realise that, as long as they are willing to select their tenants from the housing waiting list, they may be able to receive generous repair and conversion grants. Working closely with the Housing Enabling Officer brings results.

Environmental health

This department is likely to have a higher budget for the repair of buildings than will be available specifically for historic buildings. Close co-operation is essential to ensure that best use is made of those funds, that double-funding does not occur and that repairs to historic structures are done in an appropriate manner.

Tourism and recreation

Most historic towns will have an active tourism department because visitors want to come and experience the built heritage that Conservation Officers are trying to preserve and enhance. It is therefore essential that close working relationships between departments are established. The marketing strategy used and the types of visitors targeted will depend on a good understanding of the built heritage. Blue Badge guides are particularly keen for more evidence and information about how the town works in historic terms. Local authority officers responsible for tourism, highways, planning and conservation all need to work together on visitor management and coach parking strategies so that the character of the conservation area is not damaged and so that visitors can enjoy what they come to see.

Estates and surveyors

Many local authorities own key historic buildings in conservation areas. The land agent needs to manage this portfolio with the full knowledge of the restraints imposed by conservation area status. Sensitive feasibility studies are needed before radically altering or disposing of problem buildings. Repairs and alterations to the key buildings must be done to the highest standards, preferably after full discussion with the Conservation Officer.

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