

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Cabinet Member and Advisers for Regeneration and Development</b>
2.	<b>Date:</b>	<b>Monday 4<sup>th</sup> February 2013</b>
3.	<b>Title:</b>	<b>The Designation of a new Conservation Area: Ulley</b>
4.	<b>Directorate:</b>	<b>Environment and Development Services</b>

### 5. Summary

Within the Borough there are 27 existing Conservation Areas. The Local Planning Authority has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to review the exercise of its functions in respect of the designation of conservation areas and to consider the designation of further parts of its area as conservation areas. Additionally, ENV2.10 of the Unitary Development Plan identified a potential twelve further settlements, including Ulley, for designation as Conservation Areas.

A further request has been made by Ulley Parish Council to designate the village of Ulley as a Conservation area as a consequence of which, a public consultation exercise has been carried out in order to gauge local opinion.

The proposal, if accepted, will create a new Conservation Area to include the majority of the village of Ulley.

### 6. Recommendations

**That the proposed Ulley Conservation Area be approved as shown on the attached map and as described in the Ulley Conservation Area Appraisal.**

### 7. Proposals and Details

#### Background

Under the Planning (Listed Buildings and Conservation Areas) Act 1990 every Local Planning Authority has a duty to consider designating Conservation Areas. Since 1967, over 8000 have been designated in England alone.

Within the Borough of Rotherham there are currently 26 Conservation Areas. The first, in the town centre, were designated soon after the passing of the Civic Amenities Act of 1967. However, the majority were designated by Rotherham Metropolitan Borough Council following local government reorganisation in 1974.

A Conservation Area is an area of special architectural interest, the character of which is desirable to preserve or enhance. Conservation Areas can be of many different kinds, from town centres to villages and even stretches of canals. They are often, but not exclusively centred on listed buildings. It is the character of the area, including its landscape qualities rather than the presence of individual buildings which justifies designation as a Conservation Area.

Our experience of historic areas depends on much more than the quality of individual buildings – on the historic layout of property boundaries and thoroughfares; on a particular mix of uses; on characteristic local materials; on appropriate scaling and detailing of contemporary buildings; on the quality of advertisements, shop fronts, street furniture and hard and soft surfaces; on vistas along streets and between buildings; and on the extent to which traffic intrudes and limits pedestrian use of spaces between buildings. Conservation area designation is seen as the means of recognising the importance of all these factors and of ensuring that conservation policy addresses the quality of townscape in its broadest sense as well as protecting individual buildings.

Character Appraisals are intended to recognise the conservation area's special historic, archaeological and architectural interest through maps, photographs and analysis of the area's development.

Within Conservation Areas the controls on development are more restrictive than elsewhere. Council must give special attention to the desirability of preserving and enhancing the character or appearance of the area via the following controls:

- Apart from very small buildings, consent is required for the demolition of buildings.
- Trees within the area are protected and works cannot be carried out unless six weeks written notice is given to the Council
- Development which can be carried out without the need for planning permission is more limited.
- The Council must advertise any planning application which proposes development likely to affect the character and appearance of the area.

### **Rotherham Borough Conservation Area Review**

In Rotherham the process of Conservation Area Review began in 1992 when the Report of Survey examined existing Conservation Areas and proposed new Conservation Areas. In the Unitary Development Plan the settlements listed below were identified as potential Conservation Areas:

- Maltby (Church)
- Letwell
- Stone
- Firbeck

- Ulley
- Thrybergh
- Upper Whiston
- Morthen
- Hooton Roberts
- Throapham
- Brookhouse
- Chesterfield Canal (Turnerwood)
- Chesterfield Canal (Norwood)

Appraisals have now been carried out on all the areas identified. With the exception of both of the areas of the Chesterfield Canal, it is considered that all have individual merit and therefore *potential* for designation as additional Conservation Areas. The Chesterfield Canal was discounted as the vast majority of the lock structures and bridges are adequately protected as listed buildings.

It was originally proposed to carry this out through a rolling programme of designation starting with those that are considered most meritorious and/or where there is perceived threats to the area through development. However, in view of recent changes in legislation, mainly the National Planning Policy Framework, there is a perceived shift in emphasis, therefore, necessitating a change in direction towards heritage at risk.

## **Ulley**

The village of Ulley lies in rolling farmland approximately 6.5km to the south east of Rotherham town centre. The village is washed over Green Belt and is designated as an area of High Landscape Value. A Character Appraisal has been carried out for the village giving detail regarding its history and architectural merit. This is available as a download on the Council website ([www.rotherham.gov.uk/conservation](http://www.rotherham.gov.uk/conservation)).

The Appraisal concludes that Ulley is a well preserved, working agricultural village. Negative factors that can damage settlements such as inappropriate window and door replacement have taken place but have yet to destroy the character of the village.

In view of the above, it is considered that Ulley meets the criteria for Conservation Area designation. Due to public representation, the proposed boundary covers a larger area than that proposed in the past.

By designating the village as a Conservation Area it will help ensure that the character of the settlement is retained and that future development is of a suitable quality that will enhance and not detract from its current appeal.

## **Consultation**

There is no statutory requirement to consult prior to the designation of a conservation area, although consultation is seen as desirable to ascertain local opinion and generate local support for the designation and associated policy proposals. As regards Ulley, consultation has already been conducted via:-

- A letter drop to all households explaining the proposal and offering an opportunity to all residents to vote on both the principle of designation and the proposed boundary.
- Discussions with Ulley Parish Council. To assist in the process, the Parish Council have also recently included details of the proposal in their Parish newsletter.
- Potential Conservation Areas have been shown as part of the Local Plan, consultation for which is ongoing.

As the result of the letter drop, there have been 16 responses, 15 of which are in favour of the principle of designation. This includes a representation from Ulley Parish Council who are fully supportive of the proposal.

There have been a number of representations regarding the proposed boundary. In the case of the suggested extensions to incorporate properties to the east on Penny Hill Lane and south on Turnshaw Road, the arguments are regarded as convincing. The original proposed boundary has been amended accordingly. Taking on board local opinion is actively encouraged in Government guidance as exemplified by the following quote from English Heritage's document Understanding Place: Conservation Area Designation, Appraisal and Management "over the last few years local communities have become more proactively involved in identifying the general areas that merit conservation area status and defining the boundaries. The values held by the community are likely to add depth and a new perspective to the local authority view."

The suggested inclusion of the 20<sup>th</sup> century properties on Poynton Avenue/Way is considered inappropriate particularly as there was only one positive response out of 24 households consulted.

The only post designation requirement is to place a notice in a local paper and the London Gazette. English Heritage will also require notification.

## **8. Finance**

The designation of new conservation areas does not have any direct financial implications other than the required advertisement in both the London Gazette and the local press.

However, there are implications in relation to the slight increase of planning and advertisement applications for determination due to the more restrictive permitted development rights; for conservation area consents dealing with demolitions; and for tree works which will be met from existing resources. This will also be offset by the resulting increase in planning application fees and the greater certainty in the development control process which would introduce greater focus in negotiation and discussion of proposals.

Clear definition and explanation of the special architectural or historic interest an area possesses will also help in avoiding subsequent unnecessary and expensive planning appeals and/or legal challenges.

Section 77 of the 1990 Act provides for English Heritage to make grants or loans in respect of “any relevant expenditure which has made or will make a significant contribution towards the preservation or enhancement of the character or appearance of any Conservation Area or any part of any Conservation Area situated in England” Unfortunately, this is probably more theoretical than real given the shortage of English Heritage finance and other priorities. Such grant money as there is tends to go on large set-piece high grade listed buildings.

## **9. Risks and Uncertainties**

Without Conservation Area status, the historic character of some of Rotherham’s more idyllic settlements could be further undermined by development which is currently acceptable as permitted development. Since the first designations of Conservation Areas in the late 1960’s and 1970’s, the criteria for designation has changed dramatically. The first designations tended to be of very obvious groups of buildings, often tightly formed around individual special, and often listed, buildings or small areas of strongly similar architectural design. Later it was seen that larger areas, where less obvious origins such as topography, routes and use had produced a special character, could and should benefit from designation. Under evolving criteria, villages such as Ulley are now worthy of consideration for designation.

Heritage resources within the Authority are limited and therefore the funding required to undertake the preparation of long term Conservation Area Management Plans that could promote further investment opportunities may be difficult to obtain. However, funding may become available from English Heritage or through neighbourhood/community planning enabling future preparation of management plans.

## **10. Policy and Performance Agenda Implications**

The Borough’s Conservation Areas are a key component of its vibrant communities which offer opportunities for the future, such as tourism and job creation. The effective protection of Conservation Areas, through analysis and good management, enhances quality of life for all and safeguards the environment. Investment in Conservation Areas with a business/ retail function can support local businesses by creating a climate for inward investment.

## **11. Background Papers and Consultation**

- Rotherham Unitary Development Plan (Adopted Version) (June 1999)
- English Heritage Guidance on Conservation Area Appraisals (2011)
- Planning Policy Statement 5 : Planning for the Historic Environment (2010)
- National Planning Policy Framework (2012)

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