

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Regeneration and Development
2.	Date:	2 <sup>nd</sup> September 2013
3.	Title:	The Designation of a Conservation Area Extension: Moorgate
4.	Directorate:	Environment & Development Services

### 5. Summary

Within the Borough there are 28 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. In addition, every Local Planning Authority has a duty to periodically review the boundaries of its existing Conservation Areas.

A request has been made by residents of Moorgate Grove and Whiston Grove to include their two streets as part of the Moorgate Conservation Area which was originally designated in March 1977, as a consequence of which, a public consultation exercise has been carried out in order to gauge local opinion.

The proposal, if accepted, will increase the size of the existing Moorgate Conservation Area.

### 6. Recommendations

**That the proposed Moorgate Conservation Area Extension be approved as shown on the map attached at Appendix 1.**

## **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 28 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.

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.

### ***Moorgate***

The suburb of Moorgate, and the Conservation Area that recognises its historical and architectural significance, stretches for three quarters of a mile to the south east of Rotherham Town Centre along Moorgate Road, a principle route into the town since the mid 18<sup>th</sup> century when the road was turnpiked. Despite this, Moorgate saw little building development before the 19<sup>th</sup> century. Between 1850 and the beginning of the 20<sup>th</sup> century, a building explosion occurred along Moorgate Road creating a highly prestigious residential area with many of the finest Victorian houses occupied by the towns most prominent people.

Architecturally, Moorgate contains a wide spectrum of housing types, however, the area is still characterised by large Victorian villas set within mature grounds. Whiston and Moorgate Grove epitomise this and, combined with the large number of mature trees dominating the street scene, they both tie in nicely with the special character of the existing conservation area.

In view of the above, it is considered that both Moorgate and Whiston Grove meet the criteria for Conservation Area designation and should be included as an extension to the Moorgate Conservation Area.

By designating these two streets as an extension to the existing Conservation Area it will help ensure that the character of the area is retained and that future development is of a suitable quality that will enhance and not detract from its current appeal.

**The proposed Moorgate Conservation Area Extension is shown on the map attached at Appendix 1.**

### ***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 the current proposed extension to Moorgate, 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.

As the result of the letter drop, there have been a number of highly supportive and constructive responses something which 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."

None of those consulted have objected to the proposal.

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.

Clear definition and explanation of the special architectural or historic interest an area possesses will 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 and suburbs 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.

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)
- National Planning Policy Framework (2012)

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