



Supplementary Planning Guidance Note

No.07 Conservation Areas

Adopted by Flintshire
County Council on 17th
January 2017



Purpose

It is Flintshire County Council's intention to prepare and keep up to date a series of Supplementary Planning Guidance (SPG) Notes which will provide detailed guidance on a range of development issues and topics. The purposes of these Notes are:

- To assist the public and their agents in preparing planning proposals and to guide them in discussions with officers prior to the submission of planning applications,
- To guide officers in handling, and officers and councillors in deciding, planning applications, and
- To assist Inspectors in the determination of appeals

The overall aim is to improve the quality of new development and facilitate a consistent and transparent approach to decision making.

Planning policies: the Flintshire context

The Development Plan

Under planning legislation, the planning policies for each area should be set out formally in the Development Plan. Flintshire County Council, as the Local Planning Authority (LPA), has a legal duty to prepare and keep up to date a development plan for the County, and the Flintshire Unitary Development Plan was adopted in 2011. The UDP provides broad policies together with allocations of land for all the main uses such as housing, employment and retailing, and will help to shape the future of Flintshire in a physical and environmental sense as well as influencing it in economic and social terms. The Plan therefore seeks:

- To help the Council make rational and consistent decisions on planning applications by providing a policy framework consistent with national policy and
- To guide development to appropriate locations over the period up to 2015.

The need for Supplementary Planning Guidance

Despite the Plan containing policies with which the Council can make consistent and transparent decisions on development proposals, it cannot in itself give all the detailed advice needed by officers and prospective applicants to guide proposals at the local level, such as house extensions or conversions of agricultural buildings. The Council's intention is to prepare a range of Supplementary Planning Guidance notes (SPG) to support the UDP by providing more detailed guidance on a range of topics and issues to help the interpretation and implementation of the policies and proposals in the UDP. The review of the Local Planning Guidance Notes will be undertaken on a phased basis and details of the available SPG's can be found on the Council's website. Where there is a need to refer to another SPG this will be clearly referenced. These SPG Notes are freely available from Planning Services, Directorate of Environment, County Hall, Mold, Flintshire CH7 6NF (telephone 01352 703228), at the Planning Services reception at County Hall and can be downloaded from the Planning Web pages www.flintshire.gov.uk/planning

The status of Supplementary Planning Guidance

Supplementary planning guidance can be taken into account as a material consideration in the decision making process. The National Assembly will give substantial weight to SPG which derives out of and is consistent with the development plan. In accordance with National Assembly advice the Council's suite of SPG's has been the subject of public consultation and Council resolution. The draft of this SPG was approved for public consultation on 13.06.13 (Council Minute no.6). The SPG was the subject of a public consultation exercise between 18.12.15 and 12.06.16. The 2 comments submitted to the Council have been taken into account and where appropriate amendments have been incorporated into this final draft which was approved by the Council on 17.01.17 (Council Minute no.8) for use as a material consideration in determining planning applications and appeals. A summary of the representations and the Council's response is set out in Appendix 2.

This document should therefore be afforded considerable weight as a material planning consideration.

No.07 Conservation Areas

1 - Background

1.1 - Conservation area designation gives control over the total or substantial demolition of unlisted buildings within conservation areas, by making it necessary to obtain conservation area consent. (This is in addition to any planning permission which may be required for development.) In parallel fashion, designation also provides additional protection for trees in conservation areas which are not the subject of tree preservation orders. Certain types of development which are elsewhere classified as permitted development (PD) may require planning permission in conservation areas, and specific PD rights can be withdrawn through a procedure known as Article 4 Directions where there is a real threat to the area's character.

2 - Policy

2.1 - "Planning Policy Wales" (2016 paragraph 6.2.1.) sets out the objectives of the Welsh Government (WG), which are to:

- » Conserve and enhance the historic environment, which is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales.
- » Preserve or enhance the character or appearance of conservation areas, while at the same time helping them to remain vibrant and prosperous.

2.2 - The Council's Unitary Development Plan (UDP) contains 2 policies of particular relevance: Policy HE1 allows only proposals which are in character with the conservation area, whilst Policy HE3 states the (exceptional) circumstances in which demolitions will be allowed in conservation areas. These policies are both quoted in full in Appendix 1. The policies aim to maintain and improve the historic environment in (and adjacent, if affecting) the County's conservation areas. It is not, however, the place of a UDP to propose conservation area designations or boundary changes, nor to prepare detailed proposals.

3 - Section 54A

3.1 - There is no statutory requirement to have regard to the provisions of the UDP when considering applications for conservation area consent because the courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply. However UDPs should contain policies broadly relevant to development management decisions which should be taken into account when determining applications for conservation area consent. If any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area or its setting, there will be a strong presumption against the grant of planning permission or conservation area consent. In exceptional cases the presumption may be overridden in favour of development deemed desirable on the grounds of some other public interest. The courts have held that the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

4 - Conservation areas in Flintshire

4.1 - Local planning authorities (LPAs) like Flintshire County Council have a duty to designate conservation areas and keep the position under review. Boundaries can be extended or reduced, additional conservation areas can be designated, and existing designations can be cancelled if the character which led to their creation has been lost. The Council's Environment and Conservation Section is currently undertaking a review based on guidelines issued by WG, Cadw and English Heritage. It involves appraising and explaining the unique character of the conservation area, reviewing its boundary, and formulating a management plan to protect and enhance its character. In Flintshire the Council has designated 32 conservation areas. To understand better their nature, these can be subdivided into 3 broad groups as follows, but the powers which relate to them all are similar.

The three groups are set out below.

Centres of historic market towns (3): Flint, Holywell, Mold.

Parts of villages (18): Cadole, Caergwre, Caerwys, Cilcain, Ffynnonogyw, Gorsedd, Gwaenysgor, Gwespyr, Halkyn, Hawarden, Llanasa, Nannerch, Nercwys, Northop, Trelawnyd, Treuddyn, Whitford, Ysceifiog.

Smaller designations (11): Gadlys, Glan yr Afon, Kinsale Hall, Leeswood Hall, Lygan y Wern, Oakenholt Hall, Pantasaph, Plas Bellin, Plas Onn, Talacre Abbey, The Wern.

4.2 - All these boundaries can be found in the UDP and are shown on the inset and proposals maps. The Planning Services website gives further information.

5 - What are the distinctive characteristics of conservation areas?

5.1 - There is no standard specification for conservation areas. Each will have its own character, but all will have a visual quality of place. Conservation areas are not just about buildings but also spaces, relationships between buildings, boundary features and views. Individual conservation area appraisals will highlight those features of distinction which caused the locality to be designated.

6 - Special controls

6.1 - Strict controls are in force to protect the special character of conservation areas. However, in those instances where conservation area consent, listed building consent, or consent for works to trees is required there is no fee payable to the LPA, unlike a planning application.

Development

6.2 - Under the Town and Country Planning (General Permitted Development) Order 1995 planning applications are required for certain types of development in conservation areas which elsewhere are classified as permitted development. These are:

- » Roof additions, or alterations which extend the plane of any roof slope (including dormer windows

and possibly roof lights), fronting a highway;

- » Satellite antennae exceeding the highest part of the roof, exceeding 70cm in diameter, where there is another antenna on the dwelling or within its curtilage, on a chimney, where the building exceeds 15 metres in height, and located on a wall or roof slope that fronts a highway;
- » TV aerials which are not standard, or in the form of specialised masts, poles or flag adverts;
- » Cladding to any part of the exterior with timber, stone, artificial stone, plastic or tiles;
- » Porches where the externally measured floor area exceeds 3 square metres, its height exceeds 3 metres, or any part is within 2 metres of a highway;
- » Extensions (including conservatories) increasing the size of the original dwelling by 50 cubic metres or 10% in volume, increasing the original roof height, exceeding 4 metres in height over any part within 2 metres of a boundary, or nearer to the highway than the original dwelling, or by 20 metres (whichever is the nearest), and where the total area of ground covered by buildings within the curtilage exceeds 50% of the total land area (excluding the dwelling);
- » Domestic outbuildings where the provision, alteration or improvement of a shed, greenhouse and pet enclosure is over 10 cubic metres (detached outbuildings larger than 10 cubic metres are treated as enlargements to the main house), or where the outbuilding is nearer to the highway or 20metres (whichever is nearer), or where the height of the building exceeds 4 metres for a ridged roof or 3 metres otherwise;
- » Fences, walls and gates exceeding 1 metre in height adjacent to a highway, or 2 metres otherwise;
- » Hardstanding areas not used for domestic purposes;
- » Access where the highway is a trunk road or a classified road;
- » Domestic oil heating tanks where the capacity exceeds 3,500 litres, any part exceeds 3 metres above ground level, or any part is nearer to the highway than any part of the original dwelling or 20 metres (whichever is nearer);
- » Gas tanks anywhere.

In spirit, this does not mean there cannot be change in a conservation area, but rather that it should accommodate and remain responsive to present day needs, with changes being in sympathy with whatever special character the area possesses. Thus, conservation is not synonymous with fossilisation; it is closer to evolution.

Demolition of buildings

6.3 - The total or substantial demolition of structures in conservation areas requires conservation area consent from the LPA. This is sought on special forms, and is best undertaken concurrently with the planning application which proposes what is to happen to the site, thus enabling the LPA to judge whether a real improvement to the locality is intended.

6.4 - An application must be made to the LPA for conservation area consent to:

- » demolish a building of over 115 cubic metres. (There are a few exceptions; check with Planning Services.)
- » demolish a gate, fence, wall or railing over 1 metre high where next to a highway, public footpath or bridleway or public open space, or over 2 metres high elsewhere.

6.5 - It will be necessary to demonstrate:

- » An assessment of the character of the building or feature to be demolished has been carried out and it does not make a positive contribution to the conservation area's character;
- » The building is structurally unsound;
- » The building would be uneconomic to repair;
- » The efforts made to retain the building/ feature.

6.6 - Consent will not normally be given unless an acceptable form of redevelopment has been agreed by the LPA in the form of a planning permission. This is why it is important to submit the planning application concurrently with the conservation area consent. Failure to do so will mean delays.

On the other hand, conservation areas sometimes contain some poor quality buildings, the removal of which would enhance the area, providing of course that the site is suitably treated and not left untidy.

Trees

6.7 - Works to trees - lopping, topping or felling - require the giving of six weeks notice to the Council, with a reasoned justification. This is not

limited to those covered by tree preservation orders (TPOs). The Council will take into account the visual, historic and amenity contribution of trees in conservation areas, and may decide to make a TPO to give greater protection to important trees. Specific consent is necessary for works to trees covered by a TPO. New planting or replanting may be appropriate where consistent with the character and appearance of the area. The LPG Note 4 Trees and Development in this series gives more information.

Advertisements

6.8 - When considering advertisement applications in conservation areas, the LPA will pay special attention to the desirability of preserving or enhancing the character or appearance of the area and will carefully control design, including the use of materials, scale and siting of development, lighting, and style of advertisements. Modern large illuminated plastic type advertisements will not normally be acceptable in conservation areas, where corporate identity is less important than protecting the area's special character. Further advice will be contained in the forthcoming LPG Note 16 Advertisements.

Article 4 Directions

6.9 - In exceptional circumstances, to help protect features that are key elements of the character and

Centres of historic market towns (3):	Parts of villages (18):	Smaller designations (11):
Flint	Cadole	Gadlys
Holywell	Caergwrle	Glan yr Afon
Mold	Caerwys	Kinsale Hall
	Cilcain	Leeswood Hall
	Ffynnongroyw	Lygan y Wern
	Gorsedd	Oakenholt Hall
	Gwaenysgor	Pantasaph
	Gwespyr	Plas Bellin
	Halkyn	Plas Onn
	Hawarden	Talacre Abbey
	Llanasa	The Wern
	Nannerch (2)	
	Nercwys	
	Northop	
	Trelawnyd	
	Whitford	
	Ysceifiog	

appearance of particular conservation areas and where there is a real and specific threat, the LPA can withdraw specific PD rights through the use of Article 4 Directions. In Flintshire, the Council has not used this measure.

Planning applications

6.10 - The Council's aim is to maintain, enhance and improve the appearance and character of the conservation area, including sites outside of the conservation area but which impact upon it. Planning proposals which fail to do so will be refused. In all cases where development is proposed in or close to a conservation area, contact an officer from the Development Management Section of Planning Services, who will be happy to give advice at an early stage before a planning application is made.



Panton Place, Holywell

6.11 - It is generally preferable for both the applicant and the LPA if related applications for planning permission and conservation area consent are considered concurrently. Proposals for development in a conservation area must be in the form of a full application rather than an outline consent, and should always include a full design statement.

6.12 - It is recommended that a suitable architect is retained to produce the scheme. The RIBA will be able to provide lists of local practices: Royal Institute of British Architects, 66 Portland Place, London. W1 1AD (Telephone 020 7307 3700).

7 - Listed buildings

7.1 - By their very nature, conservation areas usually contain listed buildings, to which additional special considerations apply. Our accompanying LPG Note 6 Listed Buildings provides advice.

8 - Enhancement

8.1 - LPA's should formulate and publish proposals for the preservation and enhancement of conservation areas, a measure which places the emphasis on positive management. Townscape audits and character appraisals can also assist in this respect. The Council has embarked upon this process with a prototype study, and intends to examine first those conservation areas where pressure for change is most marked.

8.2 - The Council seeks to enhance the appearance of its conservation areas through:

- » The careful exercise of development management, in line with the UDP policies;
- » Environmental improvements through its capital programme (obviously subject to funds);
- » Working in partnership with other organisations;
- » Giving advice and information;
- » Giving grant aid advice.

8.3 - The Holywell Townscape Heritage Initiative



Hawarden



Mold



Church Street, Flint

and more recently the Flint Townscape Heritage Initiative seek to regenerate the towns - which have outstanding historic character - through high quality restoration of buildings and spaces and by bringing unused floorspace back into use. The Environment and Conservation Section of Planning Services leads a partnership project, supported by Cadw, in which grants (usually 50% of eligible costs) are available for selected projects of repairs and renovations within the town centre, targeted towards particular buildings. Repairs are based on sustainable principles, using well-proven and traditional repair techniques.

9 - Grants

9.1 - Grant aid may be available for sensitive repair and restoration work. The grant picture can vary from time to time, and it is worth checking with officers of the Environment and Conservation Section in Planning Services (telephone 01352 703215) to find what might be available, without prejudice.

9.2 - To put the position into perspective, however, one should keep in mind the many developments proposed in conservation areas against the finite supply of funds. The following bodies also may be relevant in this respect:

- » Cadw: (Plas Carew, Unit 5/7 Cefn Coed, Parc Nantgarew, Cardiff. CF15 7QQ. telephone 01443 33 6000. www.cadw.wales.gov.uk) is the Welsh Assembly Government's historic environment service. They are able to make grants and loans (Historic Buildings and Conservation Area Grants) from the Historic Buildings Advisory Council for Wales funds towards the cost of works (usually external) judged to make a significant contribution towards the preservation and enhancement of the conservation area;
- » The Wales Tourist Board (Brunel House, 2 Fitzalan Road, Cardiff CF24 0UY, telephone 02920 499909) may provide grant aid towards the cost of bilingual signs, since these can contribute towards the local character and the image of Wales;
- » The Welsh Language Board (Siambrau'r Farchnad, 5-7 Heol Eglwys Fair, Caerdydd CF10 1AT) can give grants to promote and facilitate the use of Welsh, including bilingual signs.

9.3 - In general, enhancement work on conservation areas, either in the form of schemes undertaken directly by public bodies (the Council and its partners) or private sector developments encouraged by public funding through grants and loans, is of value because it can help improve the quality of life for local people and add interest for tourists and other visitors.

Appendix 1: The relevant UDP policies

Policy HE1 Development Affecting Conservation Areas

Development in or affecting the setting of conservation areas will only be permitted if it preserves or enhances the character or appearance of the designated area.

HE3 Demolition of Listed Buildings or Buildings in Conservation Areas

Development involving the substantial or total demolition of a building(s) or structure(s) in a Conservation Area will not be permitted unless the demolition and any proposed replacement building would preserve or enhance the character or appearance of the area.