

# **Matlock Bank**

## Conservation Area Appraisal

### **11. Conservation Policies**



## **CONSERVATION POLICIES**

### **National Planning Guidance**

#### **Planning Policy Guidance Note 15** **Planning & the Historic Environment**

Planning Policy Guidance Notes set out government guidance on planning issues and provide guidance to local planning authorities and others of the operation of the planning system. Local planning authorities must take their guidance into account in preparing their development plans. PPG 15 provides guidance specifically in relation to the historic environment.

The following areas of conservation guidance have been highlighted, in particular where this applies to the Matlock Bank Conservation Area Appraisal.

#### **Development and Development Control**

The design of new buildings intended to stand alongside historic buildings requires very careful consideration. New buildings need to follow fundamental architectural principles of scale, height, massing and alignment and use appropriate materials. (para.2.14) See also Annex A to PPG1.

In considering applications for planning permission and listed building consent for works which affect a listed building, consideration should be given to the desirability of preserving the setting of a building. The setting is often an essential part of the buildings character especially if a garden or grounds have been laid out to complement its design or function. The setting of a building is not limited only to ancillary land but may include land some distance away. Where a listed building forms an important visual element in the street, development in the street may affect that setting. A proposed high or bulky building might also affect the setting of a building some distance away or alter views of a historic skyline. In some cases, setting can only be defined by a historical assessment of a buildings setting (para.2.16).

#### **The Wider Historic Landscape**

In defining planning policies for the countryside, local authorities should take account of the historical dimension of the landscape as a whole rather than concentrate on selected areas. Plans should protect its most important components and encourage development that is consistent with maintaining its overall historic character (para.2.26).

### **Listed Building Control**

Listed building consent is required for demolition and for any works of alteration or extension, which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent. Listed building controls apply to all works both external and internal, whether or not the particular feature concerned is specifically mentioned in the listed description (paras 3.1 & 3.2)

The listing of a building also confers protection not only on the building but also on any object or structure fixed to the building which is ancillary to the building (para.3.31)

The listing of a building also confers protection on any object or structure within the curtilage of the listed building which forms part of the land and has done so since before 1<sup>st</sup> July 1948 (para.3.33)

#### **Conservation Areas**

There is a duty on local planning authorities to designate as conservation areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' (para.4.1)

It is the quality and interest of areas, rather than individual buildings, which should be the prime consideration in identifying and assessing conservation areas (para4.2).

The factors to take into consideration when designating (or reviewing) an area are set down in a separate document 'Conservation Area Appraisals' published by English Heritage in 1997, and more recently 'Guidance on Conservation Area Appraisals' and 'Guidance on the Management of Conservation Areas' also published by English Heritage in 2006.

Local planning authorities should seek to establish consistent local standards for their designations and should periodically review their existing conservation areas and their boundaries against those standards (para.4.3)

It is important that the conservation area designation should be justified and the clearer the justification, the sounder will be the base for local plan policies and decisions on planning applications (paras.4.4).

Given the nature of conservation area controls, essentially controls over demolition; strengthened controls over minor development and the protection of trees, -designation is not likely to be appropriate as a means of protecting landscape features, except where they form an integral part of the historic built environment. Designation may be suitable for historic parks or gardens or other areas of historic landscape containing structures which contribute to their special interest and fall within the categories subject to conservation area controls (para.4.6)

Consultation with local residents, businesses and other local interests over both the identification of areas and the definition of their boundaries prior to designation is not a statutory requirement but is nevertheless highly desirable. The greater public support for an area, the less additional statutory controls are likely to be required (para.4.7).

Proposals need to be formulated and published for the preservation and enhancement of conservation areas and policies will need to be developed which clearly identify what it is about the character and appearance of the area which needs to be preserved or enhanced and set out the means by which that objective is to be pursued (para.4.9).

There should be consultation with the appropriate bodies e.g. local residents, amenity societies, public utilities, chamber of commerce and highway authority etc. on any proposals for enhancement and preservation of the conservation area (para.4.10).

Local authorities are advised to set up advisory committees or committees to assist in formulating policy for its conservation areas and to advise on planning applications. The committees should involve bodies such as the local Civic Societies, Chambers of Commerce, nominees from the statutory amenity societies and local people. (para.4.13)

In considering planning applications the local planning authority should give special attention to the desirability of preserving or enhancing the character and/or appearance of the conservation area. This obligation should extend to applications adjacent to the conservation area, which could affect its character or setting or views into and out of the area (para.4.14).

Many conservation areas include commercial centers of towns or villages. Whilst conservation

must be a major consideration this cannot realistically prevent all new development. The emphasis will generally need to be on controlled and positive management of change. Policies need to be designed to allow the area to remain alive and prosperous and avoid unnecessary detailed control over businesses and householders, but ensure that new development accords with the areas architectural and historic interest (para.4.16).

Vacant sites or redevelopment of buildings, which make no real contribution to the character of the Conservation Area, or indeed, detract from it, should be a stimulus to imaginative high quality design. There is no need to directly imitate earlier styles but any proposed development should respect the context of the site, so that it becomes part of the well-established character and appearance of the conservation area as a whole (para. 4.17).

In addition to adopted local plan policies, the preparation of design briefs for individually important 'opportunity' sites will be useful. Special regard should be had to scale, height, form, massing, the traditional frontage pattern, vertical or horizontal emphasis, detailed design and the nature and quality of materials (para 4.18).

#### *Permitted Development in Conservation Areas*

The GPDO (1995) requires planning applications for certain types of development in conservation areas which are elsewhere classified as permitted development. These include various types of cladding; the insertion of dormer windows on roof slopes; the erection of satellite dishes on walls, roofs or chimneys fronting a highway; and the installation of radio masts, antennae or radio equipment housing with a volume in excess of two cubic metres. The size of house and industrial extensions that may be carried out without specific planning permission is also more restricted.

Local planning authorities have the powers to make directions withdrawing permitted development rights for a prescribed range of development materially affecting some aspects of the external appearances of dwelling-houses, such as doors, windows, roofs and frontages. Generally the Secretary of States approval is required to impose an Article 4 Direction. Permitted development rights should not be withdrawn without clear justification and it is recommended that there is a clear assessment of the special architectural and historic interest of the area. Article 4 Directions should be used to help to

protect features that are the key elements of a particular conservation area (paras.4.21–4.24)

#### *Conservation Area Control over Demolition*

In terms of demolition, the presumption should be in favour of retaining buildings, which make a positive contribution to the character or appearance of the conservation area. Proposals to demolish buildings, which are considered to make a positive contribution are assessed against the same broad criteria as proposals to demolish listed buildings (para.4.27)

#### *Advertisement Control*

All outdoor advertisements affect the appearance of the building or the neighbourhood where they are to be displayed and the local planning authority has a duty to pay special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. As many conservation areas include retail and commercial premises, outdoor advertising is essential to commercial activity and the success of local businesses will usually help to maintain buildings in good repair and in having an attractive appearance.

Certain categories of ‘deemed consent’ advertisements, which may have a significant visual impact, are not permitted for display in a conservation area without the local planning authority’s specific consent. Where it is proving impossible to prevent unsuitable or harmful advertisement displays a Direction can be made to justify imposing additional controls (paras.4.31-4.37).

#### *Trees in Conservation Areas*

Trees are valued features within the town and countryside and make an important contribution to the character of the local environment. Local planning authorities can make adequate provision for the preservation and planting of trees when granting planning permission for the development of land, by a combination of planning conditions and Tree Preservation Orders (TPO) (para.4.38).

Where a tree is subject to a TPO, the local authority’s consent must be obtained before it can be cut down, topped or lopped. Where a tree in a conservation area is not subject to a TPO, six weeks written notice must be given to the local authority where cutting down, topping or lopping is proposed. This enables the local authority time to consider making a TPO (para.4.39).

#### *Transport & Transport Management*

Given the visual and physical impact of roads and other highway infrastructure on the character of the Conservation Area, early consultation is recommended between the Planning Authority and the Highway Authority. The overall aim should be to minimise the impact of highway infrastructure on the various elements of the historic environment. (para.s 5.1 to 5.7).

Local Highways Authorities should take measures to protect the historic environment from the worst effects of traffic and they have the powers to create vehicle restricted areas, pedestrian zones etc. They can also introduce traffic calming measures, which may involve chicanes, build outs, gateways, rumble strips, islands etc. However, some designs can be difficult to integrate into an older streetscape and there can be no standard solution. Each feature or device should relate in its design and materials to the overall townscape to ensure that traffic calming reinforces rather than diminishes local character.

#### *Floorscape and Street Furniture*

Traditional stone surfaces to roads and pavements make a vital contribution to the appearance of the conservation area and should be retained wherever possible or re-introduced where there is historical evidence to support their use (para.5.13).

Street furniture of historic or architectural interest, such as pillar-boxes, railings, clocks etc., which add to the local distinctiveness of an area should be preserved or reinstated where appropriate.

Careful consideration should be given to the impact of road signing and unnecessary duplication should be avoided. This and street lighting should be undertaken so as to achieve appropriate materials and location, with the aim of avoiding visual clutter (para.5.16 & 5.17).

## REGIONAL PLANNING GUIDANCE

### Regional Spatial Strategy for the East Midlands (RSS 8)

The East Midlands Region covers the counties of Derbyshire, Lincolnshire, Northamptonshire and Nottinghamshire and includes the unitary authorities of Derby, Leicester, Nottingham and Rutland. It also represents the spatial element of the East Midlands Integrated Regional Strategy. The Draft Regional Plan (RSS8) provides a broad development strategy for the East Midlands up to 2026.

The main role of the RSS is to provide a strategy within which the local authorities' planning documents and local transport plans can be prepared. It is to be used in conjunction with the Development Plans (DP) and future Local Development Frameworks (LDF) and other strategies prepared by local authorities, as well as for use by other partnership and outside bodies. It identifies the scale and distribution of provision for new housing and priorities for the environment, transport, infrastructure, economic development, agriculture, energy, minerals and waste treatment and disposal.

RSS8 is divided into three main sections :-

- Core Strategy
- Spatial strategy
- Topic Based Priorities

In relation to the natural and built environment, the Strategy aims for a rich, diverse and attractive natural and built environment and cultural heritage and to enhance local distinctiveness.

Its policies relevant to this Appraisal seek to:-

#### **Promote better design (policy 3)**

The layout, design, construction of new development should be constantly improved by:

- The use of design led approaches which take account of local natural and historic character
- Design and construction that minimizes energy uses, uses sensitive lighting, improves water efficiency, reduces waste and pollution, incorporates renewable energy technologies and sustainably sourced materials wherever possible and considers building orientation at the start of the design process.

- Ensuring that all new development is compliant with a BREEAM building assessment rating of at least 'very good' and that all new housing is capable of being adapted to meet the needs of older people in line with 'lifetime homes' standards
- Ensuring that all urban extensions that require Environmental Impact Assessment are operationally 'carbon neutral'.
- Architectural design which is functional, yet which respects the beneficial aspects of local natural and built character.
- Increased densities for new housing in line with national guidance
- Locating and designing access from new development to local facilities on foot, by cycle, or by public transport.
- Highway and parking design that improves both safety and the quality of public space
- Design which helps to reduce crime and the fear of crime, supports community safety, promotes vitality, maintains amenity and privacy and benefits the quality of life of local people; and
- Approaches to design, layout and construction which take account of the need to develop 'green infrastructure' networks and provides for the enhancement of biodiversity and landscape quality.

#### **Regional priorities for town centers and retail development (policy 21)**

Policy 21 seeks for Local Planning Authorities, *emda* and the Sub-regional Partnerships to work together to promote vitality and viability of existing town centers including those in rural towns. Where centres are under performing action should be taken to promote investment through design led initiatives and the development and implementation of town centre strategies.

#### **Protect and enhance the Region's natural and cultural assets (policy 26)**

Sustainable development should ensure the protection, appropriate management and enhancement of the Regions natural and cultural heritage. As a result the following principles should be applied :-

- The Region's internationally and nationally designated natural and historic assets should receive the highest level of protection

- Damage to EU designated Natura 2000 sites will not be permitted
- Damage to other natural or cultural assets should be avoided wherever and as far as possible, recognizing that such assets are usually irreplaceable
- Unavoidable damage must be minimized and clearly justified by a need for development in that location which outweighs the damage that would result;
- Unavoidable damage which cannot be mitigated should be compensated for, preferably in a relevant local context and where possible in ways which also contribute to social and economic objectives
- Overall there should be a net increase in the quality and active management of natural and historic assets across the Region in ways that promote adaptation to climate change and an increase in the net quality of environmental assets generally and
- The Regions best and most versatile agricultural land should be protected from permanent loss or damage.

### **Priorities for management and enhancement of the Region's landscape (policy 30)**

Policy 30 seeks to:

- Promote the highest level of landscape character protection for the regions nationally designated landscape
- The establishment of criteria based policies in the Local Development Frameworks to ensure that development proposals respect intrinsic landscape character in rural and urban fringe areas; and
- The identification in the LDFs of landscape and biodiversity protection and enhancement objectives through the integration of Landscape Character assessments with historic and ecological assessments.

It recommends that local planning authorities should prepare comprehensive Landscape Character Assessments to inform the preparation of Local Development Frameworks. [These can also be used to develop Supplementary Planning Documents].

### **Regional priorities for the historic environment (policy 31)**

The historic environment should be understood, conserved and enhanced, in recognition of its own intrinsic value and its contribution to the Region's quality of life.

Across the Region particularly in areas where growth or regeneration is a priority, development should promote sensitive change of the historic environment.

To achieve this Local planning Authorities should:-

- Identifying and assess the significance of specific historic assets (including their settings)
- Use characterization to understand their contribution to the landscape or townscape in areas of change
- Encourage the refurbishment and re-use of disused or under-used buildings of some architectural or historic merit and incorporating them sensitively into regeneration schemes.
- Promote the use of local building materials
- Recognize the opportunities for enhancing existing tourism attractions and for developing the potential of other areas and sites of historic interest as part of Green Infrastructure.

### **Derby & Derbyshire Joint Structure Plan (1991 - 2011)**

The Structure Plan is to be replaced in due course by RSS 8. At present the Structure Plan has three main functions:-

- To provide a strategic policy framework for planning and development control by setting out the policies and general proposals for land-use within the area.
- To ensure that provision for development is realistic and consistent with national and regional policy as expressed in Regional Guidance and Planning Policy Guidance notes (PPGs).
- To provide a framework for local plans

The General Development Strategy, based on principles of sustainable development aims to help develop the economy of Derbyshire by providing for its development land needs, while protecting

what is best in the environment and helping to resolve existing environmental and social problems.

The policies within the Environment section relate to both the natural and built environment. The most relevant to this Appraisal are noted below.

**Environment Policy 1: Landscape Character.**

The character of the landscape is to be conserved and enhanced, as appropriate. Development which would have an unacceptable effect on landscape character and diversity will not be permitted. Where development is permitted, opportunities will be taken to conserve, enhance and restore the local distinctiveness, character and diversity of the landscape.

**Environment Policy 9: Conservation Areas**

This policy identifies that development within conservation areas should have regard to the preservation and enhancement of the special character or appearance of the conservation area and for encouraging its physical and economic regeneration. Planning permission will not be granted for development proposals that would be detrimental to the character, appearance or setting of a designated conservation area.

**Environment Policy 10: Historic Buildings**

Listed and other buildings of architectural or historic interest should be retained in-situ and protected from inappropriate alteration and unsympathetic development that would harm their character or setting. The re-use, adaptation or change of use of buildings of architectural or historic interest will be permitted only where this would ensure their preservation without the loss of character and without detriment to local amenity or landscape quality.

**Environment Policy 12: Archaeological and other Heritage Features**

Development on or adjacent to archaeological or other heritage features will be considered against the need to ensure their preservation in-situ, conservation, interpretation and where appropriate investigation.

**Environment Policy 14: Sites and Features of Nature Conservation**

Development will take full account of its likely impact on nature conservation value. In particular development will not be permitted where it may have an adverse impact on an area designated or proposed for designation as being of international (Special Protection Area, RAMSAR site, Special

Areas of Conservation) or national (Site of special Scientific Interest, National Nature Reserve) importance for nature conservation unless there are no alternative solutions and there are imperative overriding reasons.

**Environment Policy 16: Trees and Woodland**

Measures will be taken to protect important individual, groups or areas of trees, hedgerow and woodland, including the making of tree preservation orders and to ensure that management and felling proposals take account of the landscape character, natural heritage, amenity and recreational significance of woodland and are compatible with conservation and recreational policies. Provision is to be made for the planting of trees and woodland through the use of tree planting schemes and conditions on planning applications. In all cases, measures will be taken to ensure that tree planting takes account of landscape character, natural and built heritage considerations.

**Environment Policy 17: Design Quality**

Development should be of a high quality design. Attention will be given to the appropriateness and sensitivity of proposals in relation to the character of a locality. Planning permission will not be granted for proposals for new development that would be detrimental to the local distinctiveness of the area. A design statement may be required for development proposals. This should explain the relationship of the design principles to the surrounding environment and identify the locally distinctive elements.

Policies other than the Environment Policies in the Structure Plan will be relevant to Matlock Bank.. However they are not recorded here, where the emphasis is on the built and natural environment of the Conservation Area.

## LOCAL PLANNING GUIDANCE

### Derbyshire Dales Local Plan (Adopted Nov 2005)

The adopted Local Plan reinforces the view that the quality of the environment, natural and man-made, is an asset to be conserved. It realizes that this can be viewed as a major constraint to development, but that it also offers great opportunities for development to be conceived in harmony with it. Positive conservation policies coupled with a development strategy are needed, so that aims to meet real needs and encourage sustainable realistic developments in conjunction with the environment, are achieved.

The policies below can be found within the **Natural, Historic and Built Environment** section. The most relevant to this Appraisal are noted below.

#### **Policy NBE2**

##### **Sites of National Importance for Nature Conservation**

Planning permission for development within or likely to have a direct or indirect adverse impact upon a National Nature Reserve or Site of Special Scientific Interest will only be granted if it cannot be accommodated elsewhere and there are overwhelming benefits resulting from development which would outweigh any harm caused to their national nature conservation value.

Where necessary the Council will impose conditions or seek to negotiate a Section 106 Obligation to secure appropriate mitigation and / or compensatory measures to protect and enhance the nature conservation interests of the site.

#### **Policy NBE3.**

##### **Other Sites Of Importance For Nature Conservation**

Planning permission for development within or likely to have a direct or indirect adverse impact upon any other site important for nature conservation including Derbyshire Wildlife Sites, Regionally Important Geological Sites or Local Nature Reserves will only be granted if it can be clearly demonstrated that there are benefits resulting from the development which would outweigh the harm caused to the nature conservation value of the site. Where necessary the Council will impose conditions or seek to negotiate a Section 106 Obligation to secure appropriate

mitigation and/or compensatory measures to protect and enhance the nature conservation interests of the site.

#### **Policy NBE4**

##### **Protecting Features or Areas of Importance to Wild Flora and Fauna**

Planning permission for development within, or likely to have an adverse impact upon the integrity or continuity of areas or features of importance to wild flora and fauna, will not be granted unless it can be clearly demonstrated that there are benefits resulting from development which would outweigh the importance of the feature to wild flora and fauna.

Where appropriate the Council will impose conditions or seek to negotiate a Section 106 Obligation to secure appropriate long term management, mitigation and / or compensatory measures to protect and enhance the importance of the area or feature to wild flora and fauna

#### **Policy NBE6**

##### **Trees And Woodlands**

Planning permission will only be granted for development likely to have a direct or indirect adverse impact upon trees and woodlands if it can be demonstrated that the justification for the development outweighs their importance for the nature conservation or amenity value. Where any trees are lost as part of a development proposal the Council will impose conditions or seek to negotiate a Section 106 Obligation to replace those that are lost on the basis of three replacements for each one lost.

#### **Policy NBE7**

##### **Features Important in the Landscape**

Planning permission will only be granted for development likely to have an adverse impact upon landscape features such as hedgerows, walls, streams and ponds, where it can be demonstrated that the justification for the development outweighs their importance to the character and appearance of the immediate and wider landscape. In appropriate circumstances the Council will impose conditions or seek to negotiate a S106 Obligation to safeguard the long-term protection and management of such features.

#### **Policy NBE8**

##### **Landscape Character**

Planning permission will only be granted for development that protects or enhances the

character, appearance and local distinctiveness of the landscape.

**Policy NBE16**

**Development Affecting A Listed Building**

Planning permission for development will only be granted where it does not have an adverse impact upon the special character or setting of a listed building.

**Policy NBE17**

**Alterations And Extensions To A Listed Building**

Planning permission for development involving alterations or extensions to listed buildings will only be granted where;

- (a) the historic form of the building is retained and;
- (b) any architectural or historically important elements of the building, are retained in largely unaltered form; and
- (c) the proposed design, materials, scale and detailing does not have an adverse impact the character and appearance of the listed building

**Policy NBE18**

**Conversion And Changes Of Use Of A Listed Building**

Planning permission for the conversion and/or change of use of a listed building will be granted provided that;

- (a) the original use is no longer appropriate or viable and;
- (b) if the proposed use is not the original use, it is appropriate to the status of the listed building
- (c) the proposal will protect the listed building and its setting

**Policy NBE19**

**Demolition Of Listed Buildings**

Planning permission for development involving the demolition of a listed building will only be granted where;

- (a) the building is wholly beyond economic repair and;
- (b) it can be demonstrated that every possible effort has been made to continue its current use or find a compatible alternative use that would allow for the retention of the listed building and;
- (c) the application is accompanied by a redevelopment scheme for the site, the

merits of which would outweigh the loss of the listed building.

The Council will impose conditions or seek to enter into a Section 106 Obligation to ensure the implementation of the redevelopment scheme at the earliest possible opportunity following demolition of the listed building.

**Policy NBE21**

**Development Affecting A Conservation Area**

Planning permission for development proposals within or adjacent to a conservation area will be granted provided that they preserve or enhance the character or appearance of the area.

**Policy NBE22**

**Shop Fronts in Conservation Areas**

Planning permission for the replacement of a shop front within a Conservation Area will only be granted where:-

- (a) the existing shop front has little or no architectural and / or historic value or does not make a contribution of the Conservation Area

or ;

- (b) it can be demonstrated that a shop front or architectural and / or historic value or that makes a contribution to the character of the Conservation Area is wholly beyond repair and restoration.

and ;

- (c) the design and appearance of the new shop front preserves or enhances the character or appearance of the Conservation Area.

**Policy NBE24**

**Archaeological Sites And Heritage Features**

Planning permission will not be granted for development likely to disturb or have an adverse impact upon Scheduled Ancient Monuments or other nationally important archaeological remains or their setting

Planning permission for development likely to disturb or have an adverse impact upon other important archaeological or heritage features, or their setting will only be granted where it can be demonstrated that;

- (a) the feature can be preserved in-situ, or;
- (b) where in-situ preservation is not feasible mitigation measures can be put in place that minimises any adverse impact upon the feature and its setting.

Where appropriate the Council will impose conditions or seek to negotiate a Section 106 Obligation to ensure appropriate investigation and recording, before and during development.

### **Policy NBE26**

#### **Landscape Design In Association With New Development**

In determining applications for planning permission the Council will consider whether there is a need for the submission, implementation and maintenance of a scheme of landscaping to ensure that the proposed development would integrate with or enhance its surroundings.

Where this is considered to be necessary appropriate conditions will be imposed on any planning permission.

Other policies in the Derbyshire Dales Adopted Local Plan will be relevant to Matlock Bank, although they are not all recorded here, where the emphasis is on the built and natural environment of the Conservation Area. Other relevant policies include:-

**Strategic Framework policies** especially SF1 (Development within Settlement Framework Boundaries) and SF2 (Protection of Important Open Spaces).

**Housing policies** especially H9 (Design and Appearance of New Housing).

**Economic & Development Policies** especially EDT6 (Conversion and Re-use of Buildings for Industrial and Business Development within Settlement Frameworks), EDT8 (Design and Appearance of New Industrial and Business premises) and EDT18 (Tourist Accommodation within the Settlement Frameworks of Market Towns and Other Settlements).

**Town Centre and Retailing policies** especially S1 (Retail development in the Town Centres), S6 (The Design and appearance of Shops and Commercial premises), S7 (Shopfront Security) and S10 (Development in Local shopping Centres).

#### **Transportation policies**

#### **Infrastructure and Community Facilities policies**

**Leisure and recreation policies** especially L9 (Safeguarding public rights of way)

## LEGISLATION

Conservation area designation has always had minimal impact on the individual and successive governments have always sought to ensure that the rights of individuals within conservation areas are not overly constrained, as compared with individuals outside of protected areas. However, erosion of historic fabric within conservation areas over the years has led to some additional controls being made available to protect the overall environment. Conservation area consent is required for the total (or substantial) demolition of a building. Following the outcome of the Shimizu case, various works that would previously have constituted partial demolition are not now subject to consent, despite their removal having a potentially detrimental effect on the character or appearance of the area e.g. removal of chimneys, architectural detail etc.

### *Development*

Town & Country Planning (General Permitted Development Order) 1995 indicates the rights of an individual to act without the need for a planning approval. However, some of these rights are withdrawn, or are more limited in their application in conservation areas and national parks, than elsewhere. The following indicate constraints within a conservation area that are 'additional' to normal planning requirements:-

- House extensions must not exceed 50 cubic metres or 10% of the original dwelling house, -whichever is the greater, - up to a maximum of 115 cubic metres
- Cladding a house with stone, artificial stone, timber, plastic or tiles
- Roof alterations or additions
- Planning permission is required for the provision, alteration or improvement of a building within a conservation area which exceeds 10 cubic metres.
- Satellite antennae must not be placed on a chimney, on a building which exceeds 15 metres in height, or on a wall which both fronts and is visible from a highway.

### *Trees*

Under the Town and Country Planning Act 1990 (Section 211), subject to range of exceptions, anyone proposing to cut down, top or lop a tree in a conservation area is required to give six weeks notice to the local planning authority. This provides the local authority with the opportunity for bringing the tree under their general control by

making a tree preservation order in respect of it. Penalties for contravention are similar to those relating to tree preservation orders.

### *Conservation Area Consent*

Conservation Area Consent is required for the substantial or total destruction of a building, in a conservation area, greater than 115 cubic metres. Consideration is given as to whether the building makes a positive contribution to the character and appearance of the Conservation Area. Conservation Area Consent is also required for the demolition of walls, fences and other means of enclosure where planning permission would be required for their construction.

### *Article 4 Directions*

It is recognized that in some conservation areas, the above criteria only provide limited measures and additional controls may be desirable. The General Planning Development Order (GPDO) therefore allows the local authority to introduce Article 4 Directions (under the provision of Paragraph 4 of the GPDO) to withdraw further rights in relation to features, which are considered to be of particular significance in the area. Items which can be brought under additional control include:-

- Alteration to a dwelling-house (this could include external windows)
- Roof slopes and materials
- External doors/porches
- Ancillary buildings
- Hard surfaces, e.g. drives and hard-standings
- Satellite antennae
- Gates, walls, fences
- Removal of chimneys
- Painting

If it is considered that there is a particular threat to the character or appearance of a conservation area from inappropriate 'permitted development', the local planning authority will give consideration to the establishment of an Article 4 Direction (under the provisions of the Town and Country Planning Act 1990) to bring specified aspects of permitted development under control. Normally it is recommended that any Article 4 Direction should be reviewed every five years.

Any potential new Directions would be the subject of a full public consultation exercise with local residents and the Parish Council.

### *Grants*

The District Council operates a grant scheme for Historic Buildings and Conservation Area Enhancement. This scheme is available for works of appropriate external, permanent, repair, replacement or re-instatement of historic fabric to both listed and unlisted buildings, or for works which are considered to enhance the historic context of the conservation area. Grants are offered on a sliding scale dependent upon eligible costs up to a maximum of £3,000. Information regarding grants and application forms are available from the Conservation Section of the District Council's Planning Department.

### *Advertisement Control*

It is recognized that all outdoor advertisements affect the appearance of the building or the neighbourhood where they are to be displayed and there is a duty by the Local Planning Authority to pay special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. As many conservation areas include retail and commercial premises, outdoor advertising is essential to commercial activity and the success of local businesses will usually help to maintain buildings in good repair and in having an attractive appearance.

Certain categories of 'deemed consent' advertisements, which may have a significant visual impact, are not permitted for display in a conservation area without the local planning authority's specific consent. Where it is proving impossible to prevent unsuitable or harmful advertisement displays a Direction for an Area of Special Advertisement Control can be made to justify imposing additional restrictions.

### **Shop Front Design Guidance**

A Shop Front Design Guide has been produced by Derbyshire Dales District Council. This is a document which relates to all types of commercial premises and comments upon the design of shop frontages including materials, architectural details and colour; advertisements, illumination and security measures. A copy is available (£5.00) from Derbyshire Dales District Council, Planning and Development Services.

**In summary,** in a conservation area, the District Council can:-

- ensure that proposed new design and materials harmonise with the buildings and the surrounding area
- prepare development or design briefs for specific sites in conservation areas
- introduce an Article 4 Direction if it is considered appropriate
- control advertisements and shop signage
- endeavour that traffic control measures are not at odds with the character of the area
- consider enhancement schemes and look to environmental improvements
- make grants available for the repair of buildings and for enhancement schemes within the area
- control works to trees