

	REPORT TO PLANNING AND DEVELOPMENT COMMITTEE TO BE HELD ON THURSDAY, 6 JANUARY 2011 AND CABINET TO BE HELD ON TUESDAY 18 JANUARY 2011
	Key Decision NO Forward Plan Ref No N/A
Corporate Priority	Cabinet Portfolio Holder Cllr D Bastiman

REPORT OF THE HEAD OF REGENERATION & PLANNING - 11/12

WARDS AFFECTED: LINDHEAD

SUBJECT: CHARACTER APPRAISAL, MANAGEMENT PROPOSALS AND CONSERVATION AREA BOUNDARY REVIEW – CLOUGHTON

RECOMMENDATION (S):

It is recommended that Cabinet recommend to Council that:-

- A) The Character Appraisal and Management Plan for Cloughton be adopted as Planning Guidance.
- B) The Conservation Area be enlarged to cover the area shown in the map at Annex 4.

REASON FOR RECOMMENDATION (S):

Report HRP10/560 considered by Planning & Development Committee on 4 November 2010 reported the first draft Character Appraisal and Management Plan for Cloughton. Officers were authorised to carry out public consultation and report back.

The Character Appraisal and Management Plan which sets out a framework for establishing policies for ensuring the qualities of the area are preserved has now been subject to public consultation. The results of that consultation, which are set out in Annex 2, have been considered and the Character Appraisal and Management Plan have been modified as necessary. The recommendation now is for the Character Appraisal and Management Plan to be adopted as Planning Guidance and for the Conservation Area to be slightly enlarged.

HIGHLIGHTED RISKS:

Failure to adopt a Character Appraisal and a Management Plan and its recommendations could result in development proposals coming forward which may adversely affect the character and appearance of the area and detract from it.

1. INTRODUCTION

- 1.1 Report HPIg/06/144 considered by the then Development and Regulation Committee in August 2006, set out the requirements of Best Value Performance Indicator 219B to carry out formal appraisals of Conservation Areas and for the adoption of those appraisals as policy. In carrying out a Conservation Area Appraisal it is necessary to review the boundary of the Conservation Area and to look at the wider area in which it is set. Report HRP/08/26 set a programme for future reviews.
- 1.2 Since August 2006 reviews of Weaponness, Scalby, Seamer, Falsgrave, Snainton and Dean Road/Manor Road Cemetery have been carried out and new or enlarged Conservation Areas formally designated. In addition to the appraisal referred to in this report an appraisal is being carried out of Whitby Conservation Area (both sides of the river).
- 1.3 The area of Cloughton which has been appraised is larger than the existing area currently having Conservation Area designation in order that the boundaries may be reviewed and the setting of the heritage asset considered. The appraisal area is partly in the North York moors National Park. This report sets out the results of that review and of the public consultation process which has been carried out.

2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN

- 2.1 The Conservation Area legislation helps deliver the following corporate aims in Corporate Plan 2006-2011:
 - Aim 1:** Developing Safer and Stronger Communities, particularly encouraging community participation and building civic pride.
 - Aim 2:** Building Prosperous Communities, particularly marketing the Borough and improving its image.
 - Aim 3:** Creating Health and Vibrant Communities, particularly improving quality of life, health and sense of place.
 - Aim 4:** Creating Quality Environments.
- 2.2 The character appraisal helps deliver the following aims in the Sustainable Community Strategy for the Borough of Scarborough 2010-2013:
 - 1.2: A high quality built and natural environment that people can take pride in.
 - 4.4 Harmonious communities and participation in decision making

- 2.3 In addition the review of conservation areas and the development of management policies to preserve and enhance their environments contributes to place making.

3. BACKGROUND AND ISSUES

- 3.1 The revised Character Appraisal and Management Plan is attached as an appendix (Annex 3) to this report, along with the associated maps and a map showing the recommended new Conservation Area boundary (Annex 4).
- 3.2 Section 29 of the Planning (Listing Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to designate as 'Conservation Areas' any areas of special architectural or historic interest. It also imposes a duty to review these areas 'from time to time'. The appraisal of the area which has been carried out is therefore part of that process.
- 3.3 The preparation of both the Character Appraisal and the Management Plan has been carried out in accordance with guidance on the preparation, layout and content of such documents issued by English Heritage. Guidance contained in PPS5 (Planning for the Historic Environment) and from the Historic Towns Forum has also been taken into account.
- 3.4 The Character Appraisal covers such issues as the historical development of the area, character analysis and the definition of special interest which is broken down as use, quality of the buildings, building materials, local details, negative factors, neutral factors and potential development sites.
- 3.5 The Management Proposals are developed in response to the issues highlighted in the character appraisal and crucially set out a series of Issues and Recommendations. These can be summarised as:-
- Demolition of Local Interest Buildings/Buildings of Townscape Merit - a general presumption against demolition.
 - New development including a presumption against development within some parts of the Development Limits
 - Materials and design details
 - Trees
 - Boundary walls
 - Extension and minor alterations
 - Street furniture
 - Buildings at risk
 - Archaeological; issues
 - Future monitoring and review
 - Enlarged conservation Area boundaries

4. CONSULTATION

- 4.1 Following consideration of the first draft of the Character Appraisal and Management Plan by Planning & Development Committee on 4 November

2010 formal consultation has been carried out with individual members of the public (184 letters), Cloughton Parish Council, North York Moors National Park Authority and the Duchy of Lancaster as major landowner. The consultation period expired on 10 December 2010.

- 4.2 The response to that consultation process is set out at Annex 2. Three members of the public, The North York Moors National Park Authority, the Duchy of Lancaster and Cloughton Parish Council have responded. Annex 2 details the responses and also sets out Officer comments. As a result of this consultation process the Character Appraisal, Management Proposals and the maps have been altered in a number of small ways (text alterations are underlined in the Character Appraisal, Management Proposals document)

5. ASSESSMENT

- 5.1 The draft character appraisal for Cloughton has reinforced the understanding that this is an area with special characteristics which it is desirable to preserve. In other words, it is an area of Special Architectural or Historical Interest which is worthy of preservation or enhancement and therefore meets the criteria for Conservation Area designation. The draft Management Proposals therefore recommend that not only should the present Conservation Area continue to be so designated but that it should also be extended.
- 5.2 The appraisal also recognised that there are a number of issues to be addressed and these include sites where possible development would enhance the area.
- 5.3 The draft Character Appraisal and Management Plan have been slightly modified in the light of the consultations. In particular, in view of the comments by the North York Moors National Park Authority about the part of the conservation area which lies within their area, the suggested enlargement is now confined to that area lying within the Borough and this is shown on the attached map.

6. IMPLICATIONS

(a) Policy

- 6.1 The issues addressed in this report are within the Borough Council's existing policies, such as those contained in the Local Plan and within Central Government Guidance.

(b) Financial

- 6.2 There are no specific financial issues.

(c) Risk

- 6.3 These are set out under highlighted risks and the attached matrix.

(d) Legal

6.4 The proposal in this report is consistent with the Council's constitution and the Town and Country Planning Legislation.

(e) Environmental and Sustainable Development

6.5 The proposed action makes a positive contribution to environmental and sustainable development. The retention and reuse of buildings is recognised as being a more sustainable course of action than redevelopment.

(f) Human Rights

6.6 All decisions relating to planning matters should comply with the requirements of the Human Rights Act 1998 (HRA). Article 8 of the HRA relates to the right to respect for privacy and family life home and correspondence. The Convention Rights conferred by HRA are qualified and there are circumstances when interference with them is justified, however, any interference must be proportionate.

6.7 The consideration to authorise designation of a Conservation Area as inherent policies by this Committee would be justifiable interference with landowners' property rights under HRA given the need as described in the report to protect the appearance and character of the area. This is proportionate as this is a statutory tool identified through planning legislation to achieve the planning purposes set out in the report.

(g) Others

6.8 I have considered whether the following implications arise from this report and am satisfied that there is no identified implication that will arise from this decision:

Staffing

Crime and Disorder

Health and Safety

7. ACTION PLAN

7.1 Not applicable.



Pauline Elliott
Head of Regeneration and Planning
Background Papers:

The documents referred to in the report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT CHRIS HALL ON 01723 232481 e-mail chris.hall@scarborough.gov.uk

Regeneration & Planning Services Admin\Committee Reports\CWHHRP1112_Character Appraisal Management Proposals and Conservation Area Boundary Review- Cloughton 13 Dec 2010, amended 7 Jan 2011

ANNEX 1

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	13/12 /10	Failure to adopt the character appraisal and management proposals	Possible adverse impact upon character of area	Care has been taken to compile a clear and concise policy in accordance with national guidelines	A2	A2	Development Manager	Ensure implementation of adopted policy
2	13/12 /10	Failure to adopt the new Conservation Area boundary	Demolition or alteration of buildings with adverse impact upon character of the area	Care has been taken to compile a clear and concise policy in accordance with national guidelines	A2	A2	Development Manager	Ensure implementation of adopted policy

Glossary of Terms

- Risk An event which may prevent the Council achieving its objectives
- Consequences The outcome if the risk materialised
- Mitigation The processes and procedures that are in place to reduce the risk
- Current Risk Score The likelihood and impact score with the current mitigation measures in place
- Corporate Objectives An assessment of the Corporate Objectives that are affected by the risk identified.
- Target Risk Score The likelihood and impact score that the Council is aiming to achieve
- Service Unit Manager The Service Unit or Officer responsible for managing the risk
- Action Plan The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
		Likelihood				

Likelihood:

- A = Very Low
- B = Not Likely
- C = Likely
- D = Very Likely
- E = Almost Certain

Impact

- 1 = Low
- 2 = Minor
- 3 = Medium
- 4 = Major
- 5 = Disaster

Name	Comments made	Officer comments
R W Heath By e-mail	<p>In agreement with the extension of the conservation area.</p> <p>Notes that plans are being produced to build 160 houses within the conservation area. Believes that this is outside the concept of a conservation area. Has no doubt that the houses will be built in the correct style, but the conservation area will be submerged in new houses and severe limitations should be placed on these plans.</p>	<p>Noted</p> <p>Specific development proposals are not within the scope this consultation process</p>
B & L Dennis The Lilacs Newlands Road Letter of 22 Nov	<p>Perturbed about process whereby they have not been consulted previously on this matter.</p> <p>Oppose anything that will affect their position as perhaps the only historic and current small holding within the village</p> <p>Appreciate the trust of the proposals to maintain and improve, cannot see the reason to include a small holding. The National Park already has extensive planning controls they can call on</p> <p>Would welcome more involvement in the proposals</p>	<p>It has been explained to Mr Dennis that the appraisal is a draft and this is the usual procedure</p> <p>These points have been noted.</p> <p>This part of the village is within the North York Moors National Park and the boundary change here is a suggestion – it is not within the powers of SBC to alter the boundary within this area.</p>
V Rogers 12 High Street Letter of 30 Nov	<p>Agrees with the proposals</p> <p>Raises a query about the need for Planning Permission for window alterations in Conservation Areas</p>	<p>Noted.</p> <p>This query has been answered.</p>
Lindsay Cowle Conservation Architect On behalf of the Duchy of Lancaster Letter of 3 Dec	<p>Has commented sequentially on the various sections of the Appraisal as set out below.</p> <p>The Duchy wishes to make the general opening comment that the Appraisal is welcome, that it appears to be a fair assessment of the character of the conservation area, and that its findings will be of positive help in guiding the design and ensuring that the proposals will respect the qualities of the area as far as is practicable to do so</p> <p>Introduction</p> <p>Para 3 It may be helpful to say rather more about how the Conservation Area was designated, if that is on record. Imagines that the designation was made at the instigation of the residents, or with their assistance and consent, in line with policy guidance.</p>	<p>Noted.</p> <p>Noted. A slight amendment has been made to the Appraisal.</p>

	<p>Para 4 Feel this ought to be more clear. Since the Appraisal will be used to guide future development would expect the text to record at least all the major features of interest, leaving the possibility of some minor ones being omitted: but the implication that some features of major importance may be revealed later in the design process does not allow the design to be developed with confidence, and would not help the Inspector in the event of an Appeal</p> <p>Location and Setting</p> <p>Suggest that there is more clarity, both here and elsewhere in the Appraisal, as to the relationship between the conservation area and the village as a whole, as the two are not synonymous.</p> <p>This description of the village as a whole covers the land to east and west, and the importance of views from those sides. It ought also to cover the land to the north (which runs straight into attractive areas of the National Park) and to the south (where two retained open fields thankfully prevent the village joining up with Burniston). Consider views from these positions and providing the setting for the village are also important</p> <p>Historical Development</p> <p>This all appears to be compatible with the Duchy's earlier report by York Archaeological Trust and have no comments to add.</p> <p>Character Analysis</p> <p>There is again some confusing overlap between the conservation area, the extended conservation area, and the village as a whole. The description seems to be of the whole village, and therefore to include some features and amenities (surgery, tea rooms etc) which are in neither the conservation area nor its proposed extension. Likewise the section headed '<u>Qualities of the Buildings</u>' refers to those in the 'study area' (line1) but it is not clear which of the various areas is being referred to.</p> <p>It might be helpful if the Appraisal described the 3 proposed extensions to the conservation area and the justification for each. If not done beforehand, the Character Analysis could start off by saying that it includes some proposed extensions to it, in order to make things clearer. As it stands, the proposed extensions are just dealt with very superficially in Para 4.1 of the Management Policies, at the end of the Appraisal. Ideally each area should be described and justified separately, so that each can be assessed and accepted or</p>	<p>Noted. A slight amendment has been made to the Appraisal.</p> <p>Noted. A slight amendment has been made to the Appraisal.</p> <p>Noted amendments have been made to the section on Landscape & setting to cover these points.</p> <p>Noted</p> <p>Noted. A slight amendment has been made in the Appraisal. The reference to the study area has been clarified in the introduction.</p> <p>Two of these area are within the National Park so it is not appropriate to detail them. A description of the third area is now given in the Management Plan at paragraph 4.1</p>
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	<p>rejected on its merits, rather than presented as a composite package.</p> <p>Suggest that a little more is included about the character of the Main Street, as the core of the conservation area eg that it is gently curved so that views along it gradually unfold and that, with a few undulations, it climbs gradually from south to north as it approaches the Moors. There is a noticeable fall in the land from west to east in the northern half, as a result of which the buildings on the west side are often set higher than those on the east and are more continuously developed, possibly to take advantage of the view eastwards down the slope. Views westwards between buildings are arrested by the strong skyline of the Moors, whereas views eastwards have little to catch the eye due to the fall in the land.</p> <p>The last paragraph of the section headed '<u>Qualities of Buildings</u>' refers to buildings which form a 'significant group', listed in Appendix 2. There seems to be some discrepancy between these groups and those shown on Plan 4. The impression given in the final sentence is that all buildings in the conservation area will be protected, whereas clearly buildings of negative or neutral value should, or may, be dispensable. If included at all, we suggest that it would be more correct to say that consent will be needed for the demolition of any building in the area.</p> <p>Where guidance is given it is again particularly important that the relevant area is clear, as for example the guidance on dormer windows at the end of the section headed '<u>Roofs</u>'. Whilst dealing with that section, we feel that the fact that some dormers are later additions does not necessarily make them alien intrusions, that if sensitively designed they can contribute positively to the roofscape, and that their installation should be 'limited' rather than 'discouraged'.</p> <p>The section headed '<u>Negative Factors</u>' should, we feel, include the high volume of traffic now passing through the village, since this is a major concern and it affects the general amenity of the area.</p> <p>The section headed '<u>Setting</u>' again seems to refer to the village as a whole rather than the 'heritage asset'. Since the 'setting' here seems to apply to the whole village it ought to acknowledge the great importance of the surviving open space between the village and Burniston (to the south) and the great sensitivity of the landscape on entering the National Park (to the north).</p> <p>Appendices</p> <p>The footnote regarding the 'protection' of all buildings in the conservation area</p>	<p>Note. This has been added in as its own paragraph in the Appraisal .</p> <p>This is not entirely concurred with, as the Appraisal uses the phrase 'nearly all buildings' however the need for consent has been clarified. However policy RMP 2 is entirely clear on the intentions</p> <p>This is not concurred with. Dormers are not characteristic of the village and it is considered that the word discouraged is the correct one.</p> <p>Noted. A paragraph has been added to the Appraisal to cover this</p> <p>Noted. A phrase has been added to the Appraisal about the open space between the villages.</p> <p>Noted</p>
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<p>has been dealt with above.</p> <p>Management Policies</p> <p><u>Policy RMP 3</u> This prescriptive policy would prevent the village from expanding to the size needed for its future sustainability, and for the long-term welfare of its built fabric as a whole. These issues are central to the imminent planning Application and the Village Plan agreed by the residents. We suggest that such development should not be prohibited but should be possible subject to circumstances and determined on its merit.</p> <p><u>Policy RMP11</u> The issue of dormer windows (sub para (d)) has been dealt with above.</p> <p>Consider that there ought to be a policy for traffic management and traffic calming, which could be the most effective way of improving the character of the area.</p> <p>Map 3 (Age of Buildings)</p> <p>Map evidence shows that the outbuildings to the rear of Town Farm farmhouse are post 1854 instead of 1800-1854, including the building to the NE adjoining the modern cow shed.</p> <p>Map 4 (Character Appraisal)</p> <p>The definition of 'significant buildings' at Town Farm ought to correspond more with the age of buildings (Map 3) in respect of the modern agricultural shed and its southern appendages.</p>	<p>This is generally not concurred with. However, it is apparent that as originally worded, Policy RMP 3 would have precluded the re-development of the Town Farm buildings, thus it has been altered slightly to read :- <i>Small scale/infill housing development will not be permitted within those parts of the Conservation Area outside either the currently recognised or any revised Development Limits as agreed through the Local Development Framework or other Local Plan process (unless in line with other development plan policies).</i></p> <p>See above – this is not concurred with</p> <p>This is partially concurred with and the following paragraph 4.11 has been added to the Management Plan:-</p> <p>The main road through the conservation area carries heavy traffic which can be problematic, however traffic calming measures can be visually damaging to the appearance of a conservation area. For this reason it is not considered desirable to make specific proposals. RMP 13 Where traffic calming measures are desirable, only low key and non standard solutions should be considered and the highest quality materials should be used. North Yorkshire County Highways should consult with heritage professionals regarding works to the highway</p> <p>Noted. The map has been altered</p> <p>See above</p>
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	Consider the ' <i>general areas of historic landscape</i> ' to be confusing, and to carry an implication that other areas are not historic. Again, we would question whether this designation would help an Inspector at Appeal. We suggest that further justification be given, or the designation deleted.	It is not concurred that these are confusing, however the definition has been set out in more detail under 'Setting'
Cloughton Parish Council	<p>The Parish Council does not have a problem with the slightly extended coverage of the Conservation Area.</p> <p>Not sure that RMP3 is not somewhat perverse - were it not for the RSS being withdrawn by the current government within a few weeks of it coming into power, the work on the Local Development Framework would be continuing apace. As such, the development limits of the village would have been extended as the additional sites were approved as suitable for potential future development. It is better to have development which blends in with the existing characterful parts of the village and consolidates existing redevelopment/brownfield sites than no development at all.</p>	<p>Noted</p> <p>See above about Policy RMP 3</p>
North York Moors National Park (initial comments)	Unlikely to be wanting to extend the conservation Area boundary in the National Park.	Noted. Map 6 has been amended accordingly
North York Moors National Park (Further comments received 23 December 2010)	Pg.4 Add Local Planning Policy section for NPA. Attached is a response from our Policy team regarding what our policies would be for Cloughton.	It is recommended that the following wording be added:- Within the part of the Conservation Area lying within the North York Moors National Park, the Core Strategy and Development Policies Document sets out the planning policies against which proposals for new development within the National Park are assessed. The document is the 'Development Plan' for the Park (along with the Regional Spatial Strategy). The part of Cloughton that falls within the National Park is considered to fall outside the main built up area of the village and within the countryside on the edge of the village. As such, Core Policies B and J of the Core Strategy and Development Policies seek to restrict new development to housing relating to an essential need to live in the countryside, conversions of traditional rural buildings, development to meet the needs of farming, forestry, recreation, tourism or other rural enterprises and development to meet social or community needs where there are no other suitable locations within a village
	Pg.11 Suggest that Court Green could be said to have local interest as well as group value. It was possibly a Rowntree house and it does have arts and crafts credentials	Noted – it is recommended this be amended in Appendix 2
	Pg.12 Should it be clarified that rock-faced stone is generally characteristic of the later nineteenth century?	Although some late 19 th century buildings are in rock faced stone, it is not concurred that this is 'generally characteristic'.

	Pg.14 Suggest amending the reference to dormers to such as "As dormers are so uncharacteristic of the roofscape, their installation would be unlikely preserve the architectural or historic character of the area."	Noted - it is recommended that a slight amendment is made
	Pg.14 Suggest adding to the last sentence "...where this would enhance the character of the CA".	Noted - it is recommended that a slight amendment is made
	Pg.15 Suggest emphasising the importance of clapper bridges in the local context. Highways have routinely destroyed clapper bridges by replacing the stone with concrete rafts. Is the word "cherished" rather than "treasured"?	There is only one clapper bridge and it is not on a highway, so it is not felt necessary to amend the wording here though the word treasured has been changed to cherished
	Pg. 15 Under open space and trees you may want to include paragraph saying something like "see 4.6 of Management Policies for info on the legal protection afforded to trees within the Conservation Area. The grounds around Cober Hill contribute as an important open space in terms of views into it and the potential impact of development.	This is not concurred with since this is adequately covered in the Management Proposals.
	Pg.17 Archaeology Issues - consult Graham Lee, National park Archaeologist.	The Historic Environment Record has been consulted
	Pg.19 at bottom of Note should read PPS5, not PPG15.	This has already been altered
	Pg. 26 Insert NPA guidance/policies before 4 Issues and Recommended MP's	It is recommended that the following wording be added:- Within the part of the Conservation Area lying within the North York Moors National Park, the Core Strategy and Development Policies Document sets out the planning policies against which proposals for new development within the National Park are assessed. The document is the 'Development Plan' for the Park (along with the Regional Spatial Strategy). The part of Cloughton that falls within the National Park is considered to fall outside the main built up area of the village and within the countryside on the edge of the village. As such, Core Policies B and J of the Core Strategy and Development Policies seek to restrict new development to housing relating to an essential need to live in the countryside, conversions of traditional rural buildings, development to meet the needs of farming, forestry, recreation, tourism or other rural enterprises and development to meet social or community needs where there are no other suitable locations within a village
	Pg.26 4.1 Don't agree with NP extension as not part of the village's special arch and historic character.	The extended Conservation Areas within the North York Moors National Park have been removed from the recommendations