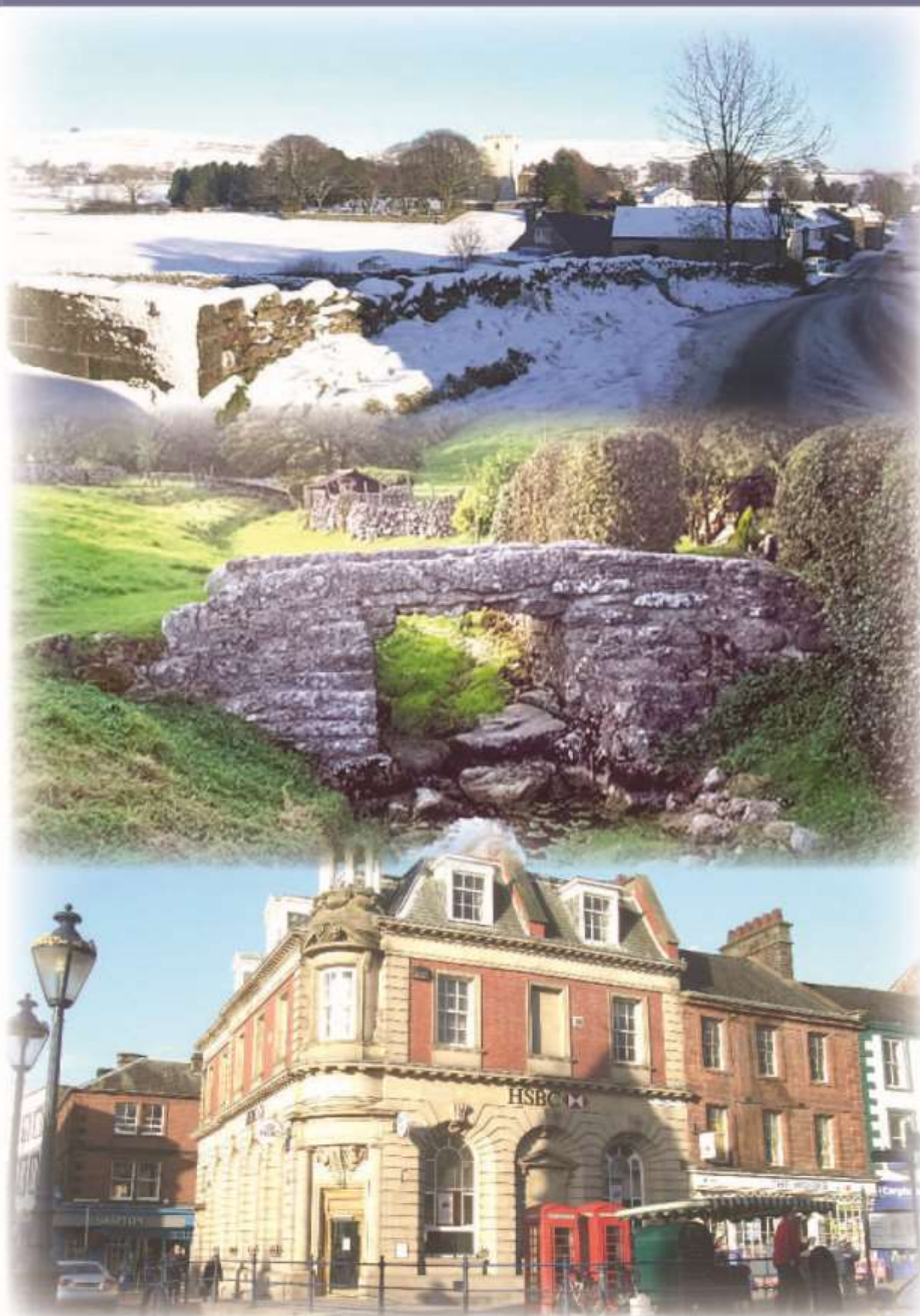


Management of Conservation Areas



Management of Conservation Areas Supplementary Planning Document

Eden District Council

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This document is also available in larger print on request.

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1 Introduction

- 1.1 Eden is fortunate in having an outstanding natural and historic landscape that we want to conserve and celebrate. One of the District Council's four corporate priorities is "Quality Environment – Ensuring the sustainability, enhancement and protection of the unique natural and built environment". So much of Eden's built and cultural environment is historic and covers thousands of years of human habitation in this part of Cumbria. Today over 15% of all structures in the district, outside of the Lake District National Park, are either listed for their national heritage importance and/or are a conservation area. The designation and management of conservation areas forms an important part of our approach to protecting and enhancing the historic environment.
- 1.2 Since the introduction of conservation area legislation in 1967 we have designated 24 conservation areas across the district. The town centres of Penrith, Appleby, Alston and Kirkby Stephen are all conservation areas as are many Local Service Centres. The remainder include small villages and the unique Settle to Carlisle railway line. Appendix A contains a full list of conservation areas in Eden designated over the last forty years. Conservation area boundary plans and character appraisals can be found on www.eden.gov.uk/historic-environment.
- 1.3 Conservation areas are defined in law as "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance" (s69 *Planning (Listed Buildings and Conservation Areas) Act 1990*). They embrace the quality and interest of an area as a whole, rather than individual buildings within it. Local planning authorities, such as Eden District Council, have a statutory responsibility to designate and review them. Conservation areas can bring many benefits, including giving greater controls over demolition, minor development and tree felling (full details are set out in Appendix B).
- 1.4 Conservation area designation is the primary means by which we can safeguard valued, distinctive places that help to define the individual historical and cultural identity of its communities. Designation alone however will not secure the preservation and enhancement of these areas and active management is vital to ensure that they can adapt and develop in a positive way. We have taken account of English Heritage's *Guidance on the Management of Conservation Areas* in the preparation of this Supplementary Planning Document (SPD). In one regard this document is unusual in that it contains both generic guidance relating to **all existing and future conservation areas** in section 4 as well as individual conservation areas in section 5.
- 1.5 Conservation area character appraisals define and evaluate key features (such as buildings, streets, views and open spaces) that contribute towards the special architectural and historic interest of the settlement. Management plans however formulate guidance and programmes to help secure the long-term viability of the conservation area as a heritage asset. It is common practice to undertake individual conservation area character appraisals and management plans, but this is an

intensive and time consuming exercise. We have chosen to use this innovative comprehensive approach because it represents the most efficient and effective use of available resources. Eden's conservation areas share many similar issues and common themes have emerged from the 11 conservation area character appraisals conducted to date. In the event that substantive new issues emerge in the future that are not adequately addressed by this SPD we will amend the document accordingly.

2 Planning policy context

- 2.1 National planning policy regarding conservation areas can be found in the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement (PPS) 5: Planning for the Historic Environment (see Appendix C). The recent PPS5 values the importance of conservation areas and categorises them as "designated heritage assets" along with listed buildings and Scheduled Ancient Monuments, which are all subject to more exacting policies and considerations.
- 2.2 This national guidance has a local dimension in the form of Eden's *Local Development Framework* (LDF). At the heart of the LDF is the *Core Strategy Development Plan Document* (DPD), which sets out the vision, spatial objectives and core policies for the future development of the District. The Core Strategy was adopted in March 2010 and contains policies to conserve and enhance the historic environment. In addition there are a number of Local Plan "saved" policies that specifically relate to new development (BE3), trees (BE6) and demolition (BE1 & 2) in conservation areas (Appendix C).
- 2.3 The role of a SPD is not to introduce new policies, but rather to provide guidance on local planning matters that are consistent with national and local planning policy. They do not have to link or "hang off" a DPD policy although two Core Strategy DPD policies are particularly relevant to conservation areas - *CS17 Principles for the Built (Historic) Environment* and *CS18 Design in New Development* (Appendix 3). All our conservation area character appraisals have been formally adopted by the Council as supporting evidence to policies CS17 and CS18.
- 2.4 This SPD is intended to provide guidance to the public and developers when considering proposals in conservation areas. We will also use it as a material planning consideration in the determination of relevant planning, advertisement, listed building and conservation area consent applications as well as to inform management issues in our many town centres and villages designated as conservation areas. It will complement our other SPDs namely:
 - *Shopfront and Advertisement Design*;
 - *Accessible and Inclusive Environment*;
 - *Housing*, which includes a section on design issuesand the forthcoming:
 - *Cumbria Landscape Character Assessment and Toolkit*;
 - *N Pennines Area of Outstanding Natural Beauty (AONB) Building Design*

Guide

- *N Pennines Area of Outstanding Natural Beauty (AONB) Planning Guidelines.*

3 Public consultation

- 3.1 An initial scoping exercise was carried out over July to August 2010 in which key stakeholders (Parish Council; community groups and amenity societies) were invited to identify issues that they wished to see addressed in this document. The SPD was drafted under the requirement of the *Planning and Compulsory Purchase Act 2004* regulations (as amended by Regulations 2008) and *Planning Policy Statement 12: Local Spatial Planning*. In accordance with these regulations the draft SPD was made available for public consultation in December 2010 to January 2011. The resulting comments informed this final SPD, which was formally adopted by the Council on 24 March 2011.

4 Generic conservation area management guidance

This section sets out generic guidance to protect and enhance all of Eden's **existing and future** conservation areas.

4.1 Evidence base

In order to manage a conservation area effectively we must first understand its special qualities. Where conservation area character appraisals exist they should be used to inform development and management proposals and we would expect to see them used in the preparation of Design and Access statements (see para 2.3). CABE has produced excellent advice *Design and access statements How to write, read and use them* that includes an assessment crib sheet and good design principles.

4.2 Topography

New developments should seek to respect and enhance the topography of the site through careful positioning of buildings, varying roof heights and using the slope to create townscape interest. These aspects should be investigated as part of the Design and Access Statement preparation.

4.3 Streetscape

The historic street pattern is an important characteristic of conservation areas and should be retained and enhanced. Development proposals should respect the existing building lines and reinstate them where historical cartographic evidence exists. Alterations to the historic building line will only be considered where there is clear public benefit in doing so.

The quality of all aspects of the streetscape, including materials, design and street furniture, is one clear way of re-enforcing the settlements' historic development pattern and hierarchy of spaces. We will work with the highway authority (Cumbria

County Council) and others to ensure that the streetscape quality is commensurate with its conservation significance.



Historic streetscape, Alston



Street clutter, Penrith

Accumulations of bollards, lighting columns, road signs, A boards, litter bins, etc generally create a cluttered appearance. Narrow pavement and road widths in some conservation areas exacerbate the problem. *Manual for Streets 2* identifies visual street clutter as an issue for many towns and villages and urges a more co-ordinated approach between the various bodies involved. The aim is to reduce the amount of clutter and improve or co-ordinate the design of new street furniture.

Historic street signs and directional markers add to the character of a conservation area and should be retained. Where new signs are proposed they should match the older, traditional signs unless a more contemporary approach clearly adds greater benefit to the conservation area or is in the interests of the wider public good. Some traditional signs may impede navigation for the partially sighted and a balance must be struck between their needs and the historic environment.

4.4 Views and landmarks

Redevelopment proposals which block or detrimentally affect views of a local landmark will not be approved unless there are over-riding public benefits arising from the proposed development or compensatory views of the local landmark can be created elsewhere. The opportunity should be taken to create views of local landmarks in areas inside and outside of the conservation area where there is the potential for large scale redevelopment. This is in order to visually link the new development to the rest of the settlement.



All Saints Church, Orton



Village green, Mauds Meaburn

4.5 Landscape

Landscape characteristics both within and surrounding a conservation area can make an important contribution to its sense of place and help tell the story of how the area has developed over time. Many open spaces, field patterns, hedgerows and watercourses not only help make up the look of a conservation area, but can also hold high biodiversity value forming part of green wildlife corridors. In addition they all contribute to the intangible experience of a conservation area such as birdsong; sound and sight of running water; smell of wild flowers and bats at dusk. Many built landscape features are also valuable such as walls, water troughs, stepping stones and bridges. We will seek to protect and enhance significant landscape characteristics that make a positive contribution to conservation areas.



Former pump near Holly bank, Dufton



Roadside flora, Great Salkeld

Conservation area character appraisals, where they exist, and Cumbria County Council's *Cumbria Landscape Character Guide and Toolkit* should be used to identify and understand significant landscape characteristics. For conservation areas within the North Pennines AONB (currently Alston, Garrigill, Dufton) the landscape impact of any development is a prime consideration. Publication of AONB planning guidance is anticipated in 2011 in the form of *Planning Guidelines* and *Historic Building Design Guide SPDs*.



Unbuilt frontage, Garrigill

Core Strategy Policy CS16 (6) (Appendix C) already protects unbuilt frontages within towns and villages where they are important to an area's character. In terms of conservation areas the historic, archaeological or artistic significance of any such frontages, including infill sites, should be assessed in line with guidance in PPS5. Open areas such as village greens and fields all contribute to a conservation area's significance.

Trees make an enormous contribution to the character of all our conservation areas which is recognised by the legal protection that designation gives them. Eden Local Plan "Saved" Policy BE6 Trees in Conservation Areas (Appendix C) sets out how work to trees in conservation areas will be assessed.



Remnants of mediaeval field pattern, Great Asby



Village green and trees, Mauds Meaburn

4.6 Development form

A high quality standard of design will be expected from proposals for new development in conservation areas (Eden Local Plan “Saved” Policy BE3 New Development in Conservation Areas (Appendix C). Where appropriate we will encourage good quality contemporary design that makes a positive contribution to the conservation area and whose materials reflect the local building palette. If a traditional approach is considered more appropriate, the architectural detail, proportions and materials should reflect local distinctiveness. The *Housing SPD* contains advice on the design of barn conversions and residential extensions. Please also see the forthcoming *North Pennines AONB Building Design Guide SPD*.

Preserved patterns of development, open spaces and building lines all contribute to the form and character of a settlement. These features demand special consideration in the face of development pressures. Development proposals should respect the context and prevailing scale of existing traditional buildings. Where possible they should enhance or maintain views of local landmarks and the wider townscape character. The *Eden Design Guide* contains a useful description of the various traditional building development patterns, styles and materials.



Roofscape,



PenrithHistorical urban layout, Kirkoswald

Most types of planning application (including Listed Building Consent and Conservation Area Consent) now require a Design and Access Statement to be submitted. These statements must demonstrate how the development proposal respects the surrounding buildings, landscape features and movement routes, and how it therefore integrates with its surroundings. This is equally important for small infill schemes of perhaps only one building, as well as for large scale redevelopment proposals. In the latter instance there may be a case of showing how the proposals could reinstate a ‘lost’ context or urban grain.

Demolition

Eden Local Plan “Saved” Policies BE1 and BE2 *Demolition in Conservation Areas* (Appendix C) cover the issue of demolition of buildings within conservation areas. Buildings that make a positive contribution to the character or appearance of the

conservation will include all identified heritage assets and those identified in Character Appraisals, where they exist.

Providing disabled access

When considering alterations to historic buildings, opportunities to improve the accessibility of the structure to all sections of the community should be included in development proposals except where it can be demonstrated to harm the conservation area's significance. Whilst there can be a conflict between the retention of historic fabric and improving accessibility, with careful design and a holistic consideration of the building and its setting, it is usually possible to improve accessibility.

Similar considerations need to be taken on board when designing in the public realm to ensure that, for example, surfacing materials in the streets respect the historic character of the place yet are easy to negotiate for those with visual or mobility impairments. English Heritage has produced two documents *Streets for All* and *Easy Access to Historic Properties* which provide further guidance on such matters.

Sustainable development

The impacts of climate change are far reaching and affect the existing built environment as much as new development. A holistic approach to adapting and 'climate-proofing' both existing and new buildings will be encouraged wherever possible. Care should be given to ensuring that such proposals integrate with their context and do not harm the special character of the conservation area unless it can be demonstrated that the public benefit to be gained outweighs the resultant harm to the historic environment (PPS5 Policy HE1). Measures to mitigate and adapt to the effects of climate change will be encouraged in both new and existing development. The public benefit of these measures will be weighed against any potential harm that the proposals may have on the special character of the conservation area in accordance with national planning policy (PPS1 & PPS5).

New development should consider the location, site layout, and orientation of buildings, outdoor spaces and the connectivity of their proposals together with the ventilation and cooling, insulation, drainage and water requirements of the development. The sustainable nature of new development should be an integral part of its design and appearance.

4.7 Materials and details

The re-use of building materials from demolished buildings will be encouraged. New (contemporary and traditional) building materials should always be sourced locally whenever possible in order to maintain local distinctiveness and to reduce travel distances (Core Strategy Policy CS 17 Principles for the *Built (Historic) Environment* in Appendix C). The use of modern materials should be limited to situations where their use would help create a building or feature of clear townscape quality which would further enhance the quality of the area. We intend to produce a guidance note on sustainable materials in 2011.

Shop fronts

Many conservation areas have fine traditional pub and shop fronts which reinforce their character and it is important that they are retained, maintained and restored. In general we will take a traditional approach to the design, materials and colour schemes of new pub and shop fronts (Eden Local Plan “Saved” Policy BE4 – *Shop Fronts in Conservation Areas* in Appendix C). Exceptions will only be considered for new buildings where it can be demonstrated that the shop front design is integral to an overall contemporary design approach and where the proportions, scale, materials and decoration of the surrounding buildings are respected. The replacement of inappropriate pub or shop fronts will also be encouraged. More detailed guidance can be found in our *Shopfront and Advertisement Design SPD*.



Shop front, Appleby



Shop front, Kirkby Stephen

Signs (both fascia and hanging) and their illumination should always be designed for the specific building, with corporate images adapted to suit different types of building and location. However, in general, signs should not destroy the proportions or architectural features of the building and the materials used should respect those of the original building. Hanging signs should be of a similar character to the fascia sign and normally not more than one hanging sign on each shopfront elevation of a building will be permitted. Internally illuminated box signs will not be acceptable and any external illumination of signs should be discreet and relatively subdued. More detailed guidance can be found in our *Shopfront and Advertisement Design SPD*.

Reuse of historic buildings

Detailed policies seeking the protection of historic building fabric are adequately covered by national policy guidance.

Evidence of former uses

Where possible when considering changing the use of an historic building, we will seek to ensure that evidence of the former use is retained. Developers will, therefore, be required to retain historic signs, name boards or fittings that are evocative of the former use and can be sensibly reused in the new development.

Historic doorways are also very important to the integrity of historic buildings and contribute positively to the public realm so they should be preserved where possible

4.8 Implementation

The guidance contained in this document is aimed at advising developers when considering proposals in the conservation area. We will also use them to assist us in our development management function and they will be used in determining planning, advertisement, listed building and conservation area consent applications.

Removal of permitted development rights

The character of well detailed dwellings can be damaged by quite minor alterations which are permitted development in planning terms. The removal of chimneys, porches, sash windows, etc can have a significant effect on the character of an area. If it is considered that these buildings form an important element then the Council may feel it appropriate to protect their special qualities by serving an Article 4 Direction. This removes specific permitted development rights from either all or some of the dwellings in the Conservation Area. The effect of this is that the owners of these buildings would need to obtain planning permission for work that was previously covered by the permitted development rights given by the GPDO (General Permitted Development Order 1995).

Currently only Alston has an Article 4 Direction which has proved very effective in retaining appropriate detailing and preventing harm to the quality of Alston conservation area. In order to preserve the remaining important characteristics within a conservation area we will investigate the case for introducing an Article 4 Direction and consult with those affected before making any decision. Priority will be given to any conservation area on English Heritage's Heritage at Risk Register.

N.B. Penrith New Streets and Crosby Ravensworth conservation areas are both on English Heritage's Heritage at Risk Register 2010.

Condition of existing buildings and land

The condition of buildings and land can strongly influence the appearance and character of a conservation area. Uncared for buildings that are poorly maintained and in disrepair together with eyesore sites can have a significant adverse impact on the whole area. We will encourage owners to maintain such properties and land however it may be necessary to take more stringent action. Such cases can often take a long time to resolve and it is always preferable to try and prevent the situation arising in the first place.

There are a number of powers available to local planning authorities which are set out in Appendix D.

Community engagement

It is people who bring conservation areas alive and make them into the places that they are. In many parts of the country the community is actively involved in managing conservation areas by commenting on planning applications; holding promotional and educational events; preparing conservation area character

appraisals and identifying locally important buildings. As local planning authority we will work with existing and future community/amenity groups in order to further the objectives of conservation areas within the resources that are available to us.

English Heritage's *Heritage at Risk Conservation Areas* and Civic Voice's website (www.civicvoice.co.uk) are sources of further information.

Information

A comprehensive, up to date information base is the ideal information base to inform decisions within conservation areas. General information and all our conservation area character appraisals are available on the Council's website www.eden.gov.uk/historic-environment. Within the resources available to us we will continue to undertake conservation area character appraisals and give priority to conservation areas on English Heritage's Heritage at Risk register. We will also support amenity and community groups who wish to undertake a character appraisal themselves and work with them to ensure that the resultant appraisal can be adopted by the Council as supporting evidence to Core Strategy policies CS17 and 18 (see para 4.1).

Public consultation on the draft of this document revealed a need for a revised public information leaflet about the planning implications of living in a conservation area and who to contact in the Council. We will produce such a document.

Future conservation area designation

The Council has a statutory duty to determine whether there are areas of special architectural or historic interest in the District that would be best preserved or enhanced by designation as a conservation area (s69 Planning (Listed Buildings and Conservation Areas) Act 1990). There are four settlements that the Council has agreed to consider for possible conservation area designation – Kaber; Renwick; Langwathby and Lazonby. We will also consider the possibility of other settlements if we consider that they may meet designation criteria.

5 Individual conservation area management guidance

Each conservation area is unique in its own way. This section contains guidance to address issues within some individual conservation areas that were identified in the relevant conservation area character appraisal or through public consultation. It is **in addition** to the generic advice of section 4.

Where a conservation area is not specifically named this is not because it is considered to be of any lower merit than those cited in this section. It is because no issues were identified that needed conservation area specific guidance over and above that set out in section 4.

5.1 Alston

Alston is situated on a slope above the South Tyne and Nent valleys and is surrounded by the wider moorland of the North Pennines. Alston's topography plays an important part in the town's character with development leading off the Front

Street, the main through road. The organic development of properties, coupled with their differing building heights made necessary to accommodate changing levels, create an interesting, jagged skyline.

Small streets, passage ways and yards leading off the main road create interest and the element of surprise. The townscape is permeable however Front Street is a strong unifying thread acting as the backbone of the town. This is further emphasised by the street's cobbled road surfacing and slab paving, which should be retained and extended where possible. Alston's streetscape is a very strong feature of the conservation area. Wheelchair access is a problem however in Alston because of the steep gradient.

Alston's isolated geographic location has meant that the local economy is more marginal and fragile than elsewhere in the District. There are several empty shops and derelict properties in Alston, some of which have remained unused even in healthy economic times. Public funding has been invested in the town in the 1990s and early 2000s through joint English Heritage/Eden District Council funding schemes. Opportunities for further investment should be explored to prevent a continued decline in Alston's local economy with the consequent damaging affect that would have on the character of the conservation area.

Alston is the only conservation area in Eden to have an Article 4 Direction, which removes specified permitted development rights from dwelling houses (see para 4.8). Planning permission is thus required for minor changes, such as new doors and windows, which cumulatively can have a huge harmful effect on the conservation area. The Article 4 Direction has been in operation since 1996 and has made a major positive contribution to retaining the conservation area's character and should be kept.

Alston conservation area lies within the North Pennines AONB which was designated for its outstanding scenic value. The landscape impact of any development is therefore a prime consideration. Publication of AONB planning guidance is anticipated in 2011 in the form of *Planning Guidelines* and *Historic Building Design Guide SPDs*.

5.2 Appleby

Appleby was designated as a conservation area in 1969 and is one of Eden's first reflecting its historic importance as Westmorland's former county town.

At its core is Boroughgate with its broad axis running from Appleby Castle down to St Lawrence's church. Together with the fine array of largely Georgian and Victorian buildings, the public realm plays a vital role in creating the grandeur of Boroughgate. Anchored at either end by historic market crosses the wide sweep of the road is very significant with the mature street trees emphasising the linear progression from the trading area up to Appleby castle. The street furniture, lighting, car parking layout, signage and tree management should all reflect the high status of this central part of Appleby conservation area. We will work with the County Council and others to ensure that the streetscape quality is commensurate with its conservation significance and that there is a co-ordinated approach especially in Boroughgate.



Formal buildings, Boroughgate, Appleby



River Eden and The Sands, Appleby

Appleby Castle has a commanding position over the town. Although much of it is not immediately visible, as the castle is set back within its grounds, the keep is a dominant feature. In the past Appleby Castle was open to the public as a visitor attraction which boosted the local economy as well as allowing the public to view this national heritage. We support the principle of re-opening of the castle and its grounds to the public.

Given such a fine streetscape in the town centre, unkempt or disused buildings become all the more pronounced and they can have a disproportionately negative effect on the conservation area. As local planning authority we will use the powers available to us, set out in Appendix 4, if it is expedient to do so. Local pride and stewardship come from the ground up and we will work with existing and future community/amenity groups in order to further the objectives of conservation areas within the resources that are available to us.

The River Eden is a defining feature of the conservation area as well as being of national and European wildlife significance. Public access to the river should be maintained and management regimes need to recognise both the amenity value of the river and its banks, but also its outstanding ecological quality.

5.3 Dufton

Dufton conservation area lies within the North Pennines AONB which was designated for its outstanding scenic value. The landscape impact of any development is therefore a prime consideration. Publication of AONB planning guidance is anticipated in 2011 in the form of *Planning Guidelines* and *Historic Building Design Guide SPDs*.

5.4 Garrigill

Garrigill conservation area lies within the North Pennines AONB which was designated for its outstanding scenic value. The landscape impact of any development is therefore a prime consideration. Publication of AONB planning guidance is anticipated in 2011 in the form of *Planning Guidelines* and *Historic Building Design Guide SPDs*.

5.5 Kirkoswald

The layout of Kirkoswald and its relatively dense urban form derive from its early development as a town rather than a village. The loss of the cobbled surface from the main road some years ago, prior to its being designated a conservation area in 1999, has had a harmful effect on the town's historic character. The former market square however is still cobbled as are some verges alongside the main through road and these features should be retained.



Market square, Kirkoswald



Cobbled verges, Kirkoswald

5.6 Maulds Meaburn

One of the important and less immediately obvious features of Maulds Meaburn conservation area is the extensive remains of the settlement's medieval agricultural layout, which can be seen in the field patterns and back lanes. This is a highly significant feature of the conservation area and should be preserved for future generations.

5.7 Orton

One of the defining features of Orton conservation area is the open fields in the centre of the conservation area. Although still grazed there has been a significant amount of tree planting over recent years which, as these trees mature, could result in the creation of woodland thickets. This would reduce the open nature of the central fields and restrict views across them. Consequently this could have an adverse affect on Orton conservation area's significance.



Central fields in summer, Orton



Central fields in winter, Orton

5.8 Penrith

Penrith's organic street pattern and series of interlocking market places are part of the town centre's essential character. Whilst this permeability makes it an adventure to explore it can also however make for a confusing townscape lacking in direction. The quality of all aspects of the streetscape, including materials, design and street furniture, is one clear way of re-enforcing the town's hierarchy of spaces.



Organic development pattern, Penrith

We will work with the County Council and others to ensure that the streetscape quality is commensurate with its conservation significance and that there is a co-ordinated approach especially in the Devonshire Street, Market Square and St Andrew's areas

Within the town centre some streets, such as Angel Lane and Little Dockray, have been pedestrianised to great effect. The removal of all but emergency and delivery traffic from these areas has emphasised their human scale once again, enabling people to appreciate the historic environment around them. Within the Narrows,

Devonshire Street and Market Square, support will be given to partial or complete pedestrianisation schemes that respect historic street patterns.

The perception of Penrith at night is an important dimension of the character of the conservation area. The night time economy can make a bigger contribution to the town's vitality and viability than it does at present. We will work with the County Council and others to encourage the appropriate lighting of the streets, spaces and landmarks to ensure that they remain visible and safe for night-time users of the town centre.

Because of its medieval development morphology Penrith has a tradition of yards leading to rear buildings, sometimes arranged around an open space. It is important that this distinctive design tradition is maintained in new development in locations where this form of development is common. The street access to the rear buildings and ranges must also be carefully designed, reflecting the local tradition and detailing. New development should seek to retain and enhance existing yards and rear buildings or open up previously closed yard entrances. Where appropriate the introduction of new development that reflects the pattern of traditional yards will be positively encouraged.



White Hart Yard, Penrith



Williamson Yard, Middlegate, Penrith

5.9 Penrith New Streets

Penrith New Streets conservation area is characterised by an architectural coherence that derives from it having been comprehensively developed within a few decades. Throughout the C20 however a number of the large gardens were developed for housing to the detriment of the conservation area's character as most did not reflect the scale, form and function of the locality, which often led to architecturally bland and incongruous results. This loss of characteristic gardens and green space and the resulting infill development led Eden District Council to designate Penrith New Streets as a conservation area in 1992.

Both properties and their garden settings make a very positive contribution to Penrith New Streets conservation area and further “garden grabbing” undermines this. Development within gardens should be resisted unless it can be demonstrated that it would materially enhance the conservation area’s significance.



Sandstone boundary walls, Arthur St, Penrith



Large houses and gardens, Lowther Street, Penrith

New Streets conservation area is characterised by long, straight roads running east/west that followed original field boundaries running up the hill. The linear nature of the streets is emphasised by residential sandstone boundary walls making this feature one of the conservation area’s defining attributes. Planning permission will not normally be granted for development that removes or substantially alters significant boundary walls unless it can be demonstrated that it would enhance the conservation area.

5.10 Settle-Carlisle Railway

The Settle-Carlisle railway line is a unique conservation area that spans four local planning authority areas. Its special qualities relate not only to the magnificent scenery that the line travels through, but also to its history and construction. Good landscaping and sensitivity to the surrounding topography are important considerations for any new development that abuts the line to ensure that views into and out of the conservation area are protected.

There are many remnants of the railway’s construction and historical development, which help tell the conservation area’s story. In particular the platelayers’ huts along the side of the railway make a positive contribution to the conservation area’s character and appearance and should be retained.



Appleby Station



Long Meg signal box



Steam train on Settle Carlisle railway at Keld, north of Appleby

Appendix A - Conservation Areas in Eden (outside of the Lake District National Park)

| Name | Designated | Extended/altered | Character appraisal | Key Service Centre | Local service Centre |
|--------------------|------------|------------------|---------------------|--------------------|----------------------|
| Appleby | 1969 | 1981 | | ✓ | |
| Alston | 1976 | | | ✓ | |
| Church Brough | 1969 | | | | ✓ |
| Crosby Garrett | 1994 | | | | ✓ |
| Crosby Ravensworth | 1994 | | | | ✓ |
| Dufton | 2005 | | ✓ | | ✓ |
| Edenhall | 2004 | | ✓ | | |
| Gamblesby | 1994 | | | | ✓ |
| Garrigill | 2000 | | ✓ | | ✓ |
| Great Asby | 2002 | | ✓ | | ✓ |
| Great Salkeld | 2008 | | ✓ | | |
| Hunsonby | 1994 | | | | |
| King's Meaburn | 1969 | | | | ✓ |
| Kirkby Stephen | 1976 | | | ✓ | |
| Kirkoswald | 1999 | | ✓ | | ✓ |
| Maulds Meaburn | 1969 | 1976 | | | ✓ |
| Milburn | 1975 | | | | ✓ |
| Orton | 2009 | | ✓ | | ✓ |

| Name | Designated | Extended/altered | Character appraisal | Key Service Centre | Local service Centre |
|-------------------------|------------|--------------------|---------------------|--------------------|----------------------|
| Penrith | 1975 | 1976, 1981 2010 | ✓ | ✓ | |
| Penrith New Streets | 1992 | | | ✓ | |
| Ravenstonedale | 1999 | | ✓ | | ✓ |
| Settle-Carlisle Railway | 1991 | 1994 | | | |
| Skirwith | 2000 | | ✓ | | |
| Temple Sowerby | 2000 | | ✓ | | ✓ |

Appendix B- Implications of Conservation Area Status

Conservation area status is not intended to stifle new development nor preserve areas as museum pieces; in fact conservation areas are allowed to evolve to meet changing demands. The Council is, however, legally obliged to ensure that the special architectural and historic characters of their conservation areas are not eroded when taking planning and development control decisions.

Conservation area designation brings a number of specific statutory duties which are aimed at assisting preservation and enhancement:

- The Council has a duty to review its conservation area designations periodically. There is a particular duty to prepare proposals (such as character appraisals or grant schemes) to that end [s.71 Planning (Listed Buildings & Conservation Areas) Act 1990];
- In the exercise of any powers under the Planning Acts with respect to any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area [s.72 Planning (Listed Buildings & Conservation Areas) Act 1990];
- Extra publicity must be given to planning applications affecting conservation areas. This is usually achieved through the use of advertising in the local newspaper [s.73 Planning (Listed Buildings & Conservation Areas) Act 1990];
- Conservation Area Consent is required for the demolition of most buildings in a conservation area over 114 cubic metres and the Council or the Secretary of State may take enforcement action or institute a criminal prosecution if consent is not obtained prior to demolition [s.74 Planning (Listed Buildings & Conservation Areas) Act 1990];
- Written notice must be given to the Council before works are carried out to any tree in the area above a minimum size (s.211 Town & Country Planning Act 1990);
- The display of advertisements may be more restricted than elsewhere (s.221 Town & Country Planning Act 1990);
- The Council or the Secretary of State may be able to take steps to ensure that a building in a conservation area is kept in good repair through the use of Urgent Works Notices and Amenity of Land Notices [s.54 and s.76 Planning (Listed Buildings & Conservation Areas) Act 1990 and s.215 Town & Country Planning Act 1990];
- In support of these statutory duties, the Council is expected to commit adequate resources by ensuring it has access to the necessary skills and it adopts appropriate policies. The Council should also ensure that communities are sufficiently informed about the implications of designation so that they too can play their part. While the Council is a useful source of advice there is a valuable role for amenity societies and other stakeholders to explain what matters, what is possible, what is expected and what has been achieved elsewhere.

There are many other actions that can impact on a conservation area's character and appearance, including: highways, the maintenance of trees within the public realm and the management of public buildings. The Council will strive to ensure that conservation aims are coordinated across all relevant services and work with other agencies to that end.

Appendix C - National and Local Policies

National Planning Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 69 requires that local planning authorities shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate those areas as conservation areas. The Act therefore places a duty on the local planning authority to designate conservation areas in areas which they consider meet the criteria.

Section 72 of the Act places a duty on the local planning authority in the exercise of their planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Section 71 of the Act requires that from time to time, local planning authorities shall formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.

Section 73 of the Act requires the local planning authority to publicise proposals which would in their opinion affect the character and appearance of a conservation area. Such proposals need not be within the conservation area and PPG 15 (Paragraph 4.14) further advises that in the Secretary of State's view, the desirability of preserving or enhancing the character or appearance of the area should also be a material consideration when considering proposals which are outside the area, but would affect its setting, or views into or out of the area.

Planning Policy Statement (PPS) 5: *Planning for the Historic Environment* 2010

PPS5 defines Conservation Areas as “Designated Heritage Assets” along with Listed Buildings; World Heritage Sites; Scheduled Monuments; Protected Wreck Sites; Registered Parks and Gardens; Registered Battlefields. As such the impact of development affecting the special character and significance of conservation areas is to be carefully assessed and there is a general presumption in favour of conservation. The following policies are of specific relevance:

Policy HE4: Permitted development and article 4 directions

Local planning authorities should consider using article 4 directions where the exercise of permitted development rights would undermine the historic environment.

Policy HE6: Information requirements for applications for consent affecting heritage assets

Applicants are required to provide a description of a conservation area's significance. The level of detail should be proportionate and not more than is sufficient to understand the potential impact of the proposal on the significance of the conservation area.

Policy HE7: Policy principles guiding the determination of applications for consent relating to all heritage assets

In considering the impact of a proposal on a conservation area local planning authorities should take into account:

- the conservation area's significance and the value that it holds for this and future generations;
- the desirability of sustaining and enhancing a conservation area's significance and of utilising its positive role in place-shaping;
- the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

Policy HE9: Additional policy principles guiding the consideration of applications for consent relating to designated heritage assets

There should be a presumption in favour of protecting and enhancing conservation areas. Local planning authorities should refuse consent of any proposal that will lead to substantial harm or total loss of significance of a conservation area unless it can be demonstrated that it is necessary in order to deliver substantial public benefits that outweigh the harm. It recognises that not all elements of a conservation area will necessarily contribute to its significance. When considering proposals local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole. Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the conservation area's significance. This should be seen as part of the process of place-shaping.

Local Planning Guidance

Eden LEF Core Strategy Development Plan Document (March 2010)

Relevant policies are:

CS16 Principles for the Natural Environment

Development should accord with the principles of protection and enhancement of the natural environment of the District, including landscape, biodiversity and geodiversity and especially those areas designated as being of international, national and local importance. To further protect the natural environment within the District as a whole:

1. The relationship between development and the natural environment will be managed to minimise the risk of environmental damage.
2. Loss of the best and most versatile agricultural land will be avoided.
3. Encouragement will be given to the creation of opportunities for species to spread out and create niches elsewhere in order to reduce any negative impacts of development and to allow species to migrate as a result of climate change.
4. The re-creation and restoration of traditional habitats will be encouraged and existing wildlife and habitats such as hedges, ponds, woodlands, ancient woodlands, wetlands and species rich grasslands will be protected and enhanced.

5. Where possible, developments will be expected to include suitable measures to contribute positively to overall biodiversity in the District or to mitigate harm caused by the development.
6. Areas of open space and unbuilt frontages within towns and villages will be protected and enhanced where they are important to the character and amenity of the area.
7. Promote improvements in accessibility to the natural environment for all people regardless of disability, age, gender or ethnicity.
8. Development should reflect and where possible enhance local landscape character.

CS17 Principles for the Built (Historic) Environment

The principles for the built (historic) environment are to:

1. Conserve and enhance buildings, landscapes and areas of cultural, historic or archaeological interest including conservation areas, historic parks and gardens, areas of archaeological interest and listed buildings and their settings.
2. Promote the enhancement of the built (historic) environment through the use of high standards of design and careful choice of sustainable materials for all development (see Policy **CS18**).
3. Encourage the sympathetic and appropriate re-use of existing buildings, especially those which make a contribution to the special character of their locality.
4. Promote design that ensures a safe and secure environment.
5. Promote improvements in accessibility in the built (historic) environment for all people regardless of disability, age, gender or ethnicity.
6. Promote the development of public art, particularly as part of significant new developments.

CS18 Design of New Development

The District Council will support high quality design which results in usable, durable and adaptable places which reflect local distinctiveness.

New development will be required to demonstrate that it:

1. Shows a clear understanding of the form and character of the District's built and natural environment, complementing and enhancing the existing area.
2. Protects and where possible enhances the District's distinctive rural landscape, natural environment and biodiversity.
3. Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials.
4. Optimises the potential use of the site.
5. Protects the amenity of existing residents and provides an acceptable amenity for future occupiers.

6. Maximises opportunities for the use of sustainable construction techniques, sustainable drainage systems, renewable energy generation on site, incorporates water efficiency and conservation methods and maximises opportunities for the re-use and recycling of waste.
7. Uses locally sourced materials wherever practically possible.
8. Achieves energy reduction and efficiency through siting and design.
9. Provides safe access to the site by a choice of means of transport and meets the access needs of all users, particularly pedestrians, cyclists, disabled people and the elderly.
10. Protects air quality and does not result in environmentally unacceptable levels of traffic.
11. Does not contribute to unacceptable levels of noise and light pollution.
12. Protects features and characteristics of local importance.
13. Incorporates appropriate crime prevention measures.

Eden Local Plan “Saved” Policies

Demolition in Conservation Areas

Policy BE1

The demolition of buildings which make a positive contribution to the character and appearance of a conservation area will not be permitted unless it can be established to the satisfaction of the Council that the building concerned cannot be repaired and put to beneficial use and the site is to be used for appropriate redevelopment.

Policy BE2

Consents to demolish buildings within conservation areas will be subject to conditions which will preclude demolition until a contract has been let for the redevelopment of the site in accordance with a development scheme which has been approved by the local planning authority.

New Development in Conservation Areas

Policy BE3

New development within a conservation area should not adversely affect the character or appearance of the area. It must also respect the scale, form, orientation, materials and architectural detailing of adjoining development; that traditional to the area concerned, and established street patterns and building lines. In order to exercise an appropriate level of control over development the Council will require the submission of fully detailed plans in support of applications for planning permission within conservation areas.

Shop Fronts in Conservation Areas

Policy BE4

Proposals to alter or replace shop fronts and property facades within conservation areas must wherever possible conserve original features and material, reflect traditional design features and be constructed in traditional materials.

Advertisements in Conservation Areas

Policy BE5

Within conservation areas, advertisements should not adversely affect the character or appearance of the area.

Trees in Conservation Areas

Policy BE6

Proposals to lop, top or fell trees within conservation areas will be assessed in the light of the condition of the tree, public safety, the finished appearance of the proposed work and the contribution the tree makes to the character and appearance of the conservation area. Those which can demonstrate positive benefits in relation to these factors will be permitted. Where the felling of a tree is agreed replacement planting will be required.

Relevant Supplementary Planning Documents

- An Inclusive and Accessible Environment (2007)
- Shopfront and Advertisement Design (2006)
- Housing (2010)
- N Pennines AONB Building Design Guide (draft 2010)
- N Pennines AONB Planning Guidelines (draft 2010)
- Cumbria Landscape Character Assessment and Toolkit (draft 2010)

Relevant Supplementary Planning Guidance

- Eden Design Summary (1999)

Appendix D - Principal Powers Available to the Council

| Power | Statutory Basis | Purpose |
|--|--|---|
| Amenity of Land Notice | s.215 Town and Country Planning Act 1990 | Remedy the poor condition of land and exteriors of buildings |
| Urgent Works Notice (Listed Buildings) | s.54 Planning (Listed Buildings and Conservation Areas) Act 1990 | To allow the Council to undertake urgent necessary works. Unoccupied parts of properties only |
| Urgent Works Notice (Unlisted Buildings) | s.76 Planning (Listed Buildings and Conservation Areas) Act 1990 | To allow the Council to undertake urgent necessary works |
| Repairs Notice | s.48 Planning (Listed Buildings and Conservation Areas) Act 1990 | To allow the Council to undertake lasting necessary works. Unoccupied properties only |
| Compulsory Purchase Order | s.47 Planning (Listed Buildings and Conservation Areas) Act 1990 | To allow the Council to purchase the property in order to repair |
| Planning Enforcement Notice | s. 172 Town & Country Planning Act 1990 | To remedy a breach of planning control. |
| Listed Building Enforcement Notice | s.9 Planning (Listed Buildings and Conservation Areas) Act 1990 | To remedy a breach in listed building control |
| Conservation Area Enforcement Notice | s.38 Planning (Listed Buildings and Conservation Areas) Act 1990 | To remedy a breach in Conservation Area Consent |