

# EASTBOURNE

Borough Council



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## GUIDANCE MANUAL FOR DESIGNATION AND REVIEW OF CONSERVATION AREAS



Eastbourne Borough Council  
1 Grove Road  
Eastbourne  
East Sussex BN21 4TW

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Tel: 01323 41000

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Eastbourne Borough Council  
1 Grove Road, Eastbourne  
East Sussex, BN21 4TW

Tel: (01323) 410000  
Fax: (01323) 415130  
Minicom: (01323) 415111

Email: [customerfirst@eastbourne.gov.uk](mailto:customerfirst@eastbourne.gov.uk)

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# 1 Introduction

- 1.1** This guidance document has been compiled in order to provide explanatory information and guidance on the designation and boundary review process for Conservation Areas in Eastbourne.
- 1.2** Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local authorities from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their areas which are Conservation Areas.
- 1.3** English Heritage guidance promotes a locally tailored approach to designating and reviewing the boundaries of Conservation Areas in order to ensure that a consistent, objective approach is used throughout the borough. There are important land use implications upon designation of a Conservation Area for the Local Authority, the individual properties and landowners. There is no right of appeal or Public Inquiry procedure (except by judicial review) and this places a special duty to ensure that all material matters are taken into account at the time the Conservation Area is designated or reviewed. The existence or absence of a Conservation Area Appraisal will be a material consideration when considering a planning appeal.
- 1.4** The Council is embarking on a complete review of its 12 Conservation Areas. As part of that review the current designated boundary of each Conservation Area will be reconsidered to ensure it reflects the special architectural or historic interest to be given protection. This document sets a common framework of criteria that will be used to decide objectively on the boundary of all the borough's Conservation Areas. Therefore it will need to be read in conjunction with the Conservation Area Appraisal documents.
- 1.5** English Heritage provides useful guidance on policy, procedure and the management of Conservation Areas. The following EH guidance notes '*Guidance on Conservation Area Appraisals*', '*Guidance on the Management of Conservation Areas*', '*Conservation Area Practice*', '*Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment*' and '*Development in the Historic Environment*' have informed this guidance manual. National guidance *The National Planning Policy Framework*, *Planning Practice Guidance*, local policies and supplementary planning guidance have also been taken into account in preparing this document.
- 1.6** Character Appraisals should include a thorough assessment of each Conservation Area with specific criteria for designation. The purpose of these appraisals is to "*define the special architectural or historic interest which warranted area designation in a published and detailed character analysis*". It is through the Character Appraisal process that the Conservation Area boundary will be reviewed. The review will be based on the criteria set out in Appendix A of this document.

## 2 Importance of Conservation Areas

- 2.1** The conservation and enhancement of historic areas of distinctive quality and character has widespread public support and at the time of writing, there are currently over 9,100 Conservation Areas across the country. The English Heritage document *Guidance on the Management of Conservation Areas* states that; *"historic areas are now extensively recognised for the contribution they make to our cultural inheritance, economic well-being and quality of life. Public support for the conservation and enhancement of areas of architectural and historic interest is well established. By suggesting continuity and stability such areas provide points of reference in a rapidly changing world."*
- 2.2** Eastbourne has a rich and varied heritage ranging from the historic Old Town core to Victorian seaside terraces set against the backdrop of the Downs. Christopher Hussey stated in *Country Life* (in the 1930s) that the Victorian development of Eastbourne 'should be recognised by town planners as a masterpiece of its genre'. The Borough currently has 12 Conservation Areas (Appendix B); the character of these areas is extremely delicate and can be lost as much through incremental change as through larger developments.
- 2.3** The designation of a Conservation Area is only the first stage in the protection of the special architectural and historic interest of an area. Designation is reinforced by the application of development control policies and other planning policy measures aimed at preserving or enhancing the area's special architectural or historic interest.

## 3 Legislation

- 3.1** The approach to designation has changed significantly since the Civic Amenities Act introduced the concept of Conservation Areas in 1967. Planning controls have been introduced in Conservation Areas in common with other areas of legislation aimed at protecting the built and natural environments.
- 3.2** The Town and Country Amenities Act (1974) placed a duty on Local Authorities to prepare proposals to preserve and enhance Conservation Areas and introduced legislation to control demolition of unlisted buildings in Conservation Areas. The Act also made provision for trees in Conservation Areas and required owners to give six weeks' notice to the Local Planning Authority of any proposals involving tree surgery or the felling of trees. This gave Local Authorities time to make a Tree Preservation Order if an agreement could not be reached with individual owners. The introduction of these additional controls superseded earlier designations since it was now possible to protect both unlisted buildings from demolition as well as open spaces where trees contributed to a significant part of the character of the area.
- 3.3** Regarding the setting of Conservation Areas, control over development outside Conservation Areas was introduced by the Local Government (Planning and Land Act) 1980. This put a greater significance on the importance of Conservation Areas for the control of development in historic areas.
- 3.4** Conservation Area Best Practice guidance was introduced in the 1987 DoE Circular 8/87 and the following year the Town and Country Planning General Development Order 1988 introduced control over certain development in Conservation Areas which would otherwise be permitted, such as roof extensions, the application of cladding to the exterior of buildings and the erection of satellite dishes on front elevations. This was amended in 2008 under the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.
- 3.5** The Planning (Listed Buildings and Conservation Areas) Act 1990 merged all previous legislation relating to Conservation Areas and in 1994 Planning Policy Guidance 15: Planning and the Historic Environment (PPG15) was issued jointly by the Secretaries of State for the Environment and National Heritage and replaced the policy content of Circular 8/87. PPG 15 set out the Government policies for the assessment, designation and management of Conservation Areas and explained the role of the planning system in their protection.
- 3.6** In March 2010 Planning Policy Statement 5: Planning for the Historic Environment (PPS5) replaced PPG 15 and PPG 16 and introduced the concept of 'heritage assets', defined as 'those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest'. Heritage assets may be designated (i.e. listed buildings, scheduled monuments or Conservation Areas) or non-designated. Subsequently in 2012 The National Planning Policy Framework [NPPF] and accompanying Planning Practice Guidance (2014) replaced PPS 5. However nothing in the NPPF changes the

existing legal framework for the designation of scheduled monuments, listed buildings, Conservation Areas, registered parks and gardens or protected wrecks'.<sup>(1)</sup>

- 3.7** The Department of Culture, Media and Sport is responsible for the general legislative and policy framework relating to Conservation Areas. The Planning Inspectorate is responsible for deciding appeals against refusal of Listed Building or Conservation Area Consent.
- 3.8** The following sections from The Planning (Listed Buildings and Conservation Areas) Act 1990 apply specifically to Conservation Areas: -
- 3.9** Section 69
1. *Every local planning authority -  
(a) 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  
(b) shall designate those areas as Conservation Areas.*
  2. *It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of there are should be designated as Conservation Areas; and, if they so determine, they shall designate those parts accordingly.*
  3. *The Secretary of State may from time to time determine that any part of a local planning authority's area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if he so determines, he may designate that part as a Conservation Area.*
  4. *The designation of any area as a Conservation Area shall be a local land charge.*
- 3.10** Section 71 requires authorities to publish appraisals for the preservation and enhancement of Conservation Areas. These appraisals shall be submitted to public consultation.
- 3.11** Section 72 requires authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas when exercising their powers under the Planning Acts.
- 3.12** Section 73 requires authorities to advertise applications, which they consider will affect the Conservation Area.
- 3.13** Section 74 and Section 75 control the demolition of buildings within Conservation Areas (with the exception of ecclesiastical buildings in use, Listed Buildings, Ancient Monuments or certain other cases).
- 3.14** Section 76 gives the Secretary of States powers to direct that a local authority may carry out urgent works to preserve unoccupied buildings in Conservation Areas.

- 3.15** Section 77 enables loans or grants to be made towards the preservation or enhancement of Conservation Areas.
- 3.16** Section 78 enables such grants to be recovered under certain circumstances.

## 4 Designation Guidelines

- 4.1** English Heritage recommends that local authorities only designate areas that are of 'special interest' in the local context and this designation should be based on tailored and consistent criteria. There are no national criteria for the designation or review of Conservation Areas; however the English Heritage Guidance documents 'Conservation Area Practice' and 'Guidance on Conservation Area Appraisals' fill this gap to some extent.
- 4.2** English Heritage guidance makes it clear that the designation of Conservation Areas is a matter for local planning authorities guided by specialist advice and it emphasises the need to establish a consistent and responsible approach to the review of Conservation Areas, which takes into account locally related criteria.
- 4.3** English Heritage and the Secretaries of State advise that local planning authorities must ensure that they have adequate resources to fulfil the duties commensurate with the designation of Conservation Areas without which the principle of designation could be devalued.
- 4.4** NPPF further supports this approach through para 127 namely; 'when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.'<sup>2</sup>... A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).<sup>3</sup>
- 4.5** English Heritage guidance note Guidance on Conservation Area Appraisals gives further advice on the assessment of areas. It advises that the formal assessment and definition of 'special architectural or historic interest' ideally should be based on a detailed analysis of the area. It suggests the following checklist:-

### **The Location and Context;**

A factual description of the location of the area and its regional context should be provided. Brief references to economic profile, general condition and existing or potential forces for change might usefully be included.

Where the Conservation Area covers only part of a settlement, the designated area should be set in its geographical and historical context in relation to the character and appearance of the whole settlement.

### **General Character and Plan Form;**

This should be a brief description of the general character or nature of the Conservation Area and its existing plan form.

### **Landscape Setting;**

2 Para 127 The National Planning Policy Framework.

3 Annex The National Planning Policy Framework

The topography of the area, the setting of the Conservation Area and its relationship with the wider landscape should be described

**Historic Development And Archaeology;**

The origins and development of the area is most effectively shown on maps. Supporting text should summarise the settlement's history.

**Spatial Analysis;**

The character and interrelationship of spaces within the area, the way they are enclosed, the visual contribution they make to the character of the place should be defined and shown on a townscape analysis map.

**Key View and Vistas;**

Again this is best illustrated in map form with supporting text.

**Character Analysis;**

Definition of character areas or zones.

**Activity and prevailing or former uses and their influence on the plan form and buildings;**

The form, grain and layout of different sub-areas of the Conservation Area should be examined, for example grand terraces with mews, villas set in generous gardens, workers back-to-back houses etc.

**The quality of buildings and their contribution to the area;** Most of the buildings within a Conservation Area will help to shape its character in one way or another. The extent to which their contribution is considered as positive depends not just on their public face but also on their integrity as historic structures and the impact they have in three dimensions, perhaps in an interesting roofscape or skyline. Back elevations can be important, as can side views from alleys and yards. This part of the appraisal should include a general description of any dominant architectural styles, the prevalent types and periods of buildings, their status (i.e. statutorily or locally listed) and essential characteristics, and their relationship to the topography and/or skyline.

**Unlisted buildings;**

In addition to Listed Buildings it is important to identify on a map those unlisted buildings that make an important contribution to the character of the Conservation Area, as well as those which clearly detract from it and could suitably be replaced. English Heritage suggest a checklist of criteria (set out in Appendix E) to assess whether an unlisted building makes a positive contribution to a Conservation Area. Recommendations for new or additional 'buildings of townscape merit' or locally listed buildings could form part of the appraisal. Guidance on criteria for selecting Buildings of Local Interest and Areas of High Townscape Value has been produced and is available as a companion document

**Local Details;**

Including local constructional or joinery details, characteristic historic shopfronts and unusual local features which make a vital contribution to local distinctiveness.

**Prevalent and traditional buildings materials and the public realm;**

The range of prevalent and traditional materials in the area for buildings, walls, ground surfaces particularly those that are characteristic of the local vernacular should be described. As well as recording the types of materials to be found, it will be important to note their textures and colours and the ways in which they have been used. Any surviving historic surfaces should be recorded and their importance to the special interest of the Conservation Area explained. Existing historic or unusual street furniture should be noted, as should any other distinctive elements that contribute to the character or

appearance of the public realm. In some Conservation Areas, where significant change to public space is proposed, an audit of the public realm may be appropriate.

**An audit of heritage assets;**

An audit will only be needed in larger, more complex areas, where there is a wide range of historic structures, and/or in areas with an industrial heritage. It should consider only extant features and structures.

**The contribution made to the character of the area by green spaces; and its biodiversity value;**

The importance of parks and gardens, both public and private, should be identified, particularly any sites that are included on the *Register of Parks and Gardens of Special Historic Interest* (compiled by English Heritage), and their contribution described. Domestic gardens, especially planted front gardens, can make a significant contribution to the character of many Conservation Areas and should be mentioned. Trees, hedges and street greenery are a vital element of many Conservation Areas, not only in public places, but on private land as well. Important single trees and groups should be identified and described in their locations. Their species, condition and potential lifespan should be assessed, so that a strategy for maintenance and replanting can be devised.

**The extent of intrusion or damage, (negative factors);**

The appraisal should identify elements which detract from the special character of the area, and which offer potential for beneficial change. These might include the consequences of harmful pressures on an area, such as the loss of front gardens to hard standing for cars, the loss of traditional architectural features and fenestration, or the existence of unattractive gap sites.

**The existence of any neutral areas;**

Those areas which neither enhance nor detract from the character or appearance of the Conservation Area should be noted, areas where there might be potential for enhancement should be recognised.

**General condition;**

The general condition of the area, covering both its economic vitality and the physical condition of the historic buildings, other heritage assets and the public realm, should be described. Any buildings at risk, or in a serious state of disrepair, or related problems (for example, a major land/property owner or developer pursuing an obvious policy of deliberate neglect) should be recorded.

**Problems, pressures and capacity for change;**

Generic issues that underlie obvious problems (such as the effects of heavy traffic, a low economic base resulting in vacancy and disrepair of buildings, or pressure for a particular type of change or development) should be identified, as well as specific examples (such as buildings at risk, or uncontrolled, inappropriate advertising). The need for additional controls, particularly Article 4 directions, to prevent further erosion of the area's special interest, should be noted as should potential capacity for beneficial change.

- 4.6** In *Conservation Principles* English Heritage published a model for identifying a place's significance, comprising four categories of values. Evidential value is the potential of material remains to yield primary evidence about past human activity.

Historical value is the capacity of a place to reflect events and personalities from the past. Aesthetic values are the sensory and intellectual stimulation which people derive from a place. Communal values are the meanings of a place for the people who relate to it, for example as a source of identity, or focus of commemorative or spiritual values. **(4)**

4 C. Edwards, 2009. Heritage Values in a Conservation Area. *Context*, 109, pp. 35

## 5 Designation

### 5.1 Application of English Heritage Guidelines to Eastbourne

**5.2** The advice as set out in the English Heritage Guidance notes, the NPPF and its accompanying Planning Practice Guide is particularly useful in helping to ensure a greater degree of consistency of approach in the assessment of areas throughout the country.

**5.3** The English Heritage guidance notes inform the approach adopted by this Council in the assessment, procedure and designation of Conservation Areas. The importance of public consultation, detailed assessment and the provision of adequate information to Members are also emphasised as is the need for the establishment of consistent local criteria for designation. These are set out in Appendix A 'Criteria for Measuring Special Interest and for Drawing the Boundaries of Conservation Areas'.

### 5.4 Urban Areas;

In terms of listed building, all buildings built before 1700, which survive in anything like their original condition are listed, as are most buildings built between 1700 to 1840, although some selection is necessary, only buildings of definite quality and character built between 1840 to 1914 are listed and after 1914 only selected buildings of outstanding quality and under threat are included on the list. More recently Conservation Areas have been designated to include much later periods of urban development where the architectural quality and character of the area is of sufficient merit. As most of the development in Eastbourne was built in response to the arrival of the railway in 1849, Conservation Areas are particularly effective in protecting these (mostly unlisted) late nineteenth century developments in the Borough. Early maps are particularly useful as part of the assessment of the historic interest of these areas.

### 5.5 Historic Parks and Gardens;

The grounds of Compton Place and part of The Hoo in Willingdon have been included in the Register of Parks and Gardens of Special Historic Interest compiled by English Heritage, which has graded these landscapes in a similar way to listed buildings. These landscapes form an essential part of the Borough's heritage. Where development is proposed within or adjacent to a registered historic park or garden English Heritage is consulted. In addition the Council considers that Manor Gardens, Motcombe Gardens, the Seafront Gardens, Upperton Gardens, Hartfield Gardens, Hampden Park, The Helen Gardens, Holywell Retreat and Princes Park are also of special local interest and development proposals in these areas will not be permitted.

The Borough's historic parks and gardens are unique either formal or informal landscaped areas, often with mature planting, sometimes conceived to an overall scheme and/or to provide a setting to country houses, such as the grounds of Compton Place. Typical parkland and gardens consist of a perimeter belt of trees, enclosing open land with isolated clusters of trees and/or single specimen trees. Other features might include lakes, rivers or canals, classical structures and flower beds close to the main house. The park and garden boundaries are often (though not always) enclosed by walls. Historic boundaries of parklands can often be identified from early maps.

## **5.6 Archaeology**

Most settlements contain archaeological evidence which helps to explain their origins and the early development of their built form, economy, industry and the life styles of former inhabitants. Archaeological Notification Areas (formerly Archaeologically Sensitive Areas) have been identified within the Borough and some of these areas are located within or adjacent to Conservation Areas. It is highly likely that archaeological remains will be found in these areas, therefore the impact any proposed development may have on an Archaeological Notification Area is a material consideration in the planning process. Archaeological recording is likely to be a requirement when planning consent is granted for development in such areas.

## **Designation Implications**

**5.7** There are inherent consequences in designating Conservation Areas, with implications for the owners of buildings/land in Conservation Areas and for local authorities. The major implications are summarised below;

## **5.8 Local Authorities' Duties**

Local planning authorities have a duty from time to time to review the extent of designations and if appropriate, to designate further areas (Section 62(2)2).

The local planning authority is under a general duty to ensure the preservation and enhancement of Conservation Areas, to prepare proposals to that end and submit them to public consultation (Section 71).

In exercising their planning powers, local authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas (Section 72).

## **5.9 Implications for the Local Authority**

Planning Permission is needed for the demolition of any unlisted building in the area, and the local authority or the Secretary of State may take enforcement action or institute a criminal prosecution if consent is not obtained.

Notice must be given (six weeks notice) to the local planning authority before works are carried out to any tree in the area (subject to specific exceptions). The authority may grant consent or if necessary make a Tree Preservation Order.

Planning applications for development, which would (in the opinion of the local planning authority) affect the character or appearance of the Conservation Area must be publicised and any representations received must be taken into account when determining the application.

The local planning authority may be authorised by the Secretary of State to carry out urgent works to preserve unlisted buildings which are unoccupied. Additional controls apply to roof extensions, cladding, satellite dishes on front elevations and some extensions.

Local policies relating to Conservation Areas will be a material consideration when applications for planning permission or Conservation Area consent are considered.

Additional controls (in the form of Article 4 Directions) may be needed to protect unlisted buildings from unsympathetic minor alterations which may damage the character of the Conservation Area.

It will be necessary for different departments of the local planning authority (and the Highway Authority in so far as street works are concerned) to understand the significance of designation and to act in a co-ordinated manner.

### **5.10 Implications for the Secretary of State**

**5.11** The Secretary of State must take into account the requirements and policies in the legislation and Local Plans when considering amongst other things;

Appeals against refusals for planning permission and Conservation Area consent;

Appeals against refusals for consent to works to trees protected by a Tree Preservation Order;

Applications for confirmation of Article 4 Directions;

Confirmation for Areas of Special Advertisement Control.

### **5.12 Implications for Residents and Owners**

1. When a property is purchased in a Conservation Area purchasers are informed through their search that the area is of special architectural and historic interest and this appears as a local land charge.
2. There is greater restriction and control in regards to certain minor alterations to buildings and felling of trees.
3. Building costs may be slightly higher for certain repairs or alterations but these costs may be offset by the advantages of the control of development and other positive conservation measures designed to maintain the character and appearance of the area and the beneficial effect this is liable to have on property values. The requirement to advertise applications and the need to take into account local views may also be seen to be a positive benefit in protecting and enhancing the quality of the area.

### **5.13 Designation**

The decision to designate a Conservation Area is comparable to a major land use policy decision. Due to the responsibilities and implications that designation confirms it is crucial that only areas which are demonstrably of special architectural or historic interest should be designated.

### **5.14 Public Support**

The decision to review an area for possible designation or inclusion in an existing Conservation Area may be motivated by public interest, such as representations made by a residential group or local amenity society. Public consultation provides an opportunity to test public support which is important if policies directed towards the preservation or enhancement of the character or appearance of the area are to succeed. Public interest and support also needs to be maintained after designation, through for example, continuing publicity and consultation on specific proposals for preservation or enhancement.

### **5.15 Monitoring Change**

Changes in the appearance of Conservation Areas due to new development or alterations and the condition of the area's fabric should be monitored and their effects reviewed regularly. Policies should be reviewed as necessary to deal with current issues.

## 6 Planning Policies

**6.1** Planning decisions are normally made with reference to statutory development plans and the most important documents to refer to regarding Conservation Area guidance are the Borough Local Plan and the supplementary planning guidance Eastbourne Townscape Guide. The main policies of relevance to Conservation Areas are set out in Appendix C. These policies are subject to revision as part of the preparation of the Local Development Framework. This list is for guidance only and reference should be made to the original documents for further detail.

### **6.2 Other Relevant Designations**

**6.3 National Parks** are areas of relatively undeveloped and scenic landscape designated under the National Parks and Access to the Countryside Act 1949. There are currently 12 designated national parks across England and Wales and currently the South Downs National Park is being designated as a national park and will be established by 2011. Each park is operated by its own National Park Authority (Countryside Agency), with two statutory aims:

1. to conserve and enhance the natural beauty, wildlife and cultural heritage of the area,
2. to promote opportunities for the understanding and enjoyment of the park's special qualities by the public.

The South Downs National Park is adjacent to and incorporates parts of the Meads Conservation Area to the west and is adjacent to Willingdon Conservation Area to the north.

### **6.4 Scheduled Ancient Monuments**

The national schedule of monuments has its own statutory protection and applications for scheduled monument consent are determined solely by the Secretary of State.

### **6.5 Archaeological Notification Areas (formerly Archaeologically Sensitive Areas)**

In addition to scheduled monuments there are a large number of other ancient monuments that have special interest. The most significant of these have been identified and collected into Archaeological Notification Areas (ANA) by East Sussex County Council. The Council recognises the importance of ANA's and will safeguard their interest by consultation with the County Council's archaeological advisor on planning applications within the designated areas. The existence of an ANA is a local land charge.

### **6.6 Nature Conservation Designations**

There are a number of other designations, referred to below, which aim to protect the nature conservation interest of an area. Some of these designations carry statutory protection, others are of countrywide or local significance and this value is recognised through development plan policies. It should be remembered that however important these sites may be to nature conservation their inclusion in a Conservation Area can only be justified if the site contributes to the Special Architectural or Historic Interest of the area.

### **Sites of Special Scientific Interest (SSSI)**

These are defined by English Nature as the best examples of our natural heritage – wildlife habitats, geological features and landforms. They are of national importance and are designated under the Wildlife and Countryside Act 1981 or the National Parks and Access to the Countryside Act 1949. The Eastbourne Downland includes Seaford to Beachy Head (part only); and Willingdon Down, which are Sites of Special Scientific Interest.

### **Sites of Nature Conservation Importance (SNCI)**

There are 19 such sites in Eastbourne and their importance is set out in the Designated Sites of Nature Conservation Importance Supplementary Planning Guidance. Supplementary Planning Guidance (SPG) may be taken into account as a material planning consideration when reaching a decision on a planning application. Policy NE20 in the Borough Plan states that: 'Development which has an unacceptable adverse effect, directly or indirectly, on the nature conservation interest of a site identified as a Site of Nature Conservation Importance will not be permitted. Where proposals are permitted the Planning Authority will require the proper conservation management of Sites of Nature Conservation Importance.'

## **6.7 Trees in Conservation Areas;**

A major constituent of the character and appearance of many Conservation Areas are the trees and open spaces within them and consequently local authorities have been given some powers to control works to trees there. All trees standing within a Conservation Area (with limited exceptions) are legally protected and the local planning authority must be given six weeks written notice (subject to specified exemptions) of any works to trees within the area. It is an offence to cut down, lop, top, uproot or wilfully damage or destroy any tree in a Conservation Area except with the consent of the Local Planning Authority. The exemptions to this are:

If the tree is dead, dying or dangerous – for the felling or carrying out on trees so far as it is necessary to remove the dead, dying or dangerous part. However five days' notice should still be given except in an emergency.

The cutting down, uprooting, topping or lopping of a tree with a diameter of not more than 75mm at 1.5m above ground level; or the cutting or uprooting of a tree with a diameter of not more than 100mm at that height solely to improve the growth of other trees.

The pruning of any fruit tree.

Where a tree is felled under the dead, dying or dangerous exemption, the legislation places a duty on the landowner to plant a replacement. Owners wishing to carry out works to a tree are required to complete a form (Notification of Tree Works within a Conservation Area known as a Section 211 Notice). The planning authority may respond in one of three ways:

1. decide that retention of the tree is justified in the interests of amenity and make a Tree Preservation Order (TPO),
2. write to the applicant informing them that the works may proceed
3. allow six weeks to expire without making a TPO, after which time the works may proceed,(but works should be completed within two years).

A felling licence is required under the Forestry Acts if more than five cubic metres of timber is to be cut or more than two cubic metres of the exempt amount is to be sold in any calendar quarter, this legislation applies mainly to areas of woodland.

The planning authority is unable to impose conditions or to refuse the works detailed in a Section 211 Notice, other than by making a TPO.

The intention of the legislation is to stop preemptive felling and to give the local authority sufficient time to negotiate agreed action or (if this proves unsuccessful) to make a Tree Preservation Order.

When designating a Conservation Area it is not necessary to provide a detailed survey of location and species of the trees. However, the more detailed survey information that can be provided the more effective future monitoring, enforcement and prosecution action is likely to be.

## **6.8 Tree Preservation Orders**

Tree Preservation Orders give comprehensive protection to trees and provide that no person may, without consent, cut down, top, lop, uproot, willingly damage or destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or destruction of a tree (this consent is not needed in some exceptional cases). It is an offence to undertake works in contravention of a Tree Preservation Order.

## 7 Conservation Area Management

- 7.1** The primary policies concerning Conservation Areas are set out in the Borough Plan. Chapter 5 *Urban Heritage and Townscape* contains guidance on issues including the design of new development in Conservation Areas, the setting of Conservation Areas and alterations to buildings, buildings at risk, enhancement, highway works and other subjects relevant to the management of Conservation Areas.
- 7.2 Conservation Area Character Appraisals**  
Local authorities are under a general duty to prepare Conservation Area Character Appraisals for each of their Conservation Areas. The appraisal should set out the intrinsic features that give the area its distinct and unique character and should also justify the designation of the area.
- 7.3 Design and Development Briefs**  
Where the character of a Conservation Area could benefit from the redevelopment of a site it may be useful to prepare specific design briefs that establish how the general principals for new development set out in the Local Plan and Supplementary Planning Guidance might be applied to the site concerned.
- 7.4 Publicity**  
Under the Planning (Historic Buildings and Conservation Areas) Act 1990 an advert must be placed in at least one local newspaper and in the *London Gazette* following designation of a Conservation Area. This must contain sufficient detail to enable the area to be identified and a note as to the effects of the designation. There is a requirement under the Act to publicise proposals to preserve or enhance a Conservation Area by holding a public meeting or public exhibition. Local Councillors, the Conservation Area Advisory Group and Amenity Groups area also consulted.

Once the Conservation Area is designated (or amended) a letter is sent to all property owners affected by the changes including and map and Notice under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which outlines the principal effects of designation. A map and Schedule of properties is then prepared for each Conservation Area and official notifications are carried out.

## 8 Appendix A Criteria

### Criteria for Measuring the Special Interest and Drawing the Boundaries of Conservation Areas

The following criteria are the measures against which current and future Conservation Areas in Eastbourne will be objectively selected (or not) and their boundaries defined.

The main purpose of a boundary review is to assess whether or not the existing boundary should be amended or whether a new Conservation Area should be designated. If areas outside the existing Conservation Area can be seen to have demonstrably special architectural or historic interest and the same or very similar character and appearance, then the Conservation Area should be extended to include the new areas. If areas within the existing Conservation Area have lost the qualities that originally merited their inclusion (through, for example, inappropriate incremental alterations) then these should be excluded from the Conservation Area.

The following tests will be applied in designating and reviewing the boundary of Eastbourne's Conservation Areas:

#### 1 **Test 1 Architectural Quality and Historic Relevance**

The majority of buildings must have some strong intrinsic architectural or historic merit by virtue of age, design, materials and/or whether they were designed by a known architect or by the same developer etc. The following criteria should be considered;

- does the area reflect the architectural style and details present within substantial parts of the Conservation Area?
- does the area represent an important phase in the historic development of the town/village?
- is the development of similar massing, bulk, height and scale to a significant proportion of the development within the Conservation Area?
- does the area represent a notable piece of town/village planning?
- does the area include good examples of the work of well known architects? does the development within the area date from a similar period to substantial parts of the Conservation Area?
- is the development the work of the same architect or developer active elsewhere within significant parts of the Conservation Area?
- do the current uses within the area reflect prevailing or former uses of substantial parts of the Conservation Area?

#### 2 **Test 2 Townscape/Public Realm Quality**

Consideration is also given to the townscape quality of the area and whether there is sufficient justification for the introduction of additional controls. In particular; the proportion of the buildings within the area which would be defined as positive contributors if located within the Conservation Area. Issues to consider are;

- does the street/area substantially retain its original fabric and appearance relating to features including front gardens/soft landscaping (if relevant); front boundary walls/railings (if relevant);

do the buildings in the street/area retain original features (doors, windows, porches, stucco detailing; decorative panelling, chimney stacks, survival of brickwork or stonework that has not been rendered or painted etc.), which overall remain predominantly intact;

is the original roofscape of the street/area predominantly

intact; are there any original shop fronts (if relevant);

are there few instances overall of inappropriate alterations and extensions (introduction of inappropriate dormers; infilling between properties; over prominent rear extensions)?

It is necessary to take into account the extent of any uncharacteristic alterations or other damage to buildings within the area in order to assess its suitability for designation.

### 3 **Test 3 Boundaries:**

In establishing the boundaries of Conservation Areas a number of factors (as well as the criteria set out in Tests 1 and 2) must be considered. Many of the Conservation Areas in Eastbourne are surrounded or bordered by Areas of High Townscape Value (AHTV); these areas usually form part of the setting of Conservation Areas but generally have a less defined historic relevance, townscape/public realm quality or architectural quality. All areas, including AHTVs surrounding Conservation Areas will be reviewed as part of the Conservation Area boundary review and their significance reassessed. The result could be that the boundary of the Conservation Area remains unchanged, areas are deleted from the designation or part of the surrounding area may be included in the Conservation Area designation. When assessing the boundaries of Conservation Areas it is important to consider the following;

does the area under consideration retain its original boundary lines, including historic layout of property boundaries and thoroughfares?

when reviewing the boundary of the Conservation Area and its relationship to neighbouring areas, it is important to consider the following factors;

1. are there discernible and distinct changes in the character and quality of the adjoining open spaces and/or landscaping between the two areas?
2. is there a particular 'mix' of uses common to the Conservation Area and surrounding area?
3. are there topographical townscape and/or landscape features common to both areas which form an integral part of the setting of the historic built environment?

## 9 Appendix B Conservation Areas in Eastbourne

### Existing Conservation Areas in Eastbourne

Year of Designation	Name	Amendments	Area (ha)
1969	Old Town	Extended 1984	15.7
1969	Meads	Extended 1982, 1988	111.8
1969	Willingdon		2.2
1969	Town Centre and Seafront	Extended 1975, 1979, 1986, 1992	84.3
1974	Ratton		0.86
1986	Saffrons		2.2
1986	Warrior Square	*Boundary Review 2010. No boundary changes proposed.	0.4
1986	College		13.8
1991	Torfield	Boundary review 2012	1.5
1991	South Lynn Drive		1.1
1991	The Park Close	Boundary Review 2014 Introduction of an Article 4 Direction to come into effect January 2016	1.3
1994	Upperton Gardens*	*Boundary Review 2009/10. Extended 2010 and the conservation area renamed 'Upperton' to reflect these changes.	13.9

**Table 1**

## 10 Appendix C Planning Policies

### Borough Local Plan September 2007: Policies of Relevance to Conservation Areas

The following policies are relevant to conservation areas and are designed to conserve the character and appearance of the built and natural environment. These policies are material considerations in the assessment of planning applications.

CHAPTERS	POLICY NO.
<b>5 URBAN HERITAGE AND TOWNSCAPE</b>	
Design of New Development	UHT1
Height of Buildings	UHT2
Setting of The AONB	UHT3
Visual Amenity	UHT4
Protecting Walls/Landscape Features	UHT5
Tree Planting	UHT6
Landscaping	UHT7
Protection of Amenity Space	UHT8
Protection of Historic Parks and Gardens	UHT9
Design of Public Areas	UHT10
Shopfronts	UHT11
Advertisements	UHT12
External Floodlighting	UHT13
Protection of Conservation Areas	UHT15
Retention of Historic Buildings	UHT19
<b>6 HOUSING</b>	
Redevelopment	HO7
Residential Amenity	HO20
<b>10 THE TOWN CENTRE</b>	
Town Centre Housing Allocations	TC13
<b>11 TOURISM</b>	
Commercial Uses on the Seafront	TO9

<b>CHAPTERS</b>	<b>POLICY NO.</b>
<b>12 LEISURE AND COMMUNITY FACILITIES</b>	
Extension of Educational Establishments	LCF18
All Saint's Hospital	LCF19
<b>13 UTILITIES AND SERVICES</b>	
Telecommunications Development	USD9

**Table 2**

## 11 Appendix E English Heritage Guidance

### ENGLISH HERITAGE NOTE – Conservation Area PRACTICE

#### Assessing the Historic Interest or Character of Unlisted Buildings

English Heritage considers that the following questions should be asked when assessing whether or not unlisted buildings make a positive contribution to the special architectural or historic interest of a Conservation Area:

Has the building qualities of age, style, materials, or any other characteristics, which reflect those of at least a substantial number of the buildings in the Conservation Area?

Does it relate by age, materials or in any other historically significant way to adjacent listed buildings and contribute positively to their setting? Does it, individually or as part of a group, serve as a reminder of the gradual development of the settlement in which it stands, or of an earlier phase of growth?

Does it have a significant historic association with established features such as the road layout, burgage plots, a town park, or landscape feature? Does the building have landmark quality?

Does it reflect the traditional functional character of, or former uses within, the area?

Has it significant historic associations with local people or past events?

If a building, does its use and internal public space contribute to the character or appearance of the Conservation Area?

In English Heritage's view any one of these characteristics could provide the basis for considering that a building makes a positive contribution to the special interest of a Conservation Area, provided that its historic form and qualities have not been seriously eroded by unsympathetic alterations.

## 12 Appendix F References

### Further References

#### Acts

Planning (Listed Buildings and Conservation Areas) Act 1990

#### Government Policy Guidance

The National Planning Policy Framework [NPPF] 2012  
Planning Practice Guidance, 2014.

#### English Heritage

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment (2008)  
Guidance on the Management of Conservation Areas (2006)  
Guidance on Conservation Area Character Appraisals (2006)  
Development in the Historic Environment (1995)  
PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide.

#### Eastbourne Borough Council

Eastbourne Borough Plan 2001 - 2011  
Statement of Community Involvement. Adopted 22 July 2009  
Eastbourne Townscape Guide Supplementary Planning Guide 2004

#### Sussex Extensive Urban Survey

Eastbourne Historic Character Assessment Report 2008

#### Books

Mynors Charles : Listed Buildings, Conservation Areas and Monuments  
4th edition London Sweet & Maxwell (2006)

#### Journals

C. Edwards, 2009. Heritage Values in a Conservation Area. *Context*, 109, pp. 35-37