



Whittlesey Conservation Area Management Plan

March 2018

Contents

	Page
Section 1 – Background	3
Introduction	3
Whittlesey Conservation Area	3
Legislative and Policy Framework – Production of the Management Plan	4
Section 2 – Management of the Conservation Area: Aims and Objectives	6
Character and Appearance of the Whittlesey Conservation Area	6
Aims of the Management Plan	6
Objectives	7
Development Opportunities	12
Delivery	12
Section 3 – Development Management & Enforcement	13
Development Management	13
Enforcement	15
Section 4 – Monitoring	18
Appendix 1 – Public Consultation	19
Appendix 2 – Buildings at Risk	20

Section 1 - Background

Introduction

- 1.1 This Management Plan has been drawn up following the production of a detailed character appraisal for the Whittlesey Conservation Area. It will provide a framework for managing change, addressing issues and identifying enhancements within the conservation area to ensure the conservation area retains its qualities as an area of special architectural and historic interest.
- 1.2 In accordance with S71 Planning (Listed Buildings and Conservation Areas) Act 1990 local authorities are required to review their conservation areas *“from time to time and formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas”*. This Management Plan has been produced to provide those proposals and present a positive strategy for conserving and enhancing the Whittlesey Conservation Area.
- 1.3 The advice and guidance within this Management Plan and the associated Conservation Area Appraisal will also be considered as a material consideration in determining planning applications within and affecting the setting of the Whittlesey Conservation Area. This information should therefore be of use to property owners, developers, agents and Whittlesey organizations working on or in connection with buildings and sites within the Whittlesey Conservation Area.

Whittlesey Conservation Area

- 1.4 A conservation area was first designated in Whittlesey on 4th February 1972. It focused on an area around the Market Place and the north end of Station Road, including St Mary’s Church across to St Andrew’s Church via London Street. The boundary was subsequently reviewed and substantially enlarged in November 1982 where it was extended to include the residential areas of Horsegate and the north end of Church Street as well as an area to the south of the town centre taking in Grove House and the corner of the Kings Dyke waterway. At this time a separate area around Claygate, Delph Street and Gracious Street was also identified as part of the Whittlesey Conservation Area. The conservation area boundary was officially amended again in 2009 when it was revised to include Broad Street in the town centre, the Finkle Lane area and incorporate other minor changes to tidy up the boundary edge.
- 1.5 There are 62 listed buildings within the conservation area of which one, the Church of St Mary, has grade I listed status and six which have grade II* listed status. The Whittlesey Butter Cross is also designated a Scheduled Ancient Monument. An inventory of the designated heritage assets within the Whittlesey Conservation Area can be found within the accompanying Whittlesey Conservation Area Appraisal.
- 1.6 In 2014 Whittlesey Conservation Area was added to Historic England’s Heritage at Risk Register. It was added to the Heritage at Risk register due to issues concerning the dereliction of some key buildings within the conservation area which have a considerable negative impact on the character and the appearance of the conservation area. There are also issues in respect of the erosion of historic character resulting from poor quality shop fronts and signage, the unsympathetic replacement of windows and public realm issues.

- 1.7 A full assessment identifying the character and appearance of the Whittlesey Conservation Area is detailed within the Whittlesey Conservation Area Appraisal (2018). This Management Plan was produced concurrently with the latest appraisal document.

Legislative and Policy Framework - Production of the Management Plan

Planning (Listed Buildings and Conservation Areas) Act 1990

- 1.8 The designation of conservation areas and the legal duties towards their care now falls under the provision of the Planning (Listed Buildings and Conservation Areas) Act 1990. S69 of the act gives local planning authorities the power to recognise areas which are considered to be of “special architectural and historic interest the character and appearance of which it is desirable to preserve and enhance” and define them within a boundary and designate them as a conservation area. Whittlesey Conservation Area is one of ten conservation areas designated within Fenland.
- 1.9 It is under S71(1) of the act that a duty is placed on the Local Planning Authority to “from time to time to formulate and publish proposals for the prevention and enhancement of conservation areas”. This Management Plan has been produced in accordance with this duty and is to be formally adopted with due regard to S71 (2) of the act which requires the proposals to be submitted for consideration to a public meeting in the area to which they relate.
- 1.10 In determining planning applications associated with buildings or land within a conservation area the duty in law under S72 (1) of this act is that “special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area”. The objectives and policies set out in this Management Plan shall support planning decision making that aligns with this duty.

National Planning Policy Framework (March 2012)

- 1.11 The National Planning Policy Framework sets out Government planning policies for England and how these are expected to be applied. It identifies how planning policy is to contribute to the achievement of sustainable development through economic, social and environmental factors. A core principle of the NPPF is to “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”. The NPPF seeks to promote positive planning which can shape and direct development.
- 1.12 This Management Plan is intended to accord with the NPPF and be a positive planning tool which will identify issues within the Whittlesey Conservation Area and the opportunities available to address the issues. It will help facilitate further projects and direct decision-making in a manner which will preserve and enhance the character and appearance of the Whittlesey Conservation Area and help create a town centre that is at the heart of the community and has opportunity for future economic growth. The Management Plan has been written with due regard to the NPPF and specifically section 2 (Ensuring the vitality of town centres) and section 12 (Conserving and enhancing the historic environment).

Fenland Local Plan (Adopted May 2014)

- 1.13 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations may include other legislative direction, statutory guidance or other general guidance but such considerations should be weighted accordingly. The Fenland Local Plan was adopted in May 2014.
- 1.14 Local Plan Policy LP18 (The Historic Environment) states that *“The Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland”* and one of the ways it will achieve this is by *“keeping up-to-date and implementing conservation area appraisals and management plans, and using such up to date information in determining planning applications”*. The Management Plan is being produced in accordance with policy set out in the Fenland Local Plan.
- 1.15 Under Local Plan Policy LP11 (Whittlesey) it identifies Whittlesey as a local service centre and area for housing growth and states that *“All development should contribute to it retaining its character as a safe and community focused historic market town, preserving, enhancing and making appropriate use of its heritage assets to benefit its regeneration and sense of place, whilst recognising the need to prevent excessive out-commuting particularly to Peterborough”*. The production of this Management Plan will go towards supporting this policy intent.

Adoption and Consultation

- 1.16 This Management Plan was adopted by Fenland District Council on May 17, 2018. Prior to its adoption, it was subject to local consultation as required by S71 (2) Planning (Listed Buildings and Conservation Areas) Act 1990. Full details of this consultation process are set out under Annex 1 of this document.

Section 2 – Management of the Conservation Area: Aims and Objectives

Character and Appearance of the Whittlesey Conservation Area: An Overview

- 2.1 Whittlesey Conservation Area covers the historic core of this rural market town. This is comprised of the commercial centre and surrounding residential development based on an irregular grid pattern of development. The conservation area is split into two sections as the northern part of the conservation area is separate from the main body of the conservation area. The historic focal point of the town is Market Place which comprises of a grouping of listed buildings surrounding a public open space focused upon an open 17th century market building. One aspect of interest of the conservation area is that it has two fine parish churches, St Mary's and St Andrews. St Mary's, however, with its splendid spire is the church that features most prominently within views through the town and in distance views of the town from the surrounding countryside. Within Whittlesey there is a good range of different periods of historic buildings expressing a variety in different building materials ranging from 17th century stone property and thatched cottages to fine 18th century brick buildings and 19th century civic buildings. A notable aspect of the town's character is that it boasts a number of mud boundary walls which are features unique to Whittlesey within Fenland and the wider county of Cambridgeshire.
- 2.2 There are a number of issues which detract from the character and appearance of the Whittlesey Conservation Area and have collectively resulted in the conservation area being placed on Historic England's Heritage at Risk Register. The erosion of the town's settlement pattern, a consequence of backland development, has occurred over a long period of time and has incrementally eroded the character of the conservation area. The installation of incongruous replacement windows and poor quality public realm collectively has had a negative impact on the character and appearance of street scenes and views through the conservation area. The dilapidation of a number of listed buildings has a negative impact on the appearance of the area. The poor repair of mud walls risks loss of this unique aspect of the town's heritage. There are 6 listed buildings at risk within the town with work underway on two of these.

Aims of the Management Plan

- 2.3 This Management Plan will seek to identify those factors within the built environment which have harmed or threaten to harm the special qualities of the Whittlesey Conservation Area. It will also consider where opportunities for enhancement could be made to benefit the character and appearance of the conservation area. Through the identification of these issues, objectives will be developed to determine actions required, prioritize actions and effect positive changes within the conservation area to enhance its character and appearance and better reveal its significance.
- 2.4 It is envisaged that once the objectives commence being actioned the conservation area could be removed from Historic England's Heritage at Risk Register. Many of the objectives are long-term objectives and are intended to facilitate good management practices that will help look after the conservation area now and in the future. These long-term objectives require ongoing attention if they are to succeed aiding the preservation and enhancement of the conservation area.

Objectives

Buildings at Risk

- 2.5 Listed buildings are buildings and structures which are formally recognised for their architectural and historic interests and are afforded statutory protection accordingly. Whittlesey Conservation Area includes 61 listed buildings. Collectively, they make a fundamental contribution to the historic character and appearance of this conservation area and the sense of place of Whittlesey. The responsibility for maintaining listed buildings and keeping them in good order lies with the building owners although there is no specific standard set out in law that they have to be maintained to. The Council will seek to identify buildings which are “at risk” because they have fallen in to a state of disrepair or in a position which puts their fabric at risk of deterioration.
- 2.6 6 listed buildings within Whittlesey Conservation Area are considered to be “at risk”. This includes some key listed buildings in prominent positions on Market Street and Market Place which, by virtue of their risk issues, have a negative impact on the appearance of the conservation area. A list of buildings at risk within the Whittlesey Conservation Area is provided in Appendix 2. The reasons for listed buildings being “at risk” within this conservation area varies from building to building and the degree they are at risk also varies. Buildings are categorized from risk category 1, those where extensive repair is urgently needed to risk category 4, those where one element of the building or a feature is at risk of deterioration and requires repair in order to secure its future preservation. The Council is committed to addressing buildings at risk within the Whittlesey Conservation Area. This will not only protect the interests of individual listed buildings but will also enhance the character and appearance of the conservation area and protect its interests.

Objective 1

The Council will (i) seek to make contact with the owners of listed buildings “at risk” within the Whittlesey Conservation Area to raise concerns regarding their condition, (ii) look to work proactively with owners in the first instance to provide advice to facilitate the repair and reuse of these buildings and (iii) consider on a case by case basis using statutory powers where necessary, and in accordance with best practice, to secure repair where cooperation with owners is not forthcoming.



Scaffolding and deteriorating mud walls

Mud Walls

- 2.7 A built feature that is unique to Whittlesey and contributes to the character and sense of place of the town is its mud walls. Whittlesey is the only place within Fenland and within the wider county of Cambridgeshire where mud walls are found. This fact emphasizes the significance of these vernacular features and the intrinsic contribution they make to character and appearance of the town. The Whittlesey Mud Walls Group undertook a comprehensive survey of the mud walls in 2016/2017 and found that twenty eight sections of wall survive around the town and fifteen of these historic mud walls are located within the Whittlesey Conservation Area. The mud walls are believed to have been constructed between the 1780's and the mid-19th century utilizing the surface clays found around the town. The walls are constructed from clay mixed with chopped straw and a little water which has been built up in lifts without formwork or support. The walls are built on a footing of either brick or stone and are protected by copings of pantile, timber boarding or thatch. The walls are typically 35cm-40cm in width and between 1.5m to just over 2m in height.
- 2.8 The most prominent mud walls around Whittlesey include the grade ii listed thatched mud wall at 4 West End, the longest stretch of mud wall in Whittlesey, and the short section of thatched mud wall at 5 Delph Street. Both these sections of mud walls front a highway, are well known of and are well maintained. However, the majority of mud walls which survive within the town actually form side or rear boundaries to property and are often inconspicuous from public view points. Out of the fifteen sections of historic mud walls within the conservation thirteen of these form side or rear boundaries to property and many of these are in a poor and/or deteriorating condition. It is, however, testament to the robustness of mud wall construction that these walls remain standing often with little or no maintenance. Common issues affecting the condition of mud walls include missing or damaged coping, damage from ivy growth or other vegetation and raised ground levels over footings. The greatest threat to the wholesale loss of mud walls is from demolition associated with development or lack of understanding about this type of construction.
- 2.9 In 1981 the first mud wall survey in Whittlesey was undertaken. This accounted for forty two sections of mud wall. The 2016/2017 mud wall survey identified twenty eight sections of mud wall, including three which had not been identified in the 1981 survey. There is very clear evidence that Whittlesey is losing its mud wall heritage and this unique feature of this Fenland town's character. Securing the retention and restoration of the mud walls is important to protecting the character of the Whittlesey Conservation Area.

Objective 2

The Council will encourage the retention and proper repair of Whittlesey's mud walls by:

- (i) exercising planning controls (where applicable) to prevent the demolition of mud walls and consider using Article 4 Directions to protect mud walls, (ii) where a mud wall maybe beyond repair securing replacement with a new section of mud wall and (iii) encouraging the repair of mud walls by providing repair advice and financial support through the S57 Grant Scheme (subject to budget availability) and (iiii) fostering a greater understanding and appreciation of this aspect of Whittlesey's heritage in collaboration with community groups such as the Whittlesey's Mud Wall Group, Whittlesey Museum and The Whittlesey Society.

Signage & Shop Fronts

- 2.10 Whittlesey Conservation Area covers the town centre which takes in the majority of the town centre shops and businesses. The character and appearance of Market Place, Market Street, Broad Street and High Causeway is greatly influenced by the shop frontages and signage of the premises which occupy the ground floors of buildings. The businesses use fascia signage and sometimes projecting hanging signs to advertise. The quality of shop fronts and signage varies considerably around the conservation area. There are some good examples of shop fronts and signage in the conservation area such as Parkers News (13 Market Street), Hubs Place (Market Place) and The George. In these cases the traditional styles of shop fronts and signage are attractive to look at, compliment the buildings which the shops occupy, clearly identify the name of the retailer and contribute positively to the character and appearance of the conservation area.
- 2.11 Unfortunately, at present, there are more premises which present shop fronts and signage that detracts from the qualities of the conservation area than preserve or enhance its character and appearance. Poor modern shop frontages, oversized fascias, signage with excessive wording and signs with garish graphics can be seen within the conservation area. The issue of inappropriate shop fronts and signage is a factor contributing to this conservation area being considered “at risk” and one which needs to be addressed. Addressing this issue would improve the character and appearance of the conservation area and may bring economic benefits to the town if it becomes a more attractive place to visit and shop.

Objective 3

The Council will produce up-to date shop fronts and signage guidance. This will provide clear information on the style and design of shop fronts and signage which will be considered acceptable within the Whittlesey Conservation Area and throughout the district. This document will be a material consideration in determining of planning applications, listed building consents and advert consents and shall be used to ensure that development is of a standard which enhances the conservation area. The Council will seek to encourage owners of existing shops and businesses to improve shop fronts and signage.

Windows

- 2.12 When English Heritage (now Historic England) conducted the first ever national survey of conservation areas at risk in 2009 they identified that the top threat to the character and appearance of England’s conservation areas was the unsympathetic replacement of windows and doors. The widespread marketing of UPVC products and assumptions that window replacement is better for energy saving and for the environment than window repair (including thermally upgrading windows) has fueled this threat. This threat usually affects unlisted buildings within conservation areas. Where dwelling houses are concerned property owners often benefit from Permitted Development rights meaning that they can lawfully change windows and doors and are not subject to planning controls. Where businesses and flats are concerned property owners often don’t realize that planning permission may be required to replace windows and doors resulting in unauthorized alterations being undertaken.

- 2.13 Whittlesey Conservation Area has been significantly affected by the loss of historic and traditionally styled windows from period buildings and the installation of modern unsympathetic replacements. In the majority of streets within the conservation area there is evidence of this. Over many years many unlisted residential buildings have had UPVC windows installed and it is often the shiny appearance of many UPVC products, poorly detailed opening styles and inferior glazing bar detailing that result in such windows appearing out of place in historic street scenes. In addition to this where there may have once been uniformity in windows in terraces and semidetached properties the introduction of replacement windows often results in inconsistent window styles which can diminish the architectural impact of a designed arrangement of buildings. The consequence of the loss of historic and traditionally styled windows is that the special architectural and historic interest of the conservation area has been eroded.
- 2.14 Around Market Place where there is a high concentration of listed buildings the historic fabric of these listed properties is protected and they all retain their historic windows. The architectural and historic quality of Market Place is very strong and the retention of historic windows is a factor in the superior aesthetic of this historic street scene. The appearance of all other streets within the conservation area would be enhanced through consideration being given to retaining historic windows or the more careful selection of replacement windows. Options are available for improving the thermal performance of historic windows and these should be explored in the first instance. Where replacement windows are to be installed timber or high quality foil finished UPVC product should be used with care taken in the selection of opening styles and glazing bar detailing.

Objective 4

Where window replacement is proposed and advice or permission is sought from the Council the Council shall seek to secure the best quality replacement windows are installed. Where UPVC is considered acceptable, this should be of a high quality foil finished nature.



An example of high quality UPVC windows has been used in the unlisted manse on Gracious Street.

Buildings of Local Interest within the town

2.15 Buildings of Local Interest are those buildings which, although not worthy of listing in their own right, do have architectural and historic merits to them. In the context of the Whittlesey Conservation Area such buildings will make a positive contribution to the character and appearance of the conservation area. In view of this there is a presumption to ensure their interests are recognised and protected and are given consideration in the determination of planning decisions. In 2012 Fenland District Council developed criteria it would use for assessing and identifying Buildings of Local Interest. Through the production of the latest Whittlesey Conservation Area Appraisal (2018), which has been written alongside this Management Plan, Buildings of Local Interest have been reviewed and identified in accordance with the developed criteria. In moving this work forward it is important to undertake further study on these buildings to research and document their interests.

Objective 5

The Council will seek to work alongside local heritage groups to encourage historical research into Buildings of Local Interest within the Whittlesey Conservation Area. The findings of this research will be published in some form so it can be accessed by all. This architectural and historical information would be considered in the determination of any planning applications submitted to the Local Planning Authority which affect a Building of Local Interest.

Trees within the Conservation Area

2.16 Whittlesey Conservation Area covers an urban town centre. Trees are not a landscape feature throughout the conservation area but do make an intrinsic contribution to specific parts of the conservation area such as Station Street, Scaldgate, parts of Church Street and around the Bower. All trees within the conservation area are protected and approval is required to undertake works to trees within the conservation area. In addition to this there are a number of Tree Preservation Orders or Tree Preservation Areas designated which recognises trees of specific amenity value. Tree Preservation Orders were designated in Whittlesey from the early 1960's to the present day. Unfortunately the earliest tree preservation designations are now outdated and often do not provide clear information on the location or species of trees or take in to account that trees which they may have once covered have been lost through disease, age or unauthorised removal, In addition to this the orders may not clearly cover younger trees which have grown over the past 50 years. Work is required to resurvey trees within the Whittlesey Conservation Area to ensure Tree Preservation Orders are up to date and the trees within the conservation area are adequately protected.

Objective 6

The Council will undertake a review of TPO trees within the Whittlesey Conservation Area.

Development Opportunities

2.17 Whittlesey Conservation Area draws its boundary tight around the historic core of the town and this area is already densely developed. In this context development opportunities within the conservation area are limited. There are, however, a few sites and poor quality buildings which currently detract from the character and appearance of the conservation area and offer an opportunity to enhance the conservation area through appropriate redevelopment. The Council can support these owners by providing appropriate planning and conservation advice to help ensure such developments enhance the character and appearance of the conservation area:

- 9 Parkinson's Lane – development approved under F/YR16/1163/F
- 29 Horsegate – development approved under F/YR15/1025/F
- Site to south of Finkle Lane – development approved under F/YR18/0015/F
- Former garage site adjacent to 16 & 18 Church Street
- Parish Hall, Station Road

Delivery

2.18 The six proactive objectives cited within this Management Plan are to be delivered through Fenland District Council as they fall under the Council's work remit. The delivery of these objectives will require the input of the Conservation Officers, the Arboricultural Officer and may involve collaboration with other teams like the Legal Department. Fenland District Council will use its available resources to help deliver the objectives contained in this Management Plan.

2.19 Whittlesey benefits from a strong civic voice and a committed Town Council. There are a number of established community groups and organisations within Whittlesey that take an interest and seek to promote Whittlesey's cultural heritage and its built environment. These groups include The Whittlesey Society, Whittlesey Museum and Whittlesey Mud Walls Group. The Management Plan provides an opportunity for local groups to get involved in the delivery of some of the objectives specifically objectives 2 and 5 in collaboration with statutory bodies such as Fenland District Council, Whittlesey Town Council and Cambridgeshire County Council.

Section 3 – Development Management and Enforcement

Development Management

- 3.1 This Management Plan seeks to establish a proactive framework for managing change, addressing issues and identifying enhancements within the Whittlesey Conservation Area. This will ensure it retains its qualities as an area of special architectural and historic interest and to better reveal these interests. The Local Planning Authority does however manage change within conservation areas on a day to day basis through the process of development management. Where planning permission or listed building consent is required for works to buildings within a conservation area there are statutory considerations the Local Planning Authority has to follow in determining such applications. Buildings located within a conservation area are also subject to some additional planning controls. The following section identifies the Acts and statutory guidance which contribute to the framework of development control and the process of considering applications.

Town and Country Planning Act 1990

- 3.2 The Town and Country Planning Act 1990 is at the heart of the planning system although it is modified by The Planning & Compulsory Purchase Act 2004 and more recently by the Enterprise and Regulatory Reform Act 2013. S57 of the Town and Country Planning Act 1990 sets out the requirement that ***“Planning Permission is required for the carrying out of any development of land”*** although it allows for certain development to be exempt from planning permission if it is covered by a development order such as The Town & Country Planning (General Permitted Development) (England) Order 2015 as detailed below. S55 of The Town and Country Planning Act 1990 defines development. S38 (6) of The Planning & Compulsory Purchase Act 2004 instructs that ***“if regard is to be had to the development plan for the purpose of any determination [of planning permission] to be made under the planning Acts the determination must be made in accordance with the plan unless material consideration indicate otherwise”***.
- 3.3 The Enterprise and Regulatory Reform Act 2013 made changes to the Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990 simultaneously in respect to the demolition of unlisted buildings within conservation areas. The changes made in respect of demolition resulted in Conservation Area Consent becoming obsolete and instead Planning Permission is solely required for works of relevant demolition in a conservation area under provisions now covered by the Town and Country Planning Act 1990. Planning Permission is required for demolition of a building exceeding 115 cubic metres or to take down any wall, gate or fence over 1 metre high abutting a highway or over 2m elsewhere. Undertaking works of relevant demolition in a conservation area without planning permission constitutes a criminal offence under S196D of the Town and Country Planning Act 1990.

The Town & Country (General Permitted Development) (England) Order 2015

- 3.4 The designation of a conservation area has implications under The Town & Country Planning (General Permitted Development) (England) Order 2015. For the purposes of this act, as stated under Schedule 1 Part 1, land within a conservation area is reference as Article 2 (3) land.

- 3.5 Under this act, certain works to unlisted dwelling houses which would have otherwise been possible to proceed without planning permission will require planning permission because the dwelling house is in a conservation area. Matters pertaining to the requirement of planning permission for dwellings houses are detailed in Schedule 2, Part 1 of the act and the act should be fully consulted before undertaking works to dwelling houses within a conservation area. Examples where planning permission will be specifically required if a dwelling house is located within a conservation area includes where works consisting of the cladding of any part of the exterior of a house with stone, artificial stone, pebble dash, render, timber, plastic or tiles or extending to the side of the house or extension consisting of a two storey rear extension. The installation of microwave antenna (satellite dishes) is also more greatly controlled if they are on dwellings within a conservation area.
- 3.6 Certain changes of use will require planning permission if a building is located in a conservation area. Such matters are detailed under Schedule 2, Part 3 of the act and this should be fully consulted when considering change of use of buildings within a conservation area. For example planning permission is required where buildings operating as shops, financial or professional services, betting offices or pay day loans offices and seek to change use to a building functions for assembly of leisure. Planning permission is also required where buildings are to change use to a dwelling house from a building operating as a shop, financial or professional services, betting office or mixed use.
- 3.7 Certain non-domestic extensions will require planning permission because a building is located in a conservation area. Such matters are detailed under Schedule 2, Part 7 of the act and this should be fully consulted when considering the extension of non - domestic property in a conservation area. For example planning permission is required for the extension of a shop or financial or professional services establishment or office building. Planning permission would also be required for the erection of a collection facility or modification of the loading bay of a shop.
- 3.8 The installation, alteration or replacement of microregeneration solar PV or solar thermal equipment is more closely controlled where buildings are located in conservation areas. Such matters are detailed under Schedule 2, Part 14 of the act and this should be fully consulted when considering installing such equipment. For example, planning permission is required if it is the intention to install the equipment on roofs fronting a highway.

Planning (Listed Buildings and Conservation Areas) Act 1990

- 3.9 The legal duties in respect to the consideration of listed building consent applications and planning applications affecting listed buildings and buildings in conservation areas falls under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard specifically to conservation areas the act requires that in determining planning applications within conservation areas ***“special attention shall be paid to the desirability of preserving and enhancing the character or appearance of that area”***.
- 3.10 With regard to listed buildings, S16 of the act concerns the determination of Listed Building Consent and requires that ***“in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”***. S66 of the act concerns the determination of planning permission in

respect of works to listed buildings and requires that ***“in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case maybe, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”***.

Fenland Local Plan (May 2014)

- 3.11 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations may include other legislative direction (such as the Planning (Listed Buildings and Conservation Areas) 1990), statutory guidance (like to NPPF) or other general guidance but such considerations should be weighted accordingly. The Fenland Local Plan was adopted in May 2014. Policy LP18 of the Fenland Local Plan (May 2014) specifically concerns the historic environment.
- 3.12 Within the Vision Statement set out in the local plan a commitment is made seeking that ***“The natural and historic environment will be protected and enhanced with new development taking into account the surroundings of the area in which it would be situated”***. Objectives 3.1 and 3.2 reinforce the vision and intrinsically inform how the Council will approach development affecting the district’s conservation areas and other heritage assets. Objective 3.1 seeks to ***“Preserve and where appropriate, enhance buildings, monuments, sites and areas and landscapes that are designated or locally valued for their heritage interest; and protect/enhance their settings”***. Objective 3.2 seeks to ***“create places, spaces and buildings that are well designed, contribute to a high and local distinctiveness of townscape character”***.

National Planning Policy Framework

- 3.13 The National Planning Policy Framework sets out Government planning policies for England and how these are expected to be applied. It identifies how planning policy is to contribute to the achievement of sustainable development through economic, social and environmental factors. A core principle of the NPPF is to “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”. Section 12 covers conserving and enhancing the historic environment and paragraphs 128 – 140 provide guidance on the determination of applications.

Enforcement

- 3.14 The character and appearance of a conservation area can be diminished or harmed by unauthorised works being undertaken to listed buildings within it. Where breaches of planning occur, where unauthorised advertisements have been used or where tree protection offences have occurred. Where buildings or sites within conservation areas are neglected and allowed to fall into disrepair this can also impact negatively on the interests of a conservation area. In these circumstances the Local Planning Authority has a range of enforcement powers available at their discretion to address these issues.

Unauthorised Works to Listed Buildings

- 3.15 Any works to listed buildings involving their alteration, extension or demolition are controlled by the mechanism of Listed Building Consent. Proposals that would fail to preserve a listed building's interests would not be granted consent. The interest of a listed building may be harmed by inappropriate and unauthorised works. Failure to obtain listed building consent itself or breaching a condition attached to a listed building consent constitutes a criminal offence under S9 Planning (Listed Buildings and Conservation Areas) Act 1990. Owners can be prosecuted for undertaking such works.
- 3.16 The Local Planning Authority has the power to address unauthorised works to listed buildings under S38 Planning (Listed Buildings and Conservation Areas) Act 1990 and can issue a listed building enforcement notice. A Listed Building Enforcement Notice would state steps required to restore the building to its former state or state steps required to alleviate the effect of the unauthorised works or steps required to bring the building back to a state it would have been if conditions attached to a listed building consent had been complied with.

Breaches of Planning Control

- 3.17 A breach of planning control is defined under S171A Town and Country Planning Act 1990 and occurs where development has been carried out without the required planning permission or where there has been a failure to comply with a condition under which planning permission has been granted. It is at the discretion of the Local Planning Authority to take action against breaches but where such breaches cause harm to the interests of a conservation area enforcement action should be pursued. The Local Planning Authority can serve an Enforcement Notice which would state what action is required to remedy the breach. It is an offence to fail to comply with an Enforcement Notice once the period for compliance has elapsed.

Unauthorised Advertisements

- 3.18 Unauthorised advertisements may relate to illegal hoardings, fly-posting, graffiti or adverts along highways. There are a range of provisions under the Town and Country Planning Act 1990 for dealing with these issues.

Tree Offences

- 3.19 Tree Preservation Orders are made to protect specific trees in the interest of amenity. Anyone who contravenes an order by damaging or carrying out works to a tree has committed an offence and can be fined. They can also be required to replace the tree under a tree replacement notice.

Securing repairs to listed buildings

- 3.20 Under S48 and S54 Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority has powers to address listed buildings which have fallen in to disrepair. Under S54 an Urgent Works Notice can be served on unoccupied listed buildings. An Urgent Works Notice would cover works (the minimum required) considered urgently necessary for the preservation of a listed building to keep the building wind and watertight, supported against collapse and secure from unauthorised entry. Such a notice would require an owner to undertake specified work in a particular timeframe otherwise the local authority would step in and execute

the works. A S48 notice, also known as a Full Repairs Notice, could specify works for the full repair of the building although should an owner fail to execute such works the Local Planning Authority would have to be in a position to review the viability of compulsory purchase.

Securing repairs to unlisted buildings in conservation areas

- 3.21 Under S76 Planning (Listed Buildings and Conservation Areas) Act 1990 the local planning authority could apply the provisions of a S54 urgent works notice (as detailed above) to an unlisted building.

S215 Notice

- 3.22 S215 Town & Country Planning Act 1990 provides Local Planning Authorities with the power to take steps required for land and buildings to be cleaned up when their condition adversely affects the amenity of an area. Under S219 of the act, Local Planning Authorities have the power to undertake clean up works themselves, at cost to the Local Planning Authority, and recover the costs from the landowner.

Section 4 – Monitoring

Monitoring

- 4.1 During the 5 year period this Management Plan is set to cover, it is important to be able to monitor progress of objectives and measure success at the end of the period. Monitoring procedures should be easy to implement and transparent. In this regard the following monitoring should be followed:
- i. **Annual Review** – Fenland District Council’s management team, the conservation section and stakeholders¹ referenced within the document shall convene on an annual basis. The purpose of the meeting will be to specifically review the objectives set out in this management plan and report on the progress being made under each objective.
 - ii. **Measuring Success (Objectives)** – Success can be measured against completed objectives. It is considered that 4 out of the 6 objectives set have clear outcomes and success will occur when the objective is met. It is not felt objectives 4 and 5 will ever be clearly completed. Objective 5 concerns collaborative research which is of a nature that could be open ended, however, success in these objectives may be considered achieved as and when research is underway.
 - iii. **Measuring Success (Buildings at Risk)** - Success can be measured against removing buildings from being considered “at risk” within the Whittlesey Conservation Area.
 - iv. **Measuring Success (Conservation Area at Risk)** – Securing removal of the Whittlesey Conservation Area from Historic England’s Heritage at Risk Register will be a measure of success of this Management Plan.
 - v. **Recording Success (The Photographic Record)** – In collaboration with the annual review it would be beneficial to keep a photographic record of objective related buildings and streets so successes can be visually conveyed through “before and after” photographs.

¹ Whittlesey Town Council, The Whittlesey Society, The Whittlesey Museum, The Whittlesey Mud Walls Group and the Whittlesey and District Business Forum.

Appendix 1

Public Consultation

In accordance with S71 Planning (Listed Buildings and Conservation Areas) Act 1990, the Conservation Area Appraisal (2018) and Conservation Area Management Plan (2018) are put to public consultation from **Monday 26th March 2018 and Monday 23rd April 2018**. The consultation is being undertaken in the following way:

- **Public Display** – A public display is being presented in the Whittlesey Town Council Office, Grosvenor Road during the consultation period. This will contain information boards with copies of the appraisal and management plan. The public may leave feedback in a suggestions box that sits alongside the display.
- **Public Event** – On Monday 9th April 2018 the Conservation Officer will be available at the Whittlesey Library, Market Street, Whittlesey to answer any questions regarding this document and the accompanying management plan.
- **Online** – Copies of the Conservation Area Appraisal (2018) and the Conservation Area Management Plan (2018) are available to download on Fenland District Council's website at: www.fenland.gov.uk/conservationareas
- **Advertising** – The consultation period has been advertised by means of a press release. This gives dates of the consultation period and explains where the documents can be viewed.

Appendix 2: Buildings at Risk

Introduction

Fenland District Council has maintained a Buildings at Risk Register since 1992, although the last formal register was produced in 2013. Identifying Buildings at Risk identifies cases where the district's built heritage is at risk. This focuses on buildings afforded statutory protection, those being **listed buildings**, and may also include some buildings which although not listed have a heritage interest and make a strong contribution to the character of their locality, those being **buildings of local importance***.

Identifying Buildings at Risk focuses attention on the issue of historic buildings being at risk. It is beneficial to collate information on buildings at risk as this allows the extent of this problem, causes of problems and risk trends to be understood. It is helpful to inform proactive conservation strategies and allows limited conservation resources to be targeted where they are most needed.

Risk Categories

A 2015 (unpublished) review of buildings at risk sought to establish risk categories, which are intended to give clear parameters for assessing buildings at risk. This information gives clear guidance to building owners and the public why a building has been considered to be at risk. Categorising risk cases allows the nature and causes of risk to be better understood. Trends in risk issues are also more easily identifiable when information is assessed in this way. The following 4 categories have been used since 2015:

Category 1 Risk

A building/structure in a seriously dilapidated state requiring extensive repair and structural stabilisation. Likely to be suffering from all of the following:

- Severe structural failure and/or structural collapse
- Extensive wind and water penetration
- Extensive damage to and loss of historic fabric
- Not capable of use in its present condition

Category 2 Risk

A building or structure in a dilapidated state requiring a scheme of essential repairs and refurbishment to prevent structural failure, further deterioration and loss of historic fabric. Likely to be suffering from some of the following:

- A condition that would be conducive to structural failure
- Localised problems with wind and water penetration.
- Long-term vacancy or under use.
- Its condition may impede its use.
- Suffering multiple problems with deteriorating fabric
- Failing historic internal finishes

Category 3 Risk

A vulnerable building or structure needing a scheme of repair and/or consideration to its future use to preserve it. Likely to be suffering from one or more of the following:

- Vacancy or under use
- Requires refurbishment to facilitate reuse
- General repairs required to the roof covering
- Defective rainwater goods
- Localised water ingress
- The exterior requires repointing or rendering
- Deteriorating joinery
- Repairs are required to internal features

Category 4 Risk

A building or structure which presents clear deterioration of an individual element of its fabric. Requires repair to the individual element of fabric to preserve the architectural and historic interest of the building. Likely to be suffering from one of the following:

- Deteriorating joinery requiring repair and redecoration
- Localised repairs required to the roof such as the replacement of slipped tiles
- Repair required to rainwater goods
- Vegetation growth, such as ivy, presents a risk and requires removal
- Localised damage to internal features

Buildings at Risk within the Whittlesey Conservation Area

There are 62 listed buildings within the Whittlesey Conservation Area. 6 of these are currently identified as being “at risk”. 1 Building of Local Importance is also identified as being at risk. The following table accounts for buildings at risk within the Whittlesey Conservation area which includes survey work undertaken in 2017.

Risk Category	Name	Status	Reason	Duration on FDC risk register
2	9 Market Street	GII	This building has stood in a dilapidated state for many years. Its upper floors are vacant. A restoration scheme commenced in Winter 2017 and is ongoing.	Added 2014
2	10 Claygate	GII	This building stood vacant for a number of years and required total refurbishment, including structural repairs .A restoration scheme commenced in Winter 2016 and is ongoing.	Added 2014
3	2 Market Street	GII	The ground floor of the building is vacant and has been for a number of years since the bank (Natwest) pulled out. The joinery to the eaves is deteriorating and water is now running down the façade when it rains. The first floor dormers and windows are also showing signs of deterioration and require repair.	Added 2017
4	6 & 7 Market Place	GII	The 1 st floor joinery has been in a poor condition for a number of years and repairs are required.	Added 2014
4	20 & 22 St Mary's Street	GII	The building is occupied. It is, however, in poor repair to the front elevation with blocked guttering and deteriorating joinery. It requires a scheme of maintenance, localized repair and redecoration.	Added 2017
4	9 Claygate	GII	The deteriorating condition of the thatched roof is a concern and potentially this could result in problems with water ingress if it is not addressed.	Added 2017
2	Parish Hall, Station Road		This building has stood vacant for many years. It requires refurbishment associated with a new use.	Since at least 2008

*Buildings of Local Importance within Fenland are formally identified within conservation area character appraisals. The Council has been identifying BLI's in this way since conservation area character appraisals were first published in the early 1990's.



Fenland District Council

Fenland District Council • Fenland Hall • County Road
March • Cambridgeshire • PE15 8NQ
Tel: 01354 654321 • Email: info@fenland.gov.uk • Web: fenland.gov.uk