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Portfolio	Cabinet Member for Housing & Environment
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Public/Private Document	Public Document

Catley Lane Head Conservation Area for final designation

Executive Summary

- 1.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to survey and keep under review their district for *areas which are of special architectural or historic interest, the character of which it is desirable to preserve or enhance*, and to designate those areas as conservation areas. This duty is an ongoing requirement of local authorities.
- 1.2 Conservation area appraisals are produced in order to identify the special architectural and historic character of significant areas, to guide development and to inform effective management plans. This report seeks Member approval for Catley Lane Head Conservation Area, taking into account the comments received as a result of consultation.
- 1.3 Catley Lane Head is recommended for conservation area designation in order to provide a framework for controlled and positive change in the hamlet. Establishing a conservation area would help to protect the heritage of this well preserved and relatively sensitively restored hamlet by bringing attention to its unique landscape and architecture as well as provide the local community with strong sense of identity and pride.

Recommendation

- 2.1 It is recommended that the Rochdale Township Committee:
 - Designates Catley Lane Head as a conservation area and adopts the Catley Lane Head Conservation Area Appraisal
 - Notes the consultation responses outlined in Appendix 1
 - Notes the change made in recommended conservation area border compared to the consultation document. In present form Hunger Hill farm and the industrial buildings next to Smallshaw farm have been left out from the conservation area.

Reason for Recommendation

- 3.1 Catley Lane Head is considered to be an area of historic and architectural interest worthy of preservation and enhancement. The production and consultation of a conservation area appraisal established the intrinsic heritage value of the area and its setting. Local feedback established that there are some questions about what the designation would mean to property owners, with both strong objections and strong support from the local community.
- 3.2 Catley Lane Head demonstrates vernacular architecture which reflects the historic industries along the line of historic routes. The evolution of the hamlet is still evident in the built environment and landscape, including mill ponds and farmland. The general character of the suggested conservation area is typified by its use of vernacular architecture and materials and its rural setting. This applies not only to the buildings themselves, but also to the historic Cotton Famine Road. The conservation area designation was recommended by the Rooley Moor Neighbourhood Association. The attached Conservation Area Appraisal gives a detailed overview of reasons behind the recommendation for designation.

Key Points for Consideration

- 4.1 The Council is required to designate conservation areas, keep them under review and if appropriate to designate further areas as conservation areas (s69 of The Planning (Listed Buildings and Conservation Areas) Act 1990). Once an area has been designated, the Council must formulate and publish from time to time proposals for the preservation and enhancement of the conservation area and submit them for consideration at a public meeting (s71). In exercising its planning powers, the Council must pay special attention to the desirability of preserving or enhancing the character of appearance of the conservation area (s72).
- 4.2 The new areas designated are thereafter subject to the following controls:
- The Council is under a duty to prepare proposals to ensure the preservation or enhancement of the area
 - Consent must be obtained from the Council for the demolition of all unlisted (other than excepted) buildings in the area
 - Special publicity through site and press notices must be given to planning applications for development in the area
 - In carrying out any functions under the Planning Acts (and, in particular, in determining applications for planning permission and listed building consent), the Council and the Secretary of State are required to take into account the desirability of preserving or enhancing the character of appearance of the area
 - Six weeks' notice must be given to the Council before works are carried out to any tree in the area
 - Permitted development rights are affected preventing the unsympathetic extension or alterations of buildings, hardstandings and enclosures.
 - The display of advertisements is restricted.

Alternatives Considered

4.3

- Not undertaking a detailed conservation area appraisal at this time would result in a lack of appreciation of the heritage value and leave the area vulnerable to further erosion of character by demolition and inappropriate development of its physical fabric and rural setting.

Costs and Budget Summary

5. There are no financial implications arising from this report.

Risk and Policy Implications

6.1 The process of reviewing the condition and status of areas of architectural and historic interest mitigates the risk of loss of buildings and features of special interest.

6.2 There are no significant policy implications arising from this report.

Consultation

7.1 Consultation

A 28 day consultation period took place from 13 July 2017- 9 August 2017:

- The consultation documents approved by the 29 June 2017 Township Committee were made available in Spotland Library, Rochdale Library in Number One Riverside and on the Council's website.
- All properties within the proposed conservation area were sent a letter informing them where the relevant documents could be viewed and how to respond to the consultation.
- A press release was issued.

7.2 The Council received 8 consultation responses out of which 5 were objections and 3 supporting or neutral. Letters with further explanations were sent to everyone who responded. A full summary of consultation responses is included as Appendix 1.

7.3 The Conservation Area Appraisal was amended taking into consideration the consultation responses. This includes the recommendation to reduce the boundary of the conservation area by excluding Hunger Hill Farm and modern storage units at Smallshaw Farm.

7.4 A guidance document was compiled that gives a practical overview of what it means to live in or own a property in a conservation area. This document has been added to this report as Appendix 2.

Background Papers	Place of Inspection
8. <ul style="list-style-type: none">• Catley Lane Head conservation Area Appraisal• Appendix 1_ Consultation comments and responses• Appendix 2_Living in a Conservation Area	Attached to the report
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Appendix 1: Consultation Responses

Comment	Response
<p>Objection:</p> <ul style="list-style-type: none"> • <i>We already have the Green Belt restrictions and planning regulations.</i> • <i>Lanehead has evolved and changed under strict Green Belt status and planning regulations and no doubt will under modern planning guidance.</i> • <i>The local authority has designated this land within the Green Belt limiting the use and change of this land.</i> • <i>It is already in Green Belt and under planning regulations.</i> 	<p>Conservation area status identifies an area of special architectural or historical interest and gives specific protection which is not necessarily covered by other planning policies.</p> <p>There are restrictions on permitted development, which means that some work which may normally be carried out without consent will require planning permission in a conservation area. These restrictions include work in the following categories:</p> <ul style="list-style-type: none"> • The demolition or substantial demolition of a building within a conservation area will usually require planning permission. Where the building does not contribute to the significance of the conservation area consent demolition may be acceptable, and where it does contribute to the significance, justification for demolition will need to be robust. • The demolition of the whole or any part of any gate, fence, wall or other means of enclosure. • Alterations and extensions to houses, including cladding materials, roof alterations, location of outbuildings etc. • Location of chimneys and flues • Location of microwave antennas and other telecommunications equipment including the installation of satellite dishes on walls, roof slopes and chimneys that face and are visible from highways • Conversion of agricultural buildings to dwelling houses • temporary use of buildings or land for film-making purposes • Location of microgeneration equipment, including solar panels on buildings or stand alone, air source heat pumps, wind turbines

	<ul style="list-style-type: none"> • Advertisements • Alterations and extensions to commercial, retail, educational and hospital buildings • Work to any tree with a trunk of more than 7.5cm in diameter (measured 1.5m from the ground), including cutting them down or pruning <p>New development within conservation areas may be acceptable where it enhances or better reveals the significance of the conservation area.</p> <p>The setting of a designated heritage asset, such as a listed building or conservation area, can contribute to its significance. If a development is proposed within the setting of the conservation area the impact of this development should be justified for planning permission to be granted. In the context of Catley Lane Head, the setting is the extensive rural area surrounding the settlement.</p> <p>As well as the restrictions above, conservation areas are more likely to benefit from funding applications as their special interest is specifically identified. Conservation areas are generally valued by those living and working in them as special places.</p>
<p>Objection:</p> <ul style="list-style-type: none"> • <i>The document is full of inaccuracies and tries to depict an unchanged hamlet.</i> 	<p>There are numerous references in the appraisal to the changes in the hamlet (Page 5 states that the hamlet has developed. Page 7 states that some public buildings were demolished. The timeline in the draft Conservation Area Appraisal (pages 9-10) clearly state that there have been changes over the years. Page 11 also identifies changes to the hamlet. Page 19 identifies the development of the hamlet).</p> <p>Despite these changes over time, it is still considered that Catley Lane Head has buildings, areas and features of architectural merit which should be</p>

	protected.
<p>Objection:</p> <ul style="list-style-type: none"> <i>The time to save the originality of the hamlet has been lost when the Pub, Church and possibly 15 houses were demolished.</i> 	<p>The appraisal acknowledges changes in the area including the demolition of buildings over the years. As the appraisal demonstrates, there is still significant character in the hamlet which merits protection.</p>
<p>Comment/question:</p> <ul style="list-style-type: none"> <i>Why is Fern hill excluded?</i> <i>I believe Fern Hill should be included in the designated conservation area. Fern Hill is very much part of the same community as Catley Lane Head and the two should be considered together.</i> 	<p>A large proportion of the buildings in Fern Hill are modern and have no heritage value, whereas the small cluster of historic buildings have a level of protection by either being listed or being within the setting of the listed buildings. As this hamlet is at the far end of Fern Hill Lane, with modern developments and little of heritage value along the lane, we considered that the Catley Lane Head Conservation Area should have a tight boundary so that its heritage value is not compromised.</p>
<p>Comment/question:</p> <ul style="list-style-type: none"> <i>Why was planning permission given to the new bungalow and dormers if they are picked out as being out of character?</i> 	<p>These features are out of character with the vernacular of the area. The vernacular material of the hamlet is sandstone, whereas the bungalow has been constructed from brick. Although they may have planning permission this would have been less of a consideration while the area was not a conservation area.</p>
<p>Objections:</p> <ul style="list-style-type: none"> <i>Conservation Area designation will not further local authority's power to protect the hamlet or turn back changes that have already happened</i> 	<p>Conservation area status will help to reduce the erosion of character in the hamlet as it restricts permitted development. It also gives power to prevent the demolition of buildings and structures that contribute to the significance of the conservation area. Where the building does not contribute to the significance of the conservation area consent demolition may be acceptable, and where it does contribute to the significance, justification for demolition will need to be robust. This status gives the local authority power to ensure that any new developments are of a high quality and in keeping with the character of the area.</p>

<p>Objection:</p> <ul style="list-style-type: none"> <i>This designation would be overstating the hamlet's importance; the existing planning controls are sufficient to control further changes</i> 	<p>The appraisal demonstrates that the area has special architectural or historical interest which is worthy of protection by specific legislation which is not necessarily covered by other planning policies.</p>
<p>Objection:</p> <ul style="list-style-type: none"> <i>Conservation Area Designation doesn't suit the future of the village.</i> 	<p>A common fear or view is that conservation area status will fossilise an area and not allow it to evolve with the modern world to the detriment of those living and working within the area. Whilst conservation area status does lead to additional planning constraints and considerations, it should be recognised that the purpose of conservation is not about preventing all change but about managing it in a way which preserves its special interest.</p>
<p>Objection:</p> <ul style="list-style-type: none"> <i>We don't appreciate being told what we can and cannot do with our property without pre-warning.</i> 	<p>The public consultation has given property owners within the proposed conservation area the opportunity to comment on this proposal and the appraisal document. Consultation responses have been considered and amendments have been made to the appraisal document. The council has acknowledged that a further document that explains the implications of living in or owning a property in a conservation area is needed and this has been compiled.</p>
<p>Comment/Question?</p> <ul style="list-style-type: none"> <i>Under the proposal to make Catley Lane Head a conservation area, would the application of the following measures on the ponds be deemed inappropriate in a conservation area:-</i> <ol style="list-style-type: none"> <i>1. The application of lines across the pond to deter predatory birds from landing (see photo). This is done throughout the winter months when the birds are prevalent.</i> <i>2. The use of Hawkeye, rotating bird scarers. One is positioned on each of the main ponds.</i> <i>3. The use of dummies positioned on the</i> 	<p>Conservation area status is designed to protect the proposed area from harmful development so these temporary measures are not affected in any way.</p> <p>The only item on the list that may be affected is the construction of the disabled toilet facility. If this already exists it will not be affected, and if not it would ideally be designed not to harm the character of the conservation area.</p> <p>Note: The disabled toilet facility is already in place so the status will not affect this structure.</p>

main pond and moved on a regular basis to look as though somebody is present.

4. The use of a net over the small stock pond. The net we currently have installed is suspended above the water and protects the new fish stock which we grow on before transferring to the larger pond.

5. The disabled toilet facility at the far end of the main pond (funded by a grant from Rochdale Council).

Support:

- As residents of Smallshaw Road we welcome and support the proposal.*
- I am wholly supportive of the proposals to make the area proposed a conservation area.*

Noted

Appendix 2

A guide to living within a Conservation Area in Rochdale Borough

Conservation areas exist to protect the special architectural and historic interest of a place. This leaflet explains what it means to own or live in a building in a conservation area and answers most frequently asked questions. If you are in doubt over whether works to a property require planning permission or could be affected by conservation area status, you should contact the planning department at conservationand.design@rochdale.gov.uk

What is a conservation area?

The legal definition of conservation area as stated in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is:

'... area of special architectural or historical interest the character or appearance of which it is desirable to preserve or enhance.'

Conservation area designation is intended to protect important areas rather than individual buildings and the size and type can vary enormously. For example, the smallest conservation area might be a church and associated vicarage, while the largest conservation area might cover a substantial rural landscape. Many conservation areas are town or village centres while others cover unique areas, such as model housing estates or hospital complexes. Designation along the line of canals or railways is common, as is the designation of exemplars of a particular urban type such as terraced housing or industrial buildings.

Most conservation areas support the social cohesion of the particular area through the encouragement of local pride and the care of the environment. Conservation area status is an official acknowledgement that an area has special heritage value and this eventually works its way through the developmental and ownership structure of a place and encourages a virtuous cycle of improvement. Conservation area designation can make it easier to achieve better design quality or successful grant applications from outside bodies.

Rochdale Borough Council, as the local planning authority, has a statutory duty to preserve and enhance the special character of conservation areas. It seeks to ensure that new development respects the character and setting of the conservation area and encourages good design. Conservation area legislation only protects built up areas and not the natural environment.

How are Conservation Areas designated?

New conservation areas are designated by the local authority and are assessed from a local perspective where the aim is to conserve the familiar and cherished local scene. The Council is free to establish its own designation procedure and criteria, and the final designation will normally take place after a 28 day public consultation.

Conservation areas should have a strong local flavour and interest and for this reason are designated by the Township Committees rather than a borough-wide committee. Nevertheless, it is important to see conservation areas as part of the wider planning of the Borough.

How will Conservation Area status affect the area in which I live or work?

The main way in which the character of a conservation area is maintained is through the control of development. Conservation area legislation is one of the strongest methods available in the planning system to maintain the traditional, special and individual character of a place. It gives specific protection which is not necessarily covered by other planning legislation. In the majority of cases proposals are acceptable in principle, with conservation area controls being used to improve the design and form of the development.

The local planning authority is under a general duty to ensure the preservation and enhancement of conservation areas and has a particular duty to prepare proposals to that end.

- The local authority may be able to take steps to ensure a building is kept in good repair
- From time to time, limited financial assistance may be available for the upkeep of buildings in the area
- The planning authority is to take into account the desirability of preserving and enhancing the character and appearance of the area when determining planning applications and there is extra publicity for applications to this effect

A common fear or view is that conservation area status will fossilise an area and not allow it to evolve with the modern world to the detriment of those living and working within the area. Whilst conservation area status does lead to additional planning constraints and considerations, it should be recognised that the purpose of conservation is not about preventing all change but about managing it in a way which protects its special interest.

When is planning permission needed?

Planning permission is required where 'development' takes place. This is mostly for new buildings, demolition, extensions and building alterations but sometimes changing the use of a building can be classed as development.

If you plan to undertake work to your property which requires planning permission, the impact of the proposal on the special architectural and historic character of that area will be taken into consideration. A development will be assessed on its own merits and whether it makes a positive, neutral or negative impact on the character of a conservation area. Modern designs and approaches are not automatically ruled out and, in fact, a good contemporary design that respects the character of an area can enhance a conservation area by adding to the evolution of a place. The success of any design relies on a good understanding of local style and materials and this is one of the main factors that a Conservation Officer will consider when assessing an application.

Will conservation area designation bring any special restrictions?

Outside conservation areas, householders may undertake a variety of minor alterations to their property without the need for planning permission. Where these affect the external appearance of the building they are called 'permitted development rights'. Within a conservation area some of these rights might be removed or restricted, meaning that planning permission will be required.

This means that there might be restrictions to the following:

- The demolition or substantial demolition of a building within a conservation area will usually require planning permission. Where the building does not contribute to the significance of the conservation area consent demolition may be acceptable, and where it does contribute to the significance, justification for demolition will need to be robust.
- The demolition of the whole or any part of any gate, fence, wall or other means of enclosure
- Alterations and extensions to houses, including cladding materials, roof alterations, location of outbuildings etc
- Location of chimneys and flues
- Location of microwave antennas and other telecommunications equipment including the installation of satellite dishes on walls, roof slopes and chimneys that face and are visible from highways
- Conversion of agricultural buildings to dwelling houses
- Temporary use of buildings or land for film-making purposes
- Location of microgeneration equipment, including solar panels either on buildings or stand alone, air source heat pumps and wind turbines
- Advertisements
- Alterations and extensions to commercial, retail, educational and hospital buildings
- Work to any tree with a trunk of more than 7.5cm in diameter (measured 1.5m from the ground), including cutting them down or pruning

Although there are some limitations, other work such as replacement doors and windows in houses are unaffected by conservation area status unless an Article 4 Direction is put in place. An Article 4 direction is used to remove certain permitted development rights in certain cases (for example on extensions where a new development is restricted in terms of space and separation distances) and the Local Planning Authority can advise if an individual property is affected in this way.

These controls are not intended to prevent the changing needs of communities; instead they are put in place to make sure that any changes are sensitive to the character and heritage of the area.

Conservation areas are more likely to benefit from grant funding as their special interest is specifically identified. Conservation areas are generally valued by those living and working in them as historically important and special places.