

## **EXETER CITY COUNCIL**

**EXECUTIVE  
18 MARCH 2008**

### **NEW CONSERVATION AREA AT LOWER SUMMERLANDS**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To consider designation of a new conservation area at Lower Summerlands.

#### **2.0 BACKGROUND**

- 2.1 The proposal to designate this area as a conservation area has come about because St Matthew's Church Hall is currently being marketed. Planning Services has had a number of enquiries about the development potential of the site including the possibility of demolition.
- 2.2 This information prompted a survey of the area around the hall, which identifies the townscape as having special architectural and historic interest including a number of listed and locally listed buildings. The hall and adjacent locally listed buildings have no statutory protection against demolition. So that this area has appropriate protection and that future development is guided effectively, it is proposed that the area is designated as a conservation area; without this step there is no means of control over demolition.
- 2.3 An initial appraisal of the proposed area has been prepared and identifies the hall and all other buildings as making a positive contribution. Trees also make a positive contribution. The appraisal is attached with a plan showing the proposed boundary of the conservation area.

#### **3.0 KEY CONSIDERATIONS**

- 3.1 The Planning (Listed Buildings and Conservation Areas) Act 1990, defines a Conservation Area as "an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance, to ensure its value is retained for future generations to enjoy."
- 3.2 Section 69 of the Act states that "*every planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance and shall designate those areas as conservation areas*"

3.3 Within Conservation Areas, it is the character of the area as a whole that is important and, unlike listed buildings where the decision to list lies with the Secretary of State, judgement is made by the Local Planning Authority on the basis of local and not national criteria. The City Council has set a list of criteria against which new conservation areas or alterations to existing boundaries are measured. In setting these criteria, it is essential that the “specialness”, in the local or regional context, is recognised and the City Council has sought to establish a consistent and responsible approach when considering the extent of designation and its adequacy across the whole of the city. Failure to do so can seriously devalue the status of Conservation Areas and whilst designation can be a legitimate response to a real or perceived threat to the character or appearance of an area, it is still essential to consider first whether an area is of sufficient architectural or historical interest to warrant designation.

#### **4.0 CONCLUSIONS**

4.1 The area is of special architectural or historic interest for the reasons outlined in the initial appraisal and is considered to be under immediate or long-term threat of development that could cause harm to its character or appearance.

4.2 Conservation Area status would bring all major demolitions within the conservation area under planning control, thereby allowing any archaeological, building and townscape issues to be discussed and conditioned, where necessary.

4.3 Under the Act, the Council has the power to designate a conservation area on the basis of an officer recommendation. The designation is required to be advertised in the local paper and the London Gazette but there are no other formal requirements. However, the City Council’s normal procedure is to include public consultation in the designation process.

4.4 It is proposed to make an initial designation then undertake public consultation and amend the boundary if necessary.

#### **5.0 PLANNING MEMBER WORKING GROUP**

5.1 On 4 March, Planning Member Working Group discussed the proposals and were in favour of the designation. One Member asked why the properties on Heavitree Road were included and one member asked why half of the Triangle car park was included. The properties on Heavitree Road are of a similar age to the terrace at Lower Summerlands. Some are listed and the others are locally listed and being outside a conservation area, there is no mechanism for protection against their demolition if this were ever proposed. Part of the car park is included because it has several trees on its boundary that add to the sylvan character.

**6.0 RECOMMENDATION**

- 6.1 To designate the area of Lower Summerlands shown on the attached plan as a conservation area with immediate effect and to subsequently undertake public consultation on the proposal.

**RICHARD SHORT  
HEAD OF PLANNING SERVICES**

**ECONOMY AND DEVELOPMENT DIRECTORATE**

**Local Government (Access to information) Act 1985 (as amended)**

**Background Papers used in compiling the report:-**

None