

**Teignbridge District Council
Overview and Scrutiny Committee
28 May 2024
Part i**

Notices of Motion relating to Planning

Purpose of Report

To provide a response to the issues raised by Notices of Motion raised at Full Council relating to Planning matters.

Recommendation(s)

The Committee RESOLVES to:

- (1) Note the report and debate the issues in relation to the Notice of Motion
- (2) Make recommendations to Full Council based on the conclusion of the debate

Financial Implications

There are no direct financial implications arising from this report. Comment on potential budget implications is set out in paragraph 3.1 of this report.

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Legal Implications

There are no Legal implications arising from this report, save that the Council's processes and procedures should recognise the distinct roles of officers and members and operate to mitigate risk to the Council of its decisions and those of its committees being successfully challenged.

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Risk Assessment

There are no risks arising from this report.

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Environmental/ Climate Change Implications

Environmental and climate change implications are set out within the report and summarised in Section 3 of this report.

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Executive Member

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Appendices/Background Papers

Background Paper 1: [Agenda for Overview and Scrutiny 2 Committee – 9 April 2024](#)

Background Paper 2: [National Planning Policy Framework - 16. Conserving and enhancing the historic environment - Guidance - GOV.UK \(www.gov.uk\)](#)

Background Paper 3: [Conservation Area Character Appraisals](#)

Background Paper 4: [Climate Change and Historic Building Adaptation - draft for consultation \(historicengland.org.uk\)](#)

1. Introduction/Background

At the meeting of the Overview and Scrutiny 2 committee of 9 April 2024 three Notices of Motion (NoM) were considered, having been referred from the Procedures Committee.

The full details of those NoMs can be viewed via the link in Background Paper 1.

This report sets out a response to the NoM relating to ‘green improvements in Conservation Areas’.

In section 2 the NoM is responded to on a paragraph-by-paragraph basis, with the text of the NoM in italics.

2. Notice of Motion – Green improvements in Conservation Areas

The Notice of Motion states:

NoM: Large parts of residential Teignbridge are designated Conservation Areas. The rules for a conservation area come under Article 4 Directions that, unlike listed status for an individual building which are nationally codified, may be set and amended by a district council.

Response: There are 35 Conservation Areas in Teignbridge. These are locally designated areas with special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance. Conservation Area Consent from the Council can be required for demolition within a Conservation Area, including partial demolition.

Designation of a Conservation Area is a formal process undertaken by a Local Authority.

Guidance on designating Conservation Areas and how to consider proposals affecting heritage assets are set out in Section 16 of the National Planning Policy Framework (NPPF). A link to the NPPF is included as Background Paper 2.

Article 4 directions relate to permitted development rights. Permitted development rights are described in The Town and Country Planning (General Permitted Development) (England) Order 2015. This Article gives local councils powers to restrict or remove permitted development rights from sites or areas within their authority.

There are no Article 4 Directions in place in Teignbridge.

NoM: The rules for Conservation Areas in Teignbridge have not been re-examined for a long time. They do not take into account the sweeping changes in technologies, materials or group aesthetics. Neither do they account for the Climate Emergency that has been declared by many councils including this one.

Response: Proposals that require permission within Conservation Areas in Teignbridge are assessed against several documents. Alongside the NPPF, which was originally published in 2012 and is continuously updated, there is the Local Plan, adopted in 2014 and due to be superseded by the version submitted to the Planning Inspectorate this year.

There are also Conservation Area Character Statements and Management Plans, which were originally published in 2000 and updated in 2010. These have not been updated due to a lack of resource and capacity.

In 2022 Historic England undertook a consultation on a proposed advice note relating to Climate Change and Historic Building Adaptation. A link to the document is included as Background Paper 4. The post-consultation version is yet to be published. Page 15 sets out some lenient parameters for changing windows and installing PV in unlisted dwellings located within conservation areas. It also provides guidance on EV charge points, heat pumps, and other energy efficiency measures. The advice uses uncertain language, so for anyone living in

a conservation area and considering these measures, they will still need to consult with the LPA to gain certainty on planning advice.

Below is a chart from a Passivhaus Trust report showing the carbon footprint of various window construction approaches. With the right care, a wooden window can be expected to last 75 years, whilst a upvc window may need to be replaced three times over the same timescale.

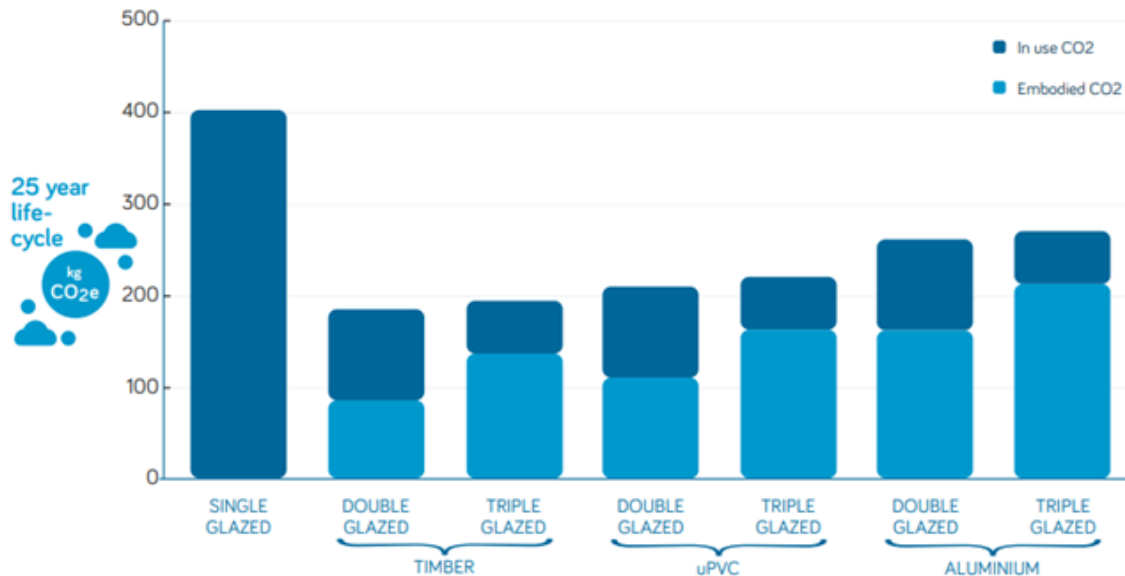


Figure 3 - The impact of frame type on whole life carbon calculations

NoM: Amendment to these rules is seriously overdue, most urgently in regard to windows and solar panelling. The rules on windows were drafted to stem the tide of shiny white plastic PVC windows being installed without thought in Georgian and Victorian houses that began to detract from areas of architectural heritage in the 1980s. These insist on like-for-like replacement of timber frame louvre windows. Today windows are being made from airtight, scientifically advanced materials that are, to any observer, entirely in keeping with older houses and which would bring them up to environmental standards with no loss of area aesthetics.

Response: The Conservation Area Character Appraisals and Management Plans do need to be updated.

Where permission is required, each application is considered on its own merits. This includes policies relating to climate change and sustainability.

Any development within a Conservation Area must preserve or enhance the special historic character of the area. It should be complementary to the character of the area and make a positive contribution to the appearance of the area through siting, scale, design and use of materials. It would normally require

the use of traditional materials such as single glazed timber windows, although there may be occasions where a contemporary design is suitable.

'Sustainability' can also include protecting our heritage assets with great weight being given to this. Green issues do not override heritage concerns, which is why things that might otherwise be 'permitted development' outside Conservation Areas are specifically excluded. Many of these 'green' permitted developments are either excluded or restricted by being in a conservation area.

In respect of the example given in the NoM and to clarify, upvc windows are development in and outside of conservation areas in flatted development. Upvc windows in flats are development for which permission is required. The fact that some have become lawful is immaterial if a complaint is received. The fact is they need permission and should be regularised through an application.

Central to this is that, where development requires permission, the Council has a legal requirement to assess each application in a Conservation Area having regard to the provision of the legislation and, in particular the tests within the National Planning Policy Framework relating to the significance of the heritage asset, substantiality of the harm, and the wider public benefit.

Each application is assessed on its own merits with the Conservation Area Character Appraisal providing and informing the significance of the heritage asset against which the level of harm is assessed e.g. replacement windows in a modern dwelling in a Conservation Area would be assessed very differently from a non-listed but historic dwelling in that same conservation area.

The historic nature of the dwelling and its features may be an important contributory factor to the character of the conservation area and the introduction of upvc windows may cause significant harm by introducing a discordant and intrusive feature. The impact of introducing upvc windows in that dwelling would be far more harmful than a newer modern building where upvc would otherwise be appropriate and not out of character with its age.

It is for the Council to then decide if the harm caused is outweighed by the wider public benefit of the introduction of upvc. In some cases, it will be acceptable and in others it will not, dependent upon these considerations.

NoM: Solar panels, meanwhile, may need a change in our culture. We have decided as a society that wind turbines do not ruin a landscape; in fact most of us are pleased to see them. We might adjust our sensibilities to accommodate solar panels on the roofs of older, architecturally attractive dwellings. None of them, after all, have the original roof anymore so it seems somewhat contrarian to object to solar panels being installed on them.

We need to permit sensible ecological adjustment in Conservation Areas, as blanket bans make no sense, run contrary to our declared Climate Emergency and the rules are currently being applied with no consistency at all. At the Forde Park Conservation Area in College Ward we have residents being persecuted for high quality modern upgrades next to houses full of PVC that have got away with it for years, seemingly because they weren't 'dobbbed in' by a neighbour within the required time.

Response: There is no 'blanket ban' in Conservation Areas. The previous response sets out how proposals are considered.

NoM: I therefore propose that:

A task and finish group be put together to look at reassessing the limits of remodelling in the area's Conservation Zones with an eye to allowing green improvements."

Response: What is being sought through this NoM appears to look more fundamentally at what does and does not require planning permission. This is a matter for legislation and the appropriate route would be to lobby the government to allow more permitted development for 'green' developments in Conservation Areas.

The assessment of a Conservation Area is something which needs to be done by a suitably qualified Heritage Officer. The Conservation Area Character Appraisal is an assessment of the heritage assets of an area and its constituent parts which, collectively, contribute to the whole and justify its designation as a Conservation Area - the character of that area.

3. Implications, Risk Management and Climate Change Impact

3.1 Financial – There are no financial implications arising from the Notice of Motion. However, if the Conservation Area Character Appraisals are to be updated it will require budget to bring in a suitably qualified person or company to undertake the work and consultations.

3.2 Legal – There are no legal implications arising from the Notice of Motion.

3.3 Risks – There are no risks arising from the Notice of Motion.

3.4 Environmental/Climate Change Impact – The Notice of Motion highlights a significant issue in seeking to support homeowners in making changes to their properties to improve their efficiency. The Council has a conflict in its ambitions to support climate change adaptation measures and its duty to protect the historic environment.