

Preface

Local authorities must designate as a conservation area any area “of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance” ... Local planning authorities are required to formulate and publish proposals for the preservation and enhancement of conservation areas. Policies will normally be needed which set out clearly what it is about the character or appearance of an area which should be preserved or enhanced, and set out the means by which that objective is to be pursued.¹

Planning Guidance (Wales): Planning Policy, paras. 5.6.1, 5.6.2;
Planning (Listed Buildings and Conservation Areas) Act, 1990, s. 70 (5)

Conservation Areas have been on the statute books since the Civic Amenities Act of 1967. This legislation was substantively the outcome of an initiative by the Civic Trust, which in the early years of its existence had reflected growing concern about the impact of insensitive development on the historic built environment. Since that date the legislative framework has been updated more than once, and the Planning (Listed Buildings and Conservation Areas) Act of 1990 was an attempt to consolidate the piecemeal statutory guidance that had developed in a somewhat pragmatic manner.

The last decade of the 20th century saw growing interest in the function and effectiveness of conservation area designation as a tool for protecting places of architectural and historic interest and as a means to achieving better quality urban environments. In England, the most recent government guidance on the topic is contained in PPG 15; in Wales, general guidance is given in *Planning guidance (Wales): planning policy* and technical guidance is offered in NAW circular 61/96.

This study is a joint exercise by the Civic Trust for Wales and the Department of City and Regional Planning at Cardiff University. It is based on a questionnaire survey of the local planning authorities in Wales undertaken during July and August 1999. As part of the process, an informal seminar was held for professionals in September at which comments were sought on the data that had been collected and responses were made to the issues identified by the researchers. A second seminar was held in February 2000 where the draft conclusions and recommendations in this report were discussed

¹Note the discrepancy between the wording of *Planning Guidance (Wales)*, which refers to “must”, and the act itself, which states “shall”.



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1 Introduction

1.1 Context

Today good practice in planning involves addressing environments and communities holistically, and urban design is central to this process of making places successful - in terms of quality and character, and in the way people feel about the places they live in, work in, and visit.¹ Character and appearance are closely related to distinctive identity and sense of locality and community. An historic and/or architecturally significant neighbourhood possesses just such an identity which forms the basis on which to build and improve. The need to appraise such distinctiveness is inherent in section 54A of the principal act, which emphasised the need for clear development plan policies for conservation areas, based on appraisals that justify and contextualise designation.² However, there could be a conflict between the objectives of conservation and preservation and the wider ambition of achieving urban quality. Part of the debate in the seminar that was organised in the course of this study reflected the different perspectives of conservation experts and town planners with a wider concern for urban design and vitality. Moreover, thirty years after the initial legislation, the wider question of whether conservation areas are the right or the best tool for achieving either of the objectives that have been identified is being increasingly voiced.

The Civic Trust for Wales undertook a modest study of conservation areas in Wales ten years ago, and considered the above question at that stage. In 1999 research from Newcastle University's Centre for European Environments identified both considerable support from the public for the notion of conservation areas and considerable confusion as to the means of control available to local authorities. John Pendlebury has questioned whether the current model works well enough and has suggested alternative approaches based on either a rejection of defined areas and moving towards an approach based on local distinctiveness, or, developing a two-tier system, based on national and local criteria.³ The extent to which there is public understanding of the system is an issue that regularly engages the Trust, which on the one hand deals with amenity groups engaged in planning casework, and on the other often finds it necessary to argue with those who believe that conservation

Fig 1
Cardiff:
 The Hayes
 Development and
 conservation pressures



legislation can be an unfair constraint on the householder or the developer, who could become involved in extra costs.

1.2 Issues

The policy issues to be addressed are various:

- policy making and its content
- the identification of conservation areas and their boundaries
- appraisals, designations and alterations to boundaries, and reviews
- public involvement
- enhancement, regeneration and resources.

The designation and the management of conservation areas have developed in a pragmatic manner in both England and Wales, with different authorities adopting their own procedures, supported by statutory guidance. The nature and quality of this guidance is often questioned. For example, guidance is very broad in indicating both the scale and content of areas suitable for designation; and at the same time it has generated heated legal debate over the statutory obligation to “preserve or enhance” their “character or appearance.” It is also noteworthy that while guidance in Wales is confined mainly to one circular, in England professionals now have available a more sophisticated body of advice on appraisal, assessment and management from English Heritage.⁴ It is probable that many conservation areas are managed successfully, but it often seems that this success depends on circumstances providing the right opportunities in terms of resources, enlightened professionals and willing developers.⁵ It is pertinent to bear in mind that “preservation” of “character” could determine a narrow agenda based on maintaining the historic integrity of the build-

ings which are the main components of conservation areas.⁶ This has positive benefits, yet, as Cantacuzino has suggested

The preservation of more and more individual buildings and groups of buildings, the emphasis on preservation in conservation areas, the growing practice of adapting what are quite ordinary buildings to new uses, the protection of the setting of buildings ... have all made for consolidation and improvement rather than invention and new ideas.⁷

The “enhancement” of “appearance” implies a wider concern with design quality, especially urban design, with the spaces between and around buildings and neighbourhoods, and with the ways in which new development is accommodated, older buildings enabled to achieve beneficial re-use, and in the way we design for efficient, safe and environmentally sensitive movement within and through conservation areas.

Wales has already developed a different format for its planning guidance, with some shades of difference in terms of content, too, although the Welsh Office has reflected the intentions of Whitehall guidance more closely. With the National Assembly taking responsibility for planning matters there is the opportunity to build on the legacy and to explore how far Welsh guidance needs to be distinctive and whether there are special issues arising from Welsh culture, environment and history that should be reflected in the form and content of planning guidance.

The purpose of this project was to investigate aspects of conservation area management to achieve quality environments in Wales, and to look especially at the ways in which the new unitary authorities are developing (or not developing) strategic approaches to conservation, development control and enhancement. This report is the outcome of what was conceived as the first stage of the study: data gathering and assessment. This provides a basis to move to a second stage with case studies drawn from a variety of conservation area contexts. Taken together this material should provide a picture of the way in which conservation areas are managed in practice, in terms of human and cash resources, as well as the practical tools adopted and the policies that LPAs have developed. It will identify the conflicts that can exist in theory and in practice between conservation objectives and wider urban policy. The study should also point to the opportunities that may exist in the future to do the job better.

The current situation, as this report suggests, is very mixed and at times confusing. For instance, while some conservation areas have benefited from significant investment since 1996, this has often been a by-product of a wider regeneration initiative. In practice professionals suggest that resources have contracted rather than expanded. At the present moment it appears that the best way to lever resources into conservation area enhancement is in the context of a scheme that may have differing and perhaps conflicting objectives, focused for example on economic development or general environmental enhancement.⁸ This situation is illustrated by the fact that while in some authorities conservation officers have a degree of autonomy within

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an identified team, in others (where specific expertise exists) they are part of a wider grouping for whom conservation area work is a subsidiary task.

It is clearly the case that conservation area management and enhancement is not something that can be pursued successfully in isolation, and therefore there is a need to link conservation in urban areas at least with urban design projects, regeneration programmes and other area initiatives. It may well be that rural areas demand a different approach, however. “Joined-up thinking” is needed to relate conservation area objectives to the consideration of physical quality, social viability, economic vitality and the wider concern for sustainability. Parfect and Power have stated that “our architectural heritage should be seen as belonging to the same category of dwindling commodity as building land.”⁹ As Wales develops its new democracy, and as the Assembly engages in an exploration of the planning guidance it has inherited from Whitehall and the Welsh Office, it may be timely for officials and Assembly Members (AMs) to consider the results of this survey and it will hopefully be of help in shaping new procedures and structures to achieve quality in the environment of town and countryside alike. Punter and Carmona argue that in doing so we should aim not just to preserve a representative history of architecture and urban design, but to enable the survival of a “working history” that has “a practical relationship to the modern-day lives of everyday people” in communities throughout Wales.¹⁰

¹ Cf. Kelvin Campbell and Robert Cowan, “Making urban design deliver good places”, *Urban Environment Today*, 70 (13 May 1999)

² Welsh guidance (*Planning Guidance (Wales): Planning Policy* (1st revision, 1999) states that policies should clearly state what it is about the character or appearance of an area that should be preserved or enhanced, and set out how this objective is to be achieved; development plans should integrate conservation policies with wider policies for an area, the detailed statement of proposals for a specific conservation area should not itself be part of the development plan but plans should set out how detailed assessment statements and proposals relate to the plan.

³ David Hickling, “Conservation areas: designating, appraising and defending”, *Planning*, 24 September 1999.

⁴ English Heritage, *Conservation area practice: English Heritage Guidance on the Management of Conservation Areas* (1995)

⁵ Cf. RTPi, *The Character of Conservation Areas* (1993)

⁶ “Preservation” and “enhancement”, “character” and “appearance” are not, of course, necessarily alternatives; the relationship between these terms and the significance of the conjunctions deployed in the act, bedeviled caselaw for several years following the Steinberg judgement of 1989.

⁷ Sherban Cantacuzino, “Urban design in context”, *Built Environment*, 22:4 (1996), 260.

⁸ Peter Larkham suggests that “in all cases the overwhelming motivation for change has been the prospect of economic gain.” In summarising aspects of one case study he notes that “Worcester’s Crowngate centre illustrated a degree of unanimity by decision-makers that large-scale development was acceptable and that one listed structure, the Sunday School, should nevertheless be removed. There was less unanimity over some details of the scheme, particularly the changes imposed at a late stage by ‘third parties’, principally the Fire Officer’s requirements for changes to the entranceway within an historic frontage building.” Peter Larkham, *Conservation and the City* (1996), 200.

⁹ Michael Parfect and Gordon Power, *Planning for Urban Quality* (1997), 87.

¹⁰ J.V. Punter and M. Carmona, *The Design Dimension of Planning* (1997), 296.