

Management Committee

7 March 2017

Conservation Areas of Portland

For Decision

Briefholder

Cllr R Nowak – Environment & Sustainability

Senior Leadership Team Contact:

S Hill, Strategic Director

Report Author:

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Statutory Authority

Planning (Listed Buildings and Conservation Areas) Act 1990

Purpose of Report

- 1.1 To report on the outcome of further public consultation to extend/adjust the boundaries in 9 discrete areas within Underhill, Grove and Portland Conservation Areas (outlined in Appendices A & B).
- 1.2 To report on the outcome of further public consultation on additional Important Local Buildings within Underhill Conservation Area (outlined in Appendices A & B).

Officer Recommendations

- 2(a) That 9 boundary extensions/ adjustments and additional Important Local Buildings arising from public re-consultation of the Conservation Areas of Underhill, Grove and Portland be adopted in support of Conservation Area policies in the Local Plan.
- 2(b) That the adopted Appraisal of the Conservation Areas of Portland be updated and amended accordingly.

Reason for Decision

- 3 To inform and guide any future development towards respecting the qualities and character of Underhill, Grove and Portland (Easton, Reforne, Straits & Wakeham). When adopted the conservation area boundary extensions and additional Important Listed Buildings would support Policy ENV 4 (Heritage Assets) of the West Dorset, Weymouth and Portland Local Plan.

Background and Reason Decision Needed

- 4 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to designate as conservation areas any 'areas of special architectural or historic interest, the character of which is desirable to preserve or enhance', and Section 71 of the same Act states that the local planning authority has a duty to '*publish proposals for the preservation and enhancement of any part of their area which are conservation areas.*' Section 72 of the Act requires '*special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.*'
- 5 Within the Borough there are 15 designated Conservation Areas. Designation introduces a general control over the demolition of unlisted buildings and provides a basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area's special interest.
- 6 The Appraisal of the Portland Conservation Areas is contained within a single document which is available at <https://www.dorsetforyou.com/conservation-area/weymouth-and-portland> and adopted by the Management Committee on 4 November 2014. At the same time, the committee endorsed re-consultation on additional boundary extensions of the Underhill, Grove and Portland conservation areas and additional Important Local Buildings in the Underhill conservation area, all of which were the outcome of public consultation (23 June – 4 August 2014) on the conservation area appraisal prior to its adoption by the Borough Council.
- 7 The National Planning Policy Framework (NPPF) identifies Conservation Areas as Designated Heritage Assets. The process of designation has identified them as having a level of significance that justifies special protection measures. Paragraph 127 (Conserving and enhancing the historic environment) sets out the policy principles relating to heritage assets:
When considering designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
- 8 Under the NPPF an Important Local Building is a Non-Designated Heritage Asset which is defined as:
A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

9 Underhill (Fortuneswell, Chiswell and Castletown) Conservation Area

- a) Conservation Area boundary extension to include gardens and a separate parcel of land at the rear of Ventnor Rd (refer to Appendix A, item 1) – the gardens and parcel of land were created in the 1990s after a scrub bank was purchased from Dorset County Council. The top of the bank historically marked the division between Fortuneswell and Verne Common. Responses to the consultation are mixed. The boundary extension is supported by Portland Town Council and the Dorset Industrial Archaeology Society. One garden owner is supportive, whilst another objects and raises the matter of interference in garden maintenance. The owner of a large plot behind Nos 1-14 Ventnor Rd confirmed it was separate land and not garden, which is correct, and objects to its inclusion in the proposed extension. It was pointed out that the boundary line shown (Appendix A, item 1) does not match that on the ground. Investigation of this determined that the boundary partly follows Ordnance Survey vegetative edge (tree canopy) rather than obstructing feature (fence). The same owner contends that the historic limit of Fortuneswell is the terraces' rear yard wall but this is not the case. The Borough Council's Tree Officer commented on the importance of the trees to public views such as from New Rd and to the amenity of the conservation area.

Your officer's view is that the boundary extension should be adopted but adjusted slightly to follow fence line below tree canopy as necessary (refer to Appendix C).

- b) Conservation Area boundary extension to include Old Hill and the Old Rectory (refer to Appendix A, item 2) – Responses from residents are positive. Portland Town Council supported the proposal. The Borough Council's Estates Division expressed concern about management and maintenance costs, whereas the Planning (Listed Buildings and Conservation Areas) Act 1990 considers only *special historic or architectural interest*. The Council's Weymouth and Portland Area Planning Team suggested that the War Memorial, to the west of Old Hill and set within public open space, be included in the boundary extension. The Memorial is protected by statutory listing and under Emerging Local Plan Policy ENV 4 would form part of the setting of an Old Hill proposed boundary extension. It is not proposed to include the Memorial in the conservation area.

Your officer's view is that the boundary extension should be adopted.

- c) Additional single storey *Important Local Building* behind 173-181 Brandy Row (refer to Appendix A, item 3) – no response was received from the owner of the industrial building. Portland Town Council supports the addition, as does the Dorset Industrial Archaeology Society. Cllr McCartney (Tophill West Ward) is supportive. The two storey building, which was proposed as an Important Local Building, will be demolished as part of a residential redevelopment (WP/15/00368/FUL), which was refused planning permission but lost on appeal.

Your officer's view is that the single storey, stone building and the associated stone boundary/retaining walls should be designated *Important Local Buildings*.

- d) Additional Important Local Building of Underhill Junior School (refer to Appendix A, item 4) – no comment was received from Dorset County Council. Cllr McCartney (Tophill West Ward) and Portland Town Council support the addition, as does the Dorset Industrial Archaeology Society.

Your officer's view is that the school should be designated an *Important Local Building*.

10 Grove Conservation Area

- a) Conservation Area boundary extension to include amenity space opposite St Peter's Church (refer to Appendix A, item 5.1) – overall a positive response, including Portland Town Council's, which also refers to the open space at the bottom of Augusta Rd. It is not proposed to include the Augusta Rd space within the conservation area because of its distance away from the conservation area. The Borough Council's Estates Division refers to asset value and management costs but under the Planning (Listed Buildings and Conservation Areas) Act 1990 only *special historic or architectural interest* is considered.

Your officer's view is that the boundary extension should be adopted.

- b) Conservation Area boundary extension to include allotments at the rear of Clifton Hotel (refer to Appendix A, item 5.2) – The allotments are partially owned by the Borough Council and the Council's Estates Division refers to a transfer to community management and the affect on asset value and management costs. However, under the Planning (Listed Buildings and Conservation Areas) Act 1990 only *special historic or architectural interest* is considered. No comment was received from remaining allotment owners. Including other areas (allotments, Headland Rock Quarry) was raised by either Portland Town Council or the Borough Council's Weymouth and Portland Area Planning Team or both. In 2014, such areas were considered by the Borough Council's Management Committee and were not adopted – see <http://webapps-wpbc.dorsetforyou.com/apps/democracy/managementDocuments.asp>

Your officer's view is that the boundary extension should be adopted.

- c) Conservation Area boundary extension to include part of Incline Rd (refer to Appendix A, item 5.3) – Supported by the Dorset Industrial Archaeology Society and a borough resident. Portland Harbour Authority/Portland Port Ltd objects to the boundary extension but provides no supporting argument as to why such an area of substantial historic and architectural interest should not be included.

Your officer's view is that the boundary extension should be adopted.

- d) Additional *Important Local Buildings* of 10, 11a, 13-18, 20, 22, 23, 25-27, 29-31, 33, 35-41 Grove Rd (refer to Appendix A, item 5.4) – Cllr McCartney (Tophill West Ward) is supportive. One response received from an owner explaining that it was 30a and not their property that showed the characteristic use of Portland stone. Therefore, it is proposed to include No 30a amongst those properties listed above instead of 31.

Your officer's view is that 10, 11a 13-18, 20, 22, 23, 25-27, 29-30a, 33, 35-41 Grove Rd should be designated *Important Local Buildings*.

11 **Portland (Easton, Reforne, Straits, Wakeham) Conservation Area**

- a) Conservation Area boundary extension to include historic limits behind Glen Caravan Park and the railway line east and west of Mermaid Bridge, Wakeham (refer to Appendix A, item 6) – Glen Caravan Park raised the issues of additional planning restrictions, the lack of historic interest within the caravan park and the exclusion of properties south of the railway line. Additional planning control would relate to work to trees and demolition of buildings. The historic interest is in the caravan park's westerly boundary, that is, the old limits of Wakeham. If the conservation area boundary is moved to correspond with the caravan park's westerly boundary, it would also rationalise the conservation area boundary, which currently cut's across the caravan park. Properties south of the railway line comprise a new expansion and therefore are not included.

The boundary extension is supported by the Dorset Industrial Archaeology Society. Portland Town Council suggests that the railway line be included up to Park Rd, whilst Glen Caravan Park mentions as far as Portland Port. The inclusion of more railway legacy relates to the conservation area at Wakeham only.

Your officer's view is that the boundary extension should be adopted.

- b) Conservation Area boundary extension to include gardens/property plots behind 54-84 (evens) on west side of Wakeham (refer to Appendix A, item 7) – A strong objection to inclusion in the conservation was received because the proposed boundary extension is not publically accessible or visible. Whilst such factors can form part of a conservation area, in this instance, the proposed boundary extension is to include garden plots more fully, including two *Important Local Buildings* (60 & 62 Wakeham), in order to be in conformity with the east side of Wakeham.

Portland Town Council wants the former quarry, west of the proposed conservation area extension, included in the conservation area. The proposed boundary extension is to include garden plots plus two *Important Local Buildings* (60 & 62 Wakeham). It is not proposed to include the former quarry.

Your officer's view is that the boundary extension should be adopted.

- c) Conservation Area boundary extension to include 11-19 (odds) and 15 Moorfield Rd (refer to Appendix A, item 8) – No comments were received from owners. Portland Town Council and the Dorset Industrial Society support the proposed boundary extension. The Borough Council's Estates Division is concerned about the boundary extension pre-judging the future use of garden land but such matters are the remit of the Local Plan and not conservation area assessment under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Your officer's view is that the boundary extension should be adopted.

- d) Conservation Area boundary extension to include the east side of St George's Rd (1-28) Reforne (refer to Appendix A, item 9) – An owner supports the boundary extension, as does Portland Town Council. No other owners responded.

Your officer's view is that the boundary extension should be adopted.

Implications

Corporate Plan

12 Protecting and enhancing the built and natural environment.

Financial

13	Incidental costs associated with the public consultation include:	
	Letters to those affected by boundary extensions and additional	
	Important Local Buildings 188 x 0.53	99.64
	Letters to stakeholders 16 x 0.53	8.48
	Land charges cost for searching land ownership	69.00
	Statutory requirement for formal notice in local newspaper	185.98
	Future cost of statutory notice in London Gazette & local	
	newspaper	259.63
	TOTAL (excluding in-house staff costs)	£622.73

Risk Management (including Health & Safety)

14 If the Conservation Area Extensions are not adopted and additional *Important Local Buildings* not designated, this may be harmful to the character and appearance of the Underhill, Grove and Portland Conservation Areas.

Human Resources

15 Staff in Planning Development

Consultation and Engagement

Property owners, stakeholders and Ward Members were sent full details. A notice with contact details was placed in a local newspaper. The re-consultation was eight weeks duration, finishing on 16 January 2015. Comments received are tabled in Appendix C.

Appendices

Appendix A Re-consultation to extend/adjust the boundaries in Underhill, Grove and Portland Consultation Areas and to designate additional *Important Local Buildings* in Underhill Conservation Area

Appendix B Amendment to boundary extension to include gardens at the rear of Ventnor Rd

Appendix C Table of Comments arising from Public Re-consultation

Background Papers

Planning (Listed Buildings and Conservation Areas) Act 1990
National Planning Policy Framework (2012)

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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