

KINGSBURY CONSERVATION AREA
Designation Report

1. Introduction

1.1 A conservation area is "an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". There can be no uniform standard against which the character of an area can be measured, so it is necessary to evaluate separately the particular merits of potential conservation areas to establish whether they are worthy of designation.

1.2 Department of the Environment circular 12/81 encourages local planning authorities to keep the designation of conservation areas under review and to consider whether more areas should be designated, especially when local plans are being prepared.

1.3 A local plan for the Coleshill and Kingsbury areas has already been prepared by the Council, and there has been extensive public consultation on its proposals. Amongst them is a proposal (paragraph 9.14 of the Plan) which states that :

"It is proposed to designate the area north of Church Lane in Kingsbury, a conservation area."

The Council has therefore already identified the need to designate a conservation area in Kingsbury.

2. The Case for Designation

2.1 The area to the north of Church Lane in Kingsbury contains the oldest and finest buildings in the settlement, together with significant areas of open space and a good number of trees. Kingsbury Hall, an Ancient Monument, and the church dominate the view above the valley of the River Tame, and overlook the popular Kingsbury Water Park. The majority of the buildings in the area have not had any significant external alterations to their original appearances. The boundary to the area therefore reflects these characteristics.

3. Legislation Applying to Conservation Areas

3.1 Within a conservation area the local authority has additional powers to control development and the demolition of buildings, and to protect trees and tree groups. This helps to ensure that any development which does take place does not upset the existing balance which has evolved over many years. The legislation is intended to assist authorities in enhancing conservation areas, not merely preserving them.

3.2 The powers, together with the statutory procedure for designation, are set out in Annex A.

4. Planning Policy

4.1 Existing planning policies for the area are contained in two statutory documents - the Warwickshire Structure Plan (Alterations No 3) and the Coleshill District (Local) Plan.

4.2 The Structure Plan contains strategic planning policies for the whole of Warwickshire. Kingsbury is not identified as a settlement designated for growth, it is left to the Coleshill District (Local) Plan to determine the amount and location of new residential development within overall guidelines set by the Structure Plan. The Local Plan identified two housing sites in Kingsbury, but they are not within or adjacent to the conservation area.

4.3 In addition, the Local Plan defines a development boundary around the built-up area of Kingsbury which sets the limits of future peripheral expansion. The conservation area is included within this boundary. The Local Plan states that within the development boundary planning applications for new housing will be treated on their merits.

4.4 Several other policies in the Coleshill District (Local) Plan apply to the conservation area and these are quoted in the following paragraph numbers of the Plan :

- 9.22 - Planning Applications in Conservation Areas.
- 9.24 - Planning Applications adjacent to Conservation Areas.
- 9.26 - Demolition of Buildings in Conservation Areas.
- 9.33 - Restoration of Older Buildings.
- 9.45 - Road Signs and Street Lighting.

5. Future Action

5.1 As stated earlier in this report, the designation of a conservation area not only enables the local planning authority to make steps to preserve its appearance, but also to draw up positive measures for its enhancement.

5.2 In the case of the Kingsbury Conservation Area, the major aim is to preserve its existing character which makes it the most attractive part of the settlement. The emphasis will be on ensuring that any new building or alterations blend with the surrounding buildings, and that care is taken to retain trees, hedgerows and walls. The area benefits from the open spaces between properties, and this factor will need to be considered. In particular the church, Kingsbury Hall, and the trees are a dominant feature when viewed from the Water Park and the Tame river valley generally. This unique aspect will be protected.

5.3 Two important features need to be considered :

(a) There is a public footpath which runs through the area, linking the centre of Kingsbury with the Water Park. It is heavily used. Consideration will need to be given to the proper maintenance of this feature, with improvements if necessary to ensure the footpath remains in a safe condition, whilst not destroying the character of the path through the pleasant surroundings.

(b) The future of Kingsbury Hall as an Ancient Monument will need to be examined, so that its presence enhances the area.

5.4 There are two buildings in the area which are included in the Statutory List of Buildings of Special Architectural or Historic Interest - Kingsbury Hall and the School House. The importance of the church has been recognised by the fact that it was once regarded as a Category B church, similar to a Grade II Listed building. However, the categories for churches were abandoned in 1977, and most churches were regraded as Grade I or II Listed buildings when reviews were undertaken. The opportunity has now arisen to list the church as a Grade II Listed building and it is considered that this should be put forward. The Council also believes that it is essential that all the existing buildings in the area are of such importance so as to be retained, even though they are not themselves worthy of a separate Listing, because of their contribution to the overall character of the conservation area.

LEGISLATION APPLYING TO CONSERVATION AREAS
STATUTORY PROCEDURE FOR DESIGNATION

Section 277 of the Town and Country Planning Act 1971 provides local planning authorities with the power to determine which parts of their area are 'areas of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance' and to designate them as conservation areas.

The Secretary of State must be notified of such designations but his confirmation is not necessary. Notice of the designation should be published in the London Gazette and in at least one local newspaper. The date of designation is the date of the Council's resolution. The designation must also be registered in the Local Land Charges Register. As owners and occupiers of buildings in such areas do not have to be notified individually, notification to the Secretary of State and registration must be carried out as quickly as possible.

Additional Powers in Conservation Areas

(i) Control of Demolition

Section 277A of the Town and Country Planning Act 1971 empowers local authorities to control the demolition of buildings, in whole or in part, in conservation areas - ie buildings cannot be demolished without consent. Although certain buildings are excepted, their demolition is controlled by other legislation within the Act.

(ii) Enhancement Schemes

Section 277B of the Act requires that special attention be paid to the preservation and enhancement of conservation areas. The Secretary of State may direct local planning authorities to formulate and publish proposals for the preservation and enhancement of their conservation areas for submission at a local public meeting to which members of the authority, amenity groups, residents associations and the Chamber of Trade would be invited.

(iii) Protection of Trees

Under Section 61A of the Town and Country Planning Act 1971 and Section 8 of the Town and Country Planning Amenities Act 1974, trees in conservation areas are given the same protection as trees which are the subject of a Tree Preservation Order. Anyone proposing to do any work on trees in a conservation area (topping, lopping, or felling) must give the local authority six weeks notice of their intention - within which time the local authority must either make a Tree Preservation Order or give consent to carry out the work. If no decision is reached within the time limit specified the applicant can proceed. If there is a contravention then the same penalties apply as with a Tree Preservation Order.

(iv) Publicity for Planning Applications

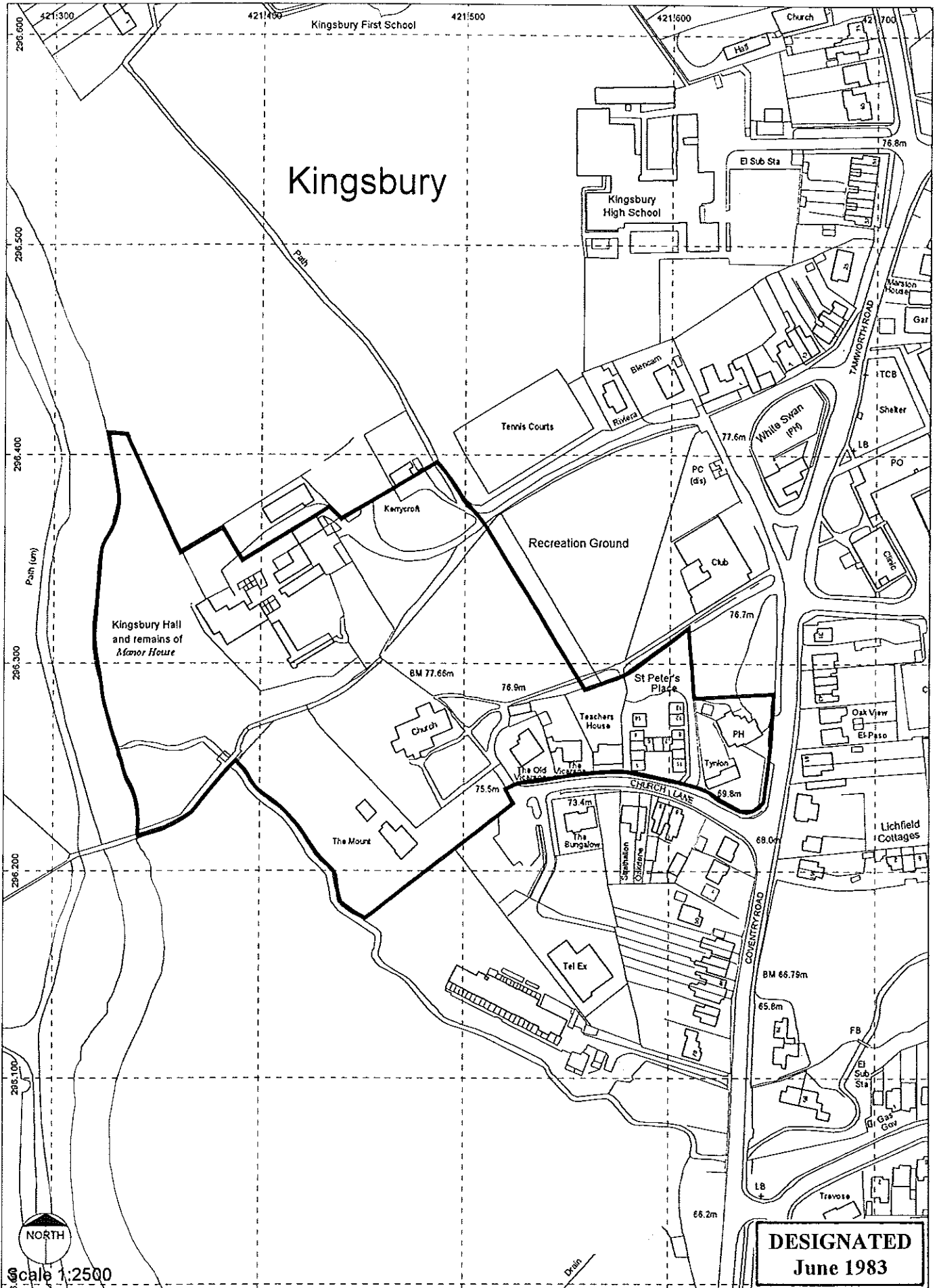
Section 28 of the Town and Country Planning Act 1971 requires the local planning authority, in the case of a planning application where the development would, in their opinion, affect the character of the conservation area to advertise the proposal both on site and by a notice in the local press.

(v) 'Permitted Development'

The Town and Country Planning General Development Order 1977 identifies 'permitted development', which is works of extension or alterations to properties which do not require planning permission, although if the building concerned is a 'listed building', listed building consent may be required. The General Development Order was revised in 1981 to extend the size limits for extensions to residential and industrial buildings, except in conservation areas already designated before 1st April 1981, where the previous limits will continue to apply. Since the date of designation of the Kingsbury Conservation Area falls after 1st April 1981, the raised permitted development limits of the 1981 General Development Order will apply there.

(vi) Grants and Loans

Section 10 of the Town and Country Planning Act 1971, as amended by the Local Government Planning and Land Act 1980, enables the Secretary of State to make grants or loans for schemes to preserve or enhance conservation areas. Grants are not restricted to local authorities and can be paid to any person or organisation able to produce a scheme and demonstrate that they can execute such a scheme.



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