



**Orchards Way, West End
Conservation Area
Appraisal and Management
Proposals SPD**

Preface

Title of Document

Orchards Way, West End Conservation Area Appraisal and Management Proposals SPD.

What is it about?

This document reviews the existing Orchards Way, West End, Conservation Area and uses this information to put together management proposals to improve and enhance the area.

What is it for?

- To provide guidance supplementary to the Council's Local Plan policies and the future local development framework.
- To assist residents and developers when considering development within the conservation area.
- To assist the Borough Council, as local planning authority, with planning decisions and future development.

Background information

The evidence for this SPD was drawn from national conservation guidance and local information.

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1. Introduction

Purpose of conservation area appraisal

- 1.1 This appraisal has been carried out to re-assess the existing Orchards Way, West End, Conservation Area and to re-evaluate and re-examine its special interest. The review will provide a basis for management proposals that are aimed at preserving or enhancing the character and appearance of the designated area.

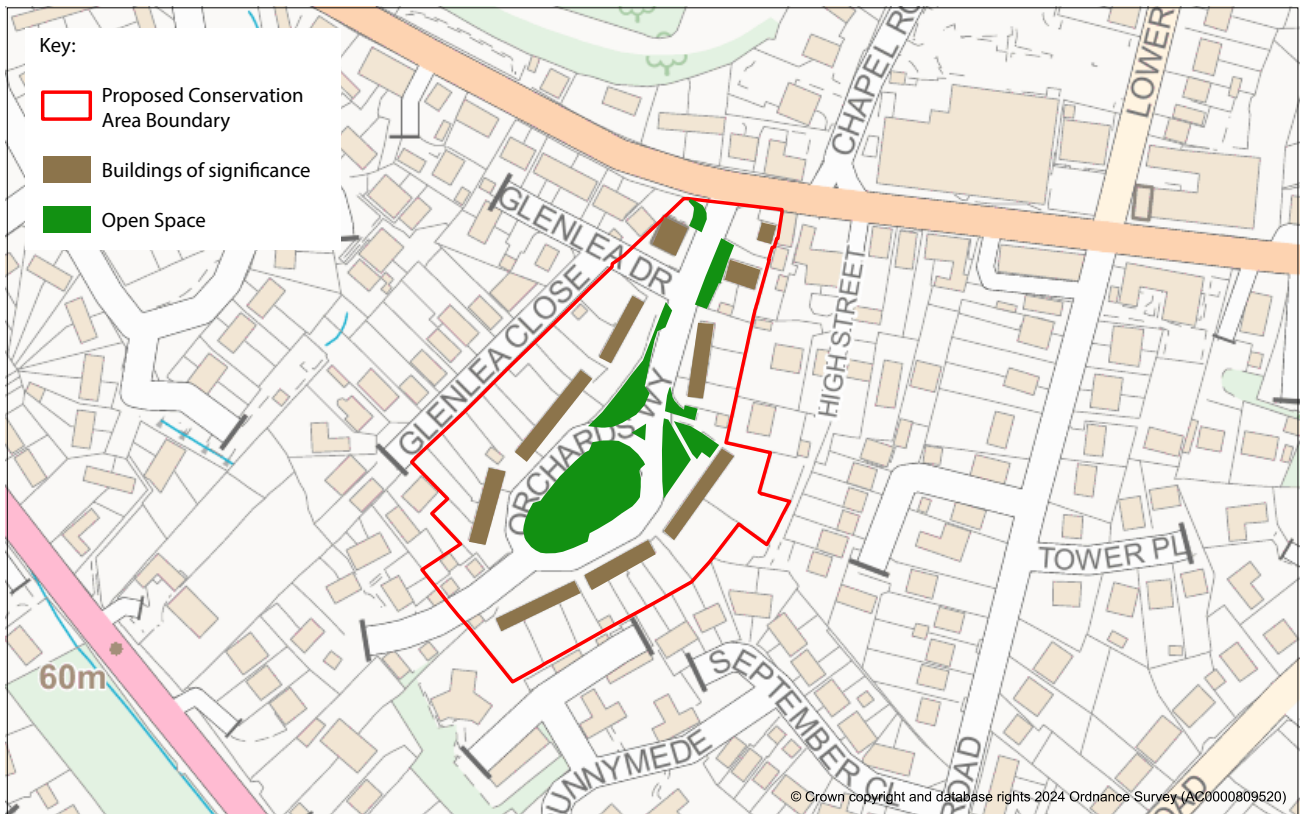
Role of final document

- 1.2 Following consultation and associated amendments, this appraisal and management strategy will be adopted by the Borough Council as a Supplementary Planning Document (SPD). It will provide additional guidance supplementary to the council's local plan policies, contained within the new Local Plan dated April 2022. This SPD will continue to provide guidance in support of the new Local Plan and take into account the relevant new policies. <https://www.eastleigh.gov.uk/planning-building/planning-policy-and-implementation/built-heritage.aspx>
- 1.3 It will be a tool to be used by residents and developers when considering development within the conservation area. The Borough Council, as the local planning authority, will use it to inform planning decisions and future development.

Consultation

- 1.4 Consultation on a draft of this document will take place in 2024.

The Orchards Way, West End Conservation Area existing boundary



2. Background

Statutory context

- 2.1 Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, as defined by section 69 of the Planning (Listed Buildings and Conservation Area) Act 1990 and subsequent amendments.
- 2.2 The statutory duty of the local planning authority (LPA) is set out in section 71 of the above Act. It requires LPAs to review the designation of conservation areas, formulate and publish proposals for the preservation and enhancement of conservation areas, and submit them for consideration to a public meeting in the area to which they relate.
- 2.3 Section 72 of the same Act requires LPAs to pay special attention to the character and appearance of the conservation area and to the need to preserve or enhance it when exercising their planning powers.

Planning policy context

- 2.4 Information and advice regarding heritage assets, such as conservation areas, is provided in Historic England Advice Note 1 (2nd. ed) titled Conservation Area Appraisal, Designation and Management v.3.0 February 2019. This practice guide was written by Historic England (formerly English Heritage) which serves as the Government's statutory adviser on the historic environment.
- 2.5 Their publication, Conservation Principles: Policies and Guidance, offer guidance about a range of issues in the historic environment. It refers to conservation as "the process of managing change to a significant place in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations", (p.7, para.41¹). These heritage values can be used to identify what is important for an area that is believed to have high value:
- 2.6 **Evidential value** - the potential of a place to yield evidence about past human activity.
- 2.7 **Historical value** - the ways in which past people, events and aspects of life can be connected through a place to the present, it tends to be illustrative or associative.
- 2.8 **Aesthetic value** - the ways in which people draw sensory and intellectual stimulation from a place.
- 2.9 **Communal value** - the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory", (p7, para.5, p27-32²).
- 2.10 It sets out six principles which English Heritage consider "provide a comprehensive framework for the sustainable management of the historic environment" (p7, para.3; p 19-24³):
 - Principle 1: The historic environment is a shared resource

¹ Conservation Principles: Policies and Guidance, English Heritage April 2008

² Conservation Principles: Policies and Guidance, English Heritage April 2008

³ Conservation Principles: Policies and Guidance, English Heritage April 2008

- Principle 2: Everyone should be able to participate in sustaining the historic environment
- Principle 3: Understanding the significance of places is vital
- Principle 4: Significant places should be managed to sustain their values
- Principle 5: Decisions about change must be reasonable, transparent and consistent
- Principle 6: Documenting and learning from decisions is essential.

2.11 These principles have been used to guide the management proposals developed in this appraisal.

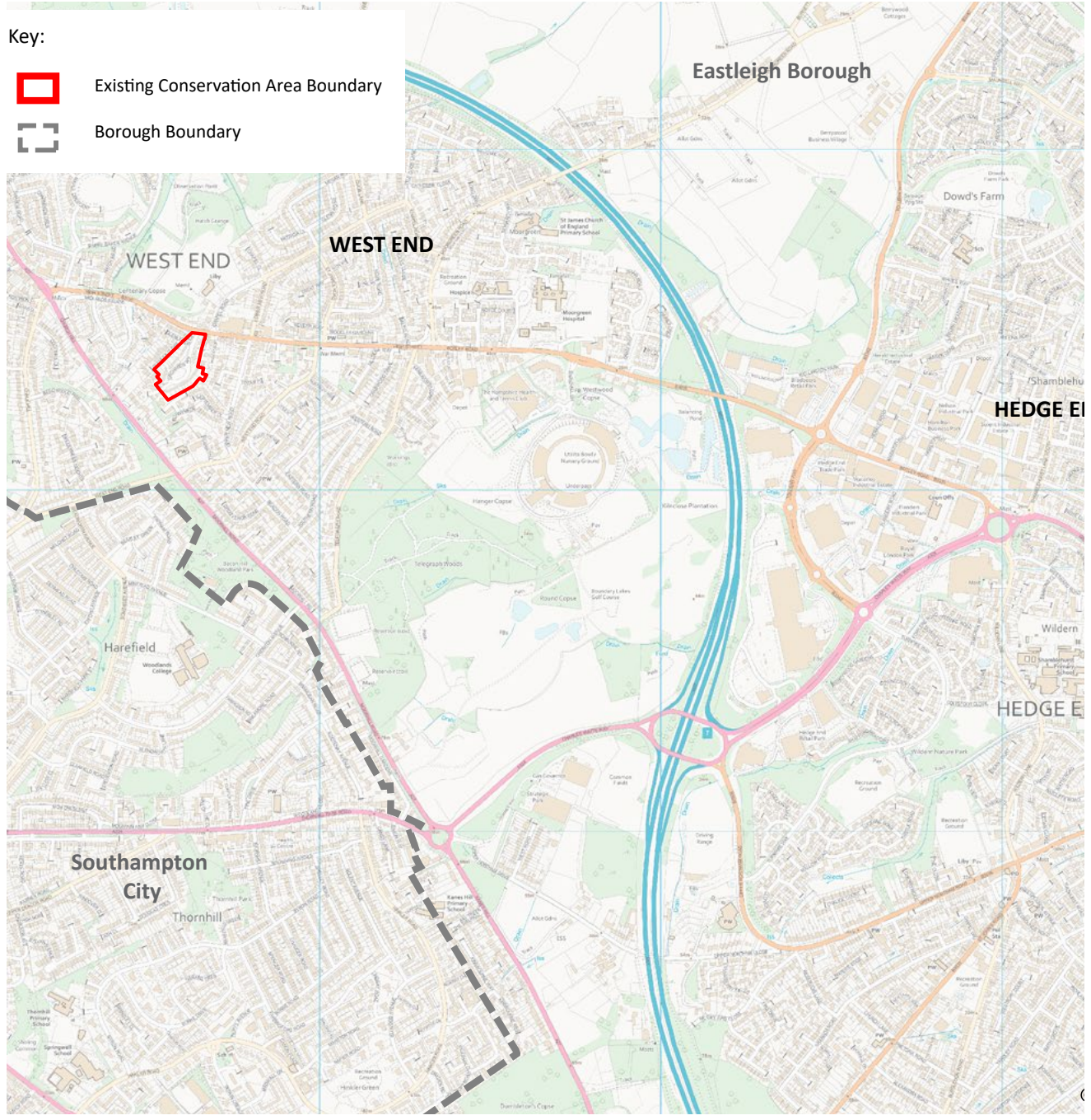
2.12 English Heritage (now called Historic England) has also produced specific guidelines for conservation area appraisals and their management: *Guidance on conservation area appraisal* and *Guidance on the management of conservation areas*. This document takes account of the advice set out in the guidance.

2.13 The Orchards Way Conservation Area Appraisal will be adopted as an SPD. An SPD cannot create new policy; it does however provide additional guidance supplementary to the policies S8 Historic Environment in Chapter 4 and DM12 Heritage Assets in Chapter 5 of the new Eastleigh Borough Local Plan (2016-2036), adopted in April 2022. Appendix A contains an outline of the most relevant national and local planning policies appertaining to this Conservation Area.

Status of the conservation area

2.15 The Orchards Way, West End Conservation Area was originally designated in 1999, and the last appraisal adopted on 25 July 2005. Following designation, any development within the conservation area should have been carried out with regard to its conservation status and the relevant local plan policies.

Location of Orchards Way Conservation Area



3. The Local Context

The Setting

- 3.1 The site, extending to 8.5 acres (3.4 ha), lies to the south of West End, High Street toward the western end just past the shops; indeed when originally built it had two shops facing the high street together with a fire station.
- 3.2 In total the estate consists of 35 dwellings comprising seven terraces in addition to the former shops and a single house at the front of the site. The whole estate was developed by The Hampshire Rural Cottage Improvement Society Ltd (HRCIS) formed in 1936 with the aims of reconditioning old cottages (as so many were being officially condemned as unfit for human habitation) and building new ones, to cater for the rural workers. The Society followed the repair philosophy of The Society for the Protection of Ancient Buildings (SPAB) in order to save the picturesque ones on aesthetic grounds that would otherwise have been lost to pure economics.
- 3.3 The SPAB philosophy is that 'old buildings have a future' and was established in 1877 by the Arts and Crafts designers William Morris and Phillip Webb in 'response to the work of Victorian architects whose enthusiasm for harmful restoration caused irreparable damage.' 'Today the SPAB encourages excellence in new design to enrich and compliment the built historic environment.'
- 3.4 The architect for this estate was Herbert Collins who also served as Honorary Chairman and Secretary of HRCIS for some years. He designed another six housing estates in the Southampton area including Hillside Close in Chandler's Ford together with various other building types including an individual house in Chalk Hill, St. James Church Hall, West End in 1938 and the United Reform Church in Kings Road, Chandler's Ford.

History and concept of Orchards Way

- 3.5 The Hampshire Rural Cottage Improvement Society purchased the site with a loan from the Public Works Loan Board over a fifty year term at 3.875% and started building in 1937 to create the most rural of the Herbert Collins estates, with the cottages grouped in short terraces around an irregular 'village green' retaining the fruit trees from the old orchard.
- 3.6 The cottages were given a rural appearance with white painted Midhurst brick walls, steeply pitched roofs with dormer windows and an individual water butt to each cottage. Internally the small two and three bedroom cottages had ledged and braced doors complete with wooden latches, all the internal woodwork being stained. This is very much in the Arts and Crafts idiom.

Given the new push for sustainability and water shortages in particular, it would be a good idea to reinstate the water butts for watering garden plants, particularly during periods of drought.
- 3.7 The estate was completed in 1939 but administration of the various HRCIS properties around Hampshire proved too expensive and the reconditioned cottages were sold. In 1968 the remaining Orchards Way estate was taken over by the Swathling Housing Society who modernised the cottages, made up the road and installed street lighting. A number of the cottages have since been purchased from the Housing Society by the tenants under the 'right to buy' provisions.
- 3.8 David W Lloyd, the notable architectural conservation historian, town planner and a co-author of Nikolaus Pevsner's Buildings of England wrote of Herbert's estates:- 'Wherever one looks there are perspectives of variously aligned cottage blocks usually on rising ground, set against and interspersed by trees, forming one of the best early twentieth century combinations of landscape and urbanity in England.' One can see all of these elements in this Orchards Way development.

Herbert Collins the Architect

- 3.9 He was one of six children from a family of speculative builders in Crouch End, London who's father took them out of school at age 15 to be apprentice carpenters, Herbert gaining his City and Guilds in carpentry and brickwork in 1903. They 'learnt to handle materials at a period of good craftsmanship and to observe all types of construction closely.'
- 3.10 In 1922 he moved to Southampton and lived in the lodge cottage to 'The Wilderness' at West End in West End Road which was his father's house since he moved there in 1911. The lodge remained until 1981/2 when the whole site was redeveloped as Wilderness Heights.
- 3.11 Collins initially practised from an address in Highfield on his Uplands Estate until 1927 when he moved his office to 30 Portland Street in Southampton until 1935 to move finally to Carlton Crescent. He worked part time until his death in 1975 aged 90.
- 3.12 As a young man he was involved in the Garden City Movement and sought to put this philosophy into practice when designing his estates as exemplified by the following quote. *'His estates . . . are a distinctive feature of Southampton suburbs. Most consist of two storey houses in a simple Georgian cottage style with low pitched roofs, built in short terraces arranged around a small green or set informally along grass bordered roads amongst carefully preserved trees.'* These schemes were highly acclaimed at the time, both nationally and internationally.
- 3.13 The estates he produced were mostly done in the 1920's and 30's, initially the Uplands Estate in Highfield, now most sought after together with various estates for the Swathling Housing Society including Pilgrim Place, Capon Close and Howard Close north of the Mansbridge Road with Westfield Corner and along Wide Lane to Walnut Avenue. Others locally included the Bassett Green Estate, Monks Way and Brookside Way.
- 3.14 Two of his estates in Southampton – the Uplands Estate in Highfield and Ethelburt Avenue on the Bassett Green Estate have been designated conservation areas by Southampton City Council. Orchards Way on the Uplands Estate south of Highfield Lane should not be confused with this one in West End.
- 3.15 In the Eastleigh Borough other works by Herbert Collins include Hillside Close for older residents including a retirement home at the front, all toward the southern end of Winchester Road on the eastern side and the United Reform Church in Kings Road, just south on the other side; one of only two churches he designed.

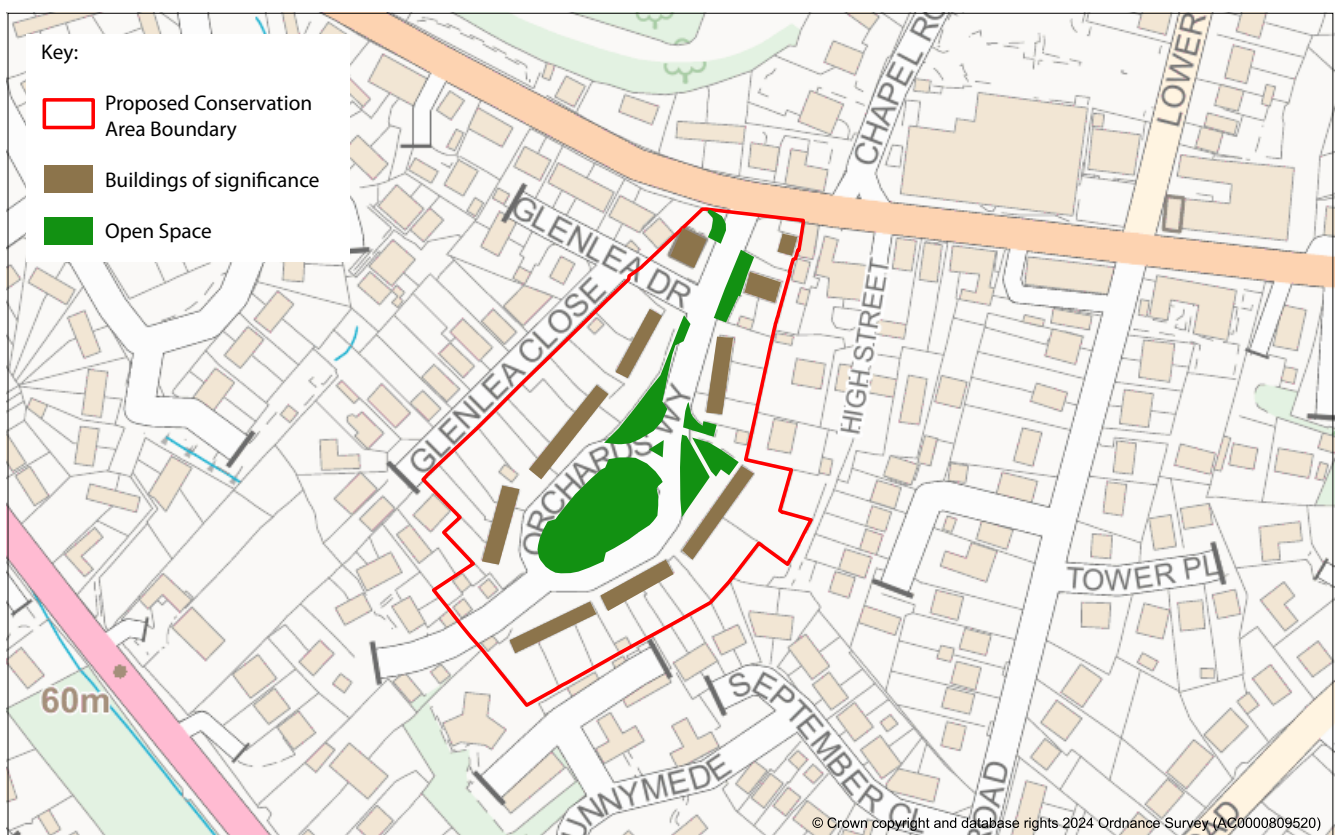
4. Appraisal and Management Proposals

- 4.1 This section of the appraisal re-assesses the conservation area as it is today. It provides a comprehensive description of the components that combine to create the unique special character that makes Orchards Way worthy of its designation. Harmful elements that undermine that character have been identified.
- 4.2 The management proposals that are recommended build upon the positive features and address the negative features, to provide a series of 'Issues and Proposals' for improvement, enhancement and sympathetic change.

The boundaries of the conservation area

- 4.3 The boundary of the 1989 conservation area has identified the area of focus for this appraisal. However, in order to assess the influences on the present day conservation area, the land directly surrounding the conservation area has also been assessed.
- 4.4 Following the assessment, it is not felt necessary to suggest any alteration to the boundary.

Proposed Conservation Area Boundary



Character of the conservation area

Buildings and structures

- 4.5 Orchards Way is a set piece layout of two storey terraces of 'cottage' style housing set around a large green with a few trees remaining and the former fire station, now a museum for the West End Local History Society, sited at the entrance from the High Street on the west side and a pair of cottages, the former shops with a detached cottage on the east side.



- 4.6 The estate when viewed from the north is seen against rising ground to the south-east featuring housing, large mature trees and a three storey block of flats. The character of the area contrasts from the open enclave of the green surrounded by houses of uniform design to the narrow entrance from the High Street.



- 4.7 Apart from the layout, the character of the area is defined by the house design which all have the distinctive Arts and Crafts elements of brick chimney stacks, steep pitched roofs covered with brown pantiles, flat roof dormer windows set into the eaves, windows and bay windows with timber casements using horizontal glazing bars to create four lights, entrances with small projecting canopies and solid timber doors with small high level glazed viewing panels and white painted brickwork above a brick plinth with open front gardens and low level front boundary treatments. For much of the estate many of these architectural features remain but there have been a number of alterations which begin to erode the character of the houses and the estate as a whole.



- 4.8 The houses were built with no garages but there are now two small groups of flat roofed garages, one between house no's 7 and 9 and the second a compound at the far end between No's 28 and 35, providing a low quality of visual enclosure at the southern end of the green unfortunately, with the result that most of parking is on the street and a few in front gardens. When the road was improved, additional lay-by parking was incorporated by cutting into the green.
- 4.9 There are no listed buildings in this conservation area and just one building of significance, which is the former fire station by the estate entrance.

General management proposals

Buildings of local importance:

- 4.10 As part of the appraisal process recommended by English Heritage (now Historic England) and in the National Planning Policy Framework (NPPF) with it's guidance, listed buildings and locally important buildings that make a positive contribution to the character of the area have been identified and are marked on the Proposed Conservation Area Boundary Map [page 11](#). Generally, these are individual or groups of buildings that retain all, or a high proportion, of their original architectural detailing adding interest and vitality to the appearance of the conservation area or have a significant historical link to the area. As with listed buildings, there is a general presumption in favour of retaining all important buildings which make a positive contribution to the character of conservation areas. When considering alterations or extensions, or development that affects the setting of the important building, opportunities for enhancing the character should be fully explored and should guide the design process.
- 4.11 **Proposal – In implementing policies, particular regard will be had to the significant buildings identified on the Proposed Conservation Area Boundary Map [page 11](#), to ensure that any alterations or extensions to existing buildings of local importance are very carefully designed and detailed to enhance the building and setting.**

Trees:

- 4.12 Trees make an important contribution to the special character and appearance of the conservation area. In this instance the majority of significant trees are those in the central green which gave their name to the whole development. In a conservation area however, legislation exists to prevent the loss of or harm to significant trees. Anyone intending lopping or felling a tree greater than 75mm diameter at 1.5 metres above the ground in a conservation area must give the Council six weeks written notice before starting the work. This provides the Council with an opportunity to assess the tree to see if it makes a positive contribution to the character or appearance of the conservation area, in which case a Tree Preservation Order (TPO) may be served. This protects the tree from felling or inappropriate lopping; Applications for development that may harm the health of a significant tree will need to demonstrate how this risk has been taken into account in the design process. Applications that do not satisfactorily address this issue or result in the loss of significant trees will be refused.
- 4.13 **Proposal – Eastleigh borough council will seek to protect significant trees.**

Landscape management plans:

- 4.14 The local planning authority already uses planning conditions to require the submission, approval and implementation of landscape schemes associated with development proposals. However, these tend not to be commonly imposed in relation to private gardens. The immediate setting of buildings, often in private gardens, can enhance or harm the landscape of the conservation area. The frequent use of hedgerows as a boundary treatment makes a noteworthy contribution to the landscape character of this conservation area.
- 4.15 As the conservation area designation exists to maintain or enhance the character of the area, planning

conditions that require landscape management schemes to enhance and maintain the landscape associated with development sites for a period of years, including private gardens, can have a significantly positive impact. The level of detail for the scheme required will depend on the degree of importance attributed to the heritage value of the property in its setting and its impact on the character of the conservation area.

- 4.16 **Proposal – Planning conditions will be used where development proposals are likely to have an impact on the character of the conservation area to require the submission, approval and implementation of a landscape management scheme to enhance the landscape features of the conservation area. The level of detail required will reflect the contribution the site makes to the character of the conservation area and the possibilities for its enhancement. There is in place an Article 4(2) direction dated 30 April 1999 which removes permitted development rights to alter the boundary treatment fronting the highway or open space in this conservation area.**
- 4.17 **Proposal – That a group of shrub planting be introduced at the far end of the green to shield the garage compound from sight as one enters the green area together with ensuring any trees on the green that die are replaced and further, new trees are planted well before the likely demise of the existing ones to ensure the presence of a group on the green.**



High quality design:

- 4.18 A conservation area is designated in part because of its aesthetic value, this one because it has retained its original complete design aesthetic of seven similar terraced blocks around a green, treed, open space. There are unfortunately a number of properties in the Orchards Way conservation area which have inserted windows and front doors not in keeping with the norm and a couple have added inappropriate roof-lights, so are not sympathetic to the setting and detract from the overall simple concept. As more of the properties become available to buy this trend is likely to increase and therefore dilute the quality of the conservation area, which will need to be arrested by the use of a more extensive Article 4 Direction.
- 4.19 The Council has produced a 'Quality Places SPD' to provide quality design guidance to enable better design across the borough. Design in a conservation area at the very least should always seek to maintain but preferably enhance, the character of that area. This includes landscape design both hard and soft which should be considered as an integral part of the design process at an early stage.
- 4.20 **Proposal – The local planning authority will seek to achieve a high standard of design when considering planning applications in the Orchards Way Conservation Area, with a view to retaining its character. When assessing any proposal to extend a dwelling, account will be taken of any previous extensions**

and their cumulative effect on the size and character of the property and the appearance of the area. Proposed extensions should be subservient to and in proportion to the existing building in form, scale and design. Development proposals that would be detrimental to the character of the area will not be permitted.

4.21 Proposal – That the Article 4(2) Direction be extended to include retention of the essential house features of :-

- i. all houses painted in the same white colour,
- ii. casement windows with the horizontal glazing bars only as original,
- iii. canopies over the front doors with no porches allowed,
- iv. uniform roof pantiles as existing with
- v. flat roofed dormers and
- vi. chimneys together with
- vii. only traditional sized conservation roof-lights in the front elevations.

Some half a dozen houses have changed their windows to a different format and about half have changed their front doors. This is the beginning of the estate losing its particular identity and needs to be arrested.

Localism:

4.22 A number of the issues impacting on the conservation area are not within the control of the council, such as maintenance of open spaces.

4.23 **Proposal – The council will encourage local organisations to achieve local aims and those of this SPD.**

5. The Conservation Area Boundary

Boundary Change

5.1 There are no boundary changes proposed to this conservation area at this time.

Conservation area

5.2 This SPD cannot create or amend planning policy, this will be done through the local plan process. When the old saved policies are superseded by the new policies leaving (where relevant) any new special policies relating to Orchards Way and the national conservation area designation.

5.3 The conservation area designation is a statutory designation with greater weight than local policies as a material consideration in planning. In *Guidance on Conservation Area Appraisals*, English Heritage (now Historic England) states:

"A clear comprehensive appraisal of the character of a conservation area provides a sound basis for development control and for developing initiatives to improve the area. The Planning and Compulsory Purchase Act 2004 requires determination of planning applications to be made in accordance with the provisions of the development plan, unless material considerations indicate otherwise. A clear definition of those elements which contribute to the special architectural or historic interest of a place will enable the development of a robust policy framework for the future management of that area, against which applications can be considered."

6. References

Publications

- Guidance on Conservation Area Appraisals. English Heritage (2006).
- Guidance on the Management of Conservation Areas. English Heritage (2006).
- Conservation Principles : Policies and Guidance for the Sustainable Management of the Historic Environment. English Heritage (2008).
- Herbert Collins: Architect and Worker for Peace. Robert Williams (1985). Paul Cave Publications Ltd and available in local history libraries in the area.
- Eastleigh Local Plan (2016 – 2036) 2022.
- Conservation Area Appraisal, Designation and Management (HEAN) 1 (2nd. edition) 2019

Websites

Archaeology Data Service - <http://ads.ahds.ac.uk>

Historic England (formerly English Heritage) - www.HistoricEngland.org.uk

Hampshire County Council - www.hants.gov.uk

Local History - locallocalhistory.co.uk/mh/pages124/5.htm

<https://eastleigh.gov.uk/planning-and-building/planning-policy-and-implementation/built-heritage>

Appendix A – Planning Policies

In considering a development proposal, the Local Planning Authority (LPA) will consider the policy framework set by government guidance. This includes the **National Planning Policy Framework (NPPF)** primarily paragraphs 189 – 208; **Planning (Listed Buildings and Conservation Areas) Act 1990**; **Ancient Monuments and Archaeological Areas Act 1979**; **Protection of Wrecks Act 1973** and the Historic Building and Ancient Monuments Act 1953 now repealed but included in the **National Heritage Act 1983**.

At a more local level the LPA will consider the **Adopted Eastleigh Borough Local Plan 2022** including the Strategic policies **S8 – Historic Environment** and **DM12 – Heritage Assets** together with policy **S5 – New Development in the countryside** and any other more particular localised ones as relevant. In addition, the relevant **Conservation Area Document** will be taken into account and any **Article 4 Directions**. An outline of the most relevant elements of all the above legislation follows but those documents themselves should be consulted for the full detail and explanation.

The National Planning Policy Framework

In the NPPF government policy in relation to the historic environment is outlined in Section 16 entitled *Conserving and Enhancing the Historic Environment*. Paragraphs 189-208 provide guidance for authorities, property owners, developers and others regarding the treatment of heritage assets in the planning process and the most pertinent paragraphs relevant to this are summarised below.

Paragraph 189 states: *“heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”*.

Paragraph 191 states: *“when considering the 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”*.

Paragraphs 194-198 relate to proposals affecting heritage assets:

Paragraph 194 concerns planning applications stating: *“in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

Paragraph 195 states that: *“local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking into account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”*

Paragraph 196 states: *“where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”*

Paragraph 197 states: *“in determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

Paragraphs 199 – 208 consider the potential impacts

Paragraph 199 states: “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Paragraph 200 states: “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings grade I and II* registered parks and gardens, World heritage Sites, should be wholly exceptional”.

Paragraph 201 states: “where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply :

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

Paragraph 202 states: “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

Paragraph 203 states: “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

Paragraph 204 states: “local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”.

Paragraph 207 states: “not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less

than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”.

Ancient Monuments and Archaeological Areas Act, 1979

The Ancient Monuments and Archaeological Areas Act of 1979 provides for the investigation, preservation and recording of matters of archaeological or historic interest. This relates not only to Scheduled Ancient Monuments but also to other monuments, which in the opinion of the Secretary of State is of public interest by reason of its historic, architectural, traditional, artistic or archaeological interest. Section 61 (12) defines sites that warrant protection due to their national importance.

Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Areas) Act sets out the criteria for listing buildings deemed by the Secretary of State to be of special architectural and historic interest and the designation by Local Authorities of Conservation Areas, and how these assets should be treated in the planning process.

Section 66 (1) of the Act states “in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State should pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Section 69 of the Act requires local authorities to define as conservation areas any “areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance”.

Section 72 gives local authorities a general duty to pay special attention “to the desirability of preserving or enhancing the character or appearance of that area”.

National Heritage Act 1983

Amongst other things this act formed the Historic Buildings and Monuments Commission for England which had the duty **(a)** ‘to secure the preservation of Ancient Monuments and Historic Buildings situated in England’; **(b)** ‘to promote the preservation and enhancement of the character and appearance of Conservation Areas situated in England and **(c)** ‘to promote the public’s enjoyment of, and advance their knowledge of, Ancient Monuments and Historic Buildings situated in England and their preservation.’

Eastleigh Borough Local Plan (2016 – 2036)

The new local plan extends to some 258 pages, so highlighted here are just the two most relevant policies that appertain to the EBC Conservation Areas, not all to every area. They cover Historic Environment; New Development and Heritage Assets.

Strategic policy S8, Historic Environment

1. **The Borough Council will continue to conserve and/or enhance the Boroughs heritage assets in a manner appropriate to their significance. This includes all heritage assets including listed buildings and structures, Conservation Areas as designated on the policies map, landscapes and archaeology. This will be through preparation of Conservation Area Appraisals and Management Plans and other strategies and in the determination of planning applications for new development (see policy DM 12). This will involve:**
 - a. identifying the assets by means of an on-going programme of survey and review;
 - b. identifying their key features and measures to manage and enhance these, e.g. through Conservation Area Appraisals;

- c. restricting development likely to harm them or their settings through management of development proposals; and
- d. encouraging development that enhances them, ensures their long-term management and maintenance and where possible, enables public enjoyment and the interpretation of the asset.

Policy DM12, Heritage Assets

1. **Development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset, and sustains and enhance its special character and qualities. The more important the asset, the greater the weight that should be accorded to this criterion. Permission for development which results in substantial harm to, or loss of, designated assets of the highest significance will be wholly exceptional. Development which involves the demolition or destruction of any part of other heritage assets will not be permitted unless removal or replacement would enhance or better reveal the significance of the asset. In these circumstances, the developer will be required to record and advance understanding of the significance of any heritage assets to be lost, in a manner appropriate to their importance and the impact, and to make this evidence publicly accessible.**
 - a. Development that affects an archaeological site either above or below ground that is already identified or discovered through development proposals will only be permitted provided:
 - i. If the remains cannot be preserved in situ, the clear and convincing overriding public benefits of the development that cannot be achieved by any other means is sufficient to outweigh the value of the remains; and
 - ii. Prior to the commencement of the development, provision has been made for a programme of archaeological investigation and recording and for this evidence to be made publicly accessible;
 - b. It achieves a high standard of design which respects and complements the character and qualities of the heritage asset(s);
 - c. Where necessary, it secures the long-term future maintenance and management of the asset;
 - d. Where possible, it enables public enjoyment and interpretation of the asset; and
 - e. A heritage statement is submitted with the application explaining the significance of the assets affected including the contribution made by their setting, at a level of detail proportionate to the asset's significance; the impact of the proposal on the significance of the asset; and how proposals have been developed to avoid harm or, if this is not possible, minimise the harm; with mitigation measures proposed.
2. **In permitting development involving a heritage asset the Borough Council may seek a legal agreement to secure the long-term management and enhancement of the asset.**
3. **The Council will monitor buildings or other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk through discussions with owners and willingness to consider positively development schemes that would ensure the repair and maintenance of the asset, and, as a last resort, using its statutory powers.**

Article 4(2) Direction, Town and Country (General Permitted Development) Order 1995, dated 30 April 1999.

A direction on all dwelling houses within the conservation area removes permitted development rights to alter the following features fronting the highway or open space:

'All forms of front boundary treatments other than timber post and rail fences, hedges and brick walls not exceeding 300mm in height, in so far as such development would front onto a highway, waterway or open space.'

Appendix B – General Information

Local Generic Guidance

Eastleigh Borough Council has produced a Quality Places Supplementary Planning Document which offers advice and guidance on general design issues. For advice on specific issues pertaining to a conservation area, please contact the planning department.

Useful Information and Contact Details

General Information

Eastleigh Borough Council's website www.eastleigh.gov.uk

Built Conservation Information and Advice

Historic England www.historicengland.org.uk