

KIRBY-LE-SOKEN CONSERVATION AREA MANAGEMENT PLAN

March 2009



Tendring District Council

Frinton & Walton Town Council



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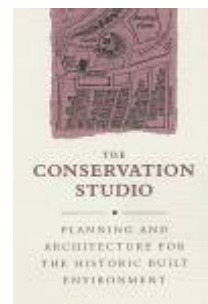
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I.0 INTRODUCTION

Background to the Conservation Area Management Plan

- I.1 The Kirby-le-Soken Conservation Area has been designated since June 1981. However, its effectiveness depends upon the way in which it is managed. This is not simply a matter of controls being exercised by the District Council, there are incentives too, and significant contributions to be made by local businesses, residents and community groups. The purpose of the plan, therefore, is to show how each can play a part in making Kirby-le-Soken a better place to live in, to work in and to visit.
- I.2 In 2001, Tendring District Council commissioned character appraisals of all the conservation areas in the District. These were updated and adopted as planning documents in 2005. Since then, the Council has partnered the Frinton & Walton Town Council to commission a management plan for Frinton so that future decision-making is coordinated with the common purpose of strengthening the qualities of the town. This document is now adopted as local policy and the joint councils have commissioned further management plans for Walton, Great Holland and Kirby le Soken. These are part of a proposed series of management plans that will eventually cover all the conservation areas in the District.

Conservation Areas and their importance

- I.3 Conservation areas were first introduced by the Civic Amenities Act in 1967. The same legislation has since been consolidated into subsequent Acts and the current powers are to be found in the Planning (Listed Buildings and Conservation Areas) Act in 1990. There are now some 9,500 conservation areas across England and Wales.
- I.4 Local authorities have a duty to designate as conservation areas any area of 'special architectural or historic interest' whose character or appearance is worth protecting or enhancing. This 'specialness' is judged against local criteria commonly laid down in the development plan. Conservation area designation is the primary means by which local authorities can safeguard, for future generations, areas of valued distinctive places that help to define the individual cultural identity of communities.
- I.5 Conservation areas vary greatly in their nature and character. They range from the centres of most of our historic towns and cities, through

agricultural villages, industrial areas, model housing estates, and country houses set in their historic parks, to historic transport links and their environs, such as stretches of canal.

- I.6 The special character of these areas does not come from the quality of their buildings alone. The historic layout of roads, paths and boundaries; characteristic building and paving materials; a particular 'mix' of building uses; public and private spaces, such as gardens, parks and greens; trees and street furniture; significant views - all these and more make up the familiar and cherished local scene. Conservation areas give broader protection than listing individual buildings: all the features, listed or otherwise, within the area, are recognised as part of its character.

The need for proactive management

- I.7 Government policy¹ has made it clear that conservation areas are not necessarily preservation areas. Change is an inevitable facet of modern life and the challenge is to manage change in a manner that does not lose sight of the special historic qualities of a place. Local authorities are expected to publish appraisals of their conservation areas, in order to identify their special interest, and then to prepare management plans to address the issues that arise from that analysis.
- I.8 Proactive management of conservation areas gives clarity and robustness to decision making, which means that issues will be more defensible in, for instance, planning appeals.



Terrace fronting the greens that line The Street

¹ Planning Policy Guidance 15 (PPG15) – *Planning and the Historic Environment* - 1994

2.0 COMMUNITY INVOLVEMENT

- 2.1 In 2005/06, when the District Council updated the Conservation Area Appraisals that had been prepared in 2001, a consultation exercise was carried out. This involved Town and Parish Councils and certain local amenity bodies. As a result, the documents were amended in the light of comments received before being adopted and published in March 2006.
- 2.2 The Management Plan process is subsequent to the appraisal and a variety of stakeholder organisations were contacted at the outset. On 1 April 2008, a public workshop was held at St Michael's Church Hall. This was an open meeting advertised in the local press, although people known to have an interest were also specifically invited. The workshop divided into three groups, each with a professional facilitator, to discuss topics arising from the assessment of the conservation area.
- 2.3 Groups and individuals were also encouraged to provide written responses to a simple questionnaire (see Appendix 1) over a subsequent consultation period. These responses and the workshop discussions have been used as a basis for developing the analysis and proposals in this plan.
- 2.4 Consultation on the first draft of the Conservation Area Management Plan was launched on 26 November 2008. An exhibition and 'surgery' were held at St Michael's Church Hall on 23 January 2009 and the event received coverage in the local press. The draft was also made available at the Town Council's offices, Walton Library and on the District Council's website.
- 2.5 Thus the consultation period lasted from November into January during which local residents, businesses and amenity groups were invited to make their views known through a simple questionnaire. The feedback is recorded in the Report of Consultation at Appendix 2 and, where relevant, comments have been taken into account in the final Management Plan.

3.0 IMPLICATIONS OF CONSERVATION AREA DESIGNATION

Legal consequences

- 3.1 Designation as a conservation area brings a number of specific statutory provisions aimed at assisting the “preservation and enhancement” of the area. These are as follows:
- The local authority is under a general duty to review designations “from time to time” and to ensure the preservation and enhancement of the conservation area. There is a particular duty to prepare proposals (such as conservation area appraisals or improvement schemes) to that end.
 - In the exercise of any powers under the Planning Acts with respect to any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.
 - Extra publicity must be given to planning applications affecting conservation areas. This is usually achieved through the use of advertisements in the local newspaper.
 - Conservation Area Consent is required for the demolition of most unlisted buildings, including walls, in a conservation area² and the local authority, or the Secretary of State, may take enforcement action or institute a criminal prosecution if works of demolition are undertaken and consent is not obtained.
 - Written notice must be given to the Council before works are carried out to any tree in the area above a minimum size (See 3.11 below).
 - The display of advertisements may be more restricted than elsewhere.
 - The Council, or the Secretary of State, may be able to take steps to ensure that a building in a conservation area is kept in good repair through the use of Urgent Works Notices and Amenity Notices.
 - Powers exist for local authorities, English Heritage or the Heritage Lottery Fund to provide financial grant schemes to assist with the upkeep of buildings in conservation areas, although these are usually targeted to areas of economic deprivation.

² If the volume of the building is less than 115 cubic metres, Conservation Area Consent is not required unless in the grounds of a Listed Building where Listed Building Consent may well be required.

The requirements for planning permission in a conservation area

- 3.2 Certain works to dwellinghouses within a conservation area, which are normally considered to be “permitted development”, will now require planning approval from the Council. The overall affects of these additional controls are that the amount of building works which can be carried out to a dwellinghouse or within its grounds before a planning application becomes necessary is substantially smaller in a conservation area than elsewhere.
- 3.3 In addition to normal restrictions, these are:
- Planning permission is needed for side extensions to dwellinghouses in conservation areas
 - Planning permission is needed for rear extensions if they are more than one storey and extend beyond the rear wall of the original dwelling
 - Planning permission is needed for external cladding to dwellinghouses in conservation areas, using stone, artificial stone, pebble dash, render, timber, plastic or tiles
 - Planning permission is needed for any alteration to the roof for the enlargement of a dwellinghouse in a conservation area, most notably the addition of dormer windows
 - Planning permission is needed for the erection of any structure within the curtilage of a dwellinghouse in a conservation area where it is located between the side elevation and the site boundary. This is especially important for sheds, garages, and other outbuildings in gardens within conservation areas
 - Planning permission is needed for the installation of a chimney, flue or soil and vent pipe on a wall or roof slope which fronts the highway and forms the main or side elevation of the dwellinghouse



Conservation areas can accommodate change, such as this barn conversion

- 3.4 The requirement to apply for planning permission does not necessarily mean that consent will be refused. Full account will, however, be taken of the likely affect proposals will have on the special character of the conservation area.
- 3.5 Where a building is statutorily listed, different legislation applies, as all internal and external alterations which affect the special architectural or historic interest of the building require Listed Building Consent. Furthermore, commercial properties (such as shops and public houses), and houses which are in multiple occupation (flats) have far fewer permitted development rights and therefore planning permission is already required for most alterations to these buildings.

Satellite dishes

- 3.6 The rules governing satellite dishes in conservation areas are similar to those applying outside such areas with one major exception: An antenna must not be installed on a chimney, wall, or a roof slope which faces onto, and can be seen from, a road.
- 3.7 Useful guidance on planning controls affecting the installation of antennas is published by the Department of Communities and Local Government.³ This confirms that the installation of a satellite antenna on any building or structure not more than 15m high is only permitted development if the following conditions are met:
- There will be no more than two antennas on the property overall
 - A single antenna must not be more than 100 cm in any linear dimension
 - If two, the second must not be more than 60 cm
 - The cubic capacity of each antenna must be no more than 35 litres
 - An antenna fitted onto a chimney stack must not be more than 60 cm and must not stick out above the chimney
 - An antenna mounted on the roof can only stick out above the roof when there is a chimney stack. In this case, the antenna must not stick out more than 60 cm above the highest part of the roof or above the highest part of the chimney stack, whichever is lower

Additionally, in a conservation area:

- An antenna must not be installed on a chimney, wall, or a roof slope which faces onto a road

³ Communities and Local government – *A Householder's Planning Guide for the installation of antennas, including satellite dishes* – Revised edition 2008

- 3.8 If any of these does not apply, a specific planning application will be required, and it is unlikely that permission will be granted.

Telecommunications masts

- 3.9 The law governing the erection of masts and antennae is complex and whilst some companies have licences which allow some structures to be put up in conservation areas without planning permission, the legislation does allow for consultation with the local authority concerned before the work is put in hand. Further information can be found in the second edition of the government's Planning Policy Guidance: *PPG8 Telecommunications*.

Microgeneration

- 3.10 With rising concerns about climate change and energy efficiency, there is an increasing demand for facilities to generate energy for individual buildings, for instance through wind turbines, solar and photovoltaic panels, and heat pumps. The government wishes to encourage sustainable energy generation and has indicated that devices should be permitted development provided they cause no nuisance to others. This includes any adverse affects on the character of conservation areas where proposers are advised to consult their local planning department.
- 3.11 English Heritage is publishing a series of documents to provide guidance on climate change and the historic environment.⁴

Trees

- 3.12 Within conservation areas, anyone intending to lop, top or fell a tree greater than 75 mm diameter at 1.5 metres above the ground must give the Council six weeks written notice before starting the work. This provides the Council with the opportunity to assess whether the tree makes a positive contribution to the character or appearance of the conservation area. If it does, a Tree Preservation Order (TPO) may be served. Trees that are subject to TPOs are protected from felling or the lopping of branches unless the Council has granted specific consent. Fruit trees are no longer exempt, although slightly different constraints occur where the tree forms part of a managed orchard.

⁴ For instance: English Heritage – *Micro wind generation and traditional buildings* – 2008

- 3.13 It is a criminal offence to carry out works to trees without the appropriate consent and an offender may be required to replace trees as well as being prosecuted.



Trees are an important element in Kirby's character, but management is also necessary

Expectations of local authorities

- 3.14 The designation and review of conservation areas are legal requirements. In support of these statutory duties, local authorities are expected to commit adequate resources by ensuring they have access to the necessary skills and that they adopt appropriate policies. They should also ensure that communities are sufficiently informed about the implications of designation so that they too can play their part.
- 3.15 Although the administration of conservation areas is largely a planning function, there are many other actions that can impact on character and appearance, for instance the maintenance of public buildings or the highway. It is important, therefore, that conservation aims are coordinated across all local authority departments.
- 3.16 Standards designed for modern environments should not be applied unthinkingly to areas and buildings that have stood the test of time. Local authorities are, therefore, expected to be sensitive to the special architectural and historic interest of conservation areas and listed buildings in exercising, for instance, building control, fire regulations and highways standards.
- 3.17 The efficient delivery of a conservation service requires regular monitoring of change and the agents of change. Local authorities are expected to

undertake periodic reviews of the effectiveness with which the service addresses pressures for change.

Expectations of owners and residents

- 3.18 For owners and occupiers of property in conservation areas there are additional responsibilities due to increased planning controls and particular requirements for materials and detailing in works to buildings. These are often outweighed by the benefits of a special character supported and enhanced by development controls.
- 3.19 It is important that those who live and work in a conservation area recognise this balance by taking account of the wider character when they bring forward proposals for change. Well designed proposals will benefit the conservation area as well as the applicant.
- 3.20 Some degree of change is inevitable in conservation areas and the issue is often not so much whether change should happen, but how it is undertaken. Owners and residents can minimise the effects of change by employing skilled advice when preparing development proposals and by avoiding unrealistic aspirations.

Expectations for community involvement

- 3.21 It is important that communities are well-informed about the qualities of their conservation areas and of the opportunities for enhancing them. While the local authority is a useful source of advice, there is a significant role for amenity societies and other stakeholders to explain what matters, what is possible, what is expected and what has been achieved elsewhere.
- 3.22 Town councils and conservation area advisory committees can provide a vital interface between communities and local authorities. They can focus local knowledge and local responses to policy initiatives and development proposals.

4.0 THE SPECIAL ARCHITECTURAL AND HISTORIC INTEREST OF KIRBY-LE-SOKEN

The Kirby-le-Soken Conservation Area

- 4.1 A conservation area was first designated in Kirby-le-Soken in June 1981. The designation was revised and extended in June 1987. A review of the conservation area was undertaken in 2001 and this was used as the basis for a Conservation Area Appraisal which defines the special character of Kirby.
- 4.2 A consultation exercise, involving the Town Council, took place in 2005/06 and the results were taken into account when the Conservation Area Appraisal was formally adopted and published by Tendring District Council in March 2006. The appraisal is now a material consideration in the assessment of planning proposals.



The Red Lion at the heart of the village

Summary of special architectural and historic interest

- 4.3 The Conservation Area Appraisal briefly describes the history of Kirby-le-Soken and its origins as the most important of the three Le Sokens (Kirby, Thorpe and Walton). Kirby held the annual Court Leet of the Liberty for the three settlements when all property transactions were recorded. The village straddles the road between Walton and Thorpe and retains some of its rural appearance. The focus of the village is the historic parish church set in a wooded churchyard with two inns and houses lining the main road. The village grew slowly and sporadically over the centuries and remained a small

agricultural settlement, even after the coming of the railways in the mid 19th century. The closest station was at Kirby Cross a half mile away.

- 4.4 The village is built to a relatively low density although 20th century infill development has extended the village towards Walton in the east. To the north Kirby Quay, on the Walton Backwater, was historically the trading point and access for supplies to the village until communications by road and rail were improved.
- 4.5 A mixture of historic and modern buildings cluster around the long straight road, The Street, with wide grass verges lining the north side of the road opposite the parish church. The buildings follow a common building line and the gaps between them afford extensive views across the neighbouring countryside.

Summary of the character and appearance of the area

- 4.6 The appraisal summarises the character of Kirby-le-Soken as follows: *“The special character of Kirby-le-Soken Conservation Area rests in the sinuous layout of The Street and the relationships between the wide variety of buildings associated with it, from the parish church and larger houses to small cottages and cabins.”*
- 4.7 Unlike Kirby Cross to the south, Kirby-le-Soken has remained a distinctly separate settlement compared with the thriving seaside resort of Walton-on-the-Naze to the north with its bustling activity, particularly during the summer months.
- 4.8 The village has managed to retain much of its quiet rural character, although this has been eroded in recent decades by modern infill development and a steady increase in the volume of through traffic.



Houses tend to front directly onto The Street

5.0 CONSERVATION AREA POLICY

National policy and guidance

- 5.1 Central government policy on conservation areas is contained in PPG15.⁵ This covers the designation of areas and the responsibilities that stem from designation, including the appraisal of the special interest of conservation areas and the control of development affecting them. It also makes the general point that *'conservation and sustainable economic growth are complementary objectives and should not generally be seen as in opposition to one another'*.
- 5.2 PPG15 sets the expectations by urging local authorities *'to maintain and strengthen their commitment to stewardship of the historic environment'*. The expectations are further developed in English Heritage guidance on the appraisal and management of conservation areas.⁶
- 5.3 Other national guidance and reports relating to the regeneration of coastal towns and issues affecting settlements situated close to the coast is relevant to Kirby-le-Soken and has been considered in the preparation of this management plan. These reports include:
- *An Asset and a Challenge: Heritage and Regeneration in Coastal Towns in England* (English Heritage, 2007)
 - *On the Edge – The Coastal Strategy* (Local Government Association, 2001)
 - *On the Edge – The Action Plan* (Local Government Association, 2004).

The Local Development Plan

- 5.4 The current Local Plan was adopted in December 2007 to cover the period up to 2011. It provides comprehensive policies for the review of conservation areas, and for the control of development within them. Further policies address the need to control the design of new buildings, signs and advertisements and the siting of satellite antenna. The local plan contains the policies and proposals by which Tendring District Council will implement the Tendring Community Strategy and realise the planned vision for the district up to the year 2016.

⁵ PPG15 - *Planning Policy Guidance: Planning and the historic environment* - 1994

⁶ English Heritage – *Guidance on Conservation Area appraisals* – 2005
English Heritage – *Guidance on Management Proposals for Conservation Areas* – 2005

5.5 The local plan recognises that development in the village of Kirby-le-Soken should only take place within the existing settlement boundary. It is, therefore, excluded from the recognised neighbouring urban area of Frinton and Walton, whereas Kirby Cross is included in terms of housing land supply.

5.6 The local plan also aims to:

- Safeguard the open countryside setting and coastal gap between Frinton, Kirby-le-Soken and Holland-on-Sea
- Safeguard the identity, character and rural setting of Kirby-le-Soken and Great Holland as free standing villages in the countryside
- Protect the remaining village character of Kirby Cross and its rural setting

5.7 At Chapter 13 – *The Rural Area* – the Local Plan provides policies for Kirby-le-Soken and other rural settlements in Tendring District. Kirby-le-Soken is shown as one of the “Secondary defined Villages and Rural Settlements”, which all have four of these facilities/ services:

- a primary school
- good journey to work or public/ community transport to a town
- convenience goods shop
- community, leisure and social facilities
- a variety of employment opportunities

The policies recognise the need to protect and enhance the historic character of the conservation areas and the need to:

- Identify the appropriate Settlement Development Boundary
- Stimulate rural regeneration and renewal
- In the case of “Secondary defined Villages and Rural Settlements” housing development may take the form of small groups of up to five dwellings (Policy RA4)

5.8 Chapter 13 also asserts that “*Conservation Area designation offers opportunities for enhancement schemes to achieve visual improvements*” and it refers to the 2006 character appraisal documents to illustrate specific features that would benefit from enhancement.

The Local Development Framework

5.9 The Council has already started work on the Local Development Framework (LDF) to cover the period up to 2026. In time, LDFs will succeed local plans

to provide a more managerial approach to local planning. The first step towards the framework is a Local Development Scheme (LDS). The LDS, which has now been approved, sets out the documents that will be relevant and a timetable for their production. It is important, therefore, that the protection and management of the historic environment are adequately represented on this agenda.

- 5.10 In particular, it will be necessary to ensure that the character of the conservation area is defined in the LDF so that characteristics, such as spaciousness and low density can be protected from any threat of over-development.



No.34 The Street and its elaborately carved doorway

Supplementary Planning Guidance

- 5.11 When guidance is formally adopted as Supplementary Planning Guidance (SPG), following public consultation, it has the full weight of planning policy. It is important, therefore, that conservation advice that cannot be included in principal policies should be adopted as SPG. At present, the Council has no SPG that relates to the historic environment, although it does rely upon a shopfront guide produced by the County Council. The County also publishes guidance on technical matters, such as pargetting, pointing with

lime mortar, conservatories, the renewal of timber window frames and infill development.

Future Guidance

- 5.12 The approved Local Development Scheme sets out the arrangements for transferring some of the existing guidance into the LDF. In addition, the agenda for the LDF provides for the development of new guidance, to be known as Supplementary Planning Documents (SPD). These include SPD on Open Space and a generic SPD on Conservation Areas. The Council is also committed to reviewing the need to bring forward SPDs on further subjects as issues may warrant and staff resources permit. Clearly, there is scope for the addition of guidance on historic environment issues at the next opportunity.



Sash windows retain the character of this cottage

6.0 THE CHALLENGES KIRBY-LE-SOKEN FACES

- 6.1 A wide range of issues that may threaten the historic character of the conservation area have emerged from the Conservation Area Character Appraisal, from consultation with particular interest groups, from the public workshop held on 1 April 2008 and from the questionnaires issued then and at the exhibition.

Maintaining Kirby-le-Soken's uniqueness

- 6.2 The special qualities of Kirby-le-Soken are considered to be its distinctive rural appearance and the significant areas of open land and backwaters that separate it from neighbouring settlements. Kirby's separation from other settlements and its rural appearance are considered to be worthy of retention and enhancement. However, late 20th century expansion to the east and south of the village has led to some visual blurring of the boundary with neighbouring Kirby Cross. In contrast, Kirby Cross has not retained its separation from the large town of Walton-on-the-Naze to the east and has become enveloped in Walton's suburban expansion.

Protecting the special interest outside the conservation area

- 6.3 There are a number of historic buildings in other parts of the village, outside the conservation area. During the public consultation, several suggestions were made for extensive extensions to the existing conservation area and for the creation of new designated areas. These typically focussed on parts of the village to the east of the current conservation area, as well as Kirby Cross and Quay Lane.
- 6.4 Other national and local designations may also be considered in order to protect the rural character of the wider village. These include the Quiet Lanes scheme, a Natural England initiative, which is currently being piloted in two parts of the county by Essex County Council.

The potential impact of future flood relief schemes

- 6.5 Due to the proximity of Kirby-le-Soken to the sea, the management of sea defences is an important area of concern for some residents in the conservation area and the wider village. A potential Environment Agency

scheme to allow sea defences to breach and flood low-lying land in the vicinity could have a long term effect on the amenity of the area. This scheme, along with general concerns about the adequate maintenance of ditches in the village, could have an impact on Kirby's special character in the future.

The impact of the traffic system

- 6.6 The widening of the main road through the village in the mid-20th century, and the steady increase in the volume of through traffic using the route to access Walton-on-the-Naze, has had a significant impact on the special character of the conservation area. The success or failure of future traffic management schemes will have a great impact on the amenity and appearance of Kirby as a whole. The speed and volume of traffic is already considered to be one of the main issues affecting the character of the conservation area.



Traffic is a constant issue

Managing the pace of change

- 6.7 While new development outside the settlement boundary is tightly regulated by such policies as the Green Gap, development within the conservation area, particularly on the remaining large plots of land, is carefully monitored and controlled through the planning process. The major challenge is to find ways to accommodate change without losing sight of the special qualities that make Kirby-le-Soken unique, primarily its open rural appearance.

Maintaining character and appearance

- 6.8 There is abundant evidence of the tendency for historical detail to be lost when building elements are replaced. The timber joinery of doors and windows is often replaced with plastics, and concrete substitutes are used for roofing materials. Erosion is also seen in the details of boundary treatments. Each individual case may be insignificant, but the cumulative effect can be damaging.
- 6.9 The maintenance of hedgerows and grass verges is important. Events such as “Kirby in Bloom” have played an important role in maintaining and improving this aspect of the appearance of Kirby.
- 6.10 While the views out of the conservation area are important, particularly to the west of the conservation area, these are sometimes produced by the loss of hedging which itself contributes to the special character. The general opinion offered at the public meeting and in questionnaire responses was that existing hedges should be preserved and in some cases the reinstatement of some hedges would benefit the character of Kirby-le-Soken.
- 6.11 The gaps between buildings are important for maintaining a low density character and for affording views. Where development on gap-sites or the redevelopment of existing buildings is acceptable, it is equally important that new buildings should be designed in a manner that complements the special character of Kirby-le-Soken.

Supporting vitality and vibrancy

- 6.12 It is important that the community is fully involved in any new improvement schemes. Organisations can contribute an enormous amount to the process by communicating the opinions of residents, providing resources to help initiate new projects and by engaging with external funding bodies to help procure investment in the fabric of the village.

7.0 OPPORTUNITIES FOR PRESERVATION AND ENHANCEMENT

Designation

- 7.1 The boundary of the conservation area was reconsidered and extended in 1987. It was also reviewed during the preparation of the character appraisal when one minor boundary change was suggested to include a small area fronting onto Malting Lane. Nonetheless, careful consideration has again been given to determine whether there is potential for further extensions to the conservation area, a topic that was candidly discussed at the public meeting.
- 7.2 There is a strong local feeling that there should be either extensions to include further parts of The Street, Quay Lane, Island Lane, Turpins Lane and even parts of Kirby Cross, or entirely new designations in order to preserve the setting of the village and protect further historic buildings in Kirby-le-Soken from change.



The Quay is a related, but separate, area of special character

- 7.3 These suggestions have been investigated bearing in mind the criteria for conservation areas that they must be of '*special architectural or historic interest*'. While there are certainly some pockets of special interest in the areas suggested, they do not readily link to the existing designation because they are isolated from it by stretches of modern housing that clearly do not fulfil the criteria.

- 7.4 Wide-ranging extensions of the existing conservation area are not, therefore, recommended because the inclusion of modern development would dilute the special architectural and historic interest. It is, however, open to the District Council to consider how the environmental qualities of these areas should best be recognised and safeguarded. Measures might include the separate designation of conservation areas, local listing or landscape protection.
- 7.5 It was also suggested that the Millennium Wood and allotments on Maltings Lane be included in the designation. However, neither area was considered to have the necessary architectural or historic qualities. The allotments are in any case protected by planning policy (COM9).
- 7.6 Where there are buildings that have special local interest, but do not qualify nationally as listed buildings, there is increasing support from central government for Local Listing⁷. Although there is no statutory basis for local lists, they have been accepted as significant considerations in planning appeals. Support for local listing is also anticipated in the forthcoming Heritage Protection Act.
- 7.7 To establish a local list, it is necessary first to establish criteria and procedures. Local lists are particularly effective where communities are involved in the selection, but the list must also be endorsed by the local authority. Suggested criteria are:
- **Design merit:** Is it the work of a particular architect or designer of regional or local note? Does it have qualities of age, style or distinctive characteristics relative to the area? Does it have landmark quality?
 - **Historic interest:** Does it relate to an important aspect of local social, economic, cultural, religious or political history? Does it have an historic association with an important local feature?
 - **Historic association:** Does it have close associations with famous local people or events (must be well documented)? Does it relate closely to any statutorily protected structure or site?
 - **Survival:** Does it survive in a substantial and recognisable form? Are historic features and layout still present? Does it represent a significant element in the development of the area?
 - **General:** Does it provide an important visual amenity locally?
- 7.8 In Kirby-le-Soken's conservation area, buildings for local listing would be selected from those already identified as making a positive contribution to the character of the area (See the Townscape Appraisal Map). Other

⁷ For instance in the White Paper – *Heritage Protection for the 21st Century* – March 2007

structures may also qualify, such as the war memorial or items of street furniture. Buildings outside the conservation area would also be considered against the criteria.



Buildings can make a positive contribution to local character even though they may not be listed

Promotion and training

- 7.9 It is important that local people should understand the significance of their surroundings if they are to play their part. There is a clear need to publish information on the history of Kirby-le-Soken and its special qualities. This could be an outcome of the character appraisal process.
- 7.10 Government policy recognises the importance of community involvement and recommends that Conservation Area Advisory Committees are set up to act as an important interface between local understanding and Council decision making. A separate committee for each small conservation area would clearly be too cumbersome, but it would be possible to establish a Conservation Forum to co-ordinate the same function for a group of conservation areas.
- 7.11 There are opportunities to improve skills at all levels. The District Council's Historic Environment Champion will be instrumental in seeking to raise awareness of conservation issues among elected Councillors. The County Council is the key to the improvement of historic building craft skills in the building trades through its programme of training events based at Cressing Temple Barns.
- 7.12 Essex County Council has further important roles: It maintains the Historic Environment Record for the county, it provides specialist archaeology advice,

it holds the Buildings-at-Risk Register, it carries out research into the historic environment of Essex, and it publishes information and guidance. The County Council is also the highways authority for Tendring district.

Policy and guidance

- 7.13 Planning policy in the Adopted Local Plan covers general points in relation to conservation. There is now a need for more specific policies, controls and guidance to support the managerial approach that is necessary for the long term future of Kirby-le-Soken. It is important to establish these needs now so that they can feed into the programme for the Local Development Framework, which will succeed the existing local plans.
- 7.14 Issues where guidance will make a significant difference to public understanding include:
- New buildings in historic areas – Siting, design and materials
 - Traditional doors and windows – Maintaining , repairing and replacing as well as energy efficiency and sustainability
 - Streetscape manual – Treatment of the public realm, building on the guidance provided by English Heritage⁸
 - Boundary walls and parking within gardens – Retaining historical detail, planting, landscaping
 - Trees and hedges – Maintenance, species, legal requirements



Boundary walls are a vulnerable element

⁸ English Heritage – *Streets for All: East of England* – 2005

- 7.15 Where guidance has public support and has been formally adopted by the District Council as a Supplementary Planning Document, it will carry weight in the consideration of planning proposals. Guidance also reduces the need for the Council to repeat its advice in every case.

Control

- 7.16 Local authorities already have controls available through their planning powers, and much depends upon how they are interpreted and implemented. For instance, any material changes to the appearance of properties that are not single dwellings require planning permission, but the interpretation of what is 'material' is left to the Council. A new shopfront is generally regarded as a material change, but there is less certainty about the renewal of windows on upper storeys or a change in roof materials.
- 7.17 Single dwellings have considerable permitted development rights that enable some alterations to be carried out without the need to obtain planning permission. These works include, for example, changes to doors, windows, roof materials or rainwater goods and the construction of minor extensions. Although they may be minimal in each case, such alterations can have a cumulative effect that is damaging to historic areas.
- 7.18 An Article 4(2) direction, prepared and approved by the District Council, can remove permitted development rights. This does not necessarily prevent alterations, but it does mean that planning permission is required and this gives the opportunity to consider the appropriateness of changes to the character of the conservation area. Unauthorised changes to buildings can be controlled by effective planning and enforcement action.

Enforcement and monitoring

- 7.19 It is important to have an objective understanding of change so that informed responses can be made. These may be adjustments to policy and practice or action for enforcement and compliance. As English Heritage puts it:
'The aim should be to establish a virtuous circle of monitoring, review and action as necessary to maintain a sustainable equilibrium'
- 7.20 It is recommended that a photographic survey is undertaken as a baseline record for measuring change, monitoring building condition and to provide evidence for enforcement. For the latter, it is important that the record is

regularly updated and at least every four years⁹ to assist in detecting breaches in planning control. Local communities can assist with this work.

7.21 Most local authorities subscribe to the Cabinet Office *Enforcement Concordat*, which sets out best practice principles for enforcement, such as openness, consistency, proportionality and responding to complaints. An enforcement strategy takes these forward in order to:

- Explain the scope of planning enforcement
- Openly define priorities
- Set measurable standards for service delivery
- Explain how investigations are carried out
- Explain enforcement procedures and enforcement actions

Tendring District Council does this through the Enforcement Service page on its website.

7.22 While the need to ensure public safety will always come first, enforcement in relation to the historic environment has a high priority because so much historic fabric is irreplaceable. The strategy should also explain the circumstances when the Council would make use of Repairs Notices, Urgent Works Notices and Amenity (S.215) Notices. The latter can be particularly effective in securing the improvement of unkempt land and buildings.



The churchyard is a valuable woodland resource

⁹ An immunity rule applies to enforcement against works carried out without planning permission if they have been substantially completed for more than four years. There is no time limit for enforcement related to listed building consent.

Schemes of enhancement

- 7.23 Physical improvements to Kirby-le-Soken may be general throughout the conservation area or specific to particular sites. General enhancements to public areas would include raising the quality of materials and detailing for paving, coordinated schemes for signage and lighting, planting and maintenance of street trees and verges. In this conservation area the verges are especially prominent and make an important contribution to its special character. Improvements to privately owned spaces can be achieved through the use of Amenity (S.215) notices.
- 7.24 The wider special interest of the village could be secured through the consideration of further area designations, the application of policy or local listing. These may be appropriate for other parts of Kirby-le-Soken, such as Quay Lane, Turpins Lane and Island Lane and parts of The Street including The Ship Inn.
- 7.25 Future flood defence schemes and projects which are currently being discussed with national and local agencies must consider the potential affect such schemes may have on the special character of the Kirby-le-Soken Conservation Area, its amenity and setting.



Maintenance of greens and verges is important

- 7.26 Site specific proposals include:
- Enhanced maintenance of the verges (potentially as a continuation of the “Kirby in Bloom” scheme) and general streetscape along The Street and improvements to the boundaries and landscape around the parish church would enhance the rural appearance of Kirby-le-Soken

- Preparation of a tree management plan for the churchyard
- Maintenance of the drainage ditches along The Street
- Preparation of a traffic management scheme to encourage lower speeds along The Street utilising methods that are visually unobtrusive such as pinch points or interactive signs
- Preparation of an enhancement scheme for the forecourt and car park of The Red Lion Public House
- The pavements through the western end of the conservation area could be enhanced by better surfaces, lighting and signage
- Underground cabling of overhead wires
- Carry out an audit of street signage and ensure that it is all fit for purpose and that all signage is still required



The stocks are a focal point of interest in the village

8.0 DELIVERING ACTION

A Vision for the future of Kirby-le-Soken's Conservation Area

- 8.1 As a small rural community, Kirby-le-Soken cannot be economically self sustaining and the community relies on the neighbouring large towns of Clacton, Frinton and Walton for many of its services. However, the settlement is socially very independent and it is vital to the special character of the conservation area that this individuality and physical separation from the neighbouring urban centres is maintained. There is always a natural desire to leave things as they are but, in reality, nothing stands still in a changing world. Like gardens, places have to be nurtured.

A Strategy to deliver this future

- 8.2 It is important that the strategy for future management should be more than a 'wish list'. In addition to a series of proposals, the strategic aspect must include timescales and responsibilities. These are provided in the Action Plan at Appendix 3, which establishes a programme that will enable a managerial approach to achieve an equilibrium for the conservation area.
- 8.3 The Plan includes actions for the short, medium and long term timescales. The latter may only be aspirations at present, pending the development of resources, but it is important for Kirby-le-Soken to have ambitions.
- 8.4 Resources, however, are not the issue for immediate actions. Spending decisions are constantly being made and the challenge is to ensure that those investments are made in ways that benefit the special character of the conservation area.
- 8.5 Success will require commitment by all Council services and their partners to ensure the sensitive exercise of controls, such as planning permissions, building control, fire regulations and highways standards, which is why an inter-service network is suggested. Likewise, it is important that when resources are deployed, they should be coordinated to ensure that the investment is in the best interests of the village as a whole.

Priorities for action

- 8.6 Due to the high quality of most of the environment in Kirby-le-Soken there is no need for grand projects to enhance eyesore sites, which would be heavily dependent on funding. Instead, the security of the basic foundations of sound policy and guidance would be most fundamental and of lasting value in Kirby-le-Soken. Policy development is already happening with the forthcoming Local Development Framework – the need is to secure an appropriate emphasis on the historic environment as a driver for quality, social cohesion and economic stability.
- 8.7 Similarly, there is a major issue of maintaining the qualities that already exist. There may be debates as to how the public sector commits maintenance budgets, but this is also an issue for private owners. Local action by local people is promoted by the organisations Maintain Britain's Heritage and the Society for the Protection of Ancient Building's (SPAB). Together, they organise the annual *National Maintenance Week*, which can be harnessed to good effect in Kirby-le-Soken.

Key Projects & Implementation

- 8.8 Nonetheless, capital projects are vital for raising confidence. While much of the scope for action inevitably rests with Tendring District Council, there is no reason why the community should remain entirely passive. With the help of Tendring District Council and other agencies such schemes should be fostered and guided so that the special interest of the conservation area is maintained first and foremost. There is scope for a public/private partnership which would not only place community interests in a driving position, but could also improve access to external funding.

Commitment to the Vision and Delivery

- 8.9 For the management plan to succeed, it is vital that it should be adopted not only by the District and Town Councils but also by other stakeholder organisations. It is proposed that this should be promoted through a Partnership Statement or Charter from which management structures can be developed.

Periodic review

- 8.10 While the Action Plan assigns responsibilities and timescales to the projected tasks, the management aspect will only be meaningful if the programme is subject to regular review in order to evaluate progress. To begin with, it is recommended that reviews should be undertaken on a six-monthly basis, although the frequency of the cycle may relax when individual projects develop programmes of their own.
- 8.11 The review cycle for this management plan will be triggered by its adoption in March 2009. The next review should, therefore, follow six months later in the autumn of 2009.
- 8.12 Responsibility for conducting the review is with Planning Services.



Kirby takes great pride in its identity

Appendix I. The questionnaire

Kirby-le-Soken Conservation Area Management Plan

There was a public meeting about a Management Plan for the Kirby-le-Soken Conservation Area on 1 April. An initial draft of the document is now available for inspection at:

- Walton Library
 - Frinton & Walton Town Council Offices, Frinton
 - Tendring District Council Offices, Weeley
- ...and on the District Council's website at www.tendringdc.gov.uk

Questionnaire:

1. Do you agree with the assessment of Kirby-le-Soken and the challenges it faces?
YES / NO / COMMENT:

2. Do you have further points to add?
YES / NO / COMMENT:

3. Do you agree with the opportunities for improvement?
YES / NO / COMMENT:

4. Do you see any further scope for action?
YES / NO / COMMENT:

5. What do you see as the main priority?

Please continue overleaf, if necessary, or write separately.

Comments should be returned by 24 December 2008:

Write to: The Conservation Studio, 1 Querns Lane, Cirencester, GL7 1RL

Email: info@theconservationstudio.co.uk ...or phone: 01285 642428 (Eddie Booth)

If you prefer, you may leave comments with Walton Library or the Town or District Councils and they will be forwarded.

Appendix 2. Report of consultation

Kirby-le-Soken Conservation Area

	Comment:	Response:	Accept/ reject:
1	Agrees with the assessment. Supports local listing and undergrounding wires. Would like an extension to include Kirby Hall woods and a second CA for Quay Lane.	Views consistent with the proposals. Extension and further designation can be investigated.	Accept
2	Important for village to retain a separate identity. Priority to address traffic speed and cut back hedgerows. Opportunity to extend the CA eastwards.	Views consistent with the proposals. Potential for extension has been considered, but the special interest of the eastward area has been compromised by modern development.	Accept, but reject extension
3	Concerns about traffic speed and the need for stronger control over new developments. Draws attention to historical interest to the east and in Quay Lane including the Arthur Ransome connection.	Views consistent with the proposals. See 2 above re: an eastward extension. Designation of the Quay and Quay Lane would be a separate consideration which the Council has noted.	Accept, but reject extension
4	The concept of the CA is very important and has been successful - It could be extended. Concerns about bad street lighting, overhead wires, heavy traffic and excessive signage.	Views consistent with the proposals. Potential for extension has been considered.	Accept
5	Appreciates attractive buildings. Concerned about poor standard of new development. Also about the condition of Street House, although it is outside the CA.	Views consistent with the proposals. It is open to the Council to take action on delapidations.	Accept
6	Appreciates a 'proper village' and the history of the backwaters. Concerned about fast traffic and potential loss of post Office. Would like to see extension to the Quay.	Views generally consistent with the proposals, although retention of the Post Office is outside the heritage remit. See 3 above re: the Quay.	Accept
7	Concerned about traffic speed, parking on verges, unsympathetic housing and plastic windows. Need to preserve openness of Turpins Lane.	Views consistent with the proposals. The open gap between Kirby and Kirby Cross is protected through landscape policies.	Accept

8	Concerned about volume and speed of through traffic, and possible impact of further street lighting. Would like to see a reduction in public house opening hours.	Views noted, though opening hours are outside the heritage remit.	Accept mostly
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Appendix 3. The Action Plan

KIRBY-LE-SOKEN CONSERVATION AREA

Action Plan

SHORT TERM

Action:	Achieved by:	Responsibility:
Designations	No changes to the existing conservation area boundary are proposed	
	Consider the scope for further CA designation at The Quays	Planning Services
Conservation policy	Establish local list	Planning Services
	Identify place of conservation in LDF	Planning Services
Coordination across Council services	Establish inter-service forum	All District and County service departments with property-holding interests
Development control	Review approach to materiality, replacement buildings, promoting quality	Planning Services
Enforcement	Implement Article 4 Direction	Planning Services
	Review priorities and procedures in a new strategy	Planning Services
Education	Establish photographic baseline survey	Planning Services
	Publish information about the conservation area	Planning Services
Enhancement	Heritage training for councillors	Heritage Champion
	Enhanced maintenance of the verges (potentially as a continuation of the 'Kirby in Bloom' scheme) and general streetscape along The Street; improvements to the boundaries and landscape around the parish church	Tendring DC and Essex County Highways
	Preparation of an enhancement scheme for the forecourt and car park of The Red Lion Public House	Tendring DC and the property's owners

Preparation of a traffic management scheme to encourage lower speeds along The Street utilising methods that are visually unobtrusive such as pinch points or interactive signs

Tendring DC and Essex County Highways

MEDIUM TERM

Action:	Achieved by:	Responsibility:
Policy	Publish and adopt Supplementary Planning Documents on: Conservation; New development in historic areas; Traditional doors and windows; Streetscape Manual; Boundary walls and parking within gardens; Care of trees and hedges	Planning Services
Promotion	Establish a Conservation Area Advisory Committee	Planning Services
	Establish regular programmes of conservation and history seminars	Local societies
	Promote Heritage Open Days	District and Parish Council
	Promote maintenance of historic buildings	Planning Services
	Promote conservation skills training	Essex CC
Enhancement	Prepare a Tree Management Plan for the churchyard	Planning Services
	Carry out an audit of street signage and ensure that it is fit for purpose and that all signage is still required	Tendring DC and Essex CC

LONG TERM

Action:	Achieved by:	Responsibility:
Celebration	Heritage Awards Scheme	Parish or District Council
Enhancement	Maintain the drainage ditches along The Street	Essex CC
	Underground overhead wires	BT and Tendring DC in partnership

Pavements through the western end of the conservation area could be enhanced by better surfaces, lighting and signage

Essex CC

Appendix 4. References

The Cabinet Office – *Enforcement Concordat* – 1998

Dept. of Culture, Media and Sport – *Heritage Protection for the 21st Century* – 2007

English Heritage – *An Asset and a Challenge: Heritage and Regeneration in Coastal Towns in England* – 2007

English Heritage – *Guidance on Conservation Area appraisals* – 2005

English Heritage – *Guidance on Management Proposals for Conservation Areas* – 2005

English Heritage – *Streets for All: East of England* – 2005

Essex County Council – *Shopfront Design* and other conservation guidance

HMSO – Planning (Listed Buildings and Conservation Areas) Act 1990

HMSO – PPG15 – *Planning and the Historic Environment* – 1994

Local Government Association – *On the Edge – The Coastal Strategy* – 2001

Local Government Association – *On the Edge – The Action Plan* – 2004

Pevsner, Nikolaus – *The Buildings of England: Essex* – 2nd ed, 1965

Tendring District Council – *Conservation Area Character Appraisals* – March 2006

Tendring District Council – *Adopted Local Plan* – 2007

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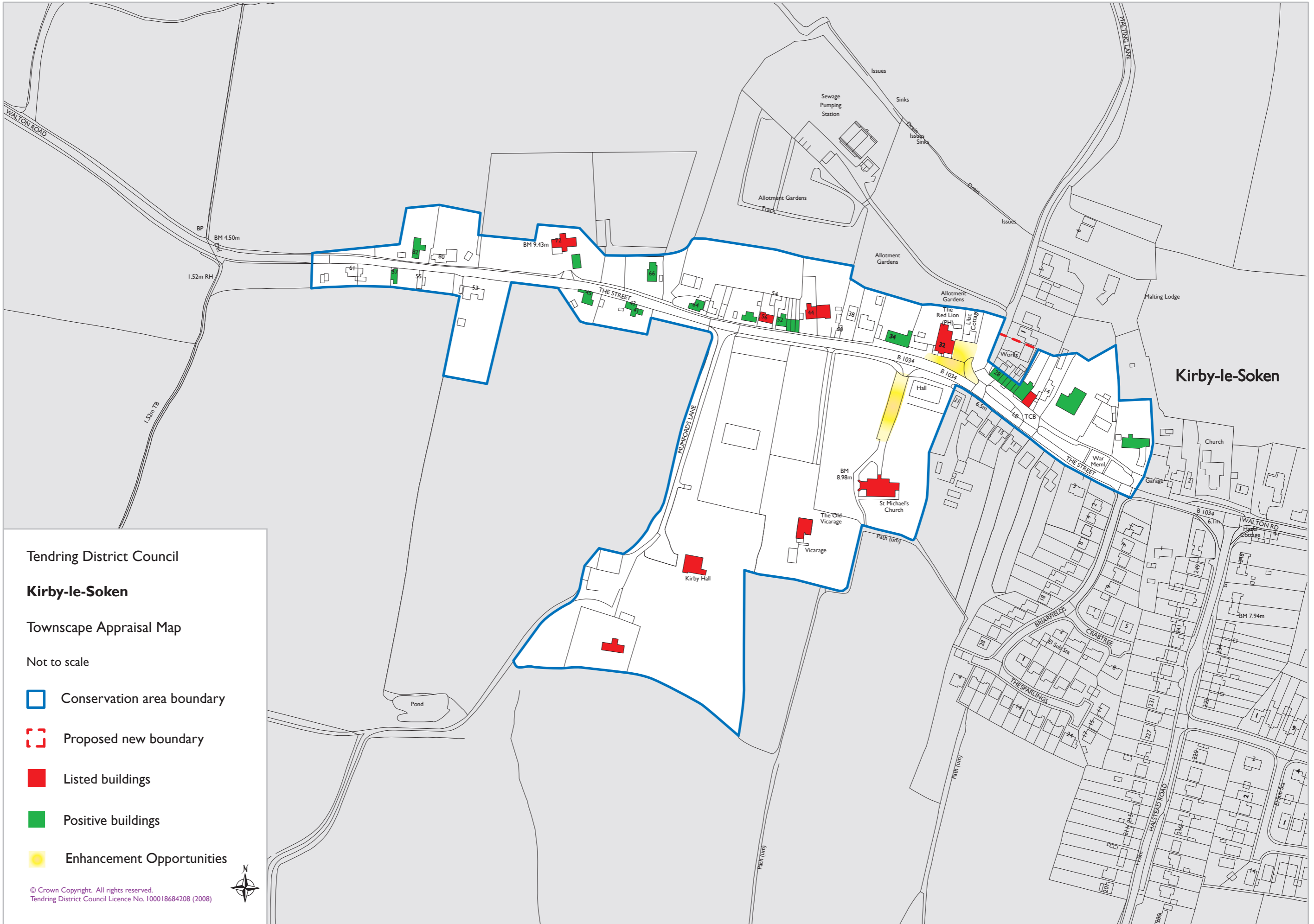
www.english-heritage.org.uk

www.essexcc.gov.uk

www.maintainourheritage.co.uk

www.spab.org.uk

www.tendringdc.gov.uk





Tendring District Council


Kirby-le-Soken

Townscape Appraisal Map


Not to scale

 Conservation area boundary

 Proposed new boundary

 Listed buildings

 Positive buildings

 Enhancement Opportunities

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