

Rother District Council

Report to:	Cabinet
Date:	27 March 2023
Title:	Recommendations of the Bexhill Town Centre Conservation Area Task and Finish Group
Report of:	Ben Hook – Director of Place and Climate Change
Cabinet Member:	Councillor Vine-Hall
Ward(s):	Bexhill Central
Purpose of Report:	To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 13 March 2023, regarding the recommendations of the Bexhill Town Centre Conservation Area Task and Finish Group. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix C) should be read in conjunction with this report.
Decision Type:	Non-Key

Overview and Scrutiny

Recommendation(s): It be **RESOLVED:** That:

- 1) the draft Technical Advice Note 3 – Windows in Bexhill Town Centre Conservation Area not be published;
- 2) the Bexhill Town Centre Conservation Area be retained;
- 3) policies relevant to the Bexhill Town Centre Conservation Area, and its specific issues, be considered and examined through the Council's Local Plan review;
- 4) enforcement be increased within the Bexhill Town Centre Conservation Area, particularly regarding shopfronts and replacement windows on the front elevations of buildings;
- 5) subject to understanding cost implications, the Council provide free pre-application advice to applicants which related to the shopfronts and windows on the front elevation of buildings within the Bexhill Town Centre Conservation Area; and
- 6) all potential funding opportunities to support improvements to the Bexhill Town Centre Conservation Area be explored in collaboration with Bexhill Heritage and the Bexhill Chamber of Commerce and Tourism.

Introduction

1. This report summarises the work of the Bexhill Town Centre Conservation Area Task and Finish Group (BTCCAT&FG) and pulls together the final

recommendations to be approved by the Overview and Scrutiny Committee (OSC). The report represents the outcomes of the work carried out on 22 February 2023, which comprised evidence gathering and the provision of expert advice.

Analysis / Details of the proposals

2. On 29 September 2022, OSC resolved that a Task & Finish Group be set up to consider a proposed draft Technical Advice Note which set out advice on how planning applications for replacement windows (Minute OSC22/20 refers).
3. On 21 November 2022, the OSC resolved that BTCCAT&FG be established and that it comprises of Councillors P.C. Courtel, Mrs D.C. Earl-Williams, L.M. Langlands, C.A. Madeley and G.F. Stevens. They were required to review the draft Technical Advice Note 3 (TAN) – Windows in Bexhill Town Centre Conservation Area (BTCCA) under Terms of Reference (ToR) at Appendix A agreed by OSC at the meeting; and to present recommendations to OSC at this meeting (13 March 2023).
4. The ToR defined that there would be a ‘full day exploratory meeting’ in January or February 2023. The BTCCAT&FG day took place on Wednesday 22 February 2023.
5. Councillor Madeley was elected chair at the start of the meeting. Members of the BTCCAT&FG considered the ToR. The aims and origins were noted, and the BTCCAT&FG agreed that its remit was to consider:
 - a) national legislation regarding conservation areas;
 - b) information and guidance provided in the draft Technical Advice Note (TAN) which was appended to the report; and
 - c) what could be done to support businesses and investment in BTCCA without damaging or devaluing the conservation area.
6. The ToR required the views of local businesses and Bexhill Heritage (BH) to be presented. BH and the Bexhill Chamber of Commerce and Tourism (BCCT) accepted invitations to present. Councillor Bayliss also presented as a Ward Member for Bexhill Central. These presentations, followed by questions from the BTCCAT&FG, were part of the morning ‘evidence gathering’ session.
7. The ToR also required the advice of historic building experts and planning officers to be received. The Planning Policy Team Leader and Conservation Officer both presented and answered questions from the BTCCAT&FG. Deborah Gardener, of DGC Historic Building Consultants listened to the presentations, question and answer sessions and provided feedback and advice.
8. The Planning Policy Manager summarised the morning’s session. This is set out in the attached minutes at Appendix B.
9. In the afternoon’s session, the BTCCAT&FG considered the morning’s evidence gathering from stakeholders and expert advisors.

10. It was agreed that the following were key points be considered and included within the recommendations / report presented to the OSC at this meeting (13 March 2023):
- It was clarified that under the Town and Country (General Permitted Development) Order 1995, an Article 4 direction removed all or some of the permitted development rights in a given area. Consideration was given to issuing an Article 4 direction, as this could control works that could threaten the character of the BTCCA. Issuing an Article 4 would involve a complex and detailed process; after consideration it was thought that this would not be necessary.
 - General agreement that the draft Technical Advice Note 3 – Windows in BTCCA was not supporting the Conservation Area and therefore should not be published.
 - Members were keen to retain the “Conservation Area” designation for Bexhill Town Centre.
 - As part of the Council’s Local Plan review, consideration be given to examining relevant policies regarding the BTCCA through that process.
 - Enforcement should be increased, strengthened and cases resolved. Residents / landlords should not be allowed to install replacement windows without previously obtaining planning permission; too many retrospective applications were being received.
 - To deter retrospective and unlawful applications, it was strongly suggested / recommended that the Council provided free pre-application advice which related to shopfronts and windows on the front elevation of buildings within the BTCCA. Encouraging residents / landlords to seek advice prior to making any changes to their properties within the BTCCA, could / would assist with reducing appeals and enforcement proceedings including costs.
 - Ideally, unified windows would be installed throughout the same building, particularly within flats etc.
 - Important that sensitive, high quality materials (modern where appropriate) were used to retain / enhance historical buildings within the BTCCA.
 - A wooden window could potentially have a double life span compared to a standard uPVC window; regular maintenance would be required.
 - Important to encourage and not deter investment within the BTCCA.
 - All relevant funding opportunities be explored to support improvements to the BTCCA.

Options

11. Other options were considered:
- BH’s proposal to promote the use of high quality, well-designed uPVC windows; and to abandon the current practice of refusing planning applications for uPVC windows was considered but it was noted that every case should be considered on its own merits.
 - BCCT’s proposal to consider de-designating the BTCCA was considered but is not recommended.

Conclusion

12. The BTCCAT&FG day met the Scope, Approach and Timescale set by the BTCCAT&FG and has delivered Desired Outcomes.

Strategic Management Team Comment

13. OSC is recommended to advise Cabinet that:
- a) the draft Technical Advice Note 3 – Windows in BTCCA is not published;
 - b) the BTCCA be retained;
 - c) to consider and examine policies relevant to the BTCCA, and its specific issues, through the Council’s Local Plan review;
 - d) to recommend that enforcement be increased within the BTCCA, particularly regarding replacement windows;
 - e) subject to understanding cost implications, the Council provide free pre-application advice to applicants / applications which related to the shopfronts and windows on the front elevation of buildings within the BTCCA; and
 - f) to explore all potential funding opportunities to support improvements to the BTCCA.

Financial Implications

14. The provision of free pre-application advice and increased enforcement would be a financial cost which needs to be taken into consideration.

Human Resources Implications

15. The provision of free pre-application advice and increased enforcement could lead to an increased human resource requirement which needs to be taken into consideration.

Environmental & Sustainability Implications

16. Issues relating to energy efficiency and the sustainability of timber and uPVC were discussed at the meeting. The recommendations enable these issues to continue to be considered on a case by case basis under national legislation, local adopted planning policy, and national planning policy guidance.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Sustainability	Yes	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Jeff Pyrah, Planning Policy Manager
e-mail address:	jeff.pyrah@rother.gov.uk
Appendices:	A – Terms of Reference, 21 November 2022 B – Meeting Minutes, 22 February 2023 C – Minute Extract OSC 13 March 2023
Relevant previous Minutes:	OSC22/20
Background Papers:	None
Reference Documents:	None

Rother District Council

BEXHILL TOWN CENTRE CONSERVATION AREA TASK AND FINISH GROUP – WINDOWS TECHNICAL ADVICE NOTE

Terms of Reference

- Aims and Origin** - Most of Bexhill town centre was built between 1895 and 1905 and because of this short building period the architecture is particularly homogenous.

The quality and character of its late Victorian/Edwardian architecture was recognised in 1992 through the designation of the Bexhill Town Centre Conservation Area. This designation, made under the Planning (Listed Buildings and Conservation Areas) Act 1990, bestows a statutory duty on the Local Planning Authority to pay special attention, in exercising planning functions, to the desirability of preserving or enhancing the character or appearance of the area.

Recently, an argument has been made that the requirement to protect or enhance the character or appearance of the conservation area hinders investment, with window replacement being an issue raised through a number of planning applications.

A technical advice note (TAN) was drafted to provide advice to developers and decision-makers on how the Council's adopted planning policies should be applied to planning applications for alterations to, or replacement of, windows within the Bexhill Town Centre Conservation Area. It does not, and cannot, set new planning policy. It presents a series of scenarios to increase understanding of how planning applications would be considered in four generic situations.

On considering the draft TAN, on 29 September 2022, the Overview and Scrutiny Committee resolved that a Task and Finish Group be set up to consider the draft TAN.

Scope

To consider:

- a) National legislation regarding conservation areas.
- b) The information and guidance provided in the draft technical advice note.
- c) What can be done to support business and investment in Bexhill town centre without damaging or devaluing the conservation area.

Approach

- a) Introductory presentation of draft TAN by Rother planning officers.
- b) Review national legislation relating to conservation

	areas.
	c) Review previous documents and initiatives ¹ relating to the Town Centre Conservation Area, including its designation, policy and guidance.
	d) Receive a view from local businesses and Bexhill Heritage.
	e) Receive the advice of historic building experts – including Rother planning officers, Historic England and independent professionals in relation Conservation Areas.
	f) Peer review of guidance produced by other LPAs on this subject.
	g) Consider the pros and cons of a TAN in relation to alterations or replacement to windows, and if a TAN is supported, recommend any amendments to the TAN that the group considers appropriate based on the information it has received.
	h) Consider initiatives to support businesses and residents and the conservation area.
Desired Outcomes	a) An understanding of Bexhill Town Centre Conservation Area, the legislation related to this designation, the benefits of such a designation, and the impact on business and residents.
	b) Analysis of the draft TAN, including recommendations for any proposed amendments to the technical advice note that the group considers appropriate, along with other initiatives that would enhance the town centre’s commercial vitality, reduce levels of deprivation, and enhance the quality of its built environment.
Timescale	- A full day exploratory meeting to be held January/February 2023.
	- Analysis, report writing and recommendations – February 2023.
	- Report back to OSC – March 2023.
Membership	- Councillors Courtel, Mrs Earl-Williams, Langlands, Madeley and Stevens.
Officer Lead	- Jeff Pyrah – Planning Policy Manager

¹ Including:

- A three year programme (2002-2005) of grant aid funded by the Council and English Heritage provided assistance to repair buildings in the town centre’s commercial streets and restore lost character (the Heritage Economic Regeneration Scheme – HERS).
- A Conservation Area Appraisal, published in 2004.
- The Bexhill-on-Sea Town Centre Conservation Area: Shopfronts + Signage Guidance, published in 2006.
- A ‘Strategy for Bexhill Town Centre, which considered the inter-relationships of conservation and development factors, published in 2013.

Rother District Council

**BEXHILL TOWN CENTRE CONSERVATION AREA
TASK & FINISH GROUP**

22 February 2023



Minutes of the Bexhill Town Centre Conservation Area Task and Finish Group held in the Council Chamber, Town Hall, Bexhill-on-Sea on Wednesday 22 February 2022 at 9:15am.

Task and Finish Group Members present: Councillors P.C. Courtel, Mrs D.C. Earl-Williams, L.M. Langlands, C.A. Madeley and G.F. Stevens (in part).

Other Member(s) present: Councillor Mrs C.A. Bayliss (in part).

Advisory Officers present: Director – Place and Climate Change (in part), Planning Policy Manager, Conservation Officer (in part), Team Leader – Planning Policy (in part) and Democratic Services Officer.

Also present: David Beales (in part) and Alexis Markwick (in part) – Bexhill Heritage, Tracey Love (in part) and Howard Martin (in part) – Bexhill Chamber of Commerce and Tourism and Deborah Gardner (in part) – DGC Historic Building Consultants.

BTC22/01. ELECTION OF CHAIR

(1)

RESOLVED: Councillor C.A. Madeley was appointed as Chair of the Bexhill Town Centre Conservation Area Task and Finish Group.

BTC22/02. APOLOGIES FOR ABSENCE

(2)

There were no apologies for absence.

BTC22/03. DISCLOSURE OF INTERESTS

(3)

Declarations of interest were made by Councillors in the Minutes as indicated below:

Bayliss Agenda Item 5 – Personal Interest as she resided in the Bexhill Town Centre Conservation Area and was a member of Bexhill Heritage.

Courtel Agenda Item 5 – Personal Interest as he resided in the Bexhill Town Centre Conservation Area.

Earl-Williams Agenda Item 5 – Personal Interest as a member of Bexhill Heritage.

- Langlands Agenda Item 5 – Personal Interest as the Council’s representative on Bexhill Chamber of Commerce and Tourism and was a member of Bexhill Heritage.
- Madeley Agenda Item 5 – Personal Interest as a member of Bexhill Heritage.

BTC22/04. TERMS OF REFERENCE / TECHNICAL ADVICE NOTE
(4)

The Overview and Scrutiny Committee (OSC) established the Bexhill Town Centre Conservation Area Task and Finish Group (BTCCAT&G) and agreed its Terms of Reference (ToR) at its meeting held on 21 November 2022.

Members considered the ToR; the aims and origins were noted, and the BTCCAT&G agreed that its remit was to consider:

- a) national legislation regarding conservation areas;
- b) information and guidance provided in the draft Technical Advice Note (TAN) which was appended to the report; and
- c) what could be done to support businesses and investment in BTCCA without damaging or devaluing the conservation area?

The BTCCAT&G would gain an understanding of the Bexhill Town Centre Conservation Area (BTCCA), the legislation related to the designation, the benefits of such a designation and the impact on businesses and residents and analyse the draft TAN, to make recommendations for any appropriate proposed amendments, along with other initiatives that would enhance the BTCCA’s commercial viability, reduce levels of deprivation and enhance the quality of its built environment.

The draft TAN provided advice on how the Council’s adopted planning policies should be applied to replacement window planning applications within the designated BTCCA. It explained the legislative background and summarised relevant planning policy and Historic England guidance.

Consideration was also given to the Minutes of the OSC meeting held on 22 September 2022.

BTC22/05. EVIDENCE GATHERING
(5)

a) Bexhill Heritage

The Chair welcomed David Beales and Alexis Markwick of Bexhill Heritage (BH) to the meeting. BH had provided a report on the Council’s draft Technical Advice Note 3 (TAN) – Windows in Bexhill Town Centre Conservation Area, which outlined BH’s opinion and recommendations. BH was a charitable incorporated organisation which promoted the conservation, protection and improvement of Bexhill’s built environment and open spaces.

The following key points were noted:

- BH would support an extension to the existing Bexhill Town Centre Conservation Area (BTCCA); no details were given;
- the draft TAN was not soundly based on Local Planning Policy;
- Disagreed with the TAN and officer views regarding uPVC windows. BH believed that uPVC could be a suitable replacement for timber sash windows.
- there was no Local Plan policy on windows within the BTCCA (specifically highlighted Policies EN2 and EN3 of the Rother Local Plan Core Strategy [RLPCS]) and applicants could therefore conclude that they were not protected and uPVC was acceptable;
- planning permission (Section 55 of the Planning Act) was not required for replacement of traditional design or original wooden sliding sash windows by uPVC windows of the same design. Did not “materially affect” the external appearance of the building as a whole. Specifically referred to an appeal decision in Buxton where an Inspector agreed that planning permission was not required for the replacement of timber sliding sash windows with the specified uPVC replacements;
- “planning was about people and for people.” The older generation should not be subjected to living with ill-fitted single glazed windows and the applicant’s personal circumstances should be considered when the Council assessed planning applications;
- high quality, well designed uPVC sliding sash replacement windows fully addressed the needs of the RLPCS;
- views of the residents were overlooked by the Council and investment was deterred;
- the principle feature of the building was the window opening, not the windows (irrespective of the design);
- a new approach was required, as follows:
 - the Council accepted the legality of “no planning permission”;
 - the Council influenced relevant stakeholders and manufacturers to use high quality, well designed uPVC windows;
 - abandon current practice of refusing planning applications;
 - do not adopt the draft TAN;
 - organise public structured workshops on Conservation matters; and
 - provide a simple advisory illustrative handout;
- referred to an appeal in Eastbourne where the Planning Inspectorate upheld the appeal to allow wooden windows to be replaced with uPVC in the Conservation Area and commented that other cases suggested an increasing acceptance of uPVC of a high quality of design and finish; and
- showed photographs of acceptable and unacceptable window examples within the BTCCA, and in the Town Hall (which was not in the Conservation Area).

In conclusion, it was BH’s opinion that high quality traditionally designed and installed uPVC windows were acceptable replacements for wooden windows of traditional design in Conservation Areas.

Members had an opportunity to put forward questions² and the following points were noted during the discussion:

- 55% of Bexhill Town Centre properties had uPVC windows;
- good quality uPVC traditional sash sliding windows were available (textured effect like wood);
- the longevity of wooden compared to uPVC windows. Concern was aired regarding the quality of wood (hard or soft) available and being used;
- it was clarified that uPVC windows could be and were recycled; and
- the Director – Place and Climate Change clarified that the Town Hall was not within the BTCCA and that the uPVC windows were installed before it was Grade II Listed.

At the conclusion of the discussion, the Chair thanked David Beales and Alexis Markwick for BH's contributions and attendance at the meeting.

ACTION 1: That Bexhill Heritage's comments be noted and considered during the Bexhill Town Centre Conservation Area Task and Finish Group's deliberations.

b) Bexhill Chamber of Commerce and Tourism

The Chair welcomed Tracey Love and Howard Martin of Bexhill Chamber of Commerce and Tourism (BCCT) to the meeting. BCCT had provided a report on the Council's draft Technical Advice Note 3 (TAN) – Windows in Bexhill Town Centre Conservation Area, which outlined BCCT's opinion and recommendations. BCCT was established in 1925 and currently consisted of over 120 businesses (from Eastbourne to Rye), charitable and social enterprises. Their mission was to protect and promote the interests of businesses / employees across Bexhill and the surrounding area.

The following key points were noted:

- agreed with Bexhill Heritage except in relation to their suggestion to extend the Bexhill Town Centre Conservation Area (BTCCA) and advised that the designation was preventing investment;
- Bexhill Central was considered the most deprived ward in Rother which predominantly covered the BTCCA;
- poverty and extreme deprivation existed in many of the squalid flats above the BTCCA shops. Decision to "eat or heat";
- had undertaken a survey in January 2023 – 232 window portals (68% were uPVC frames). Across the entire BTCCA, it was clear that contemporary uPVC double glazing was preferred to insulate homes;
- the Council had funded uPVC windows at a property in Eversley Road;
- inconsistent and confusing Council Planning policy and decisions;

² The Bexhill Chamber of Commerce and Tourism asked whether they could ask questions. They were advised that asking questions was the role of the Task and Finish Group members only. They stated their concerns with this approach.

- adoption of the TAN would increase costs to renovate and restore windows, would not be economically viable and would deter residents / landlords from upgrading rotten windows;
- wooden windows looked scruffy and did not provide adequate protection from weather conditions e.g. Brighton Pier had installed uPVC windows;
- standard uPVC windows were acceptable on upper floors, less prominent (“nobody looked up”);
- additional costs would be required to maintain wooden windows e.g. erection of scaffolding, this was not practical in a town centre location;
- gave an example of a local entrepreneur who was considering whether to invest further in the town because of the costs and difficulties caused by the Conservation Area requirements;
- BCCT stated that Council officers were recommending local timber window repair companies to residents / landlords;
- BCCT had produced a Windows Regeneration Policy for consideration, in consultation with Bexhill Heritage, local Bexhill Specialist Heritage Architects and local Councillors; and
- BCCT welcomed investment in the town centre but advised that the BTCCA designation was hindering this and did not address modern issues. Bexhill Town Centre could not be compared like-for-like to other Conservation Areas in the district e.g. Battle, Bexhill Old Town and Rye.

BCCT would support any planning applications that were sympathetic to the improvement of the town centre, promoted privately invested regeneration and enhanced Bexhill as a better place to work, live and trade. BCCT strongly recommended a political policy change to allow reasonable development which supported a thriving economic environment.

Members had an opportunity to put forward questions and the following points were noted during the discussion:

- BTCCA consisted of a mixture of commercial and residential properties, some had been converted for temporary accommodation and some were being used as Airbnbs; and
- properties (ground floor shop units and floors above) were either in one ownership or with flats owned separately. Larger companies (multiples e.g. banks) tended to own the whole property (exact ratios were unknown).

At the conclusion of the discussion, the Chair thanked Tracey Love and Howard Martin for BCCT’s contributions and attendance at the meeting.

ACTION 2: That Bexhill Chamber of Commerce and Tourism’s comments be noted and considered during the Bexhill Town Centre Conservation Area Task and Finish Group’s deliberations.

c) Ward Member, Councillor Bayliss

The Chair welcomed Councillor Bayliss to the meeting who provided her considerations of the Council’s draft Technical Advice Note 3 (TAN) –

Windows in Bexhill Town Centre Conservation Area (BTCCA), as the local Central Ward Member.

The following key points were noted:

- she regularly called-in window replacement planning applications to be considered by the Planning Committee;
- Bexhill Central was the second most deprived ward in Rother;
- wooden windows were often in poor condition, visually unattractive, provided poor insulation from cold (gave a specific example where the resident could not afford to heat the whole flat) and noise, were expensive and detracted from the BTCCA;
- installation of wooden windows would increase costs and reduce availability of affordable accommodation;
- in appearance, uPVC traditional sliding sash windows were comparable with wooden windows;
- uPVC windows were recyclable (e.g. broken down and used in the production of paving slabs);
- “inconsistent” approach to planning applications and no enforcement cases;
- energy efficiency of uPVC windows demonstrated a commitment to create energy efficient homes for local people;
- important that the public realm within the BTCCA was maintained and upheld;
- important to “encourage and not discourage” investment in BTCCA; and
- advised that she had always supported the BTCCA designation and wanted to see it preserved and improved. She stated that this required consistent planning decisions and active enforcement. She also suggested that an Article 4 should be made to prevent windows being replaced with poor uPVC replacement where this was currently permitted development for individual dwellinghouses.

In conclusion, she proposed that a new TAN was produced that was more permissive and supported high quality uPVC replacement sliding sash windows in the BTCCA.

Members had an opportunity to put forward questions and the following point was noted during the discussion:

- questions were raised regarding what enforcement cases had been considered and concluded regarding replacement windows in BTCCA and those that were currently under investigation. Information was not available at the meeting.

At the conclusion of the discussion, the Chair thanked Councillor Bayliss for her contributions and attendance at the meeting.

ACTION 3: That Councillor Bayliss’ comments be noted and considered during the Bexhill Town Centre Conservation Area Task and Finish Group’s deliberations.

d) Legislation and Policy

Consideration was given to the report of the Team Leader – Planning Policy that set the legislative and planning policy context for the development of the Council’s Technical Advice Note 3 (TAN) – Windows in Bexhill Town Centre Conservation Area (BTCCA). The TAN conformed with national and local planning policy for conservation areas and was therefore considered an appropriate and useful tool to assist applicants replacing windows within the BTCCA.

The report detailed and explained the legislation framework; context of a conservation area designation; local authority requirements and functions; ‘replacement windows’ were defined as ‘development’; as well as National Planning Policy Framework, Rother Local Plan Core Strategy and Development and Site Allocations Local Plan criteria. Comparable guidance documents had been produced by neighbouring authorities. The place to change policy was through the Local Plan review.

The Listed Buildings and Conservation Areas Act protects heritage and the public good. Private interests could be emotive, but the duty was to protect the Conservation Area.

The BTCCA Appraisal explained why the area was designated. It dated from 2004 and noted that the use of modern materials for windows and roofs had been detrimental to the Conservation Area, but that this was recoverable.

The draft TAN sets out a series of generic scenarios to aid understanding of how planning decisions regarding replacement windows were made.

During the discussion the following was noted:

- Heritage Economic Regeneration Scheme (HERS) grants were awarded in the mid-2000s to improve the public realm and provided funding for the installation of new shopfronts; this funding was no longer available; and
- there was a separate, existing Council policy guidance document that provided advice to commercial properties / shop fronts etc.

e) How Far We Have Come

Consideration was given to the report of the Conservation Officer that detailed progress to date of improvements to and economic regeneration of the Bexhill Town Centre Conservation Area (BTCCA).

The following key points were noted:

- BTCCA designated in 1990s;
- approximately £700,000 funding had been received as part of the Heritage Economic Regeneration Scheme 2002-2006 to bring shops back into use, make environmental improvements and repairs within the town centre;

- just under 50% of all of the buildings within the conservation area had elevations that consisted completely of uPVC casement windows;
- Listed Building and Conservation Areas Act – it was a statutory duty for the Council to “pay special attention to the desirability of preserving or enhancing the character or appearance of that area” when exercising planning functions;
- the Technical Advice Note (TAN) had been developed using Historic England best practice guidance and provided all scenarios for window replacement;
- the TAN was developed to provide clarity / help, not to cause confusion / hinder;
- only 3% of uPVC windows were recycled;
- wall and roof insulation, solar panels and draught excluders also assisted with energy efficiency (not just double-glazed windows); and
- considered good practice to provide advice and guidance on window replacement in Conservation Areas; neighbouring local authorities produced / provided similar documents to the TAN.

During the discussion the following was noted:

- removal of BTCCA designation could and would be negative for the local economy; the declassification process was unknown;
- uPVC windows were introduced in 1970s, during the 1980s-1990s were popular and commonplace in many households;
- town centre did not feel like a conservation area, as many properties were run down and in poor condition;
- community involvement would be required to create a vibrant living town where people wanted to live and work;
- a question was raised regarding whether imported timber contributed towards and increased the country’s carbon footprint and if the sequestering that timber offered would outweigh transportation impacts. Members were advised that timber was sustainable and sourced in the UK and northern Europe (Norway – predominantly Accoya);
- Accoya wood had a 60+ year warranty; and
- Appeal decisions – Planning Inspectors were independent decision makers and opinions varied.

The Chair asked Deborah Gardner to make her observations in response to the presentations and the following was noted:

- requiring planning permission enabled the Council to assess the quality or form (design) of the replacement windows;
- without the requirement of planning permission, there could be no enforcement which could lead to erosion of features and negative impact on the BTCCA;
- the local plan policies do not specifically mention windows but also do not refer to other specific design features. The policy referred to form and design and Victorian and Edwardian character;
- traditional timber windows contributed to the overall character and appearance of a traditional period property. They highlighted the refinement and proportionality of the host building;

- uPVC could not replicate the refinement and proportions of timber. Creating prominent larger frames would unbalance the aesthetic character and appearance of the building;
- existing retrofitted timber sliding sash windows would upgrade thermal efficiency and insulation;
- draft TAN addressed concerns regarding “inconsistencies”. Pages 19 and 20 of the draft TAN made the position clear and outlined the Council’s position for future planning applications; and
- draft TAN considered the form, design and detailing of windows as well as material in accordance with planning policy with the overriding aim to preserve or enhance the special character of the BTCCA.

The Chair thanked Deborah Gardner for her contributions and attendance at the meeting.

ACTION 4: That the comments of the officers and Deborah Gardner be noted and considered during the Bexhill Town Centre Conservation Area Task and Finish Group’s deliberations.

(Councillor Bayliss declared a Personal Interest in this matter in so far as she resided in the Bexhill Town Centre Conservation Area and was a member of Bexhill Heritage and in accordance with the Members’ Code of Conduct remained in the room during the consideration thereof).

(Councillor Courtel declared a Personal Interest in this matter in so far as he resided in the Bexhill Town Centre Conservation Area and in accordance with the Members’ Code of Conduct remained in the room during the consideration thereof).

(Councillors Mrs Earl-Williams and Madeley each declared a Personal Interest in this matter in so far as they were members of Bexhill Heritage and in accordance with the Members’ Code of Conduct remained in the room during the consideration thereof).

(Councillor Langlands declared a Personal Interest in this matter in so far as she was the Council’s representative on the Bexhill Chamber of Commerce and Tourism and was a member of Bexhill Heritage and in accordance with the Members’ Code of Conduct remained in the room during the consideration thereof).

BTC22/06. SUMMARY OF EVIDENCE HEARD
(6)

The Planning Policy Manager summarised and gave a brief overview of the key points discussed and considered.

BTC22/07. DISCUSSION OF ACTIONS ARISING FROM MEETING AND DRAFT RECOMMENDATIONS TO THE OVERVIEW AND SCRUTINY COMMITTEE
(7)

The Bexhill Town Centre Conservation Area Task and Finish Group (BTCCAT&FG) discussed the main issues identified from the evidence gathering presentations and reports. It was agreed that the following were key points to be considered and included within the

recommendations / report presented to the Overview and Scrutiny Committee (OSC) at the meeting scheduled to be held on 13 March 2023:

- it was clarified that under the Town and Country (General Permitted Development) Order 1995, an Article 4 direction removed all or some of the permitted development rights in a given area. Consideration was given to issuing an Article 4 direction, as this could control works that could threaten the character of the Bexhill Town Centre Conservation Area (BTCCA). Issuing an Article 4 would involve a complex and detailed process; after consideration it was thought that this would not be necessary;
- general agreement that the draft Technical Advice Note 3 – Windows in BTCCA was not supporting the Conservation Area and therefore should not be published;
- Members were keen to retain the “Conservation Area” designation for Bexhill Town Centre;
- as part of the Council’s Local Plan review, consideration be given to examining relevant policies regarding the BTCCA through that process;
- enforcement should be increased, strengthened and cases resolved. Residents / landlords should not be allowed to install replacement windows without previously obtaining planning permission; too many retrospective applications were being received;
- to deter retrospective and unlawful applications, it was strongly suggested / recommended that the Council provided free pre-application advice which related to shopfronts and windows on the front elevation of buildings within the BTCCA. Encouraging residents / landlords to seek advice prior to making any changes to their properties within the BTCCA, could / would assist with reducing appeals and enforcement proceedings including costs;
- ideally, unified windows would be installed throughout the same building, particularly within flats etc;
- important that sensitive, high quality materials (modern where appropriate) were used to retain / enhance historical buildings within the BTCCA;
- a wooden window could potentially have a double life span compared to a standard uPVC window; regular maintenance would be required;
- important to encourage and not deter investment within the BTCCA; and
- all relevant funding opportunities be explored to support improvements to the BTCCA.

It was confirmed that BTCCAT&FG would review the report informally before it was presented to the OSC.

RESOLVED: That the following recommendations be included within the report being presented to the Overview and Scrutiny Committee at the meeting scheduled to be held on 13 March 2023:

- 1) the draft Technical Advice Note 3 – Windows in Bexhill Town Centre Conservation Area not be published;
- 2) the Bexhill Town Centre Conservation Area be retained;

- 3) to consider and examine policies relevant to the Bexhill Town Centre Conservation Area, and its specific issues through the Council's Local Plan review;
- 4) to recommend that enforcement be increased within the Bexhill Town Centre Conservation Area, particularly regarding replacement windows;
- 5) subject to understanding cost implications, the Council provide free pre-application advice to applicants / applications which related to the shopfronts and windows on the front elevation of buildings within the Bexhill Town Centre Conservation Area; and
- 6) to explore all potential funding opportunities to support improvements to the Bexhill Town Centre Conservation Area.

BTC22/08. TERMS OF REFERENCE

It was agreed that the Bexhill Town Centre Conservation Area Task and Finish Group (BTCCAT&FG) had completed its Terms of Reference. Therefore, the Chair proposed that the BTCCAT&FG be dissolved. The Chair thanked all the Members and officers who had supported and contributed to the work of the BTCCAT&FG.

CHAIR

The meeting closed at 4:05pm.

BTC220223jh

Minutes of the Overview and Scrutiny Meeting – 13 March 2023**OSC22/59. RECOMMENDATIONS OF THE BEXHILL TOWN CENTRE
(10) CONSERVATION TASK AND FINISH GROUP**

The Planning Policy Manager outlined the report and recommendations of the Bexhill Town Centre Conservation Area Task and Finish Group (BTCCAT&FG) following the one-day Task and Finish Group meeting. The Terms of Reference for the Group was to review the draft Technical Advice Note 3 (TAN) – Windows in Bexhill Town Centre Conservation Area (BTCCA) and took place on 22 February 2023.

The Group had received presentations from a number of interested parties and officers including Bexhill Heritage (BH), Bexhill Chamber of Commerce and Tourism (BCCT), Councillor Bayliss as a Ward Member for Bexhill Central, Planning Policy Team Leader and Conservation Officer.

The report outlined the key points considered by the BTCCAT&FG following the evidence gathering from stakeholders and expert advisors. The following points were noted during the debate:

- all features, including decorative mouldings that were on many of the Edwardian buildings in the Conservation Area were already covered by the Conservation Area status; this piece of work had solely focussed on windows;
- the Edwardian architecture within Bexhill-on-Sea should be promoted more as a tourist attraction; and
- wooden framed windows were very costly to maintain and there was a limited supply of good quality, locally grown timber.

The Chair of the Group, Councillor Madeley thanked the Members and officers for the excellent work carried out during the evidence gathering session and all had been supportive of the recommendations before the Committee. Councillor Bayliss wished it to be noted that the sentence attributed to her about the Article 4 direction within the Minutes of the Group's meeting held on 23 February (BTC22/05), should be disregarded as it had been taken out of context.

The Director – Place and Climate Change was hesitant about the recommendation regarding free pre-application advice to applicants within just the Bexhill Conservation Area and could foresee issues with regard to other Conservations Areas across the district and other "protected" environs such as the Area of Outstanding Natural Beauty.

RESOLVED: That Cabinet be requested to agree that:

- 1) the draft Technical Advice Note 3 – Windows in Bexhill Town Centre Conservation Area not be published;
- 2) the Bexhill Town Centre Conservation Area be retained;

- 3) policies relevant to the Bexhill Town Centre Conservation Area, and its specific issues, be considered and examined through the Council's Local Plan review;
- 4) enforcement be increased within the Bexhill Town Centre Conservation Area, particularly regarding shopfronts and replacement windows on the front elevations of buildings;
- 5) subject to understanding cost implications, the Council provide free pre-application advice to applicants which related to the shopfronts and windows on the front elevation of buildings within the Bexhill Town Centre Conservation Area; and
- 6) all potential funding opportunities to support improvements to the Bexhill Town Centre Conservation Area be explored in collaboration with Bexhill Heritage and the Bexhill Chamber of Commerce and Tourism.