

MEETING TITLE AND DATE:

PLANNING COMMITTEE

22 September 2009

REPORT OF:

Director of Place Shaping & Enterprise

Contact officer and telephone number:

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Agenda - Part: 1	Item:
Subject: <u>Conservation Area Review Phase III</u> Consultation on revised boundaries for ten existing conservation areas and the designation of a new conservation area, together with supporting documentation.	
Wards: Haselbury, Edmonton Green, Upper Edmonton, Enfield Lock, Chase, Town, Southgate, Ponders End, Southgate Green, Turkey Street, Winchmore Hill.	
Cabinet Members consulted: Cabinet Member for Environment and Street Scene Cabinet Member for Place Shaping and Enterprise	

1. EXECUTIVE SUMMARY

- 1.1 This report relates to the Conservation Area Review Phase III – boundary amendments to existing conservation areas and an additional new conservation area.
- 1.2 At its meeting on the 16 September 2009 Cabinet approved a new conservation area at Abbotshall Avenue and boundary amendments and revised Character Appraisals for Church Street Edmonton, Fore Street Edmonton, Clay Hill, Enfield Lock, Forty Hill, Ponders End Flour Mills, Southgate Green, Turkey Street and Winchmore Hill Green Conservation Areas together with Character Appraisal and Management Proposals for each. These took immediate effect. A proposal to reduce Highlands Conservation Area was approved for public consultation. Cabinet instructed the Director for Place Shaping and Enterprise to receive and report back any representations received.
- 1.3 As part of this process, the above documents, designations and boundary changes are hereby brought before the Planning Committee and Members are invited to consider their impact as it relates to the remit of the Committee and to forward any comments.
- 1.4 Following public consultation and the receipt of any comments from Members of the Planning Committee the documents will be amended to reflect

appropriate comments received and will be reported to Cabinet.

- 1.5 Should the proposals receive public support, final approval will be sought from Cabinet for the new designation and necessary boundary changes to the existing conservation areas.
- 1.6 Should Cabinet approve the new designation and boundary changes they, and the associated Character Appraisals and Management Proposals will form part of the statutory Local Development Framework (LDF). The Character Appraisals will form part of the evidence base of the LDF and the Management Proposals will form part of the proposed Enfield Design Guide SPD.

2. RECOMMENDATIONS

- 2.1 That the Members of the Planning Committee receive the approved Character Appraisals and Management Proposals for the new conservation area and amended boundaries for the Church Street Edmonton, Fore Street Edmonton, Clay Hill, Enfield Lock, Forty Hill, Highlands, Ponders End Flour Mills, Southgate Green, Turkey Street and Winchmore Hill Green Conservation Areas and forward any comments to the Director for Place Shaping and Enterprise.

3. BACKGROUND

- 3.1 Local Authorities are required under s69. (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to determine which parts of their area are areas of 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate those areas as conservation areas'. s69 (2) requires Local Authorities from time to time to review any existing designations.
- 3.2 The Council has embarked on a Conservation Area Review. **Phase I** of the review related to the then sixteen existing conservation areas. The Council has previously approved Character Appraisals that identifies the special interest of these conservation area. S71 of the Act places a further duty on Local Authorities from time to time to formulate and publish proposals for the preservation and enhancement of conservation areas and to submit them to public consultation. To that end Management Proposals for each of the existing conservation areas have also been consulted on and were approved on the 17th January 2007.
- 3.3 **Phase II** of the Review related to the designation of new conservation areas. Cabinet approved on 5th November 2008:-

- 3.3.1 The Borough-wide Characterisation Study that detailed the history of development, land uses and the established character of broad areas and identified areas with potential for designation,
- 3.3.2 The Review of Conservation Area Designation Guidance that updated the criteria upon which areas could be considered,
- 3.3.3 The New Conservation Areas for Enfield document that described the process for selection and the prioritisation of areas consequent on the currently available Council heritage resources and staff provision.
- 3.3.4 The designation of the Grange Park, Meadway, Southgate Circus and The Crescent Conservation Areas, complete with Character Appraisals and Management Proposals for each.
- 3.4 This report relates to Phase III of the Review – the designation of the Abbotshall Avenue Conservation Area and the amendment of the boundaries of Church Street Edmonton, Fore Street Edmonton, Clay Hill, Enfield Lock, Forty Hill, Highlands, Ponders End Flour Mills, Southgate Green, Turkey Street and Winchmore Hill Green Conservation Areas together with Character Appraisal and Management Proposals for each. At its meeting on the 22 September 2009 Cabinet approved the report and instructed the Interim Director for Place Shaping and Enterprise to receive representations and to report any received back to Cabinet for final decision. With the exception of Highlands the proposals came into immediate effect. The public consultation period is 17 September – 30 October 2009.
- 3.5 The rationale for the above revisions are detailed within the report of The Paul Drury Partnership, to be found in the Appendix to this report.
- 3.6 **Conservation Area Character Appraisals** have been produced for each of the Borough's conservation areas that defines their 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' (s69. (1) of the Act) (see 3.1 above). Revised Character Appraisals for the ten conservation areas subject to these boundary revisions have been produced but are too large to attach to this report. Hard copies will be lodged in the Group offices and electronic copies will be attached to the Council's website.
- 3.7 **Abbotshall Avenue Conservation Area Character Appraisal and Management Proposals** documents have been produced for the Abbotshall Avenue Conservation Area. The Management Proposals document is produced under s.71 of the 1990 Act and describes the actions that the Council proposes to take to ensure the 'preservation and enhancement' of each area's special interest. These two documents mirror the format and quality of those produced for the existing twenty conservation areas. The Management Proposals document takes the form of a new 'chapter' for adding to the main Conservation Area Management Proposals document – if approved it will integrate within the existing to form a consistent, high quality Conservation Area Management Proposals document. Hard copies will be lodged in the Group offices and electronic copies will be attached to the Council's website.

3.8 **The need for immediate protection**

It became apparent during Phase II of the Conservation Area Review that a minority of owners and developers were exploiting the call-in and public consultation period to hurriedly commission and commence works prior to designation. Much of these works are precisely the kind harmful to the character and appearance of the area – poor quality window replacements, extensions, loft conversions, converting front gardens to off-street parking etc. – that the designations were designed to control. This issue caused considerable friction with the majority of residents who were in support of the designations. In light of this experience Cabinet approved the report's recommendation that the boundary amendments (except Highlands) and designations of the new areas take immediate effect. The 1990 Act does not require local planning authorities to consult on the designation or boundary amendment of conservation areas. Nevertheless, the owners, occupiers and other stakeholders have been invited to make representations to the Council on these changes. If they do not support the designations they can be cancelled.

3.9 The de-designation of the northern part of Highlands Conservation Area presents the problem in reverse. Here the Council needs to initially retain the designation to ensure planning controls are in place while representations are received and pending a decision by Cabinet on the proposed de-designation.

3.10 Copies of the various documents have been posted on the Council's web site and hard copies are available in the Member's library, public libraries and at Planning Reception at the Civic Centre. In addition to Members of the Planning Committee representations have also been invited from all affected householders and businesses directly affected by the boundary revisions and within the proposed new conservation area and key stakeholders such as local MPs, Members of the Council, local community associations, CAG and its constituent bodies, English Heritage and other conservation organisations. Public Notices in the press will invite comment from the general public. The proposals will also be considered at the CAG meeting on the 6 October 2009. S.71 of the 1990 Act requires local planning authorities to consult on the Management Proposals, which will be done through the letter-drop to owners and occupiers and the Public Notice. In addition a public meeting will be held at the Civic Centre on the 1st October 2009 to discuss the Management Proposals which will thereby satisfy the requirements of the Act.

3.11 This consultation is to invite Members, in their role as Members of the Planning Committee, to consider the proposals and documents as they relate to the requirement in the 1990 Act to ensure development in conservation areas "preserves or enhances" the character or appearance of the conservation area together with the general remit of the Committee and to forward any comments. Members may wish to consider existing PPG and PPSs (notably PPG15 – The Historic Environment) which can be viewed on the Communities and Local Government

website at:-

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicyguidance/ppg15>, together with The London Plan, saved policies in the UDP and evolving LDF policies.

3.12 Comments should be forwarded to the Director of Place Shaping and Enterprise by 5pm on **30 October 2009**:-

c/o Mike Brown

Team Leader – Conservation & Design

B Block South

Civic Centre

Or e-mailed to MIKE.BROWN@enfield.gov.uk

3.13 Any comments received will be reported to Cabinet on the 25 November 2009 when it will be asked to approve the final redesignations and documents revised to reflect any appropriate contributions that may come from the public consultation.

4. ALTERNATIVE OPTIONS CONSIDERED

There are none that will satisfy the above objectives.

5. REASONS FOR RECOMMENDATION

5.1 The identification of potential conservation areas is a duty under s 69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.2 The draft documents demonstrate a logical professional approach to the management of conservation areas. The areas proposed for designation and enlargement are balanced by the proposed reductions and are compatible with the level of heritage resources and staffing available at present.

5.3 Making the boundary changes and designations effective immediately will put in place planning controls that will avoid the damage caused by a minority of owners and developers, seeking to circumvent the Council's intention and duty to preserve the areas, by the rushed commissioning and commencement of works harmful to the special interest of the areas. Members of the Planning Committee are hereby invited to make representations on them. The designation and controls will be left in place at Highlands Conservation Area during the period for receiving representations pending the subsequent Cabinet decision on de-designation.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Finance Implications

Provision for the cost of preparing the documents and consulting on them is included in the revenue budgets. The approval of these documents does not in itself commit the Council to additional expenditure. Any related proposals with

cost implications would need to be subject to separate reports and full financial appraisal.

6.2 Risk Management Implications

Failure to approve the revised boundaries of the existing ten conservation areas will undermine the credibility of the approved Conservation Area Management Proposals document from which they flow. Not approving the designation will invite concern that an appropriate process for prioritising potential areas and consideration of the available Council resources and staffing levels has not been followed and that the Council has not discharged its duty under s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to identify and designate conservation areas. Failure to approve the draft Character Appraisals will expose the Council to criticism and open the areas to challenge through the planning system because robust assessments and identification of the special interest of the revised and proposed conservation areas has not been published. Failure to put the Management Proposals to public consultation will be contrary to the duty placed on the Council under s.71 of the Act. Not approving the Management Proposals will invite criticism that the Council has not discharged its duty under s.71 of the 1990 Act nor its wider duty to preserve and enhance the conservation area's special interest. Not implementing the extensions immediately will run the risk of a minority seeking to circumvent the designations by rushing to commission and implement poor quality alterations to properties.

6.3 Legal Implications

As stated in the Report Section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance and to designate those areas as conservation areas. Section 69(2) places a duty on local planning authorities to review their functions under the section. The Council's Conservation Area Review is being undertaken to satisfy these duties.

Section 71 of the Act places a duty on local planning authorities to formulate and publish from time to time proposals for the preservation and enhancement of their conservation areas. Such proposals must be submitted for consideration to a public meeting in the area to which they relate and the authority must have regard to the views expressed at the meeting. The recommendations in the Report are in line with the Council's duties.

6.4 Property Implications

The proposed draft Abbotshall Avenue Conservation Area does not involve any Council owned property and the draft amended boundaries to existing Conservation Areas include very little Council land. If, subject to approval of these designations, and as a result of further studies, any additional work or

expenditure is required for Council property, then the detailed property and funding issues would need to be considered at that stage.

6.5 Health and Safety Implications

None

7. PERFORMANCE MANAGEMENT IMPLICATIONS

- 7.1 Approval of the revised boundaries of the ten existing Conservation areas and new designations will complete the realisation of Key Aims 4 and 5 of the Heritage Strategy (relating to the Conservation Area Review).
- 7.2 S. 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Councils to develop management proposals for their conservation areas and puts these to public consultation.
- 7.3 Best Value Performance Indicator (BVPI) 219, which measured Council performance on the designation of conservation areas and production of character appraisals and management proposals, has been withdrawn. The Council had a 100% score for 2007/08. The measure is now a local indicator. To maintain that score, the designation of any new conservation areas must be accompanied by character appraisals and management proposals for each new area. These are attached to this report. The existing Character Appraisals for those areas subject to boundary changes have been revised. The associated Management Proposals are still considered valid.

8. COMMUNITY IMPLICATIONS

Enfield's heritage is of growing importance to local people and its effective protection and beneficial utilisation is a key foundation upon which healthy, engaged and sustainable communities must be built. Public consultation will help ensure that the documents and designations reflect local concerns and aspirations for their heritage.

9. PUTTING ENFIELD FIRST

- 9.1 Aim 1 of Putting Enfield First – the Council Business & Improvement Plan 2008/2011 is 'A cleaner, greener sustainable Enfield'. This Conservation Area Review and new designations will form a key plank for the delivery of sustainable development within the Borough and an important element of successful place shaping. They will be a major driver to fulfilling Aim 1(e) "Protect and enhance the character and quality of Enfield's buildings and improve access to parks and green spaces.
- 9.2 The Conservation Area Review and new designations will also play a key role within Place Shaping and Enterprise in delivering Aim 6 - Building prosperous, sustainable communities. In particular:-
 - Aim 6a - Work with partners to increase prosperity and promote sustainable and cohesive communities,
 - 6e - Continue to maintain and improve the quality of our homes and neighbourhoods and the supply and range of different types of affordable housing,

Background Papers:

The draft documents related to this report are too large and numerous to be included in this Cabinet Report and have been posted on the Enfield Eye. Hard copies will be placed in each of the Group Offices. Should the report be approved electronic copies will be placed on the Council's website. The documents are:-

- 1/ Church Street, Edmonton Conservation Area
Up-dated Character Appraisal
- 2/ Fore Street, Edmonton Conservation Area
Up-dated Character Appraisal
- 3/ Clay Hill Conservation Area
Up-dated Character Appraisal
- 4/ Enfield Lock Conservation Area
Up-dated Character Appraisal
- 5/ Forty Hill Conservation Area
Up-dated Character Appraisal
- 6/ Highlands Conservation Area
Up-dated Character Appraisal
- 7/ Ponders End Conservation Area
Up-dated Character Appraisal
- 8/ Southgate Green Conservation Area
Up-dated Character Appraisal
- 9/ Turkey Street Conservation Area
Up-dated Character Appraisal
- 10/ Winchmore Hill Green Conservation Area
Up-dated Character Appraisal
- 11/ Abbotshall Avenue Conservation Area
Character Appraisal
Management Proposals

The Conservation Area Management Proposals approved on the 17 January 2007 may be viewed on the Council's website at www.enfield.gov.uk/environmentandplanning/conservation

The project files held by Mike Brown, Team Leader for Conservation and Design X3865.