

**Southend-on-Sea Borough Council**

**Report of Chief Executive, Deputy Chief Executive Place  
To**

**Cabinet**

**On**

**16<sup>th</sup> January 2020**

**Agenda  
Item No.**

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**Conservation Area Appraisals – Consideration of Hamlet Court Road for Conservation  
Area Designation  
Place Scrutiny Committee – Cabinet Member: Councillor Mulroney  
Part 1 (Public Agenda Item)**

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**1. Purpose of Report**

- 1.1 To brief Cabinet on the initial work, and subsequent recommendations, undertaken by independent heritage consultants, Purcell, on behalf of the Council, to review the potential of Hamlet Court Road for Conservation Area status.
- 1.2 To seek agreement from Cabinet on the proposed approach to consulting on Purcell's initial report, and boundary considerations, for this area (as set out in **Appendices A and B**), with a view to progressing to a full appraisal (which would then make firm recommendations as to the potential for a Conservation Area designation, subject to a further round of public consultation) subject to responses received during the first stage of public consultation.

**2. Recommendation**

- 2.1 **To note the initial report and accompanying plan (Appendices A and B) from Purcell, which sets out a potential area to consider for Conservation Area designation at Hamlet Court Road and to agree this report and plan for approval for an initial stage of public consultation.**

**3. Background**

- 3.1 The Borough's designated Conservation Areas have special value for the community. They are visible links with our past and offer attractive contrasts to modern environments, and so it is important to ensure the special character of these areas are protected and sympathetic enhancements encouraged. This local distinctiveness can provide a catalyst for regeneration and inspire well designed new development.
- 3.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

- 3.3 The revised National Planning Policy Framework (2019) (NPPF) sets out the Government's policies for conserving and enhancing the historic environment and that in considering the designation of Conservation Areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, ensuring that the concept of conservation is not devalued through the designation of areas that lack special interest (NPPF paragraph 186).
- 3.4 The Council has a duty to review existing conservation area designations periodically to ensure they are up to date and relevant, and to determine if any further parts of the Borough should be designated as conservation areas. There are currently 14 Conservation Areas in Southend, some of which have adopted appraisals. Where an area warrants a conservation area designation it would normally be expected that the Council would make such a designation.
- 3.5 The Council has commissioned independent heritage consultants, Purcell, to undertake a review of all of the Borough's existing Conservation Area Appraisals and to produce appraisals for those Conservation Areas that do not currently have an appraisal in place. Purcell has also been tasked with considering potential new Conservation Area designations, and making informed recommendations to the Council as appropriate. This process has taken account of representations made during the Issues and Options stage of the Southend New Local Plan, which included comments suggesting Hamlet Court Road be considered.
- 3.6 A potential new Conservation Area has been identified as part of this work at Hamlet Court Road (**Appendices A and B**).
- 3.7 The report at **Appendix A**, presents a recommendation from independent heritage experts Purcell, that part of the Hamlet Court Road area (in particular the northern section of the street, south of the London Road, as shown in the accompanying plan at **Appendix B**, outlined in red) warrants further consideration for designation as a Conservation Area. An area of wider study, to be included within a full appraisal of the area, is outlined in blue on the plan in **Appendix B**. However, this wider area is not currently considered to warrant designation.
- 3.8 Cabinet's approval of this report and associated indicative boundary plan (**Appendices A and B**) is sought to move this work forward to an initial stage of public consultation to allow residents and local businesses to put forward their views on the potential of the area for Conservation Area status.
- 3.9 The next stage in the process would be the production of a full appraisal for the area, subject to feedback on the initial public consultation, based on the recommendations of the initial report and boundary plan (**Appendices A and B**) from Purcell. The full appraisal will provide a more detailed account of the area and make firm recommendations, its role being to set out an understanding of the significance of the area and the effect of those impacts bearing negatively on its significance.
- 3.10 As with all the Conservation Area appraisals being updated and reviewed, the full appraisal for the proposed Conservation Area, which will include boundary

proposals, will be subject to a further round of public consultation, following which the decision could be taken to recommend that the appraisal is adopted and the area formally designated as a Conservation Area. The full Conservation Area appraisal, once adopted by the Council, will form part of the evidence base to support the production of the Southend new Local Plan, helping to inform policy and development management decisions in the area. An estimated timeframe through to adoption of a conservation area, based on standard levels of engagement and the Council's approval processes, is set out below for information:

Public consultation on initial report	February/March 2020
Review of representations and draft a full Conservation Area Appraisal	April/May 2020
Cabinet Cycle	June 2020
Public Consultation on full Conservation Area Appraisal	July/August 2020
Review of representations and Appraisal	August/September 2020
Cabinet Cycle	October/November 2020
Adoption	November 2020

- 3.11 An area's status as a Conservation Area is a material consideration for all planning applications and introduces some additional controls. This can include: the need to apply the conserve and enhance test as part of the decision making process (as set out in legislation and discussed further in the NPPF and the Planning Practice Guidance (PPG)), control over demolition of unlisted buildings, control over works to trees, limitations on certain types of permitted development and the types of advertisements that can be displayed with deemed consent, support for the use of Article 4 directions to remove permitted development rights where avoidable damage is occurring and local planning policies which pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 3.12 The Council's adopted Development Plan (currently comprising of policies within the Core Strategy, Development Management DPD and Southend Central AAP in relation to heritage, to be reviewed as part of the production of the Southend New Local Plan) sets out the local policy approach to managing the historic environment, and these policies are also used to determine planning decisions relating to development in the Borough's Conservation Areas.
- 3.13 An area's status as a Conservation Area does not however prevent change from occurring, and Conservation Areas will over time be subject to many different pressures (both positive and negative) that could impact upon their character and appearance. It is however important that proposed alterations to properties in Conservation Areas are sympathetic to their character, and stricter design controls therefore apply. This may have cost implications for property owners, and could potentially make any regeneration more expensive.
- 3.14 Any future designation of Hamlet Court Road as a Conservation Area would however provide opportunity to conserve the historic character of the area, and

may over time help to deter inappropriate development that erodes this character.

#### **4. Other Options**

- 4.1 That the initial report from independent heritage experts Purcell is not publically consulted on, and further work into the potential for a Conservation Area designation at Hamlet Court Road not further progressed. This would however be contrary to the recommendations of Purcell based on the initial work undertaken to date, and would not allow for initial public consultation on the proposal. By moving forward with public consultation on the initial Purcell report, it will be possible to collate the views of interested parties to best determine an appropriate way forward. Conversely proceeding to any kind of designation without this consultation would leave the Council open to a challenge that it had not engaged meaningfully with the community and local businesses and had not made a decision on a full understanding of the circumstances.

#### **5. Reasons for Recommendation**

- 5.1 To facilitate public consultation on the initial report from independent heritage experts Purcell, and to seek the views of local residents and businesses on the proposal to consider Hamlet Court Road for designation as a Conservation Area.

#### **6. Corporate Implications**

##### **Contribution to the Southend 2050 Road Map**

- 6.1 The Council's adopted Development Plan, to be reviewed as part of the production of the Southend new Local Plan, sets out the local policy approach to managing the historic environment, and these policies are also used to determine planning decisions relating to development in the Borough's Conservation Areas.
- 6.2 Delivery of the Local Plan is included as a Southend 2050 outcome on the Opportunity and Prosperity theme. The Conservation Area Appraisals, including consideration of Hamlet Court Road for designation, form part of the evidence base to support the development of the Local Plan, and will contribute towards the fulfilment of the Council's Southend 2050 ambition protecting and enhancing the natural and built environment.

##### **Financial Implications**

- 6.3 Financial and human resource input is necessary to fulfil the requirements of all stages in the preparation and delivery of a Conservation Area Appraisal.
- 6.4 The costs associated with preparing the Conservation Area Appraisal for Hamlet Court Road will be met from existing budgets agreed with the Executive Director (Finance and Resources).

## **Legal Implications**

- 6.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 6.6 The revised National Planning Policy Framework (2019) (NPPF) sets out the Government's policies for conserving and enhancing the historic environment and that in considering the designation of Conservation Areas, local planning authorities should make certain that an area justifies such status because of its special architectural or historic interest, ensuring that the concept of conservation is not devalued through the designation of areas that lack special interest (NPPF paragraph 186).
- 6.7 The Council has a duty to review existing conservation area designations periodically to ensure they are up to date and relevant, and to determine if any further parts of the Borough should be designated as conservation areas.

## **People Implications**

- 6.8 Staff resources from the Strategic Planning Team will be required in order to contribute to the preparation of the Conservation Area Appraisal. Support from the Groups business support function will also be required, particularly with regards to the public consultation process.

## **Property Implications**

- 6.9 The proposed area for further consideration for Conservation Area status includes a number of privately owned buildings, including commercial and residential premises in Hamlet Court Road.
- 6.10 Conservation Areas will over time be subject to many different pressures (both positive and negative) that could impact upon their character and appearance. It is important that proposed alterations to properties in Conservation Areas are sympathetic to their character, and stricter design controls therefore apply. This may have cost implications for property owners, and could potentially make any regeneration more expensive.
- 6.11 Any future designation of Hamlet Court Road as a Conservation Area would however provide opportunity to conserve the historic character of the area, and may over time help to deter inappropriate development that erodes this character.

## **Consultation**

- 6.12 The Conservation Area Appraisals will be subject to public consultation which will be in accordance with the Council's adopted Statement of Community Involvement (SCI 2013) (an update to the SCI is currently being prepared). This will include public consultation on the initial report from Purcell, followed by public consultation on a full appraisal should this be progressed.

## **Equalities and Diversity Implications**

- 6.13 Conservation Area Appraisals will provide supporting evidence for the Southend new Local Plan. An equalities impact assessment will be produced for each iteration of the plan as part of the Integrated Impact Assessment. The public consultation on the Conservation Area Appraisal will give the opportunity for different sections of the community to input into the proposals. Should a Conservation Area be designated this would be a material planning consideration in the determination of planning applications to be weighed in the balance alongside the Council's duties under the Equalities Act.

## **Risk Assessment**

- 6.14 An area's status as a Conservation Area is a material consideration for all planning applications and introduces some additional controls. Any future designation of Hamlet Court Road as a Conservation Area, subject to public consultation, would provide opportunity to conserve the historic character of the area, and may over time help to deter inappropriate development that erodes this character. An area's status as a Conservation Area does not prevent change from occurring, and Conservation Areas will over time be subject to many different pressures, however without Conservation Area status there is a risk that the historic character of the area could be further eroded.

## **Value for Money**

- 6.15 The Conservation Area Appraisal work, which includes the review of the existing conservation area appraisals as well as the consideration of new areas for appraisal, is being undertaken by independent heritage experts, Purcell, who bring significant professional expertise to the work, and have been working with Officers who bring local knowledge and experience to the project.

## **Community Safety Implications**

- 6.16 None.

## **Environmental Impact – Sustainability Appraisal**

- 6.17 The Conservation Area Appraisals will form part of the evidence base for the Southend new Local Plan, which will set out the local policy approach to managing the historic environment, and these policies will determine planning decisions relating to development in the Borough's Conservation Areas.
- 6.18 All iterations of the Local Plan will require Sustainability Appraisal to be undertaken. The Sustainability Appraisal is an assessment of the potential significant social, environmental and economic impacts of development. It forms an integral part of the plan making process. It ensures that all policies and proposals are prepared with a view to contributing to the achievement of sustainable development. The Sustainability Appraisal will be used to assist decision making and identification of the most sustainable policies to take forward.

## **7. Background Papers**

- 7.1 Planning (Listed Buildings and Conservation Areas) Act 1990  
<http://www.legislation.gov.uk/ukpga/1990/9/contents>
- 7.2 National Planning Policy Framework (2019)  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 7.3 Planning Practice Guidance  
<https://www.gov.uk/government/collections/planning-practice-guidance>
- 7.4 Southend Local Planning Framework  
[https://www.southend.gov.uk/info/200160/local\\_planning\\_framework](https://www.southend.gov.uk/info/200160/local_planning_framework)
- 7.5 Southend new Local Plan – Issues and Options  
<https://localplan.southend.gov.uk/>
- 7.5 Southend Statement of Community Involvement (2013)  
<https://localplan.southend.gov.uk/sites/localplan.southend/files/2019-02/Southend%20Statement%20of%20Community%20Involvement.pdf>
- 7.6 Southend 2050  
<https://www.southend.gov.uk/southend2050/>

## **8. Appendices**

Appendix A: Review of Hamlet Court Road for Conservation Area Designation

Appendix B: Indicative Boundary Plan for Hamlet Court Road