

Southend-on-Sea Borough Council

Report of Deputy Chief Executive and Executive Director
(Growth & Housing)

To

Cabinet

On

27 July 2021

Report prepared by: Kevin Waters, Group Manager Planning
and Building Control, Amy Roberts, Senior Planner

Agenda
Item No.

14

Hamlet Court Road Proposed Conservation Area

Relevant Scrutiny Committee(s): Place
Cabinet Member: Councillor C Mulroney
Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To present to Cabinet the Conservation Area Appraisal (**Appendix 1**) produced for the Council by independent heritage experts, Purcell, which proposes part of Hamlet Court Road (*the area south of the London Road and north of St Helen's Road, including Courtway House at 127 Hamlet Court Road* – boundary plan presented for reference in **Appendix 2**) for Conservation Area status following recent public consultation.
- 1.2 To note that Historic England, the Government's advisor on the historic environment, supported the proposed boundary as consulted upon and as proposed for adoption as part of this report (Historic England's consultation responses is set out in the Consultation Statement, **Appendix 3**).
- 1.3 To seek agreement from Cabinet that Hamlet Court Road is designated as a Conservation Area as per the boundary and recommendations in the Hamlet Court Road Conservation Area Appraisal (**Appendix 1**).

2. Recommendations

- 2.1 To note the responses to the consultation on draft Hamlet Court Road Conservation Area Appraisal (**Appendix 3**).
- 2.2 To agree the Hamlet Court Road Conservation Area Appraisal (**Appendix 1**) be adopted and that an area of Hamlet Court Road (boundary in **Appendix 2**) is designated as a Conservation Area.

3. Background

Conservation Areas

- 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.
- 3.5 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 process¹, control over demolition of unlisted buildings, control over works to trees, and limitation on the types of advertisements that can be displayed with deemed consent. It can also provide support for the use of Article 4 directions to remove permitted development rights where avoidable damage is occurring.
- 3.6 The Council's adopted Development Plan in relation to heritage currently comprises policies within the Core Strategy, Development Management DPD and Southend Central AAP (these will be reviewed as part of the production of the Southend New Local Plan) which sets out the local policy approach to managing the historic environment, and these policies together with national planning policy, are used to determine planning decisions relating to development in the Borough's Conservation Areas.
- 3.7 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 have regard to Conservation Area status. This may have cost implications for property owners and could potentially make any regeneration more expensive. Conservation Area designation does however provide opportunity to conserve

¹ Set out in legislation and discussed further in the NPPF and the Planning Practice Guidance (PPG)

the historic character of the area and may over time help to deter inappropriate development that erodes this character.

- 3.8 The Council commissioned independent heritage consultants, Purcell, to undertake a review of all 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.
- 3.9 The process of reviewing the Hamlet Court Road area and appraising its potential for Conservation Area status, in accordance with Paragraph 186 of the NPPF, has included an initial report which suggested that a more detailed appraisal could be produced, indicating that the northern section of Hamlet Court Road did seem to have potential for designation. This was consulted on between February and April 2020, with public drop-in sessions held in March 2020. Following this consultation and a review of responses received it was determined that a draft Conservation Area Appraisal² would be produced for the area. This was consulted on between February and April 2021 (details of the responses to this consultation are set out in **Appendix 3**) and included a proposed boundary and wider area of study for comment (**Appendix 4**).

Proposed Conservation Area Boundary

- 3.10 Throughout the process of reviewing Hamlet Court Road for Conservation Area status, research and detailed appraisal of the street and surrounding area by independent heritage consultants Purcell, has highlighted that an area of Hamlet Court Road (south of London Road and north of St Helen's Road) has architectural and historic interest that is considered to meet the requirements of the NPPF (paragraph 186).
- 3.11 As part of the consultation on the draft Conservation Area Appraisal, this section of the street was put forward as the suggested boundary, and a wider area of study appraised and included within the draft appraisal for comment, the wider area being promoted as having potential for Conservation Area status by the Hamlet Court Conservation Forum.
- 3.12 The approach taken in the appraisal is that the northern section of Hamlet Court Road is recommended for designation as a Conservation Area, and where buildings of note have been identified in the wider study area (notably more dispersed than in the northern section of the street) these are recommended for consideration for local listing³. Historic England, the Government's advisor on the historic environment, has supported the proposed Conservation Area boundary as consulted upon and as proposed for adoption as part of this report (the full consultation response from Historic England is set out in **Appendix 3**).

² <https://yoursay.southend.gov.uk/7518/widgets/21514/documents/9593>

³ Local Listing is one way in which local heritage can be formally identified. Buildings and structures on a local list are classed as 'non-designated heritage assets', recognising that they have a degree of heritage significance meriting consideration in planning decisions.

Consultation on the draft Conservation Area Appraisal

- 3.13 Consultation on the draft Conservation Area Appraisal was held between February – April 2021. The consultation was made available via the Your Say Southend online consultation portal (with other formats of the document(s) available on request). Letters were sent to all residents/businesses within the area being proposed as a Conservation Area and the wider study area, letters/emails were sent to all consultees on the Council's local development framework consultation database (which includes Historic England and local conservation and amenity groups amongst others), direct emails sent to local business/business groups within the area, and the consultation promoted via a range of social media platforms, including Facebook. Further details of the consultation process can be found in the Consultation Statement (**Appendix 3**).
- 3.14 A response to the consultation was received from statutory consultee Historic England, the Government's adviser on the historic environment, who are supportive of the proposed designation and boundary. Full details of the response are set out within the Consultation Statement (**Appendix 3**). In summary, Historic England commented that: *'We welcome the proposed designation of part of Hamlet Court Road. The northern part of Hamlet Court Road is an attractive street comprising fine nineteenth and early twentieth century commercial and residential buildings, with a high quality of architecture and refined character...'* *'Although we note that the southern part of Hamlet Court Road is also of some historic interest in relation to the name of the street and the now-lost eponymous house, we consider that there is a clear divide in architectural quality between the northern and southern parts of the street, and having regard to paragraph 186 of the NPPF we therefore concur with the proposed boundary of the designation.'*
- 3.15 In their response, Historic England also supported the approach taken in the Appraisal whereby it is recommended that a small number of noteworthy buildings in the wider area are considered for inclusion on the Council's Local List. These recommendations will be taken forward for consideration in due course. Their response also encouraged the use of Article 4 Directions to help manage inappropriate change. However, having regard to the use of buildings in the recommended Conservation Area (residential flats and shops/commercial units), there are limited permitted development rights (those elements of the historic fabric that have notably been eroded, including windows and shopfronts already requiring planning permission, and Conservation Area status meaning that the conserve and enhance test should be applied as part of decision making to ensure development is appropriate for the Conservation Area) and it has therefore been determined that an Article 4 Direction will not be progressed at this time, but can be kept under review. Other comments from Historic England in relation to the content of the Appraisal, including references to relevant documents, which have been addressed as appropriate.
- 3.16 Statistics from the Your Say Southend consultation portal highlight that a total of 1,300 people accessed the consultation campaign via this means, of which 103 responded online (a further 7 responses by letter / email). 615 people were aware and informed but chose not to comment (comments received are set out in the Consultation Statement **Appendix 3**). There was a strong level of support

for a Conservation Area designation, although a smaller number of respondents did not agree that the area warranted it, with comments raising concern on the impact on businesses, and that there are other areas that should be focussed on where regeneration is more needed. There were a variety of comments received in relation to the proposed Conservation Area boundary, some respondents stating that the whole of Hamlet Court Road should be designated and others wanting a wider area designated to include all of Hamlet Court Road and surrounding residential streets (the wider study area as set out in the consultation draft Appraisal), while a number of other respondents considered the proposed boundary (for the northern section of Hamlet Court Road, south of the London Road) was suitable as a Conservation Area (a view supported by Historic England in their response, with reference to NPPF paragraph 186), a smaller number of respondents didn't support a Conservation Area in this location.

- 3.17 Respondents were asked to provide any additional evidence to support their comments, a small number of historic photographs were submitted although no other detailed evidence was provided through the Your Say Southend consultation portal.
- 3.18 Furthermore, during the process of researching and producing a Conservation Area Appraisal for Hamlet Court Road, the Hamlet Court Conservation Forum ('the Forum'), a group focussed on historic and conservation issues in respect of the Road, have had meetings, a walkabout and conversations with the consultants and officers, giving them a unique opportunity to discuss the potential for designation. Their historic research in this field is duly acknowledged as assisting in the process. To summarise, feedback received from the Forum includes their view that while they support the designation of the upper section of Hamlet Court Road as a Conservation Area, a wider area warrants designation than that being proposed, including the southern section of Hamlet Court Road and surrounding residential streets (including Ditton Court Road, Cossington Road, Preston Road); that a Conservation Area designation here would be the forerunner to heritage led regeneration; that the planned verges in Ditton Court Road seem to be influenced by the Garden Suburb Movement, (*although no direct connection has been found of this to date*), and reference is drawn to the comments of a Chartered Architect and Town Planner on this matter, and his views that a wider area merits consideration for Conservation Area designation. *Full details of submissions from Hamlet Court Conservation Forum (submitted to earlier consultations) and the Chartered Architect and Town Planner (in response to the consultation on the draft Conservation Area Appraisal) are set out in the Consultation Statement (Appendix 3).*
- 3.19 Following a review of responses received to the consultation and having regard to paragraph 186 of the NPPF which as aforementioned highlights the importance of ensuring that the concept of conservation is not devalued through the designation of areas that lack special interest, no amendments to the Conservation Area boundary are proposed as a result of the consultation – indeed, the proposed Conservation Area boundary is supported by Historic England in their response. The southern section of Hamlet Court Road and surrounding residential streets have been reviewed throughout the process of producing the Conservation Area Appraisal by specialist heritage consultants

and where buildings in the wider area were recognised as having architectural/historical interest, these have been recommended in the Appraisal for Local Listing, as appropriate, given these buildings are more dispersed than those in the northern section of Hamlet Court Road.

- 3.20 Cabinet's approval and adoption of the Hamlet Court Road Conservation Area Appraisal (**Appendix 1**) is therefore sought to enable the area to be formally designated as a Conservation Area. Once adopted by the Council, the Conservation Area Appraisal for Hamlet Court Road would 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.

4. Other Options

- 4.1 That the Hamlet Court Road Conservation Area Appraisal is not adopted and a Conservation Area not designated. This would be contrary to the recommendations of the Appraisal, comments received from Historic England, and other comments received during the public consultation.

5. Reasons for Recommendations

- 5.1 The area being proposed for Conservation Area status (Hamlet Court Road, south of London Road and north of St Helens Road) is considered to meet the requirements of the NPPF (2019) (Paragraph 186) which is clear that, in considering the designation of Conservation Areas, local planning authorities should ensure that an area justifies this 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. While a wider area of study was looked at, it is not considered that this meets these requirements.

6. Corporate Implications

- 6.1 Contribution to the Southend 2050 Road Map

The Conservation Area Appraisals will contribute to the Southend 2050 Outcomes for Pride and Joy, 'there is a tangible sense of pride in the place and local people are actively, and knowledgably, talking up Southend', by focusing on the conservation of the Borough's historic environment and recognising the role heritage plays in creating a sense of pride in a place.

- 6.2 Financial Implications

Following designation of a Conservation Area there will be on-going costs associated with the need to have a plan in place to manage the area and reviewing this on an on-going basis. There will also be some cost implications in terms of future maintenance of the highway/streetscene in the Conservation Area to conserve/enhance the character and context. Designation of a Conservation Area could provide opportunity to apply for relevant grant funding to assist in the regeneration of the area.

Financial and human resource input is necessary to fulfil the requirements of all stages in the preparation and delivery of a Conservation Area Appraisal. The costs associated with preparing Conservation Area Appraisals are met from existing resources within the service.

6.3 Legal Implications

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.

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).

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. Due consideration has been had to the NPPF (in particular Paragraph 186) in recommending an area for designation.

6.4 People Implications

Staff resources from the Strategic Planning Team have been required in order to contribute to the preparation of the Conservation Area Appraisal. Support from the Business Support Unit has also been required, particularly with regards to the public consultation process.

6.5 Property Implications

The proposed area for further consideration for Conservation Area status includes a number of privately owned buildings, including commercial and residential premises at Hamlet Court Road (the area south of London Road, north of St Helens Road).

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, however designation of Hamlet Court Road as a Conservation Area provides opportunity to conserve the historic character of the area and may over time help to deter inappropriate development that erodes this character. It could also lead to opportunities to apply for grant funding via heritage-led schemes – and Historic England, in their response to the consultation, highlight that they are happy to advise regarding this approach in due course.

6.6 Consultation

All Conservation Area Appraisals that are subject to public consultation will be in accordance with the Council's adopted Statement of Community Involvement (SCI 2019). For the Hamlet Court Road Conservation Area Appraisal, this has included public consultation on the initial report from Purcell, followed by public consultation on a draft conservation area appraisal, which has led to the final report being produced and a Conservation Area designation being recommended for adoption by the Council.

6.7 Equalities and Diversity Implications

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 has provided the opportunity for different sections of the community to input into the proposals.

6.8 Risk Assessment

An area's status as a Conservation Area is a material consideration for all planning applications and introduces some additional controls (including control of works to trees, control over demolition of an unlisted building, limitations on the types of advertisements that can be displayed with deemed consent). The designation of Hamlet Court Road as a Conservation Area provides the 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.

6.9 Value for Money

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.

6.10 Community Safety Implications

None.

6.11 Environmental Impact

The Conservation Area Appraisal sets out an approach for managing the historic environment, including recommendations for enhancements to the local streetscape which could lead to enhancements of the local built environment, as well as promoting the retention and use of existing historic buildings.

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
- 7.5 Southend new Local Plan – Issues and Options
<https://localplan.southend.gov.uk/>
- 7.5 Southend Statement of Community Involvement (2019)
<https://www.southend.gov.uk/downloads/file/6570/statement-of-community-involvement-sci-2019>
- 7.6 Southend 2050
<https://www.southend.gov.uk/southend2050/>

8. Appendices

Appendix 1: Hamlet Court Road Conservation Area Appraisal

Appendix 2: Hamlet Court Road Conservation Area Boundary Plan

Appendix 3: Consultation Statement

Appendix 4: Conservation Area Boundary and Wider Study Area