

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Executive Director (Growth & Housing)

To

Cabinet

On

14th January 2022

Report prepared by: Amy Roberts, Senior Planner

Conservation Area Appraisals

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

1. Purpose of Report

- 1.1 To seek agreement from Cabinet that the Conservation Area Appraisals for Clifftown, Leigh, Leigh Cliff, Milton, The Leas and Shoebury Garrison are adopted (**Appendix 1 to 6**), following a recent period of public consultation.
- 1.2 To note that Conservation Area Appraisals for one new Conservation Area (Hamlet Court Road) and seven of the other existing Conservation Areas¹ were adopted by Cabinet in September and November 2021 respectively.

2. Recommendations

- 2.1 It is recommended that the Conservation Area Appraisal documents (Appendix 1 to 6) are adopted for the established Conservation Areas at: Clifftown, Leigh, Leigh Cliff, Milton, Shoebury Garrison and The Leas.

3. Background

Conservation Areas

- 3.1 The Borough's Conservation Areas² have special value for the community. They are visible links with our past and offer attractive contrasts to modern environments, so it is important to ensure the special character of these areas is protected and sympathetic enhancements encouraged. Acknowledging local distinctiveness and conserving heritage can be an important factor for regeneration and helps to inspire well designed new development.

¹ Conservation Area Appraisals for Chapmanslord, Eastern Esplanade, Leigh Old Town, Prittlewell, Shorefields, The Kursaal and Warrior Square.

² Chapmanslord, Clifftown, Crowstone, Eastern Esplanade, Leigh, Leigh Cliff, Leigh Old Town, Milton, Prittlewell, Shoebury Garrison, Shorefields, The Kursaal, The Leas, Warrior Square and Hamlet Court Road

- 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 (2021) (NPPF) sets out the Government's policies for conserving and enhancing the historic environment, making clear 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 191).
- 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 a Conservation Area. A new Conservation Area – Hamlet Court Road Conservation Area – was recently designated (September 2021) as part of this process.
- 3.5 An area's status as a Conservation Area is a material consideration for 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 process³, 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 evidenced.
- 3.6 An Article 4 Direction restricts the scope of permitted development rights, as permitted by the General Permitted Development Order (GPDO). Where an Article 4 Direction is in effect, a planning application may be required for development that would otherwise have been permitted development. Article 4 Directions are used to control works that could have an impact on the character of an area of acknowledged importance, such as a Conservation Area. There are Article 4 Directions in place in: Clifftown, Leigh, Leigh Cliff and Milton. Modifications to these four existing Directions are recommended within the associated Conservation Area Appraisal and, in the case of Shoebury Garrison, a new Article 4 Direction is recommended.
- 3.7 It is important to note that an Article 4 Direction does not prevent the type of development to which it applied, more so it simply requires that planning permission is sought for the proposed development, which should be sympathetic to the special character of the Conservation Area. Through the appraisal process, a number of key potential impacts to the special character of the relevant Conservation Areas have been identified, and serving / modifying existing Article 4 Directions to remove some permitted development rights could assist in mitigating against these threats, such as requiring planning permission to be sought for alterations to windows which front a highway, or installation of hardstanding, for example.
- 3.8 Where modifications to existing Article 4 Directions are recommended within the appraisals (or a new direction in the case of Shoebury Garrison), separate authority will be sought for progressing these Directions.

³ Set out in legislation and discussed further in the NPPF and the Planning Practice Guidance (PPG)

- 3.9 The Council's adopted Development Plan in relation to heritage currently comprises policies within the Core Strategy, Development Management Development Plan Document and Southend Central Area Action Plan (these will be reviewed as part of the production of the Southend new Local Plan) which sets out the local approach to managing the historic environment. These policies together with national planning policy, are used to determine planning decisions relating to development in the Borough's Conservation Areas.
- 3.10 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.
- 3.11 The Council commissioned independent heritage consultants, Purcell, to undertake a review and update 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.

Conservation Area Appraisals

- 3.12 The Conservation Area Appraisals (Appendix 1 to 6) present a review and update of existing Conservation Area Appraisals at Clifftown, Leigh, Leigh Cliff, Milton, Shoebury Garrison, and The Leas Conservation Areas. They include a management plan for each area and recommendations relating to matters such as locally listed buildings, boundaries and article 4 directions.
- 3.13 All the Conservation Area Appraisals referred to above were consulted on between November 2020 and January 2021, and comments received during the consultation have been considered during the process of preparing these documents for adoption (a summary of representations received for each Conservation Area subject of this report is included at **Appendix 7**). A brief overview of each Conservation Area, subject of this report, is set out below:
- 3.14 **Clifftown Conservation Area:** First designated in 1968, the area encompasses over 200 years of development as part of a major seaside resort, including the Georgian Royal Terrace and Shrubbery. The area was last appraised in 2006. No changes to the Conservation Area boundary are proposed in the updated Appraisal. The appraisal recommended that the Cliff Lift is added to the Council's Local List⁴ given its historic and architectural interest – built in 1912 by Waygood and Co. to transport people from the Western Esplanade up to Clifftown Parade (**Appendix 1**).
- 3.15 **Leigh Conservation Area:** First designated in 1971, the area originated as the historic manorial establishment of Leigh on top of the hill above the original

⁴ www.southend.gov.uk/design-historic-environment/locally-listed-buildings Non-statutory Local List which identifies buildings, structures and monuments of local architectural or historic importance. Locally listed buildings do not have statutory protection but make an important contribution to Southend's historic character and distinctiveness. Locally listed status will be a material consideration for planning applications affecting it.

fishing village. It expanded in the mid-late 19th century as the railway arrived and the population expanded, and now has an identity distinct from Leigh Old Town, though elements of coastal character survive. The area was last appraised in 2010. The new Appraisal does not propose any change to the Conservation Area boundary. The Appraisal recommended that 57 Broadway West is added to the Council's Local List, due to its good surviving historic shopfront (Appendix 2).

- 3.16 **Leigh Cliff Conservation Area:** First designated in 1981, the area was last appraised in 2010. Leigh Cliff Conservation Area is representative of the expansion of the village of Leigh away from the historic core on the shoreline and around St Clements Church in the late 19th and early 20th century, as Leigh-on-Sea's popularity rose. The Conservation Area links to Leigh Conservation Area along Broadway, the heart of the commercial centre of Leigh. The Appraisal recommended that 86 Broadway and 96 Broadway are added to the Council's Local List, due to their historic shopfronts, 96 with its panels of leaded lights set above timberwork, recessed front door, and 86 with its sash windows, prominent gables and timber shopfront.
- 3.17 The Appraisal considered the boundary of the Conservation Area, including neighbouring residential streets – it is not proposed to include any further residential streets within the Conservation Area at this time however one commercial section is not within the Conservation Area yet contains historic shopfronts. The Appraisal recommended that the following properties were therefore included within the Conservation Area: 62-88 (even) Broadway, and 3 – 7 (odd) Ashleigh Drive, Leigh (**Appendix 3**).
- 3.18 **Milton Conservation Area:** First designated in 1987, the area was last appraised in 2014. The Milton Conservation Area has a strong late-Victorian and early-Edwardian architectural quality, with ecclesiastical buildings forming landmark points. The layout of the area, which has resulted from the historic street pattern of the Hamlet of Milton and the latter location of Southend Park, also plays a large part in the special interest of the Conservation Area. No changes to the Conservation Areas boundary are proposed as part of this review. The Appraisal recommended that Avenue Road Baptist Church is added to the Council's Local List – designed by the architect F. E. Smee of Smee, Morris and Houchin and built in 1901 to serve the growing local community, it has decorative Gothic features and stained glass characteristic of the area (**Appendix 4**).
- 3.19 **Shoebury Garrison Conservation Area:** First designated in 1981, the area was last appraised in 2004. The Garrison has a crucial place in national military history for the development and testing of ordnance and for artillery training from the mid-19th to the mid-20th century. Many of the Garrison's buildings are listed buildings and have special architectural or historic interest.
- 3.20 The Shoebury Garrison Conservation Area boundary has been reviewed as part of the Appraisal process and is recommended to be amended as follows: exclude a small section of Gunners Rise (22-28 even) from the Conservation Area, which consists of parts of the rear gardens of these plots only, built out since the Conservation Area was designated; and to *include*: the 9.2 inch Gun

Emplacement and Experimental Casements within the Conservation Area (**Appendix 5**).

- 3.21 **The Leas Conservation Area:** First designated in 1981, this area displays excellent examples of late-Victorian/Edwardian seafront architecture. The area was last appraised in 2008. The updated Appraisal reviewed the boundary of the Conservation Area and recommended a minor extension, to include 22 Pembury Road. There is no Article 4 direction in place and the appraisal doesn't recommend serving one at this time. The Appraisal recommended that the following buildings are added to the Council's local list: 1-19 (odd) and 2-6 (even) Palmeira Avenue. (**Appendix 6**)

4. Other Options

- 4.1 That the Clifftown, Leigh, Leigh Cliff, Milton, Shoebury Garrison, and The Leas Conservation Area Appraisals are not adopted. This is not recommended however, as it would mean that each of these Conservation Areas does not have an up-to-date Appraisal and Management Plan in place. The new Conservation Area Appraisals will form part of the evidence base for the Local Plan and are intended to assist in planning decisions and to help ensure that the character and appearance of these Conservation Areas are conserved and enhanced.

5. Reasons for Recommendations

- 5.1 Six Conservation Areas have been appraised as part of this work and the Conservation Area Appraisals produced for them provide up to date evidence on each Conservation Area and any issues affecting them. They also provide a new management plan to help guide appropriate and sympathetic change within the area and highlight opportunities to enhance the character and appearance of these important heritage areas.

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 Environmental Impact

The Conservation Area Appraisals set 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 appropriate use of the historic buildings and wider environment.

- 6.3 Financial Implications

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 budgetary resources within the service. The documents proposed for adoption do not propose any substantial changes to the existing conservation area boundaries. As such there are no significant financial implications arising from this review in relation to the ongoing management of the conservation areas themselves.

6.4 Legal Implications

Section 69 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (*the Act*) sets out that it is the duty of a Local Planning Authority from time to time to review its Conservation Areas and to determine whether any new areas should be designated as such.

Section 69 (4) of the Act sets out that the designation of any Conservation Area is considered as a local land charge. The Conservation Area Appraisals subject of this report do not propose any substantial changes to existing Conservation Area boundaries and are already recognised as a local land charge. The boundary changes to Leigh Cliff, Shoebury Garrison and The Leas Conservation Area will be updated accordingly.

Section 70 (5) of the Act requires the Local Planning Authority to notify the Secretary of State in regard to the designation of any part of their area as Conservation Area under section 69 (1) or (2) and of any variation or cancellation. Section 70 (8) requires that notification of any designation, variation or cancellation is published in a local newspaper circulating in the local authority area. This will be undertaken following agreement of the Appraisals for adoption.

The revised National Planning Policy Framework (2021) (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 191). Due consideration has been had to this provision of the NPPF during the production of the Conservation Area Appraisals.

6.5 People Implications

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

6.6 Property Implications

Each of the Conservation Areas included within the scope of this report include a range of privately and publicly owned buildings, including commercial and residential premises.

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 Conservation Areas provide opportunity to conserve the historic character of the area and may over time help to deter inappropriate development that erodes this character. The Conservation Areas subject of this report are well established and recognised designations, but this work provides the opportunity to review these areas (in line with the requirements of national planning policy and relevant legislation) and make changes to provide an up-to-date account of their character and appearance, highlighting how this could be conserved and enhanced.

Section 69 (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that the designation of any Conservation Area is considered as a local land charge. The boundary changes to Leigh Cliff, Shoebury Garrison and The Leas Conservation Areas will be updated accordingly.

6.7 Consultation

All Conservation Area Appraisals that are subject to public consultation are consulted on in accordance with the Council's adopted Statement of Community Involvement (SCI 2020). This has included public consultation on all fourteen Conservation Area Appraisals between November 2020 and January 2021. The comments received during the public consultation have been reviewed and the Conservation Area Appraisals reviewed following this consultation and are presented for agreement for adoption. Where considered necessary updates have been made to the appraisals to, inter alia, correct typos, add in further detail regarding the history of a building/area where this was received, or to provide further clarification. A summary of representations received during the consultation period can be found in **Appendix 7**.

6.8 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 Appraisals has provided the opportunity for different sections of the community to input into the proposals. No significant equalities or diversity issues have been raised through this process and the preparation of up to date appraisals is considered to support the Council in meeting its duties and obligations under the Equalities Act 2010.

6.9 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). Conservation Areas 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.

6.10 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. This approach is considered to strike the correct balance between making the best use of the available staffing resources and ensuring that this work is brought forward in good time.

6.11 Community Safety Implications

None.

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 (2021)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

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 (2020)

<https://localplan.southend.gov.uk/sites/localplan.southend/files/2021-03/Southend%20SCI%202020.pdf>

7.6 Southend 2050

<https://www.southend.gov.uk/southend2050/>

7.7 Southend Conservation Areas

<https://www.southend.gov.uk/conservation-areas>

8. Appendices

Appendix 1: Clifftown Conservation Area Appraisal

Appendix 2: Leigh Conservation Area Appraisal

Appendix 3: Leigh Cliff Conservation Area Appraisal

Appendix 4: Milton Conservation Area Appraisal

Appendix 5: Shoebury Garrison Conservation Area Appraisal

Appendix 6: The Leas Conservation Area Appraisal

Appendix 7: Summary of Consultation Feedback