

Title:	Crowstone Conservation Area Appraisal and Article 4 Direction
Meeting:	Cabinet
Date:	TBC
Classification:	Part 1
Policy Context:	Southend Core Strategy (2007), Southend Development Management Policies Document (2015)
Key Decision:	No
Report Author:	Amy Roberts and Kevin Waters
Executive Councillor:	Councillors David Garston and Derek Jarvis

1. Executive Summary

- 1.1. The City's Conservation Areas 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.
- 1.2. A programme of work has been undertaken to review the City's existing Conservation Areas, produce up to date Appraisals for each, and to consider potential for new Conservation Areas, in accordance with the relevant legislation.
- 1.3. Crowstone Conservation Area was first designated in 1990. This report seeks agreement from Cabinet to adopt an updated Conservation Area Appraisal for the Conservation Area. Authority is also sought, to carry out statutory consultation on the proposed Article 4 Direction for this area and that it is agreed confirmation of the Article 4 Direction can be delegated to the Executive Director for Environment and Place, in consultation with the Executive Councillors for Arts, Culture, Heritage & Leisure and Housing and Planning.

2. Recommendations

It is recommended that Cabinet:

- 2.1. Agree the adoption of the Conservation Area Appraisal for Crowstone Conservation Area.**
- 2.2. Agree public consultation take place on the Article 4 Direction proposed for the Crowstone Conservation Area and that a subsequent decision on confirmation of the Article 4 Direction can be delegated to the Executive Director for Environment and Place in consultation with the Executive Councillors for Arts, Culture, Heritage & Leisure and Housing and Planning.**

3. Body of the report

- 3.1. The Council, as Local Planning Authority, has a duty, under the Planning (Listed Buildings and Conservation Areas) Act 1990, 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 City should be designated as a Conservation Area. Once designated, the Act states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 3.2. The National Planning Policy Framework (NPPF) sets out the Government's policies for conserving and enhancing the historic environment. 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.
- 3.3. The Council commissioned independent heritage consultants, Purcell, to undertake a review and update of all the City's existing Conservation Area Appraisals and to produce appraisals for those Conservation Areas that do not currently have an appraisal in place. This programme of work also considered the potential for any new Conservation Areas in the City, in accordance with national policy and legislation.
- 3.4. The Council's adopted Development Plan in relation to heritage currently comprises policies within the Core Strategy, Development Management Policies Document and Southend Central Area Action Plan. These policies, together with the NPPF, are used to determine planning decisions relating to development in the City's Conservation Areas, with supporting evidence provided by the Conservation Area Appraisals and associated management plans.
- 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 process, 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 in certain circumstances.

- 3.6. 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 important that proposed alterations to properties in Conservation Areas are sympathetic to their character and have regard to Conservation Area status. A Conservation Area designation, and associated appraisal, can provide an important tool for helping to inform appropriate development in Conservation Areas.
- 3.7. Crowstone Conservation Area was designated in 1990 and comprises a small area to the north side of Chalkwell Esplanade, including the locally listed Crowstone House. There is currently no Article 4 Direction in place, however it is recommended in the updated Conservation Area Appraisal (Appendix 1) that one is served to include Crowstone House and 7 Chalkwell Esplanade. This would cover the demolition, in whole or in part, painting over facing brickwork of any part of a building which fronts a highway, and the alteration, demolition or construction of any means of enclosure which fronts a highway, the alteration of any window or door which fronts a highway, re-roofing with different materials, the installation of hardstanding for vehicles, removal or alteration of a chimney and the installation of a porch (Appendix 2). The Conservation Area Appraisal does not recommend any boundary changes are made to the Conservation Area.
- 3.8. It is important to note that an Article 4 Direction does not prevent the type of development to which it is applied, more so it requires that planning permission be sought for the proposed development, which should be sympathetic to the special character of the Conservation Area.
- 3.9. The Crowstone Conservation Area Appraisal was initially consulted on between November 2020 and January 2021. The comments received were taken into account during the process of preparing this document for adoption, including consideration of the appraisal by the Environment, Culture and Tourism working party in November 2022. At this working party there was support for the Conservation Area designation remaining in place and the use of an Article 4 Direction.

4. Reasons for Decisions

- 4.1. The Crowstone Conservation Area has been appraised as part of this work, to provide up to date evidence on the area and any issues affecting it. Public consultation was undertaken on a draft appraisal as part of preparing the current document. The appraisal provides an up to date management plan to

help guide appropriate and sympathetic change within the area and highlight opportunities to enhance the character and appearance.

5. Other Options

- 5.1. The Council could decide that the Crowstone Conservation Area Appraisal is not adopted and the Article 4 Direction is not taken forward. This is not recommended however as it would be contrary to the recommendations within the Appraisal, produced by independent heritage experts Purcell.

6. Financial Implications

- 6.1. Financial and human resource input is necessary to fulfil the requirements of all stages in the preparation and delivery of a Conservation Area Appraisal and associated Article 4 Directions. The costs associated with preparing Conservation Area Appraisals are met from existing budgetary resources within the service. There are no significant financial implications arising from this review in relation to the ongoing management of the Conservation Areas themselves. However, any planning application required as a consequence of an Article 4 Direction is exempt from the usual planning application fee.

7. Legal Implications

- 7.1. 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.
- 7.2. Section 69 (4) of the Act sets out that the designation of any Conservation Area is considered as a local land charge. Crowstone Conservation Area is already designated as such, and no boundary changes are proposed to the designated area.
- 7.3. 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.
- 7.4. The 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, so that the concept of conservation is not devalued through the designation of areas that lack special interest. Due consideration has been had to this provision of the NPPF during the production of the Conservation Area Appraisals.

- 7.5. Authority. A number of permitted development rights are withdrawn in the case of listed buildings and conservation areas; however, the Local Planning Authority can also remove permitted development rights by making an Article 4 Direction. 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 can be used to control works that could threaten the character of an area of acknowledged importance. Schedule 3 of the GPDO sets out the procedures for introducing Article 4 Directions.
- 7.6. The Local Planning Authority is required to serve notice locally and notify the Secretary of State as soon as practicable after the direction has been made. It is now for Local Planning Authorities to confirm all Article 4 directions (except those made by the Secretary of State) in light of local consultation.
- 7.7. There are circumstances in which local planning authorities may be liable to pay compensation having made an Article 4 Direction, although the potential liability is limited in many cases by the time limits and types of development that apply. However, this risk will be removed in this instance as the Article 4 Direction will not be imposed with immediate effect.

8. Carbon Impact

- 8.1. The Conservation Area Appraisals set out an approach for managing the historic environment in ways which reduce its carbon impact.

9. Equalities

- 9.1. The Article 4 directions and proposed modifications to existing Directions have been evidenced by the updated Conservation Area Appraisals. The Appraisals provide supporting evidence for the Southend New Local Plan. An equalities impact assessment will be produced as part of the Integrated Impact Assessment which considers the sustainability of the plan. An Equality Analysis was undertaken for the last iteration of the Plan. The public consultation on the Conservation Area Appraisals has provided the opportunity for different sections of the community to input into the proposals, including the recommendations in terms of Article 4 directions/ modifications. No significant equalities or diversity issues have been raised through this process and the preparation of up-to-date appraisals, and by association the Article 4 directions, is considered to support the Council in meeting its duties and obligations under the Equalities Act 2010.

10. Consultation

- 10.1. Crowstone Conservation Area Appraisal was initially consulted on between November 2020 and February 2021. This included publication of the report and a survey via Your Say Southend, letters to local residents, and publication via social media. Following this, the Environment, Culture and Tourism Working Party discussed the Crowstone Conservation Area at a meeting in

November 2022. Purcell then reviewed the area, its boundary, and produced an updated Conservation Area Appraisal, presented in Appendix 1.

- 10.2. Article 4 Directions must also be consulted on. This will include a 28-day period of statutory consultation, followed by consideration of any representations received. A decision would then be made on the confirmation of the Direction, with powers delegated to the Executive Director of Environment and Place, in consultation with the Executive Councillors for Arts, Culture, Heritage & Leisure and Housing and Planning.

11. Appendices

11.1. Appendix 1: Crowstone Conservation Area Appraisal

11.2. Appendix 2: Crowstone Article 4 Direction

11.3. Appendix 3: Consultation Report

Report Authorisation

This report has been approved for publication by:

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	Name:	Date:
S151 Officer	Joe Chesterton	09/11/2023
Monitoring Officer	Kim Sawyer	04/10/2023
Executive Director(s)	Alan Richards	18/09/2023
Relevant Cabinet Member(s)	Councillors Jarvis and Garston	22/08/2023