

Title: Chelmsford Avenue Almshouses Conservation Area Designation, 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), Southend Central Area Action Plan (2018)

Key Decision: No

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Executive Councillors: 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 of these Areas, and to consider the potential for new Conservation Areas, in accordance with the relevant legislation and guidance.
- 1.3. The work has highlighted a potential new Conservation Area for designation at Chelmsford Avenue Almshouses. Agreement is sought that the proposed Conservation Area designation is confirmed and the associated Conservation Area Appraisal for the Chelmsford Avenue Almshouses is adopted, following a recent period of consultation. Authority is also sought, for agreement 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 Councillor for Arts, Culture, Heritage & Leisure and Housing and Planning.

2. Recommendations

It is recommended that Cabinet:

- 2.1. Confirm the designation of Chelmsford Avenue Almshouses as a Conservation Area.**
- 2.2. Agree the adoption of the Conservation Area Appraisal for Chelmsford Avenue Almshouses and the addition of the properties within it to the Local List.**
- 2.3. Agree public consultation take place on the Article 4 Direction proposed for the Chelmsford Avenue Almshouses and that a subsequent decision on confirmation of the Article 4 Direction can be delegated to 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, so 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.
- 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 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 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. The Chelmsford Avenue Almshouses comprise eight single storey cottage style houses arranged around a garden courtyard, which contains the plinth of a sundial erected to commemorate the benefaction of the almshouses by Thomas Dowsett, the first Mayor of Southend-on-Sea, in 1904. The buildings are still in use as almshouses today, associated with the Dowsett Trust.
- 3.8. A Conservation Area Appraisal has been produced by Purcell and is presented at Appendix 1 for agreement for adoption. The appraisal recommends Conservation Area designation, together with the inclusion of the almshouses on the Council's Local List (the almshouses will be added to the local list following adoption of the appraisal). It also recommends that an Article 4 direction be used on to the almshouses, to cover the: installation of hardstanding for vehicles, alteration, demolition or construction of a means of enclosure which front a highway, the enclosing of recessed porches which front a highway, the rendering of any brickwork which fronts a highway, painting over facing brickwork on any part of a building which fronts a highway, the alteration of any window or door visible from a highway, re-roofing with different materials, and loss of chimneys (Appendix 2).
- 3.9. It is important to note that an Article 4 Direction does not prevent the type of development to which it is applied occurring, rather it requires that planning permission be sought for the proposed development, which should be sympathetic to the special character of the Conservation Area.
- 3.10. The Conservation Area Appraisal (Appendix 1) includes a management plan and recommendations relating to matters such as Article 4 directions and locally listed buildings. It is presented as part of agreeing the formal designation of the Conservation Area as well as for adoption in its own right.

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

- 3.11. The proposed Conservation Area at Chelmsford Avenue Almshouses was initially consulted on during May and June 2022. This was followed by consultation on a draft Conservation Area Appraisal during January and February 2023, which included recommendations that an Article 4 Direction was also served to the almshouses, and that they were added to the Council's Local List. Overall, there was strong support for Conservation Area designation.

4. Reasons for Decisions

- 4.1. The proposed Chelmsford Avenue Almshouses Conservation Area has been appraised to provide up to date evidence on the area and make recommendations regarding designation. There have been two stages of public consultation during this process. The appraisal provides up to date management plans to help guide appropriate and sympathetic change within the area and highlight opportunities to enhance its character and appearance.

5. Other Options

- 5.1. The Council could decide that a Conservation Area is not designated at Chelmsford Avenue Almshouses and that the Local Listing and Article 4 direction are not taken forward. This is not recommended as it would be contrary to the recommendations of the Conservation Area 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 Area itself. 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. Designating Chelmsford Avenue Almshouses as a Conservation Area would be a new local land charge.
- 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. 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 if there is agreement for the Conservation Area designation.

- 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 Appraisal.
- 7.5. The General Permitted Development Order (GPDO) 2015 is the principal Order that sets out classes of development for which planning permission is given and those which are subject to prior approval from the Local Planning 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 an Article 4 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 Directions, 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 Appraisal sets out an approach for managing the historic environment in ways which reduce its carbon impact.

9. Equalities

- 9.1. The Article 4 Direction has been evidenced by the Conservation Area Appraisal. The Appraisal provides 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 and equalities impacts of the New Local Plan. The public consultation on the

Conservation Area Appraisal has provided the opportunity for different sections of the community to input into the proposal, including recommendations on the Article 4 Direction. No significant equalities or diversity issues have been raised through this process and the preparation of an up-to-date appraisal, and by association the Article 4 Direction, is considered to support the Council in meeting its duties and obligations under the Equalities Act 2010.

10. Consultation

- 10.1. An initial report considering the potential for a Conservation Area at Chelmsford Avenue Almshouses was consulted on between May and July 2022. This included publication of the report and a survey via Your Say Southend, letters to local residents, and publication via social media). Following this, feedback and recommendations from the initial report were taken into account as part of producing a draft Conservation Area Appraisal. This was consulted on in January and February 2023, and, as with the initial report included publication via Your Say Southend, letters to local residents, and publication via social media. Appendix 3 of this report summarises the responses to the most recent consultation on this matter.
- 10.2. Article 4 Directions should also be consulted on. For the Chelmsford Avenue Almshouses Article 4 Direction 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: Chelmsford Avenue Almshouses Conservation Area Appraisal
- 11.2. Appendix 2: Article 4 Direction: Chelmsford Avenue Almshouses Conservation Area
- 11.3. Appendix 3: Consultation Report

Report Authorisation

This report has been approved for publication by:

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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