

## **Report for: Cabinet**

<b>Date of Meeting:</b>	19 January 2023
<b>Subject:</b>	Proposed West Drive and Bellfield Avenue Conservation Area designation – approval to consult
<b>Key Decision:</b>	No – approval to consult only and effects only one ward
<b>Responsible Officer:</b>	Dipti Patel, Corporate Director of Place; Viv Evans, Chief Planning Officer
<b>Portfolio Holder:</b>	Councillor Marilyn Ashton, Deputy Leader of the Council and Portfolio Holder for Planning & Regeneration
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	Yes
<b>Wards affected:</b>	Harrow Weald
<b>Enclosures:</b>	Appendix 1 – Planning Policy Advisory Panel report – 30 November 2022 Appendix 2 – Recommendation from Planning Policy Advisory Panel

## **Section 1 – Summary and Recommendations**

This report responds to the recommendation to Cabinet from the Planning Policy Advisory Panel in relation to the outcomes of consideration of West Drive and Bellfield Avenue for designation as a conservation area; the matter was considered by the Panel at its meeting on 30 November 2022.

The report considered by the Panel (attached at Appendix 1) assessed three areas for potential conservation area designation. Two of the areas were considered not to meet the Council's local criteria for designation and the case for the third was considered 'marginal'. The Panel was requested

to 'consider the outcomes of the assessment of the areas to be considered for conservation area status and provide any comments'.

The Panel resolved that the West Drive and Bellfield Avenue area should proceed to consultation for potential designation as new Conservation Area.

This report responds to the Panel's recommendation.

## **Recommendations:**

Cabinet is requested to:

- 1) Note the Planning Policy Advisory Panel's consideration of the assessment (Appendix 1) and comments / recommendation (Appendix 2).
- 2) Note the proposed consultation arrangements (section 5 below).
- 3) Agree to proceed to undertake consultation on the proposed conservation area designation, with the outcomes of this process to be reported back to the Planning Policy Advisory Panel and Cabinet.

## **Reason: (for recommendations)**

Consideration of the proposed area as possible conservation area fulfils the Council's obligations under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') to determine whether any parts of their area should be designated as conservation areas and if so, designate these as conservation areas. Whilst not a statutory requirement, the proposed consultation represents good practice.

The Planning Policy Advisory Panel is an Advisory Panel to the Cabinet and this report / recommendation responds to the Panel's conclusion and recommendation that the West Drive and Bellfield Avenue area should proceed to consultation for potential designation as a new Conservation Area.

## **Section 2 – Report**

### **1.0 Introduction**

- 1.1 The report addresses the corporate priority concerning:
  - Putting Residents First
- 1.2 Should the area be designated as a conservation area, the improved protection of identified areas of special architectural or historic interest will help maintain the unique historical local character of areas or neighbourhoods within Harrow which residents cherish and value.
- 1.3 The Planning Policy Advisory Panel is an Advisory Panel to the Cabinet and this report / recommendation responds to the Panel's conclusion and recommendation that the West Drive and Bellfield Avenue area

should proceed to consultation for potential designation as a new Conservation Area.

## **2.0 Options considered**

- 2.1 The option not to undertake consultation recommended by the Panel was considered as it is not a statutory requirement to consult on potential conservation area designation. The option was dismissed as consultation is considered good practice by Historic England and reflects the Corporate priority of 'Putting Residents First'.
- 2.2 Paragraph 3.8 of the Panel report (Appendix 1) identifies an alternative option to designation as a conservation area, should it be decided not to proceed with designation.

## **3.0 Background**

- 3.1 This report responds to the recommendation to Cabinet from the Planning Policy Advisory Panel in relation to the outcomes of consideration of West Drive and Bellfield Avenue for designation as a conservation area; the matter was considered by the Panel at its meeting on 30 November 2022.
- 3.2 The report considered by the Panel (attached at Appendix 1) assessed three areas for potential conservation area designation against the local criteria for designation (set out in paragraph 3.2 of the Panel report).
- 3.3 Two of the areas were considered not to meet the Council's local criteria for designation.
- 3.4 The case for the third area (West Drive Gardens, Bellfield Avenue and West Drive numbers 1- 41 (odd) and 2-36 (even), Harrow Weald) was considered by officers as 'marginal'. Sections 5-7 of the Panel report provides details of the assessment and conclusions for each area.
- 3.5 The Panel was requested to: 'consider the outcomes of the assessment of the areas to be considered for conservation area status and provide any comments'.

## **4.0 Planning Policy Advisory Panel consideration and recommendation**

- 4.1 As noted above, the assessment of the area was presented to the Planning Policy Advisory Panel at its meeting on 30 November 2022. In the discussion that ensued, Members noted that:

the background to the West Drive / Bellfield Avenue area was acknowledged. The observation made was that the 2015 consultation set the bar too high with respect to residents demonstrating how the area met the local criteria. Members and officers acknowledged that the

case for inclusion in a Conservation Area was marginal (as noted in the assessment). However, on balance the area should proceed to consultation for potential inclusion in a Conservation Area. The suggested name was West Drive and Bellfield Avenue Conservation Area.

- 4.2 It was resolved that the West Drive and Bellfield Avenue area should proceed to consultation for potential designation as a new Conservation Area.
- 4.3 The full minutes / recommendation is included in Appendix 2.

## **5.0 Consultation arrangements**

- 5.1 The Panel recommended consultation on the potential designation of West Drive Gardens, Bellfield Avenue and West Drive numbers 1- 41 (odd) and 2-36 (even), Harrow Weald as a conservation area. Should Cabinet agree to that recommendation, the following consultation process would be followed.
  - 5.2 Under section 69 and 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is no formal consultation required to designate a Conservation Area. However, best practice is to undertake consultation, which, if agreed by Cabinet, would be undertaken in accordance with the Council's Statement of Community Involvement (SCI) and would as a minimum involve:
    - (a) a minimum six-week period;
    - (b) placing notices in prominent locations within the area/s (at least one on each affected street); and
    - (c) writing to each property in the area notifying them of the consultation, how to make representations and the deadline for these.
  - 5.3 The outcomes of the consultation would be reported back to the Planning Policy Advisory Panel and Cabinet. If Cabinet subsequently resolved to designate any area as a conservation area, the Council would need to give notice to the Secretary of State and Historic England [section 70(5) of the Act], as well as publishing a notice of the designation in the London Gazette and at least one newspaper circulating in the area of the local planning authority [section 70(8) of the Act].
  - 5.4 The data protection, risk, procurement, legal, financial and equalities implications of the Panel's recommendation to consult are set out below.

**Ward Councillors' comments** – these were invited as part of the Panel's consideration of the report to its 30 November 2022 meeting.

## Data Protection Implications

Should approval be given to undertake consultation, any personal data collected as part of the process will be handled in a manner consistent with the General Data Protection Regulations (GDPR)

## Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below.

n/a

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
<ul style="list-style-type: none"><li>• Consultation is not undertaken in accordance with statutory requirements</li></ul>	<ul style="list-style-type: none"><li>▪ Appropriate requirement to be reviewed (i.e. Harrow's Statement of Community Involvement) and followed where relevant.</li><li>▪ Any 'minimum' standards to be exceeded (i.e. letters to be sent to all properties).</li></ul>	Green
<ul style="list-style-type: none"><li>• Poor response to consultation</li></ul>	<ul style="list-style-type: none"><li>▪ In addition to the measures identified in paragraph 6.2 above, consultation to be promoted via Council social media and newsletters.</li><li>▪ Draft letters to be reviewed by non-technical person for readability.</li></ul>	Green
<ul style="list-style-type: none"><li>• Council does not meet its statutory duty under section 69(2) of the Act</li></ul>	<ul style="list-style-type: none"><li>▪ The assessment and the planned consultation will help to fulfill the Council's statutory duty to carry out reviews 'from time to time'</li></ul>	Green
<ul style="list-style-type: none"><li>• Cost of undertaking the consultation is unaffordable</li></ul>	<ul style="list-style-type: none"><li>▪ The cost of the consultation will be met from within the existing revenue budgets of the Council's Planning Policy team.</li></ul>	Green

## Procurement Implications

There are no procurement implications arising from this report as it is limited to seeking approval to consult on a proposed conservation area.

## **Legal Implications**

The Council has a statutory duty and is required under section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to carry out reviews 'from time to time' to determine whether any parts or further parts of their area should be designated as conservation areas; and if it so determines that part(s) shall be so designated.

## **Financial Implications**

The costs of undertaking the consultation will be met from within the existing revenue budgets of the Council's Planning Policy team. If any further action is required (such as undertaking the process to designate a conservation area), any costs will also be met from existing revenue budgets.

## **Equalities implications / Public Sector Equality Duty**

Was an Equality Impact Assessment carried out? No

An Equalities Impact Assessment (EqIA) is not considered necessary in respect of the designation of a conservation area. Such a proposal is based on the architectural and historic merit of an area. Furthermore, the higher order Local Plan policy that contains the criteria against which development within Conservation Areas is assessed was subject to an equalities impact assessment prior to its adoption. The consultation recommended in this report would be undertaken in accordance with adopted Council standards, such as the Statement of Community Involvement (SCI).

## **Council Priorities**

The decision sought will help the Council meet the priority of improving the environment by helping ensure the attractiveness of the borough as a place to live and demonstrating that the Council seeks and listens to the views of its residents (by Putting Residents First).

## **Section 3 - Statutory Officer Clearance**

**Statutory Officer:** Jessie Man

Signed on behalf of the Chief Financial Officer

**Date:** 15 December 2022

**Statutory Officer:** Patricia Bramwell

Signed on behalf of the Monitoring Officer

**Date:** 3 January 2023

**Chief Officer:** Viv Evans

Signed off by the Chief Planning Officer

**Date:** 5 January 2023

**Head of Procurement:** Nimesh Mehta

Signed by the Head of Procurement

**Date:** 14 December 2022

**Head of Internal Audit:** Susan Dixon

Signed by the Head of Internal Audit

**Date:** 19 December 2022

**Has the Portfolio Holder(s) been consulted? Yes**

## **Mandatory Checks**

**Ward Councillors notified:** YES

**EqIA carried out:** NO – relates to consultation only (see above)

**EqIA cleared by:** N/A

## **Section 4 - Contact Details and Background**

### **Papers**

**Contact:** David Hughes, Planning Policy Manager,

[david.hughes@harrow.gov.uk](mailto:david.hughes@harrow.gov.uk)

### **Background Papers:**

Harrow Conservation Areas and Supplementary Planning

Documents (SPDs) - [https://www.harrow.gov.uk/planning-](https://www.harrow.gov.uk/planning-developments/biodiversity-conservation)

[developments/biodiversity-conservation](https://www.harrow.gov.uk/planning-developments/biodiversity-conservation)

**Call-in waived by the Chair of Overview and Scrutiny Committee - NO**