

## CALL-IN NOTICE

I hereby give notice that I wish to call-in the decision 'Draft Harrow Weald Conservation Areas Supplementary Planning Document' – taken by Cabinet on 20<sup>th</sup> January 2016.

The reasons for the call-in are as follows:

### **Inadequate consultation with stakeholders prior to the decision:**

It is recognised the Council did consult residents in relation to this decision, but it is submitted that the consultation was insufficient, too narrow, and did not provide residents with clear options or instructions, especially in regards to the proposal to remove a large section of the West Drive Conservation Area. The Council originally intended to consult on these proposals from 21st May to 18th June 2015, but due to errors in the consultation documentation (pointed out by residents and councillors; a fact not mentioned in the Cabinet report), the consultation was restarted and ran from 12th June to 17th July 2015. The consultation documentation consisted of a 2-page covering letter containing links to the full draft SPD, as well as basic maps of the proposed boundary changes. Over 300 objections were submitted against the proposal to remove a large section of the West Drive Conservation Area, including a petition of 230 signatures.

The conduct of the consultation meant that, by definition, the views and evidence provided by residents were afforded very little weight compared to the officer appraisal. The Cabinet paper states that 'representations from the public can assist in determining whether or not an area has sufficient special architectural or historic interest', which is a relevant factor in deciding whether an area merits inclusion in a Conservation Area or not. However, the consultation did not make clear to residents that their responses could or should address this or point, stating only that: 'the local community and other stakeholders have an opportunity to comment upon them and suggest any changes. All consultation responses will be taken into account and, where it is considered appropriate, changes to the documents will be made before the Council adopts them'. Some residents did indeed raise conservation criteria in their responses without being prompted to, and many of them made strong points, but ultimately the Council failed to make clear the near necessity for them to do as such. This is particularly important given the emphasis the consultation responses are given in the Cabinet report – where they are, almost line by line, rebutted and argued against. In summary; the Council did not inform residents their responses should address the conservation criteria, and even though some did of their own volition, their case was inevitably weakened by this not being clear. The Council created a vague consultation and set a very high bar for residents to clear, then undermined them by not telling them how high it was.

In addition to this, the possibility of changes being made 'where appropriate' would have given residents hope that a clear majority indicating they were against these proposals would be sufficient to stop them going ahead. However, the subtle exclusion of a status quo option in the consultation suggests it was already decided to implement these plans, regardless of the consultation responses. It should also be noted that the part of the decision to change the name of the Conservation Area from 'West Drive' to 'Harrow Weald Park' was not consulted on at all.

Finally, it is unfortunate that, despite several requests being made, the Cabinet member has refused to meet and engage on this decision with any of the residents involved. His dismissive attitude towards their views was confirmed at the Cabinet meeting, where he deliberately ignored the hundreds of residents who had put their name to the petition, when citing the number of objectors to this proposal.

### **The absence of adequate evidence on which to base a decision:**

There is insufficient evidence to justify the decision to remove a large section of the West Drive Conservation Area. This decision was made without giving proper consideration to evidence that the roads within this section do meet several of the conservation area criteria, and therefore that they do merit continued inclusion within the Conservation Area.

This Cabinet decision has come as a surprise, both to local residents affected by it and concerned councillors. The West Drive conservation area has operated within its current boundaries for the past 10 years without issue or incident. In these circumstances, changes should be made only when there is an overwhelming need to do as such, and in this instance there is very little evidence in support of amending it. To start with, none of the underpinning planning policies which govern the criteria for assessing conservation areas – whether local, regional or national – have changed since West Drive's revised boundaries were adopted in 2006, at which time the roads within this extension were considered by the council to meet at least three of the six criteria. Neither have there been any changes on the ground in this time that would materially impact this judgement. These facts in themselves should have been material considerations in any decision on the future of the conservation area, but were simply ignored. The Cabinet paper merely included a presumption that the boundaries should be changed with no alternative recommendation to maintain the status quo – the 'do nothing' option which appears in many Cabinet reports did not feature here in any meaningful way.

The dominance of this presumption is particularly telling in the different ways that resident responses and officer recommendations are treated within the Cabinet report. A total of 15 pages – nearly half the length – of the Cabinet report is dedicated to undermining and dismissing the views of residents which, as mentioned previously, were submitted in good faith and with no knowledge that they

would be used effectively to make the case for maintaining the Conservation Area as is. By contrast, the case for amending the Conservation area is found almost entirely in paragraph 5.5 in the conclusions section of the report; stating that the character assessment found the roads in question 'lack sufficient architectural or historic interest to remain', and that the responses from residents 'do not demonstrate that the areas proposed to be removed have special architectural or historic interest'. There is no evidence provided on how this conclusion is drawn from the character assessment, no evidence about the level of detail this assessment went into, nor indeed any scrutiny or analysis of the arguments it put forward. This paragraph also confirms that the Council relied entirely on the evidence put forward by residents to make the case for maintaining the status quo, rather than constructing a balanced for/against argument for Cabinet's consideration.

In a response to a resident question at the Cabinet meeting, the portfolio holder said 'the appraisal assesses in detail against the 6 local Harrow criteria and concludes that West Drive etc. do not meet any of the criteria'. However, the information available to Cabinet revealed next to nothing of this alleged detail. As an example, the only reference to whether the style and architecture of the properties merit Conservation Area status reads: 'Whilst the area contains buildings that are mainly typical inter-war two storey suburban style buildings of a vernacular Domestic revival style which is generally quite pleasing, it does not contain a layout, history or architectural qualities that are exceptional and is required in order to justify conservation area status.' Two things should be noted from this. First, that the entirety of the case against the architectural quality of the buildings is evidenced by one highly subjective comment – seemingly given priority over dozens of subjective comments from residents which went into far more detail. And secondly, there is no requirement whatsoever for buildings to exhibit 'exceptional' qualities to justify Conservation Area status – this appears to be a false threshold created to justify removing the roads in question, and could potentially have misled Cabinet.

In addition, the report is dismissive towards the reasons given for extending the Conservation Area back in 2006. It states that which criteria were said to have been met are 'not clear', which is a subjective and inaccurate statement – given the 2006 report makes quite clear it is the final three criteria that were accepted. It also presents the original verdict that the case for expanding the Conservation Area was 'marginal' as grounds for removing these roads, when by its very definition 'marginal' means the decision could go either way – and logically should go the way which benefits residents most. Again, Cabinet has been given a disingenuous impression of something, seemingly to sway them in favour of the recommendation. And finally, the report includes at paragraph 5.3 NPPF guidance which stresses that 'local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest'; the clear

implication being that this advice is relevant in this case. The portfolio holder also made this argument at the Cabinet meeting itself. However, not only is there no evidence whatsoever that the existing boundaries have undermined other Conservation Areas, there have been actual cases of this Conservation Area being tested at appeal – which were successful. So yet again, Cabinet has been presented with a narrow selection of evidence to lead it towards a particular decision.

**Action is not proportionate to the desired outcome:**

It is telling that the ‘reason’ for the decision in the Cabinet paper is written as though a Conservation Area for Harrow Weald did not already exist; giving the impression that this decision improves the protections afforded to the area. If anything, however, it actually weakens this protection and confuses the picture for residents and developers. The purpose of a Conservation Area is to protect an area from inappropriate developments; this decision removes scores of properties from regulation, making poor quality developments not in keeping with the area more likely, and is therefore completely against its desired outcome and purpose.

In addition, far from providing ‘useful guidance’ as the Cabinet paper states, this decision actually makes things more complicated. While previously enjoying a blanket of protection afforded by the Conservation Area, a patchwork of roads and properties have now been removed without clear reason, and 10 years of understanding and application of the regulations has been shoved aside – complicating matters for residents, potential developers, estate agents who will have gotten used to way things were. Furthermore, by establishing a precedent that conservation area status can be withdrawn from a group of roads, this decision potentially puts at risk the status and stability of all conservation areas in Harrow. Finally, the Council has a corporate priority of ‘making a difference for communities’ – and a general duty not to make decisions which disadvantage Harrow residents. This decision has no upside for the Council, and is only detrimental to residents – it flies in the face of good decision-making.

Signed:

Councillor Stephen Greek

Councillor Marilyn Ashton

Councillor Susan Hall

Councillor Barry Macleod-Cullinane

Councillor Manji Kara

Councillor Ramji Chauhan