

REPORT FOR: CABINET

Date of Meeting: 14 March 2019

Subject: Revised Pinner Road Conservation Area Appraisal and Management Strategy (CAAMS) for Adoption

Key Decision: No

Responsible Officer: Beverley Kuchar,
Interim Chief Planning Officer

Portfolio Holder: Councillor Keith Ferry, Portfolio Holder for
Regeneration, Planning and Employment

Exempt: No

**Decision subject to
Call-in:** Yes

Wards affected: Headstone North

Enclosures: Appendix 1 - Draft Pinner Road Conservation Area Appraisal and Management Strategy (CAAMS)
Appendix 2 - Proposed amendment to Conservation Area boundary
Appendix 3 – Article 4 directions contained in the Pinner Road CAAMS
Appendix 4 – Table of consultation responses

Section 1 – Summary and Recommendations

Following public consultation, this report introduces the amended Pinner Road Conservation Area Appraisal and Management Strategy (CAAMS) contained within Appendix 1, and requests Cabinet approve the document.

The report documents the outcomes of a consultation period that ran from 9th November 2016 to 21st December 2016, during which a total of 21 responses were received, including a public meeting with 13 attendees. 2 attendees to the public meeting responded separately as well. The report summarises the representations received and provides the Council's response to these, including any amendments to the draft CAAMS (which includes the amended boundary to the conservation area that is proposed – see Appendix 2 – and Article 4 directions – see Appendix 3) and management proposals considered appropriate. The consultation outcomes are contained in Appendix 4.

Recommendations:

Cabinet is requested to:

- (1) Note the representations received in response to the consultation on the draft CAAMS, and the Council's responses to these set out in the body of the report.
- (2) Note and adopt the amended boundary to the Pinner Road conservation area contained within the draft Pinner Road Conservation Area Appraisal and Management Strategy (CAAMS) and authorise the Interim Chief Planning Officer to undertake the necessary statutory notifications.
- (3) Authorise the "making" of a non-immediate Article 4 direction in relation to the firemen's cottages (1-18) Pinner Road and 660 Pinner Road to remove the permitted development rights specified at Appendix 2 to this report and the giving of notice.
- (4) Authorise the Interim Chief Planning Officer to undertake the necessary statutory notification and consultation and delegate authority to the Interim Chief Planning Officer, in consultation with the Portfolio Holder for Regeneration, Planning and Employment, to decide (following consideration of representations received) whether to "confirm" the Article 4 direction.
- (5) Adopt the draft Pinner Road CAAMS, which will form an appendix to the adopted Pinner Conservation Areas Supplementary Planning Document (SPD).

(6) Authorise the Interim Chief Planning Officer to undertake a public consultation on the addition of Pinner Road gardens and cemetery to the list of locally listed parks and gardens in Harrow

Reason: (for recommendations)

Pinner Road Conservation Area was designated on 19th March 2015 and is the only one of Harrow's 29 conservation areas not to have an associated adopted CAAMS. When adopted the Pinner Road Conservation Area Appraisal and Management Strategy (CAAMS) will form an appendix to the Pinner Conservation Areas SPD. It will form a material consideration in the determination of planning applications both at planning committees and appeal proceedings.

The proposed non-immediate Article 4 Direction will give the Council greater control over development that could harm the special architectural and historic interest of the Conservation Area. This report seeks authority to "make" the direction and delegate authority to "confirm" the Article 4 Direction, having considered representations received, to the Interim Chief Planning Officer in consultation with the Portfolio Holder for Regeneration, Planning and Employment.

Consulting on the local listing of Pinner Road gardens and cemetery would help comply with the National Planning Policy Framework requirement that planning authorities ensure that they make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. Providing locally listed status to those heritage assets that have local merit will help protect Harrow's local historic and architectural interest and assist the Council to meet its corporate priority that seeks to *build stronger communities*. To comply with the Harrow Core Strategy (adopted 12th February 2012) Strategic Objective 1 for 'heritage assets – parks and gardens' for an 'up to date list of locally important historic parks and gardens'.

Section 2 – Report

Introductory paragraph

The decisions sought will help the Council meet the following corporate priorities:

- Making a difference for communities

The adoption of the Pinner Road Conservation Area Appraisal and Management Strategy (CAAMS) will mean all Conservation Areas in the borough will have such a document to guide decisions on planning applications and the Council's management of the Conservation Area generally, thereby making a difference for communities.

Options considered

The Council, at its Strategic Planning Advisory Panel meeting of 18 July 2006, agreed that Supplementary Planning Documents (SPDs) with appendices of CAAMS for each Conservation Area would be produced to cover the borough's Conservation Areas. To date, SPDs have been adopted for Harrow on the Hill, Pinner and Stanmore and Edgware conservation areas which include CAAMS for 28 of the 29 Conservation Areas. Not to adopt a CAAMS for the most recently designated Pinner Road Conservation Area would be inconsistent with the approach adopted elsewhere and represent a gap in the Local Plan, with regard to this conservation area. It would also be contrary to good practice recommended by Historic England.

Background

Work commenced in 2006 to review the existing conservation area appraisals and management strategies, and to prepare SPDs to cover geographical clusters of conservation areas within the borough. Following the adoption of the Harrow on the Hill, Pinner, Stanmore and Edgware and the Harrow Weald SPDs, the Pinner Road Conservation Area was designated in March 2015.

Current situation

Following the adoption of the Pinner Road Conservation Area, work commenced on the production of the draft Pinner Road CAAMS. The CAAMS outlines the area's special architectural and historic character and key problems, pressures and opportunities for enhancement and key management recommendations.

The area's special character comprises its largely unaltered, good condition and high quality, early 20th century architecture of cohesive and uniform character and historic and social merit. Along with its strikingly planned geometric layout and landscaping, the area is quite distinct from typical surrounding suburban development. These qualities give special architectural, historic and social merit to the area.

Cabinet considered a draft version of the CAAMS at its meeting on 15th September 2016. This was agreed for public consultation.

Consultation arrangements

Consultation occurred for six weeks from 9th November 2016 to 21st December 2016. Notification letters were sent to ward councillors, amenity groups, Conservation Area Advisory Committee members and other stakeholders. The document was available to view at a number of places, including the Council's website and the Civic Centre (upon appointment / request).

The consultation reflected the requirements for Supplementary Planning Documents under the Council's adopted Statement of Community Involvement (SCI) and the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The consultation responses and how these have been addressed in finalising the SPD, are summarised below.

Summary of responses and how they have been addressed

There were a total of 20 responses, of which two were joint written responses by two different sets of two people, and one comprised a public meeting which was attended by thirteen people, two of whom also made separate written responses. Of the 20 responses, five were neutral either presenting queries or minor suggested typographical amendments, ten were objections (including the public meeting), and four were responses of support including one from the Pinner Local History Society and Historic England who also included some suggested amendments. One respondent who responded jointly as an objector also responded again as an individual.

Support

Historic England noted they 'welcome the publication of this document, which helps clearly define the conservation areas' historic and architectural interest. It also sets out how the Council aim to meet their statutory duty to have regard to preserving or enhancing these areas of special character'. 'Within the management strategy we welcome the reference to our guidance documents'. Historic England concluded their comments by stating it 'supports the publication of this conservation area appraisal'.

The Pinner Local History Society responded to state the: 'Pinner Local History Society has considered these proposals and is in full agreement with them'.

Other comments of support included a local resident stating: I 'am pleased to see that the council is interested in keeping the character of the area'.

Objections

Responses received centred on objections to the guidelines concerning suitable window replacements for the three blocks of flats that make up Capel Gardens (this was the subject of the public meeting).

One objection centred on the Lodge and a request to omit the Lodge from the Conservation Area. This matter was reported separately to Cabinet on 16th November 2017 where Cabinet resolved that: 'the Lodge remain within the

Pinner Road Conservation Area, but the boundary be amended to include the full extent of the property within the Conservation Area, Appendix 1 refers, in order to rectify the anomaly of the current boundary passing through the rear conservatory of the property and officers advise the owners of The Lodge accordingly' (Minute 623).

All consultation responses are addressed below.

Replacement windows to Capel Gardens

Of the ten objections received, eight related to the guidelines within the CAAMS in relation to the pressure for the replacement of windows to the locally listed blocks of flats that make up Capel Gardens on Pinner Road. This objection was the subject matter of the public meeting.

Concerns raised were that the CAAMS:

- 1) encourages repair of the existing windows. Objectors noted that a surveyor stated the windows are beyond repair. Whilst they want their windows in a good condition, insurance would not cover repair but would likely cover replacement.
- 2) does not allow double glazing. Double glazing would look like the originals and without it the windows will degenerate, which could ultimately affect the structure of the building. Not allowing double glazing is an ignorant decision. Councillors should have visited and been involved. This does not take account of the fire station which has set a precedent since they have replaced their windows without permission. Double glazing was allowed in a past application for Capel Gardens.
- 3) recommends secondary glazing. This could be installed without permission, not align with the design of the original windows or other secondary glazing in the blocks and so would look bad. Also, secondary glazing is too expensive – more than double glazing as the cost would need to be for a new window plus secondary glazing. Who will pay? The Council?
- 4) does not take account of health implications – existing windows contribute to a poor living environment, impacting health of residents including children.
- 5) refers to a 'Hollywood lifestyle' yet we are just ordinary residents and do not want such a lifestyle.

Guidance concerning the pressure for replacement windows to Capel Gardens is addressed within the CAAMS on pages 25, 26 and 28.

The CAAMS has been amended to now specifically state that if the existing windows can be shown to be beyond repair, then their replacement with single glazed like for like replacements would be acceptable. Nevertheless, the CAAMS still refers to repair as an option to address the poor condition of the windows. This is appropriate. This CAAMS explains why the existing single glazed windows are important to the flats in Pinner Court and Capel Gardens in the context of preserving the special character and appearance of the Pinner Road conservation area. Also, Historic England guidance contained in their publication 'Traditional Windows, Their Care Repair and

Upgrading', explains repair is often cheaper than replacement, energy efficiency issues can be addressed and windows are rarely in such a condition that all need replacement.

The CAAMS still explains the ways in which the appearance of double glazing would not be in keeping. This is appropriate. A recent appeal decision for Capel Gardens (2016) determined that the character and appearance of double glazed units would not be able to replicate to a suitable degree the delicate lines and character of the single glazed units which are an important unifying character of the conservation area and the setting of the grade II listed Pinner Court. This appeal decision is now always a material planning consideration going forward. Reference to Pinner Fire station recent installation of double glazing is not an anomaly – a recent appeal decision (March, 2018) found that in this instance double glazing was appropriate since the pre-existing windows on this building were not part of the special character of the area. Reference to double glazing being approved in the past for the flats is a misunderstanding. Double glazing has never been approved for the flats.

The CAAMS still refers to secondary glazing as an option to address energy efficiency and health concerns. This is appropriate. Historic England guidance contained in their publication 'Traditional Windows, Their Care Repair and Upgrading', similarly refers to this as a good option. It notes that the addition of secondary glazing can reduce heat loss by nearly 60%. In terms of cost issues raised, it is established that double glazing is not a viable alternative to make cost comparisons with. The fact that the secondary glazing could have an adverse appearance on character if not appropriately designed was considered by the recent appeal relating to the proposed double glazed units for Capel Gardens. As the appeal inspector notes though, this would not in itself be a good reason for allowing the harm of double glazing.

In terms of health concerns at the flats, the CAAMS provides suitable options in terms of addressing the condition of the original windows (repair), likely suitable replacements (single glazed units) and other methods to upgrade thermal efficiency. Also, the 2016 appeal decision for Capel Gardens which this CAAMS' window guidance is consistent with, similarly considered health implications and living standards issues when determining that double glazed units were inappropriate in this instance.

The CAAMS has been amended to state that the flats' Art Deco design has *historical interest* given its colonial or hacienda style of the mid-1930s intended for the middle-classes aping a Hollywood lifestyle. This is rather than stating, as it did before, that it has *social interest*. It now then refers more specifically to the historic and architectural character and appearance of the area which the Local Planning Authority has a duty to preserve or enhance. There is no longer room for misunderstanding that current residents wish to copy the 1930s Hollywood lifestyle.

Consultation process

One representation stated the consultation is to cover the council, not to address residents' responses. However, this report shows that amendments have been made to the CAAMS wherever possible, as long as it remains in

line with the statutory duty for the LPA to have due regard to preserving and enhancing the character and appearance of a conservation area in determining planning applications.

Some residents raised concerns that they did not receive the original consultation letter about the proposed designation of the conservation area.

The legal definition of a conservation area is contained under the Planning (Listed Buildings and Conservation Areas) Act 1990, Part II, section 69 which states a 'conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Whether or not an area warrants designation as a conservation area is then centred on whether or not it has special architectural or historic interest and is therefore largely technical exercise. This is reflected in that under the Act there is no requirement to consult on the proposed designation of conservation areas or any modification of their boundaries / cancellation. As a point of good practice though, the Council did carry out a consultation process which included posters in the area and letters to all flats. Consultation responses were received which were reported back to cabinet (i.e. this report).

Some residents stated that they submitted a petition against the designation of the conservation area. This is a misunderstanding. The petition made was made in relation to the 2016 planning application and was therefore recorded in relation to that application. It was also received after the designation of the conservation area.

Recommended improvements

Boundary change

The resolution of Cabinet at its November 2017 meeting to include all of the garden to the Lodge within the conservation area has resulted in the boundary of the conservation area being amended accordingly.

One local resident respondent queried whether the conservation area boundary was changing. Historic England recommended extending the current boundary of the Conservation Area to include all of the cemetery. They noted that this would 'strengthen this document' and that the previous 'choice to designate part of the cemetery, but not all of it, is unusual'. The CAAMS has been amended accordingly. The CAAMS justifies this amendment via its explanation of the special character and appearance of this part of the conservation area under the headings: 'Reviewing the Conservation Area Boundary', 'Special interest of the area', 'Short history', 'Key views and vistas' and 'Green Spaces and ecology'.

Historic England noted that the significance of the landscape design is covered under 'Green Spaces and Ecology', but merits further analysis. They stated clarifying the conservation area boundary within the cemetery is likely to make it easier to manage historically significant parts of the cemetery in the longer term. Also, they noted that the LPA should explore the potential historic and architectural interest of the funeral monuments within the landscape and

the later phase of the cemetery in the History section of the appraisal. This has now been done and is contained in further detail in this same section and under the 'Short History' and 'Architectural Qualities' headings.

Images

Historic England questioned the choice of images to illustrate particular views, and questioned what the Council is trying to achieve in highlighting these views. Under the 'Key Views' heading the CAAMS has been amended to provide a clear explanation of which types of views are considered important and why, and the associated images amended to show the types of views that the CAAMS has stated are important.

Fire station

Three respondents referred to the recent change of the fire station windows from single glazed to double glazed and asked what this meant for the draft CAAMS. A recent appeal decision determined these were in keeping in the conservation area. This has no impact on the draft guidance in the CAAMS in relation to windows (see heading: Replacement windows to Capel Gardens).

Historic England noted with regard to the fire station 'you may be interested to read our guidance, produced with London Fire Brigade, on this interesting building type: <https://historicengland.org.uk/images-books/publications/londons-historic-fire-stations/>. This could be included in an appended list of useful sources of information, if residents or developers are looking to learn more about elements of the conservation area'. The document is now included in the appendix.

Archaeology

Historic England similarly stated they welcome the references to archaeology, and would suggest that the Council put a reference to the Greater London Archaeological Advisory Service, potentially including contact details and a link to our website: <https://historicengland.org.uk/services-skills/our-planning-services/greater-london-archaeology-advisory-service/>. This has been added under the heading 'Archaeology and Geology'.

Maintenance

Three consultees mentioned that the draft CAAMS would benefit from referencing the state of the maintenance to the Boulevard Gardens in front of Capel Gardens and Pinner Court. This is now referenced in the draft document under the problems/pressures section along with linked proposals to address this in the management proposals section. It now states that the gardens in front of Capel Gardens and Pinner Court known as Boulevard Gardens is a part of the Councils Parks and Open Spaces portfolio. Due to budget pressures the Council has had to reduce the frequency of grounds maintenance operations over its Parks and Open Spaces and this has had an effect on Boulevard Gardens. Many parks have a 'Friends' group who assist with park operation and build on the work of the Council. The Council would welcome any local backing in moving from a maintenance mind-set to one of value creation and sustainability, where public parks are valued as an essential asset and a shared civic responsibility.

Queries

One response to the draft CAAMS from a local resident noted that they had 'queries about what the conservation area means'. The definition of a conservation area is provided in paragraph 29.3 of the draft CAAMS and relates to the national legislative definition of a conservation area.

Another query from a local resident was about 'a possible change of use of buildings in the Cemetery'. They asked about 'a child care facility that has been relocated as the owners are looking to put flats there and asked if Conservation was aware of this'. The Conservation Team are not aware of this. The importance of the various different use classes to the conservation area are covered within the 'activity and uses' section of the draft CAAMS.

A councillor asked when the area was set up, which 6 criteria for the inclusion of Pinner Road were satisfied and when was it initially brought to Cabinet? A response was sent answering these queries. This stated the conservation area was designated on 19th March 2015 by Cabinet and the area was found to meet two or more of the required criteria for designation ie: 1) an area of high architectural and historic merit, 2) high concentration of listed and locally listed buildings, 3) a high concentration of buildings built post 1920 that are innovative in planning or architectural detail and where a large proportion remain unaltered, and 4) The original site layout and landscaping to this area is of high quality and distinguishes the area as special. The report recommending designation went to cabinet first in March 2014 asking for consultation and then again on 19th March 2015 and is available to view at the following direct link: <https://www.harrow.gov.uk/www2/documents/g62361/Public%20reports%20ack%20Thursday%2019-Mar-2015%2018.30%20Cabinet.pdf?T=10>

Another query was from a local resident which was: 'I am interested in obtaining a copy of the Pinner Road Conservation Area Appraisal as advertised in the Harrow Times dated 24-11-16'. The local resident was 'directed to a copy of the CAAMS'.

Article 4 Direction

The draft Pinner Road CAAMS expressed the concern that certain works which could be carried under permitted development rights "...could harm the simplicity and architectural uniformity and cohesiveness" of the firemen's cottages (1-18), Pinner Road. To prevent the harm which could arise from uncontrolled development, the draft CAAMS suggested the making of direction under article 4 to remove specific classes of development rights available under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 ("Order 2015") was proposed within the draft CAAMS. The draft CAAMS suggested the withdrawal of the following classes of permitted development:

1. Any other alteration to the roof of a dwelling house being development within Class C of Part 1 of Schedule 2 of the Order

2. The erection or construction of a porch outside any external door of a dwelling house being development within Class D of Part 1 of Schedule 2 of the Order
3. The provision of curtilage of the dwelling house of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure being development within Class E of Part 1 of Schedule 2 of the Order
4. The painting of the exterior of any building or work being development within Class A of Part 2 of Schedule 2 of the Order

The proposed Article 4 direction for the property, 660 Pinner Road, will, in addition to those classes of development being withdrawn in relation to the firemen's cottages, withdraw the following classes.:

Part 1, Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

Part 2, Class B - Class B – means of access to a highway

This is proposed since the symmetry of the driveways to the cemetery and Capel Gardens and Pinner Court contributes to the continuity of character of the conservation area and helps signal the importance of geometry to design within the area.

Compensation

Following a refusal of planning permission required as a result of an Article 4 Direction, it is possible to claim compensation from the local planning authority, under Section 108 of the Town and Country Planning Act 1990. To justify such a claim the owner would have to clearly demonstrate that the value of the property had been affected as a result of the refusal of the proposed development subject to the Article 4 Direction or a planning permission was granted subject to more limiting conditions than the GPDO would normally allow, as a result of an Article 4 direction being in place.

Under Section 108, Town and Country Planning Act 1990, local planning authorities are liable to pay compensation to landowners who *would have been* able to carry out development under the permitted development rights that an Article 4 direction withdraws, if they:

- (a) refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction; or
- (b) grant planning permission subject to more limiting conditions than the GPDO 1995 would normally allow, as a result of an Article 4 Direction being in place.

There is a procedure provided under Section 108 whereby no compensation is payable if the permitted development right withdrawn is “prescribed” in the Town and Country Planning (Compensation) (England) Regulations 2015 and;

- (i) the correct “withdrawal procedures” are followed; and
- (ii) the *notice* of withdrawal is given in the “prescribed manner”, i.e.:
 - not less than 12 months before the Direction takes effect; and
 - not more than two years.

In summary, no compensation will be payable by the Council if notice is given that the permitted development right for “prescribed” development will be withdrawn (i.e. on confirmation of the direction) not less than one year later but before the expiration of two years.

In relation to the permitted development rights to be withdrawn, as proposed in this report, Class C, Class D, Class E and Class F of Part 1, Schedule 2 of the 2015 Order are “prescribed”, i.e. the Council will not be liable for compensation provided it follows the correct “withdrawal procedures” and notice is given in the “prescribed manner” (as set out above). It should be noted that the permitted development rights under Class A and Class B of Part 2, Schedule 2 are not “prescribed” and therefore the above-mentioned withdrawal procedures do not prevent a claim for compensation being brought against the Council.

To date this authority has not received any such claim in the operation of planning control relating to the existing Article 4 Directions in the Borough, in operation since 1982.

Proposed locally listed park and garden

Exploring the significance of the cemetery further upon Historic England’s consultation response recommendation, has resulted in a review of the significance of all the green spaces in the conservation area, leading to a recommendation for a new locally listed park and garden.

Harrow’s criteria for local listing of parks and gardens is based on national criteria but with emphasis placed on the local rather than national context and, as per the local listing of buildings and the designation of conservation areas in the borough, two or more of the suggested criteria need to be met. The criteria are as follows:

- (A) Date and rarity.** The older a designed landscape is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. Likely to be designated are:
 - i. sites formed before 1750 where at least a proportion of the original layout is still in evidence
 - ii. sites laid out between 1750 and 1840 where enough of the layout survives to reflect the original design
 - iii. sites with a main phase of development post-1840 which are of special interest and relatively intact, the degree of required special interest rising as the site becomes closer in time
 - iv. particularly careful selection is required for sites from the period after 1945

- v. sites of less than 30 years old are normally registered only if they are of outstanding quality and under threat.
- (B) **Further considerations** which may influence selection, and may exceptionally be sufficient by themselves to merit:
- i. Sites which were influential in the development of taste, whether through reputation or reference in literature
 - ii. Sites which are early or representative examples of layout or a type of site, or the work of a designer (amateur or professional) of national importance
 - iii. Sites having an association with significant persons or historic events
 - iv. Sites with a strong group value with other heritage assets

Appendix 5 provides the draft local list description and boundary. The ways the park and garden meet the criteria are outlined by the draft local list description. Whilst the proposed park and garden would have the same area as the conservation area, the designation differs to the conservation area one as it relates primarily to the landscape value of the area as listed above.

Local Listing implications

The inclusion of an area on the Local List does not change the existing planning controls that already apply. Inclusion on the Local List is also not primarily intended to restrict development, but seeks to ensure that any proposals take into consideration the local significance of the area. The only real implication therefore of including a building, structure or park / garden on the Local List is that it will change the level of consideration given by the Council to preserving the area's character and appearance when planning proposals are assessed. Any proposals put forward are expected to respect the particular character and interest of the area.

Consultation

It is intended to consult on the proposed addition to the local list of parks and gardens. This consultation will include:

- (a) Letters to:
 - i. the Gardens Trust
 - ii. the Conservation Area Advisory Committee,
 - iii. the Pinner Local History Society,
 - iv. the Pinner Association,
 - v. the Georgian Group
 - vi. the Victorian Society
 - vii. The Twentieth Century Society
 - viii. London and Middlesex Archaeological Society
 - ix. Historic England
- (b) Place an advert in the local paper and site notices up on lampposts at the entranceways to the parks.

- (c) The consultation would take place for four weeks and ask for views on the proposals in relation to the criteria for locally listed status. The results of that consultation will be addressed within a follow up report to Cabinet.

Current situation

The draft CAAMS has been revised in line with the above feedback and comments used to strengthen the document. In particular, the conservation area boundary has been extended and a new Article 4 direction is being proposed for 660 Pinner Road. There is a separate proposal to consult on the proposed local listing of Pinner Road gardens and cemetery. These points are outlined above along with suitable justification.

The full results of the public consultation and how these have been addressed in finalising the SPD are presented in Appendix 3.

Implications of the Recommendation

Performance Issues

Local Authorities have a statutory duty to publish proposals for the enhancement of their conservation areas under the National Planning Policy Framework and to make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. The proposal to formally adopt this planning guidance in accordance with the public consultation responses as an appendix to the Pinner Conservation Areas SPD which would help meet these objectives and to have a positive effect on local residents' perception of the degree to which the Council takes account of their views and how far people can influence decisions affecting their area.

Environmental Impact

The draft CAAMS includes consideration of how energy efficiency and microgeneration measures can be achieved whilst preserving the special character of the Pinner Road conservation area. This will therefore help the council to meet the council's climate change strategy in terms of mitigation and adaptation. The CAAMS would then form part of the SPD for the Pinner Conservation Areas. This which would have a positive impact upon biodiversity, flora and fauna; air quality and pollution; traffic and transport; and waste and energy use within the Pinner Road Conservation Areas. This is because the SPD involves consideration of these factors whilst seeking to protect conservation areas from negative change whilst promoting positive change.

Risk Management Implications

2.11 Risk included on Directorate risk register? No

Separate risk register in place? No

There are no significant risks from consulting on this draft CAAMS.

Legal Implications

Supplementary Planning Documents (SPD) provides detail to support policies in the development plan and must be consistent with that plan. This CAAMS would form an appendix to the Pinner Conservation Areas SPD.

The Council is required under Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”) to consult formally on an SPD. Further under Regulation 129a) to report on who was consulted and to take into account representations received as a result of the consultation exercise before the document is adopted.

Local listing an area is not a statutory designation and there are no specific statutory controls for locally listed parks and gardens. However, under the Government’s National Planning Policy Framework (<http://www.communities.gov.uk/publications/planningandbuilding/nppf>) locally listed parks and gardens are afforded protection under the heritage policies relating to local heritage assets (see especially paragraph 197 which states: ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

Whilst there is no requirement to consult on the designation of locally listed parks and gardens this would be consistent with the approach taken for the local listing of Harrow Weald Park in 2016, Paines Lane Cemetery and Pinner Memorial Park in 2018 and the local listing of buildings in the borough.

Article 4

Following the “making” of an Article 4 direction the Council must, as soon as reasonably practicable, give notice of having made the direction by: publishing a notice in a local newspaper; displaying at least two site notices for not less than six weeks; and notifying the owners and occupiers unless this is impractical. Individual notification may be considered impractical due to the number of owners or occupiers. Where the owner is a statutory undertaker, they must be notified individually.

The notice must include a description of: the type of development and the area/land to which it relates as well as a statement of the effect of the direction. The notice should: specify that the direction is made under Article 4 of the Order 2015; name the place where the direction can be inspected; and specify a period (of not less than 21 days) for representations to be made to the Council. The date the representation period begins must be stated in the

notice. In addition, the notice must specify the date the direction comes into force which must be between 28 days and 2 years from the date the representation period begins. The direction must be confirmed by the Council before it can come into force. On the date the Council gives notice of the making of the direction, it must send a copy of the direction and the notice to the Secretary of State.

Financial Implications

The costs associated with consultation, any amendments required and adoption of Pinner Road CAAMS, would be met from within the existing budgets of Planning Policy team.

Procurement Implications

There are no procurement implications.

Equalities implications / Public Sector Equality Duty

Was an Equality Impact Assessment carried out? No

EqlA screening was undertaken in the course of introducing the existing Pinner Conservation Areas that raised no matters of equalities impact of significance that would warrant a full EqlA. It is considered that the findings of the EqlA screening remain applicable to the current proposal to consult on adopting a CAAMS for the Pinner Road CA.

EqlA is not considered necessary in respect of the identification, assessment and local listing of an area. Such an assessment is based on the special historic merit of an area.

Council Priorities

The decision made will help the Council meet the following corporate priorities and values:

- Build a better Harrow
- Do it Together

The CAAMS for the Pinner Road CA will ensure the conservation of this area which adds to the quality of Harrow.

The protection of heritage assets via local listing will ensure the conservation of these assets which adds to the quality of Harrow. The public consultation for this would involve communities.

Similarly, the report incorporates the administration's priorities of making a difference for communities as the public consultation would involve communities.

Section 3 - Statutory Officer Clearance

Name:Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 29.01.2019		
Name: Patrick Kelly	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 29.01.2019		

Section 3 - Procurement Officer Clearance

Name: ...Nimesh Mehta	<input checked="" type="checkbox"/>	Head of Procurement
Date: 6 th Feb 2019		

Ward Councillors notified:	YES
EqIA carried out:	NO
EqIA cleared by:	N/A

Section 4 - Contact Details and Background Papers

Contact: Lucy Haile, Principal Conservation Officer, 0208 736 6101

Background Papers:

Pinner Conservation Areas Supplementary Planning Document, ,
available at:

http://www.harrow.gov.uk/info/200162/conservation/162/pinner_conservation_areas

**Call-In Waived by the
Chair of Overview and
Scrutiny Committee**

NO – CALL IN APPLIES