



## **Report for: Cabinet**

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<b>Date of Meeting:</b>	29 June 2023
<b>Subject:</b>	Proposed West Drive and Bellfield Avenue Conservation Area designation – outcomes of consultation and recommendations
<b>Key Decision:</b>	No – only effects one ward
<b>Responsible Officer:</b>	Dipti Patel - Corporate Director Place Viv Evans - Chief Planning Officer
<b>Portfolio Holder:</b>	Councillor Marilyn Ashton - Deputy Leader of the Council and Portfolio Holder for Planning and 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 – 4 May 2023 Appendix 2 – Reference from Planning Policy Advisory Panel Appendix 3 – proposed area for designation as the West Drive and Bellfield Avenue Conservation Area

### **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 consultation on the proposed designation of West Drive and Bellfield Avenue as a conservation area; the matter was considered by the Panel at its meeting on 4 May 2023.

The report considered by the Panel (attached at Appendix 1) documented the outcomes of the consultation process that was agreed by Cabinet at its

meeting on 19 January 2023. As a result of consultation responses received (documented in section 6 of the Panel report) the report recommended two minor amendments to the proposed conservation area boundary; these amendments remove 30 and 32 Bellfield Avenue from the proposed conservation area and include 128, 130 and 132 Uxbridge Road. The revised boundary is shown in Appendix 2 of the Panel report and comprises 1-41 (consecutive) West Drive, 1-29, 31, and 33-47 (consecutive) Bellfield Avenue, all of West Drive Gardens and 128, 130 and 132 Uxbridge Road.

The Panel resolved to recommend the revised area to Cabinet for designation as the 'West Drive and Bellfield Avenue Conservation Area', subject to any further consultation responses received (which would be formally reported to Cabinet).

This report responds to the Panel's recommendation.

### **Recommendations:**

Following consideration by the report by the Planning Policy Advisory Panel (Appendix 1) and its comments / recommendation (Appendix 2), the Cabinet is requested to consider the report and:

- 1) Agree to designate 1-41 (consecutive) West Drive, 1-29, 31, and 33-47 (consecutive) Bellfield Avenue, all of West Drive Gardens and 128, 130 and 132 Uxbridge Road as a conservation area (named the West Drive and Bellfield Avenue Conservation Area), as shown in Appendix 3.
- 2) Delegate to the Chief Planning Officer, in consultation with the Planning & Regeneration Portfolio Holder, authority to undertake the necessary statutory processes to formally designate the conservation area.

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

Consideration of the proposed area as a 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 consultation undertaken represents best 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 be designated 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. It also contributes to the overarching objective to restore pride in Harrow.
- 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 of not reviewing the area for consultation area status was considered but this would be contrary to the Council's statutory obligations under the Planning (Listed Buildings and Conservation Areas) Act 1990, under which local planning authorities are required to carry out reviews 'from time to time' to ensure areas are adequately protected.
- 2.2 The option not to consult on the proposed area was considered and dismissed. This is because whilst consultation is not a statutory requirement it is best practice and doing so reflects the corporate priority of Putting Residents First.
- 2.3 The Panel report outlines options (and recommendations) in response to responses received to the consultation, including whether to designate the area as a conservation area and whether or not to amend the boundary in response to comments received during consultation.

### **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 consultation on the proposed designation of West Drive and Bellfield Avenue as a conservation area; the matter was considered by the Panel at its meeting on 4 May 2023.

- 3.2 The report considered by the Panel (attached at Appendix 1) documented the outcomes of the consultation process that was agreed by Cabinet at its meeting on 19 January 2023.
- 3.3 As a result of consultation responses received (documented in section 6 of the Panel report) the report recommended two minor amendments proposed conservation area boundary; these amendments remove 30 and 32 Bellfield Avenue from the proposed conservation area and include 128, 130 and 132 Uxbridge Road. The revised boundary is shown in Appendix 2 of the Panel report and comprises 1-41 (consecutive) West Drive, 1-29, 31, and 33-47 (consecutive) Bellfield Avenue, all of West Drive Gardens and 128, 130 and 132 Uxbridge Road.

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

- 4.1 As noted above, the outcomes of the consultation agreed by Cabinet at its meeting on 19 January 2023 was presented to the Planning Policy Advisory Panel at its meeting on 4 May 2023. In the discussion that ensued the following comments were made:

In response to a question, the Panel was informed that 30 and 32 Bellfield Avenue were of more modern architecture and it therefore made sense to omit these. Numbers 128, 130 and 132 Uxbridge Road were 1930s mock tudor properties, with 128 being locally listed.

Historic England's response to the consultation was that there did not appear to be a clear case made for the special architectural and historic interest of the area to warrant designation. This was similar to the officer assessment considered by the Panel in November 2022, which noted the case was 'marginal'. The Chair advised the Panel that residents of the roads under discussion had been upset and had campaigned when the roads had been removed from a conservation area in 2015. The consultation had provided the opportunity for the residents to redress this if they so wished.

In response to questions, it was noted that:

- the proposed areas had previously been in a conservation area but had been excluded from the formation of a new one in the area. As there had been no further review of conservation areas there had not been the opportunity for their inclusion elsewhere;
- the top of West Drive was already in a conservation area and the properties in Lakeland Close were of modern architecture;
- numbers 30 and 32 Bellfield Avenue were quite modern and distinctive so it was practical to omit them from the conservation area;
- Historic England had not raised formal objections to the proposals.

It was moved and seconded that the proposed West Drive and Bellfield Avenue Conservation Area not be recommended to Cabinet. Upon being put to the vote the motion was lost. The proposed

conservation area together with the revisions arising from the consultation responses was put to the vote and carried.

- 4.2 It was resolved that the revised area be recommended to Cabinet for designation as the 'West Drive and Bellfield Avenue Conservation Area', subject to any further consultation responses received which would be formally reported to Cabinet.
- 4.3 The full minutes / recommendation are included in Appendix 2.
- 4.4 In relation to the Panel's discussion regarding Historic England's representations, the following further comments are made in response to Historic England's representations:
- (a) it is considered that designation as a conservation area will be an effective management tool as it will trigger formal consideration of architectural and historic interest when planning applications are received, assisting in the retention and enhancement of the area's character, elements of which are acknowledged in Historic England's response.
  - (b) the background to the area's proposed designation (being previously part of a wider conservation area) reduces the risk of the designation setting a precedent.
  - (c) active consideration of a local level of designation (Local Areas of Special Character) below that of the national, statutory designation of conservation areas will further reduce the risk of precedent identified by Historic England as there will be an alternative for areas where there is no clear case for designation as a conservation area.
  - (d) consideration will be given to undertaking a full appraisal and management strategy as recommended by Historic England. The timing of this will however be dependent on resources and other priorities with respect to the historic environment in Harrow.
- 4.5 The Panel report identified that additional focused consultation had been undertaken with respect to the suggested changes to the original boundary. This consultation closed on 3 May 2023, after the publication of the agenda for the Panel meeting. A verbal update was given to the Panel noting no representations had been received in response to the consultation. The report noted that any responses received would be reported to Cabinet. In that regard, it can be confirmed that no representations were received as a result of the additional consultation.

## **5.0 Designation process**

- 5.1 Should Cabinet resolve to designate the area as a conservation area, section 70 (5) of the Act requires the Local Planning Authority to give notice to the Secretary of State and Historic England ('the Commission'). Section 70 (8) requires that notice of designation is

published in the London Gazette and in at least one newspaper circulating in the area of the local planning authority.

**Ward Councillors' comments** – these were invited as part of the Panel's consideration of the report to its 4 May 2023 meeting.

## Data Protection Implications

Personal data collected as part of the process has been and will continue to 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
Consultation not undertaken in accordance with statutory requirements	<ul style="list-style-type: none"> <li>▪ Appropriate requirements were reviewed (i.e. Harrow's Statement of Community Involvement) and followed where relevant.</li> <li>▪ Any 'minimum' standards were exceeded (i.e. letters to be sent to all properties, follow-up consultation undertaken).</li> </ul>	<b>GREEN</b>
Council does not meet its statutory duty under section 69(2) of the Act	<ul style="list-style-type: none"> <li>▪ The assessment, consultation and recommendation help to fulfil the Council's statutory duty to carry out reviews 'from time to time'</li> </ul>	<b>GREEN</b>
The recommendation to designate the area as a conservation area is challenged on the basis of area's level of architectural and historic interest	<ul style="list-style-type: none"> <li>▪ An assessment of the area has been undertaken. The Planning Policy Advisory Panel acknowledged the marginal nature of the area but on balance has recommended designation given the context of the area's previous designation and feedback from the consultation process</li> </ul>	<b>AMBER</b>
The designation of the area devalues the	<ul style="list-style-type: none"> <li>▪ The proposed designation of the conservation area reflects its previous status. The proposed</li> </ul>	<b>GREEN</b>

Risk Description	Mitigations	RAG Status
concept of conservation area.	introduction of Local Areas of Special Character will assist in recognising the heritage significance of areas where the case for designation as conservation areas are not clear.	
The formal designation process does not follow the statutory process.	<ul style="list-style-type: none"> <li>▪ Legal and Planning will work to ensure the designation processes are completed in accordance with the relevant statutory instruments.</li> </ul>	<b>GREEN</b>

## Procurement Implications

There are no procurement implications arising from this report as it is limited to designating a conservation area. The relevant public notice will be placed using existing Council suppliers.

## 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.

As noted above, should Cabinet resolve to designate the area as a conservation area, section 70 (5) of the Act requires the Local Planning Authority to give notice to the Secretary of State and Historic England ('the Commission'). Section 70 (8) requires that notice of designation is published in the London Gazette and in at least one newspaper circulating in the area of the local planning authority.

## Financial Implications

The costs of undertaking the consultation have been 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

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 was 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:** 25 May 2023

**Statutory Officer:** Jimmy Walsh

Signed on behalf of the Monitoring Officer

**Date:** 1 June 2023

**Statutory Officer:** Dipti Patel

Corporate Director Place

**Date:** 12<sup>th</sup> June 2023

**Chief Officer:** Viv Evans

Signed off by the Chief Planning Officer

**Date:** 2 June 2023

**Head of Procurement:** Nimesh Mehta

Signed by the Head of Procurement

**Date:** 2 June 2023

**Head of Internal Audit:** Neale Burns

Signed by the Head of Internal Audit

**Date:** 2 June 2023



## **Mandatory Checks**

Ward Councillors notified: YES

EqlA carried out: NO – see above

EqlA 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-developments/biodiversity-conservation>

Cabinet report – 19 January 2023 - [Agenda for Cabinet on Thursday 19 January 2023, 6.30 pm – Harrow Council](#) (item 89)

Planning Policy Advisory Panel report – 4 May 2023 [Agenda for Planning Policy Advisory Panel on Thursday 4 May 2023, 6.30 pm – Harrow Council](#) (item 40)

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