

<b>REPORT TO:</b>	<b>Cabinet 11 February 2013</b>
<b>AGENDA ITEM:</b>	<b>8</b>
<b>SUBJECT:</b>	<b>Conservation Area Appraisals and Management Plans and Conservation Area General Guidance</b>
<b>LEAD OFFICER:</b>	<b>Jon Rouse, interim Executive Director of Planning and Environment</b>  <b>Mike Kiely, Director of Planning and Building Control</b>
<b>CABINET MEMBER:</b>	<b>Councillor Jason Perry, Cabinet Member for Planning, Regeneration &amp; Transport</b>
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	
<p><b>As a Local Planning Authority The Council has the following statutory duties in relation to conservation areas:</b></p> <ul style="list-style-type: none"> <li>• From time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.</li> <li>• In the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.</li> </ul>	
<b>FINANCIAL SUMMARY:</b>	
<p><b>The recommendations of this report can be funded from the existing Spatial Planning Service budget for 2013/14.</b></p>	
<p><b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> this is not a key executive decision as it is reserved to the Council for approval as part of the policy framework.</p>	

**For general release**

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the draft recommendations below

**1. RECOMMENDATIONS**

The Cabinet is asked to recommend the Council to:

:

- 1.1 Approve the adoption of the Conservation Area General Guidance (**CAGG**) for Croydon as a Supplementary Planning Document (SPD) (Appendix 1).
- 1.2 Approve the adoption and publication of Conservation Area Appraisals and Management Plans (**CAAMPs**) as Supplementary Planning Documents for the following conservation areas:
  - Chatsworth Road (Appendix 2);
  - Croham Manor Road (Appendix 3);
  - The Waldrons (Appendix 4);
  - Wellesley Road (Appendix 5).
- 1.3 Agree that the Director of Planning and Building Control, in consultation with the Cabinet Member for Planning, Transport and Sustainability be given delegated authority to make minor factual or evidence based related changes to the documents referred to in paragraphs 1.1 and 1.2 above after adoption
- 1.4 Agree to the publication of the Consultation Log of Comments and Responses received through the August-September public consultation on the draft Conservation Area General Guidance and the draft Chatsworth Road, Croham Manor Road, The Waldrons and Wellesley Road Conservation Area Appraisal and Management Plans.
- 1.5 Note the intention of the Director of Planning and Building Control to serve non-immediate Article 4 Directions under his delegated authority for selected properties located in the Chatsworth Road and The Waldrons conservation areas (Appendices 7-9).

## 2. EXECUTIVE SUMMARY

- 2.1 National Planning Policy, The London Plan and Local Planning Policy requires Local Authorities to preserve and enhance conservation areas through identifying the special character of each conservation area and outlining how these characteristics can be managed through the retention, development and maintenance of the built environment within conservation areas. English Heritage recommends that every conservation area has its own Conservation Area Appraisal and Management Plan (**CAAMP**).
- 2.2 Guidance from English Heritage states key elements in defining the special character of conservation areas are likely to be:
  - The relationship of the conservation area to its setting and the effect of that setting on the area
  - The still-visible effects/impact of the area's historic development on its plan form, character and architectural style and social/historic associations
  - How the places within it are experienced by the people who live and work there and visitors to the area (including both diurnal and seasonal variations if possible)

- Architectural quality and built form
  - Open spaces, green areas, parks and gardens, and trees
  - Designated and other heritage assets, their intrinsic importance and the contribution they make to the area
  - Local distinctiveness and the sense of place which make the area unique<sup>1</sup>
- 2.3 Croydon Council has been in the process of producing or updating CAAMPs for all of the 21 conservation areas currently designated in Croydon. In addition the Conservation Area General Guidance (**CAGG**) SPD has been produced.
- 2.4 Draft CAAMPs for the conservation areas of Chatsworth Road, Croham Manor Road, The Waldrons and Wellesley Road have been produced and been through a period of statutory consultation.
- 2.5 To minimise the length of the CAAMPs and avoid duplication, general planning guidance that applies to all conservation Areas in Croydon is provided in a separate document – the CAGG– which is referenced frequently in the CAAMPs. The draft CAGG has also been through a period of statutory consultation.
- 2.6 The key anticipated benefits of the use of the CAAMPs and CAGG by applicants, planning officers and the public will be as follows:
- As material planning considerations when determining planning applications CAAMPs and CAGG are likely to lead to an increase in the quality of the design of development within conservation areas that preserve and enhance their special character. The CAAMPs and CAGG will inform the applicants of the various aspects of the built environment of conservation areas that make up their special character and will provide clear guidance about what types of development will be considered acceptable within them;
  - An increase in the efficiency of the planning application process for sites within conservation areas through reference to clear and concise information;
  - An increased sense of pride amongst residents of conservation areas that will be gained as a result of raising knowledge and awareness of the value of their local area through the consultation process;
  - This increased sense of pride is more likely to incentivise property owners in conservation areas to engage in the protection and enhancement of the areas through commissioning works to their properties that are sympathetic to the special character of the conservation area and reporting development that does not have the necessary planning consents to the Council.

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<sup>1</sup> English Heritage (2011) *Understanding Place: Conservation Area Designation, Appraisal and Management*, English Heritage, pp9-10

- 2.7 The appraisals of the Chatsworth Road and The Waldrons Conservation Areas have revealed several key threats to the gradual and cumulative erosion of the special character of the Conservation Areas due to permitted development. These threats could be mitigated through the serving of Article 4 Directions to remove some permitted development rights for some properties.
- 2.8 The Director of Planning and Building Control intends to use his delegated powers to serve non-immediate Article 4 Directions for selected properties within The Chatsworth Road Conservation Area and The Waldrons Conservation Areas. Please see Appendices 7-9 for further information.

### **3. DETAIL**

- 3.1 A conservation area is an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Conservation areas, like statutory listed buildings, are 'designated heritage assets', of national historic or architectural significance.
- 3.2 **Schedule**  
Over the forthcoming two year period, it is intended that the Spatial Planning Service will continue to produce or update CAAMPs for all of the 21 conservation areas in Croydon. By summer 2014 it is intended that all conservation areas will have at least a draft CAAMP. It is intended to produce 8-9 CAAMPs each year to be approved by Cabinet for formal public consultation before any subsequent revisions and final adoption. The consultation process for each CAAMP will last at least 6 weeks and a further 3 months is being allowed for revisions which may need to be made to these documents having regard to the consultation process.
- 3.3 It is intended to produce CAAMPs for the following conservation areas in the forthcoming 6 months of the project:
- Central Croydon\*
  - Church Street\*
  - East India Estate
  - Norbury Estate
  - Norwood Grove
  - Parish Church\*
  - St Bernards
  - Upper Norwood Triangle

\* These three conservation areas are located within the boundary of the Old Town Masterplan, and will be completed as part of this project.

- 3.4 It is intended to produce CAAMPs for the following conservation areas in the forthcoming 18 months of the project:
- Addington Village

- Beulah Hill
- Bradmore Green
- Church Road
- Harold Road

The following existing CAAMPs will be reviewed and, if necessary, updated:

- South Norwood
- The Webb Estate and Upper Woodcote Village
- Kenley Aerodrome

3.5 Paragraph 3.11 details the criteria that has been used to determine the order in which the 21 CAAMPs are produced.

3.6 The CAAG will be updated with each tranche of CAAMPs if potential improvements to it are identified through the production of the remaining CAAMPs in the forthcoming two years of the project.

### **3.7 Legal and Policy justification**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the **Act**”) imposes a duty on Local Authorities to have special regard for the preservation or enhancement of conservation areas. Sections 66 and 73 of the Act require Local Authorities to have special regard to conservation areas when making planning decisions. This requirement is reinforced in the London Plan (Policy 7.8) and in Urban Conservation and Archaeology Policy in the Croydon Replacement Unitary Development Plan: The Croydon Plan and Policy CS4 of the draft Core Strategy.

3.8 The CAAMPs and CAGG will be adopted as Supplementary Planning Documents (SPDs) to give them weight as material planning considerations when determining planning applications. The Sustainability Appraisal for the Core Strategy forms the overarching Sustainability Appraisal for the CAAMPs and CAGG, particularly in terms of Policy CS4. This is available on the planning pages of the Croydon Council website.

3.9 The (General Permitted Development) Order 1995 (as amended) permits the serving of Article 4 directions (where appropriate) to enable a local planning authority to prevent the cumulative erosion of the special character of a conservation area through minor changes to properties over time. Policy SP4 of the Replacement Unitary Development Plan: The Croydon Plan: states that the Council will, “...impose Article 4 Directions where needed.”

### **3.10 Content of documents**

The draft Conservation Area General Guidance (CAGG) has chapters covering Conservation Area Planning Policy, Submitting an Application, General Development Considerations, Development Guidelines, Maintenance, Planning Enforcement, Building Regulations and Sustainability. The Appraisal within the CAAMPs has chapters covering Context, Townscape Character, Streetscape Character, Architectural Character, Character Areas and Condition and

Threats. The Management Plans of the CAAMPs has chapters covering Additional Considerations, Development Guidelines and Enhancement.

### **3.11 Prioritisation of CAAMP production**

The conservation areas have been prioritised against the following criteria to determine the order in which the 21 CAAMPs are produced:

- The quality and quantity of existing guidance on each conservation area;
- The current condition of the conservation areas and the extent to which their special character has recently been eroded and is perceived to be at risk from future development;
- That the conservation areas taken to Cabinet in each annual tranche are from a variety of locations within the Borough but with clusters being taken forward if more efficient;
- Ongoing related strategic work to the conservation areas that is dependent on the detail provided in the CAAMPs;
- The level of local awareness about the conservation areas.

3.12 The following additional criterion was applied for the selection process of the first tranche of CAAMPs:

- Two small conservation areas were selected to ensure that the quantity of CAAMPs completed was maximised allowing the structure of the documents and the methodology for their production to be tested several times so that it is well established before the larger and more complex areas are assessed.

3.13 Prior to the production of the draft CAAMPs no detailed guidance was available for the four conservation areas which were selected for CAAMP production in the first tranche: Croham Manor Road, Chatsworth Road, Wellesley Road North (both designated at the end of 2008) and The Waldrons (designated 1973).

### **3.14 Non-immediate Article 4 Directions**

3.15 The Spatial Planning Service has considered the benefit of serving Article 4 Directions in the conservation areas for which CAAMPs have been produced to protect and enhance the special character of the areas.

3.16 An Article 4 Direction is a direction which withdraws automatic planning permission granted by the General Permitted Development Order for a particular class of development.

3.17 It is important to note the following:

- That an Article 4 Direction does not prevent the type of development to which it applies; it simply requires that planning permission be obtained for the proposed development which must be sympathetic to the special character of the Conservation Area;

- There is no charge to apply for types of development for which Article 4 Directions have been served, as stipulated by national planning policy.
- 3.18 The use of Article 4 Directions is common across Conservation Areas in London to protect and enhance the special character of Conservation Areas.
- 3.19 The appraisals of the Chatsworth Road and The Waldrons Conservation Areas have revealed several key threats to the gradual and cumulative erosion of the special character of the Conservation Areas due to permitted development. These threats could be mitigated through the serving of Article 4 Directions to remove some permitted development rights for some properties.
- 3.20 It is intended that the Director of Planning and Building Control use his delegated powers to serve Article 4 Directions to remove some permitted development rights for the majority of the properties within the Chatsworth Road Conservation Area and 18 properties in The Waldrons Conservation Area in order to further project and maintain their special character.
- 3.21 The types of development for which Article 4 Directions are proposed in Chatsworth Road is summarised as follows:
- The enlargement, improvement or other alteration of a dwellinghouse (this includes the removal and replacement of windows and doors)
  - The erection of porches
  - Changes to boundary treatments
  - Hard-surfacing of front gardens
- 3.22 The type of development for which Article 4 Directions are proposed in The Waldrons is summarised as follows:
- Changes to boundary treatments
- 3.23 Appendices 7 and 8 give full details of the proposed Article 4 Directions to be served.
- 3.24 It is not proposed to serve Article 4 Directions in Croham Manor Road and Wellesley Road as the appraisal of these areas has not identified substantial risk to these areas from the exercising of permitted development rights.
- 3.25 There are two types of Article 4 Directions:
1. Immediate directions – permitted development rights are withdrawn with immediate effect and without consultation for a period of up to 6 months. To make permanent the immediate Article 4 Directions the Local Planning Authority must confirm them within 6 months following local consultation;
  2. Non-immediate directions – permitted development can only be withdrawn after local consultation for a period of 12 months. Such directions are permanent.

- 3.26 It is considered that serving non-immediate Article 4 Directions is the preferred approach to serving Article 4 Directions in the Chatsworth Road and The Waldrons Conservation Areas because this removes the risk of compensation claims against the Council that would exist if the Council served immediate Article 4 Directions.
- 3.27 If there is significant justifiable objection from residents to the serving of permanent Article 4 Directions then this must be taken in to account by the Council when determining whether to proceed with their permanent adoption.
- 3.28 The introduction of Article 4 Directions to the Chatsworth Road and The Waldrons Conservation Areas could cause some administrative inconvenience to residents seeking to undertake types of development which are normally categorised as permitted development. However, it is considered that the benefit brought through the preservation and enhancement of the special character of Conservation Areas will outweigh this.

#### **4. CONSULTATION**

- 4.1 Before the formal consultation process began, the draft CAGG and CAAMPs went through a process of internal consultation within the Planning and Building Control division. Additionally, the following early informal external engagement was conducted on all the CAAMPs and the CAGG. The three Conservation Area Advisory Panels in Croydon were asked to comment on the draft contents page of the CAGG and make suggestions for additional content and were sent a short questionnaire about the conservation areas that they represent. In the conservation areas where they are in existence, Resident Associations were also sent the short questionnaire about the conservation areas in which the residents they represent reside.
- 4.2 The formal Consultation process for the draft CAGG and CAAMPs has adhered to the Council's adopted Statement of Community Involvement and also the statutory requirements as detailed in paragraph 7 below. It lasted for a period of 8 weeks from the 3<sup>rd</sup> August to the 28<sup>th</sup> September. It involved the following communication methods: an advertisement in The Croydon Guardian, an email to The Conservation Area Advisory Panels and Resident Associations (where they are in existence) for each area informing them of the opportunity to make representations on the documents and notification on the Planning pages of the Croydon Council website.
- 4.3 The following additional consultation methods have been employed for the draft CAAMPs: Letters were sent to every affected owner and occupier within the conservation areas in question and a drop-in event took place on the 6<sup>th</sup> September between 1-4pm and 5-8pm at The Town Hall. This location is within a mile of each conservation area for which a draft CAAMP has been produced, as is required by National Planning Policy.



- 4.4 28 separate responses were received in total on the documents that were generally positive. The majority of the comments related to the Development Guidelines section of The Conservation Area General Guidance.
- 4.5 No major concerns have arisen from the comments and there have been no significant changes to the conservation area guidance documentation that is recommended for adoption.
- 4.6 Some minor modifications were also made to the CAAMPs and CAGG after the documents had been out to consultation. This was for reasons of formatting, legibility and clarity and to ensure consistency between the CAAMP documents and the CAGG.
- 4.7 The publication of The Waldrons CAAMPs has triggered discussion about the future of 34 The Waldrons which is a large Victorian villa located in The Waldrons conservation area that belongs to The Sea Cadets – a charity. It has been unoccupied for several years and was very badly damaged by a fire in 2008. The Council is liaising with the Sea Cadets over to develop a strategy for the future of this site.

## 5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

### 1 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2012/13	2013/14	2014/15	2015/16
	£'000	£'000	£'000	£'000
<b>Revenue Budget available</b>				
Expenditure	1	9		
Income				
<b>Effect of decision from report</b>				
Expenditure	1	9		
Income				
<b>Remaining budget</b>				
<b>Capital Budget available</b>	0	0	0	0
Expenditure	0	0	0	0
<b>Effect of decision from report</b>	0	0	0	0
Expenditure	0	0	0	0
<b>Remaining budget</b>	0	0	0	0

### 2 The effect of the decision

All the costs of preparing the documents, consultation and adoption are accommodated within the existing Spatial Planning budget for 2012/13 and 2013/14. There are no identified funds for the CAAMP programme beyond this financial year.

### 3 Risks

There are no significant risks arising directly from this report.

### 4 Options

If the Conservation Area Appraisals and Management Plans and The Conservation Area General Guidance are not adopted then the benefits outlined above will not be realized and the deterioration of the fabric and the erosion of the special character of conservation areas is likely to continue.

If Article 4 Directions are not served in the conservation areas of Chatsworth Road and The Waldrons then the piecemeal erosion of the special character of these areas is likely to continue.

### 5 Future savings/efficiencies

Officer time required to advice applicants is likely to be reduced due to the provision of better written guidance.

## **6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

- 6.1 The Council Solicitor comments that that there needs to be public participation before a local planning authority can adopt a supplementary planning document
- 6.2 The requirements for public participation are detailed in the Town and Country Planning (Local Planning) (England) Regulations 2012. These have only recently come into force and replace the Town and Country Planning (Local Development) (England) Regulations 2004 under which the process for formulating the draft SPG's was initiated. However by virtue of Regulation 38 of the 2012 Regulations anything done under the 2004 Regulation continues to have effect.
- 6.3 Under the Regulations 12 and 35 of the 2012 Regulations the Council needs to prepare a statement which along with the supplementary document needs to be made available to the public by making it available at its principal office and by publishing on its website.
- 6.4 Regulation 13 then provides for the making of Representations.
- 6.5 Part 2 of the Council's Constitution, reserves matters concerning the Policy Framework to Full Council. The definition of the Policy Framework includes 'The plans and strategies for planning, development and conservation in the Borough comprising the Croydon Plan and other approved and adopted development plan documents and supplementary planning documents which make up the Local Development Framework for Croydon.' Cabinet is therefore being requested to make the necessary recommendations to Full Council.

(Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Council Solicitor & Monitoring Officer).

## **7. HUMAN RESOURCES IMPACT**

- 7.1 There are no Human Resources considerations arising from this report.

Approved by: Adrian Prescod, HR business partner, on behalf of the director, Human Resources & Organisational Effectiveness

## **8. EQUALITIES IMPACT**

- 8.1 The Core Strategy Equalities Impact Assessment applies to all the conservation area guidance documentation that is proposed for adoption and can be viewed at the following weblink:

<http://www.croydon.gov.uk/contents/departments/planningandregeneration/pdf/868213/1149737/corestratequalityimpactssessment.pdf>

**9. ENVIRONMENTAL IMPACT**

9.1 The conservation area guidance documentation encourages the protection and enhancement of the special character of the built environment of conservation areas, sustainable construction and therefore approving the recommendations of the report is likely to have a positive environmental impact.

**10. CRIME AND DISORDER REDUCTION IMPACT**

10.1 This report has no direct impact on Crime and Disorder reduction.

**11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

11.1 To comply with statutory obligations and to improve facilitate the preservation and enhancement of conservation areas in Croydon through the implementation of Conservation Area General Guidance and Conservation Area Appraisal and Management Plans.

11.2 To protect the Chatsworth Road and The Waldrons Conservation Areas from cumulative erosion of their special character by the serving of non-immediate Article 4 Directions to remove some permitted development rights for some properties under the delegated powers given to the Director of Planning and Building Control.

**12. OPTIONS CONSIDERED AND REJECTED**

12.1 The other option would be to not produce any conservation area Supplementary Planning Documents, which as outlined above, is a statutory obligation and not to serve Article 4 Directions to some properties in the Chatsworth Road and The Waldrons Conservation Areas. This would mean that there would be no document to guide development in conservation areas and no Conservation Area Appraisal and Management Plans for the Chatsworth Road, Croham Manor Road, The Waldrons and the Wellesley Road (North) Conservation Areas, which would lead to planning applications being determined on the basis of existing planning policy and guidance that is not considered to be sufficiently detailed or area-specific. This would be likely to result in a continuation in the deterioration of the fabric and the erosion of the special character of conservation areas through poor quality development. If Article 4 Directions are not served in the Chatsworth Road and The Waldrons Conservation Areas then the piecemeal erosion of their special character through poor quality development is likely to continue. On this basis the do nothing option has been rejected.

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**APPENDICES: e-copy only** included on the Council Website for this meeting  
<http://www.croydon.gov.uk/democracy/dande/minutes/committees>

Appendix 1: Conservation Area General Guidance (draft supplementary planning document)

Appendix 2: Chatsworth Road: Conservation Area Appraisal and Management Plan (draft supplementary planning document)

Appendix 3: Croham Manor: Conservation Area Appraisal and Management Plan (draft supplementary planning document)

Appendix 4: The Waldrons: Conservation Area Appraisal and Management Plan (draft supplementary planning document)

Appendix 5: Wellesley Road North: Conservation Area Appraisal and Management Plan (draft supplementary planning document)

Appendix 6: Consultation log of comments and responses on the draft Conservation Area General Guidance and the draft Chatsworth Road, Croham Manor Road, The Waldrons and Wellesley Road Conservation Area Appraisals and Management Plans.

Appendix 7: Article 4 Direction proposed for part of the Chatsworth Road Conservation Area

Appendix 8: Article 4 Direction proposed for part of The Waldrons Conservation Area

Appendix 9: Extract from Department for Communities and Local Government Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995 (978 0017531024).

**BACKGROUND DOCUMENTS: none**