

Report for: Regulatory Committee 15th February 2016

Title: Noel Park Conservation Area Character Appraisal and Management Plan

Report

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Ward(s) affected: Noel Park

Report for Key/

Non Key Decision: Non key

1. Describe the issue under consideration

1.1 Following publication of the draft Noel Park Conservation Area Appraisal and Management Plan for public consultation from 27th November 2015 to 8th January 2016, the document has been amended in light of the representations received. The regulatory committee is now requested to review the finalised draft of the document and recommend it to Cabinet for adoption.

2. Recommendations

2.1 That Regulatory Committee:

- A. Notes the comments received to the consultation on the draft document and how these have been taken into account in the finalising the draft Noel Park Conservation Area Appraisal and Management Plan, highlighted at paragraph 5.18 and set out in the Consultation Statement at Appendix 2;
- B. Recommend to Cabinet that it adopt the finalised draft Noel Park Conservation Area Appraisal and Management Plan as attached at Appendix 2;
- C. Recommends to Cabinet that the Article 4 Direction be extended to include the whole of the Noel Park Conservation Area in accordance with the appraisal recommendations.

3. Reasons for decision

3.1 The Council has a statutory duty to ensure that conservation areas are preserved or enhanced and publish policies for the implementation of the same. The various insensitive alterations within the area have resulted in the conservation area being included in Historic England's 'At Risk' register. It is therefore important that the Council publishes this appraisal along with the management plan to ensure that the significance of the area is preserved or enhanced.

4. Alternative options considered

4.1 The appraisal explores the possibility of leaving the boundaries of the conservation area and the area covered by the Article 4 Direction as they currently are. The proposed addition to the conservation area is contemporary with the Noel Park Estate and has the same architectural and historic significance therefore it was considered preferable that it be recommended for inclusion in the conservation area and given the same protection as the rest of the estate.

4.2 Given the cumulative impact of the loss of architectural detailing, it is imperative that a consistent control over such alterations is implemented across the whole of the conservation area. It is, therefore considered preferable to extend the Article 4 direction (which removes permitted development rights to alterations to the front of the property only).

5 Background information

5.1 Noel Park was designated as a conservation area in 1982 in recognition of its special architectural and historic significance. The estate is a fine example of a planned Victorian artisan estate and the architecture and townscape are of high quality. The Council implemented an Article 4 Direction in 1983 restricting permitted development rights in order to further protect the area's special character. Despite this designation, a great many buildings in the area have been altered poorly with unsympathetic additions, and the Council has been unable to enforce against many of these. Significant harm has been caused to area's character, leading to the conservation area being placed on Historic England's At Risk Register.

5.2 The undertaking of an up to date Conservation Area Appraisal and Management Plan represents an opportunity to address the above issues. It will clearly identify those elements that make the area special and provide further guidance to residents, members and agents on how best to preserve these. It will ensure that decisions going forward are made in the best interests of the estate and reflect the need to preserve and enhance its special character, and it will provide the council a firm basis from which to consistently enforce planning rules.

- 5.3 The appraisal follows relevant guidance published by Historic England. It covers the historical context of the area and provides an assessment of the area's character and special interest. It addresses planning policy and development management issues and provides design guidance. It also includes a review of the boundaries of the conservation area and a recommendation that the boundaries of both the conservation area and Article 4 Direction are extended. A separate process will be followed to extend the Article 4 direction and cabinet will receive a further report about this in due course.
- 5.4 The character appraisal supports the Council's existing Local Plan Strategic Policies and emerging development management policies, and does not seek to introduce new policy.
- 5.5 The appraisal has been produced with support from Historic England, and working with the community under the Community Heritage Initiative Partnership (CHIP). Officers have also worked closely with Homes for Haringey during this time to ensure that the work undertaken by Decent Homes Programme is sensitive towards the character of the area. Thus the document has been produced in close liaison with residents, Homes for Haringey and Historic England.
- 5.6 There are 29 conservation areas in Haringey, designated over a period of 45 years, of which 13 have adopted character appraisals. Noel Park was designated as a conservation area in 1982. The Article 4 Direction implemented in 1983 restricts permitted development (PD) rights to the front of the properties. The conservation area was extended in 1991 to cover most of the original estate, but the Article 4 Direction was not extended at this time and currently only applies to part of the conservation area.
- 5.7 The Council has a statutory requirement to '*...formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas*' under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Conservation area character appraisals are primary evidence-based documents which aid the implementation of approved development plan policies for the preservation and enhancement of conservation areas.
- 5.8 It is important to stress that a character appraisal or management plan **cannot introduce new policy**. The purpose of the appraisal and management plan is to provide a clear indication of the Council's approach to the preservation and enhancement of the Noel Park conservation area, as well as supplement existing planning policy already set out in the Local Plan.
- 5.9 The National Planning Policy Framework (NPPF) issued by the Government in March 2012 requires local planning authorities to set out in their Local Plan a

positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In this regard, character appraisals are primary guidance which define the special character of conservation areas, and identify what is of special architectural and historic interest within them.

- 5.10 The Council's strategy for the conservation and enjoyment of the historic environment takes into account the desirability of new development that makes a positive contribution to local character and distinctiveness. This position is reflected in the Council's adopted UDP and emerging Local Plan Strategic Policies.
- 5.11 The emerging Development Management Plan Policies states that the preservation and enhancement of historic environment should be given highest regard as per statutory duty and should be used as the basis for good design and positive change. All new development should be of the highest standard of design that respects its local context, character and historic significance.
- 5.12 An adopted character appraisal provides a sound basis, defensible on appeal, to implement the Council's approved development plan policies and to inform development management decisions. The appraisal is for the use of local residents, community groups, businesses, property owners, architects and developers and is an aid to the formulation and design of development proposals and change in this particular area. The document will be used by the Council in the assessment of all development proposals.
- 5.13 An adopted character appraisal is taken into account by the Planning Inspectorate when it considers and determines planning appeals. The character appraisal is also helpful to those considering investing in the area, and can be used to guide the form and scale of new development proposals. When funding was sought for grant aid schemes, such as the Townscape Heritage Initiative at Bruce Grove, Tottenham, an adopted character appraisal was essential to demonstrate the value of the area.

Structure of the Noel Park Conservation Area Appraisal and Management Plan

- 5.14 The Noel Park Conservation Area Appraisal and Management Plan has been written to reflect the framework set out in *Understanding Place: Conservation Area Designation, Appraisal and Management*, published by Historic England in March 2011. A brief structure of the appraisal and the issues it addresses is set out below:

- a) **Introduction:** the background and aims of the study, general identity and character of Noel Park Conservation Area and details of its designation;
- b) **Summary of special interest:** a vivid, succinct picture of the overall conservation area as it is today;
- c) **Community based partnership:** details of the Community Heritage Initiative Partnership;
- d) **Location and setting:** the context of Noel Park within the wider settlement and landscape;
- e) **Origin and Development:** The history of the area and its development up to the present day;
- f) **Character Assessment**
An overall assessment of the current character and appearance of the area, including;
- Townscape analysis
 - Layout and plan form
 - Architectural character
 - Hierarchy of streets
 - Boundary treatments
 - Uses within the area
 - Public Realm
 - Trees and open space
 - Views
 - Positive contributors
 - Negative contributors
- g) **Problems, issues and opportunities:** alterations to properties, subdivision of properties, poor quality public realm, opportunity for boundary review, opportunity to upgrade some properties through the decent homes programme, opportunity for public realm enhancements;
- h) **Management plan and design guidance:** details of the council's plans for the management of the area, including:
- Boundary review: proposals to extend the boundaries of the conservation area and Article 4 Direction;
 - The planning process: the council's approach to planning decisions and enforcement; and
 - Design guide: guidance on how to repair and maintain buildings and how to alter them sensitively.

Please see the Appendix 1 for the Noel Park Conservation Area Appraisal and Management Plan.

Community Involvement and Public Consultation

- 5.15 The appraisal has been produced as part of a Community Heritage Initiative Partnership in collaboration with Historic England, aimed at encouraging the local community to better understand their historic surroundings, and engaging with the issues around the future management of the area. The process involved a training workshop for volunteers including representatives from various amenity and conservation societies, the appointment of a group of stakeholders as a steering group who undertook survey work, and then a review of the draft document by stakeholders prior to the formal consultation period. Their observations, where consistent with current planning policy and guidance, have been included in the draft appraisal.
- 5.16 A six-week public consultation of this draft appraisal was undertaken from Friday 27 November 2015 to Friday 8 January 2016, in line with the Council's Statement of Community Involvement (SCI).
- 5.17 Consultation activities included: writing to residents of the conservation area and the proposed extension to the conservation area; issuing a press notice giving details of the consultation; providing paper copies of the draft appraisal to the Wood Green Central Library and making them available at River Park House and Wood Green Civic Centre; publishing the draft document on the Council's website, accompanied by an electronic feedback form to facilitate responses; and holding a drop-in session at Shropshire Hall on 16th December, where officers were available to answer questions and members of the public were invited to comment on the draft document.
- 5.18 Following the consultation period, representations were collated and analysed. A consultation report is included in Appendix 2. The majority of those responding to the consultation supported the adoption of the appraisal and the recommendations of the management plan (including the extensions to the conservation area and Article 4 area), recognising the need to do more to protect the area's heritage. A small number did not support it, many citing the fact that a lot of original features have already been lost.
- 5.19 Notification letters including clear information about the consequences of the designation were sent to all addresses within the proposed extension. There were no objections directly addressing the extension to the conservation area although a small number of respondents indicated that they didn't support it via

the online survey. There were a small number of comments directly addressing the proposed extension to the Article 4 Direction, mainly citing the additional cost and inconvenience of complying with stricter planning rules.

- 5.20 Where appropriate, the draft document was amended to reflect consultation responses. A schedule of amendments is included in appendix 3. Minor amendments were made to the character appraisal and the design guidelines have been refined and added to in order to better reflect the needs of residents.

6 **Implementation**

- 6.1 Should Cabinet formally adopt the Conservation Area Appraisal and Management Plan, officers will notify respondents and property owners in the area of the change to boundary of the conservation area. They will ensure the extension to the conservation area boundary is made to the Borough's Policy Map and that the conservation area designation applying to the new properties is placed on the land registry title.
- 6.2 Officers will also undertake such steps as necessary under the Article 4 Direction legislation to extend this to cover the entire designated conservation area.

7 **Contribution to strategic outcomes**

- 7.1 The Appraisal and Management Plan support the Council's strategic objective 3 (A clean and well maintained and safe borough where people are proud to live and work) by providing a document that in collaboration with resident stake holder groups highlights the architectural and significance of the area. It also gives guidance on how the area can be maintained and enhanced in the future for our future generations to enjoy.

8 **Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

Finance and Procurement

- 8.1 Any costs associated with the adoption and publication of the Conservation Area Appraisal and Management Plan will be contained within existing approved budgets for Planning Policy & Design

Assistant Director of Corporate Governance and legal implications

- 8.2 The Assistant Director of Corporate Guidance has been consulted on the preparation of this report and comments as follows.
- 8.3 Local planning authorities are under a duty to formulate and publish proposals for the enhancement of conservation areas under section 71 Planning (Listed Buildings and Conservation Areas) Act 1990. The power to vary and extend the nature and extent of a conservation area is provided for in sections 69 and 70 thereof and there are associated notification requirements to be complied with. Where the local planning authority publishes proposals for the preservation and enhancement of any parts of their area which are existing conservation areas those proposals shall be submitted for consideration to a public meeting in the area to which they relate and the local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.
- 8.4 The procedure for making and extending Article 4 Directions is contained in Schedule 3 to the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 8.5 The Cabinet will need, following the Regulator Committee's recommendations, to consider the proposals in light of the requirements for not only conservation areas but also Article 4 Directions and provide any necessary authority to action any agreed proposals.

Equality

- 8.6 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - advance equality of opportunity between people who share those protected characteristics and people who do not;
 - foster good relations between people who share those characteristics and people who do not.
- 8.7 This report does not introduce any new policy. The guidance in the document clarifies how the Council's existing planning policy will be implemented, and relates mainly to the architectural character of buildings in the area. It will apply equally across the area. The public consultation period, highlighted at paragraph 5.18 and set out in the Consultation Statement at Appendix 2, allowed for any equalities issues to be raised and none were.

8.8 The report includes guidance about the installation of access ramps in front gardens, which does not prohibit their installation but offers advice about appropriate design.

9 Use of Appendices

Appendix 1: Noel Park Conservation Area Character Appraisal and Management Plan for adoption

Appendix 2: Consultation Statement

Appendix 3: Schedule of amendments

10 Local Government (Access to Information) Act 1985

- a) Planning (Listed Buildings and Conservation Areas) Act 1990
- b) Town & Country Planning (General Permitted Development) (England) Order 2105
- c) National Planning Policy Framework (NPPF), March, 2012;
- d) Planning Policy Statement (PPS) 5 Practice Guide, English Heritage, March 2010;
- e) Understanding Place: Conservation Area Designation, Appraisal and Management, English Heritage, March 2011.