

**Report for:** Cabinet

**Title:** Consultation on draft Conservation Area Appraisal and Management Plans for Bruce Castle, Tottenham Cemetery, Tower Gardens and Peabody Cottages, and draft Local Heritage List

**Report authorised by :** Emma Williamson, Assistant Director, Planning

**Lead Officer:** Lucy Morrow, Conservation Officer (x4497)

**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Key

## **1 Describe the issue under consideration**

- 1.1 Cabinet is requested to approve four draft Conservation Area Appraisal and Management Plan documents (attached at appendices 1-4), and the draft Local Heritage List (attached at appendix 5) for a six week public consultation.
- 1.2 The conservation area appraisals relate to four adjoining Conservation Areas in the Bruce Grove/Lordship Lane area; Bruce Castle, Tottenham Cemetery, Tower Gardens and Peabody Cottages. Each document includes a comprehensive appraisal of the Conservation Area, and sets out the Council's strategy for managing the area going forward in order to protect its special character, including design guidelines. A summary of the special interest of each Conservation Area is provided at paragraph 6.9 below.
- 1.3 Small changes are recommended to the boundaries of Bruce Castle and Tottenham Cemetery Conservation Areas, described in 6.10 below. In both cases, the recommendation is for the removal of a small part of the Conservation Area designation. Proposed boundary changes would come in to effect when the finalised documents are adopted following the consultation.
- 1.4 The Local Heritage List identifies locally significant buildings and structures across the borough that are not included on the statutory list, or covered by other statutory designations. The consultation document includes new selection criteria for identifying locally significant assets, guidance on the management of local heritage assets through the planning process, and a list of buildings and structures recommended for inclusion on the list with short descriptions of each.

- 1.5 The document is the result of a comprehensive review of the Council's existing local list, which brings it in line with current policy, guidance and 'best practice'. 209 possible additions to the list were assessed, of which 68 are recommended for inclusion. Of the buildings on the existing list, 185 are retained and it is recommended that 168 buildings and structures are removed from the list; either because they are already protected by statutory; have been lost or extensively altered, or clearly do not meet the selection criteria. Please refer to appendix 8 for a full list of properties added to and removed from the list.
- 1.6 Following the consultation, the draft documents may be amended having regard to representations received. They will be referred back to Cabinet for adoption by the Council in early 2019.

## **2 Cabinet Member Introduction**

- 2.1 The Council is committed to preserving and enhancing the special character of our conservation areas, and ensuring the proper management of our nationally and locally significant built heritage. Local heritage listing and conservation area appraisals that are up-to-date, clear and informative are essential tools to help us achieve this going forward. These documents will play a significant role in positive future management of the borough's heritage and provide clarity for developers, residents, and the Council. The appraisal documents are part of an ongoing programme of work to renew Conservation Area Appraisals and Management Plans across the borough.
- 2.2 The Council undertakes a large amount of conservation work, of which updated guidance documents such as these are an integral part. This includes working towards the repair of at risk heritage assets, promoting sensitive reuse of such buildings and assisting in securing funds for restoration, and working with partners to improve the character and appearance of conservation areas, for example through shop front improvement projects. The new documents will support and inform projects such as these going forward.
- 2.3 The documents will support Haringey's Local Plan policies relating to management of the historic environment, which set out the Council's intention to ensure the conservation of the significance of Haringey's heritage assets, and support the use of the historic environment as a basis for heritage-led regeneration, good design and positive change. They will provide a sound basis for development management decisions, allowing the Council to effectively manage large and small-scale development, enforce against unauthorised works, and protect conservation areas and local heritage assets from harm caused by inappropriate development.

- 2.4 The methodology for preparing these documents follows the latest guidance published by Historic England. They clearly identify what is special about these heritage assets, and provide further guidance to all on effective management.

### **3 Recommendations**

- 3.1 That Cabinet notes the comments of the Regulatory Committee and notes the officer response set out at paragraph 7.1.1.
- 3.2 That Cabinet approves the draft Conservation Area Appraisal and Management Plan documents and draft Local Heritage List, attached at Appendices 1-5, for a six-week public consultation and authority is delegated to the Assistant Director for Planning to make any applicable amendments to these documents arising out of cabinet meetings prior to consultation.
- 3.3 The documents will be amended having regard to representations received at consultation, and will be referred back to Cabinet for adoption in early 2019.

### **4 Reasons for decision**

- 4.1 The Council's adopted Statement of Community Involvement sets out our commitment to involving residents, local communities and other interested parties in the plan-making process through consultation. There is a statutory requirement that the Council's proposals for the preservation and enhancement of conservation areas be submitted for consideration at a public meeting (Planning (Listed Buildings and Conservation Areas) Act 1990 section 71). It is considered good practice to engage with local communities on heritage issues.

#### Conservation Area Appraisals

- 4.2 The Council has a statutory duty to ensure that conservation areas are preserved or enhanced, and publish policies for the implementation of the same (Planning (Listed Buildings and Conservation Areas) Act 1990, 71 and 72). The Council's adopted Local Plan policies support the conservation of the significance of the Borough's heritage assets (SP12, DM9), and require decision makers to have regard to appraisals and management plans when considering the impact of proposals on the historic environment (DM9 C).
- 4.3 Tottenham Cemetery, Tower Gardens and Peabody Cottages Conservation Areas do not have adopted appraisals. The current appraisal Bruce Castle Conservation Area has not been updated since 2009, and is considered out of date. The new document provides an updated survey of the area, and includes a management plan, design guidelines and a comprehensive boundary review, which are not included in the current Bruce Grove Appraisal. It is therefore

important that the Council publishes these appraisals along with the management plans in order to support the Council's local plan policies and ensure that the significance of the area is preserved and enhanced. A summary of the special interest of each conservation area is provided at paragraph 6.9 below. A summary of the content and structure of the new appraisal documents is provided at 6.10 below.

- 4.4 Up-to-date Appraisals will provide a sound basis for development management decisions that is defensible on appeal, and will serve as a useful guide for property owners and those bringing forward heritage projects and development proposals as to how best to preserve and enhance each area's character. In some cases, the character of these Conservation areas has been harmed or is vulnerable to harm through inappropriate (often small-scale) development. These documents will be a valuable tool in addressing this.
- 4.5 The appraisals also include a comprehensive review of each conservation area's boundary, with recommendations for small revisions in some cases. It is important that the Council publish these recommendations with a view to revising the boundaries after consultation to ensure that conservation area designations are warranted, meaningful, and in line with statutory requirements and national policy. There is a statutory duty to review conservation area designations from time to time (Planning, (Listed Buildings and Conservation Areas) Act 1990, 69) and the Council must ensure that designated conservation areas are of sufficient special architectural or historic interest, in line with the National Planning Policy Framework (paragraph 186) and Historic England guidelines. The proposed boundary changes are described in 6.11 below.

#### Local Heritage List

- 4.6 The NPPF (paragraph 184) requires that local planning authorities to set out 'a positive strategy for the conservation and enjoyment of the historic environment' in their Local Plan. Emphasis is placed on recognising that heritage assets are an 'irreplaceable resource' and should be conserved 'in a manner appropriate to their significance'. These requirements apply to buildings identified on the Local Heritage List, which are included within the definition of heritage assets in the NPPF. Paragraph 197 of the NPPF states that such 'non-designated' heritage assets can merit consideration in planning matters, with the authority taking a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
- 4.7 The Government's Planning Practice Guidance (paragraph 39) suggests that local authorities create locally administered lists of undesignated sites that have been identified as having heritage interest meriting consideration in planning decisions. This is considered a sound, consistent and accountable way of

identifying non-designated heritage assets, clarifying what it is about them that is significant, and ensuring this is given due consideration when changes affecting the historic environment are proposed. Recent guidance from Historic England supports this approach.

- 4.8 The process of preparing a local heritage list is also an opportunity for local authorities and communities to work in partnership, celebrate heritage that is valued by the community at the local level, and promote engagement in heritage issues. It is considered good practice for sustainable management of the historic environment.

## **5 Alternative options considered**

- 5.1 The existing conservation area appraisal for Bruce Castle was updated in 2009, and is considered out of date. The area has undergone some changes since then, and best practice guidance for conservation area appraisals has evolved. Tottenham Cemetery, Peabody Cottages and Tower Gardens do not have adopted appraisals. Continuing to manage these areas without up-to-date documents in place is not considered advisable.
- 5.2 The document includes recommendations for alterations to the boundaries of the conservation area. The option of leaving the boundaries as they currently are has been considered but this course is not recommended. The National Planning Policy Framework (Paragraph 186) states that “When considering the designation of conservation areas, local planning authorities should ensure that the area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest”. In cases where there is no discernible special character, the designation is unhelpful.
- 5.3 Haringey’s existing local list is considered out of date, and not fit for purpose. It has not been revised since 1997, and many entries have not been reviewed since the list was first adopted as part of the 1976 Borough Plan. There is no published selection criteria, rationale or descriptions relating to the listings. The legislative and policy context, and the role that local listing has within the planning process have changed considerably since the listings were first compiled. Continuing to refer to this list is not considered advisable. Inclusion of clear selection criteria and listing descriptions that relate to current national and local heritage policy is considered essential if the Local Heritage List is to be an effective tool in managing change.

## **6 Background information**

- 6.1 It is important to stress that the draft documents included with this report do not introduce new policy. The documents will form part of the evidence base supporting the Council's Local Plan. Their purpose is to support existing planning policy already set out in the Local Plan.
- 6.2 The National Planning Policy Framework (NPPF) issued by the Government in July 2018 requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. Pursuant to this requirement, conservation area appraisals define the special character of conservation areas and set out positive strategies for their future management and enjoyment. Local heritage listing proactively identifies non-designated heritage assets that are significant enough to warrant consideration in the planning process, and sets out the framework for identifying and managing these assets in the future.

#### Conservation area appraisal and management plans

- 6.3 There are 28 conservation areas in Haringey, designated over a period of 45 years, of which 14 have adopted character appraisals. The Council is undertaking a rolling programme of producing Conservation Area Appraisals and Management Plans, as well as reviewing those existing appraisals that are outdated. Details of the ongoing work programme is provided at appendix 6.
- 6.4 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. When adopted, these documents will have the status of evidence-base documents that aid the implementation of approved development plan policies for the preservation and enhancement of heritage assets. Prior to adoption, the documents will be screened to determine whether a Strategic Environmental Assessment is appropriate under the provisions of the SEA Directive (European Directive 2001/42/EC).
- 6.5 Haringey's Local Plan policies relating to management of the historic environment are SP12 in Haringey's Strategic Policies (2017), which sets out the Council's intention to ensure the conservation of the significance of Haringey's heritage assets, and supports the use of the historic environment as a basis for heritage-led regeneration, good design and positive change, and DM9 Management of the Historic Environment, in Haringey's Development Management DPD (2017), which sets out the Council's approach to managing development affecting heritage assets in more detail, and requires that the Council have regard to character appraisals and management plans when considering the impact of proposed development on the historic environment.

- 6.6 An adopted character appraisal provides a sound basis (defensible on appeal) to implement the Council's approved development plan policies relating to the conservation area, and to support development management decisions. The appraisals are for the use of local residents, community groups, businesses, property owners, architects and developers. The Council will use the documents in the assessment of all development proposals, and the Planning Inspectorate will take them into account when it considers and determines planning appeals.
- 6.7 The appraisals will also be helpful to those considering investing in the area, and can be used to guide conservation projects and new development proposals. When funding is sought for grant aid schemes, such as the recent Townscape Heritage Initiative in North Tottenham, an adopted character appraisal is essential to demonstrate the value of the area.

### **Structure of the Conservation Area Appraisal and Management Plans**

- 6.8 The Conservation Area Appraisals and Management Plans have been written to reflect the framework set out in *Historic England, Historic Environment Advice Note 1: Conservation Area Designation, Appraisal and Management (2016)* As well as other relevant guidance. Historic England in March 2011. A brief structure of the documents is set out below:

#### ***Appraisal***

- **The summary of special interest:** a succinct description of the overall character of the conservation area.
- **Comprehensive appraisal:** recording the special character of the area covering; location and setting, historical development and archaeology, architectural quality, public realm, and condition and development pressure.
- **Audit:** A record of all buildings in the area, indicating whether they make a positive, negative or neutral contribution.

#### ***Management Plan***

- **Principles for development management:** Setting out the Council's approach to managing new development, including when planning permission is required, expectations for applications, and relevant policies.
- **Boundary Review:** In some cases there are proposals for minor changes to the conservation area boundary – refer to maps included in the draft documents

#### ***Preserving and Enhancing the Conservation Area***

A set of accessible illustrated Design Guidelines detailing how the special character should be preserved or enhanced covering; shop front design, making changes to listed buildings, extensions, external maintenance and facade restoration, and window and door replacements.

Please see appendices 1 - 4 for the draft documents in full.

## Descriptions of the Conservation Areas

6.9 The four adjoining conservation areas covered here are located in Tottenham, to the north of Lordship Lane.

- **Tower Gardens** is widely recognised as an important pioneering housing estate and as one of the three seminal London County Council suburban cottage estates of the pre-First World War period. It is of special interest as an exemplar of the pioneering social policies of the LCC in the early years of the 20<sup>th</sup> century, and of the work of the LCC's renowned Architects' Department, for the introduction of garden suburb planning principles, and for the use of Arts-and-Crafts and vernacular architectural features in its design, combined with a high degree of craftsmanship and good quality materials. The estate was one of the first of the LCC's new suburban estates for the working class. Its distinctive character owes much to the combination of social commitment with aesthetic ambition that was to characterise the LCC's housing developments over the ensuing half century. The key characteristics of the conservation area are: The underlying structure and discipline of the street layout, and the similar massing and eaves level of the terraces, the high-quality design of the individual terraces including the use of Arts-and-Crafts and vernacular details and materials, and the good quality of the street scene especially where surviving privet hedges maintain a continuous green frontage to the individual terraces.
- **Peabody Cottages** is an important surviving example of a charitably funded suburban development of the early twentieth century, providing new and affordable housing for working-class people, providing an interesting comparison to the adjoining contemporary LCC White Hart Lane estate. It is interesting in a regional context as the only Peabody estate to consist entirely of cottages. Although the design of the individual terraces is unremarkable for its time, it is the consistency and coherence provided by the repetition of simple elements and the coordinated street frontage, together with its generally good state of preservation, that positively contribute to the highly attractive character of this small enclave. It also has historic interest in a regional context as

one of only two cottage estates to be built by Peabody Trust, one of London's oldest and largest providers of social housing.

- **Bruce Castle Conservation Area** has considerable historic and architectural significance. It is important for the survival of three important historic buildings. Bruce Castle (listed Grade I), one of the oldest buildings in Haringey, is an important survival from the Tudor period with well-documented earlier origins. Special interest attaches to the historic and architectural significance of Bruce Castle and its associated structures, and to the relationship between the house and surrounding park. All Hallows Church (listed Grade II\*) dates from the fourteenth century onwards but with earlier medieval origins. The survival of both church and manor house represents a continuity that is rare in Greater London. The Priory (listed Grade II\*), a fine example of a Middlesex gentry farmhouse, completes this important grouping. The conservation area is also important for the survival of historically significant open spaces that have been surrounded by later dense suburban development. The three principal open spaces within the conservation area are Bruce Castle Park, All Hallows Churchyard and the forecourt to Edmanson's Court in Bruce Grove.
- **Tottenham Cemetery** is a good example of a Victorian cemetery, with original paired chapels (listed Grade II) and features of interest from later phases including the distinctive tunnel and several sets of entrance gates. It is of particular note for the tomb of William Butterfield, a major figure of the Victorian Gothic Revival who designed the chancel to All Hallows' parish church adjoining the cemetery. While the majority of monuments are relatively modest, it is of interest as a cemetery that served the local population, the history of which can be traced through the many surviving headstones and memorials. It is also of interest for the war memorial, the Commonwealth War Graves headstones and other memorials e.g. to civilians who perished in WW2 and to members of the Tottenham Fire Brigade. It is a tranquil green space within a densely built up area with many mature trees and a varied character including the incorporation of an earlier landscape in the Garden of Peace and the natural feature of the Moselle brook. It is also of interest as a nature conservation area of borough importance.

### **Proposed changes to conservation area boundaries**

- 6.10 **Bruce Castle:** The exclusion of the post-war blocks of flats in Beaufoy Road (William Atkinson House and William Rainbird House) is proposed. These form a discrete block at the edge of the conservation area, and are of no architectural merit. Please refer to the boundary review map in appendix 7.



**Tottenham Cemetery:** The exclusion of the allotments to the northeast of the cemetery is proposed. While the tree planting around the periphery of the allotment contributes to the setting of the cemetery, the area does not itself possess the special architectural or historic interest to warrant conservation area designation. It is however protected by its status as Metropolitan Open Land. . Please refer to the boundary review map in appendix 7.



## The Local Heritage List

- 6.11 Creating a local heritage list is a way for local councils and communities to identify and celebrate historic buildings that enrich and enliven their area. Local heritage lists sit within a continuum of measures for identifying and protecting heritage, which includes World Heritage Sites at the international level, national designations such as listed buildings, and scheduled monuments, and conservation areas.
- 6.12 The Local Heritage List identifies buildings that are not recognised by the above statutory designations, but have local value and heritage interest meriting consideration in planning decisions. Inclusion on a local list delivers a sound, consistent and accountable way of identifying local heritage assets to support planning decisions and good strategic planning for the area and to the benefit of owners and developers wishing to understand local development opportunities and constraints.

- 6.13 It is important to realise that local heritage listing is not a statutory designation, and does not afford any additional legal protection such as additional consent requirements or restrictions on permitted development rights. However, the fact that a building or site is on a local list means that its conservation as a heritage asset is an objective of the NPPF and a material consideration when determining the outcome of a planning application (NPPF, paragraph 8 and 184). The NPPF requires that in deciding applications for planning permission that affect a locally listed heritage asset or its setting, local planning authorities should take into account the desirability of sustaining and enhancing the significance of the assets and of putting them to viable uses consistent with their conservation (NPPF paragraphs 184 and 192).
- 6.14 The level of protection afforded by local heritage listing depends on how the local heritage list is prepared. The sounder the basis for the addition of an asset to the local heritage list, the greater the weight that can be given to preserving the significance of the asset. Publication of clear selection criteria that relate to the definition of significance on the NPPF to support the listings is essential to achieving effective protection.
- 6.15 The absence of any particular asset from the published local heritage list does not necessarily mean that it has no heritage value. It might be the case that the asset is yet to be identified, or does not currently meet the criteria for inclusion. It may be the case that a particular asset is only identified when a planning application comes forward, in which case its significance can be assessed against the published selection criteria, and it may be treated as a non-designated heritage asset in the decision making process. It is considered good practice to regularly review and update the local heritage list, at which point any newly identified assets meeting the selection criteria can be added.
- 6.16 Haringey has an existing published local list, which was adopted as part of the 1976 Borough Plan. It has not been revised since 1997, and many entries have not been reviewed since the list was first adopted. There is no published selection criteria for the list, and revisions of the list have been inconsistent. There are 358 sites identified on the existing list (1177 individual buildings). The proposed draft list is the outcome of a comprehensive review of the existing list, in which every entry on the existing list and 209 new nominations were assessed against updated selection criteria. 168 buildings and structures are removed from the list; either because they are already protected by statutory; have been lost or extensively altered, or clearly do not meet the selection criteria. In many cases, the removed entries are within conservation areas, and their heritage value is appropriately recognised and protected by that designation, making local listing redundant. Where buildings within a conservation area are also included on the local heritage list it is because specific local heritage value that is separate from its contribution to the

conservation area is identified. Please refer to appendix 8 for a full list of properties added to and removed from the list.

- 6.17 The draft list has been prepared in collaboration with local heritage groups across the borough, who were invited to participate in reviewing existing entries and suggesting new ones in their area. The majority of the new entries on the list have been suggested by local groups with specific knowledge of the area.
- 6.18 The Local Heritage List supports Haringey’s Local Plan policies relating to management of the historic environment, and should be read in conjunction with these. SP12 in Haringey’s Strategic Policies (2017) sets out the Council’s intention to ensure the conservation of the historic significance of Haringey’s heritage assets including Locally Listed Buildings, and supports the use of the historic environment as a basis for heritage-led regeneration and as a basis for good design and positive change. DM9 Management of the Historic Environment, in Haringey’s Development Management DPD (2017) sets out in more detail the Borough’s approach to managing development affecting heritage assets. DM9 F refers specifically to Listed and Locally Listed buildings and sets out the Council’s intention to secure the future of these buildings.

**Proposed selection criteria for the Local Heritage List**

- 6.19 Nominated buildings or structures should meet at least one of the criteria from each column (‘Interest’ and ‘significance’), and at least one additional criteria from either column. We will consider built structures only (buildings, boundary walls, statues, street furniture, bridges, signage, etc.). Trees, landscapes, open spaces etc. are not eligible for inclusion. Only structures that are not already statutory listed are eligible.

<p><b>INTEREST</b> To ensure that the list reflects recognised heritage values, nominations must have at least one of these qualities.</p>	<p><b>SIGNIFICANCE</b> To ensure that the list entries are significant enough to warrant the designation, and that the designation is not devalued, nominations must meet at least one of these criteria.</p>
<p><b>Historical associations, evidential or illustrative value:</b> The structure is closely associated with historical people or events of local or wider interest, or it provides evidence about, or is illustrative of, the area’s history.</p> <p><b>Social or community value:</b> The structure is well known, makes a considerable contribution to sense of place or community identity, or is closely associated with</p>	<p><b>Rarity (in the local area):</b> The building exemplifies a quality that is unique or unusual, or is one of few remaining examples where others have been lost.</p> <p><b>Representativeness:</b> The structure is a particularly fine example of a quality or typology.</p> <p><b>Integrity:</b> It is unusually well preserved or has coherence or completeness in</p>

<p>particular functions, events, groups, traditions or memories that are of importance to the community as a whole.</p> <p><b>Architectural or townscape value:</b> Design, construction, artisanship, decoration, layout or urban form is of interest. The structure could be representative of a particular style, architect, movement, pattern of development or technology, or it could be distinctive, innovative or of exceptional quality.</p> <p><b>Aesthetic value:</b> The structure makes an important contribution to visual appeal, views, streetscape or townscape (perhaps as a focal point or landmark) or is unusually attractive in appearance.</p>	<p>composition, either in itself or as part of a group.</p> <p><b>Age:</b> Dates from the earlier part of the borough's development – early Victorian or before.</p> <p><b>Innovative or influential:</b> The first or an early example of a particular quality, or was an influence on future development in the area or more widely.</p>
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### Structure of the Local Heritage List

6.20 The Local Heritage List has been prepared following guidance in *Historic England, Historic Environment Advice Note 7: Local Heritage Listing (2012)* as well as other relevant guidance.

#### *Part 1: The Local Heritage List*

- **About the Local Heritage List:** A clear explanation of the role and scope of the list, and how it related to national and local policy and legislation
- **Decision making and the planning process:** Information on protection offered by local listing, and how the Council will assess planning applications affecting list entries, including guidelines on what kind of development is appropriate
- **Preparing the List:** A description of the process in involved in arriving at the current list, and principles for its future management including revisions and new additions
- **Selection Criteria:** A clear and accessible explanation of the selection criteria for the local heritage list
- **Draft List:** A list of all the buildings to be included on the list with their addresses. These are organised by neighbourhood area, and indicated on maps of each neighbourhood.

## *Part 2: Listing Descriptions*

- **Descriptions:** A short description of each entry on the list, indicating which selection criteria are met; illustrated with current photographs and a site plan
- **Alphabetical Listing:** The entries organised alphabetically by address for reference

Please see appendix 5 for the draft document in full.

### Community Involvement and Public Consultation

- 6.21 Public consultation on the draft documents will be undertaken in line with the Council's Statement of Community Involvement (SCI). Statutory consultees and subscribers to the planning policy team's consultation database will be notified by email. The consultation will be publicised through a press notice and on the Council's website. Paper copies of the draft appraisals will be issued to local libraries. They will be published on the Council's website, accompanied by an electronic feedback form to facilitate responses to the Council. Public meetings will be arranged in the local area where officers will be available to discuss the consultation. A six-week period of public consultation is proposed.
- 6.22 The Council will notify all addresses located within each conservation area in writing, and write individually to each address affected by the Local Heritage List. In some cases, it may be appropriate to contact other parties with an interest in properties affected by local listing such freeholders who are not the current occupier.
- 6.23 The final character appraisals and local heritage list, with any amendments arising from the consultation, will be referred back to Cabinet in early 2019 for adoption, together with a report to Cabinet detailing how the input from the community has been evaluated and taken into account.

## **7 Contribution to strategic outcomes**

- 7.1 These documents 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 information that highlights the architectural and historical significance of locally and nationally important heritage. It also gives guidance on how the area can be maintained and enhanced in the future for our future generations to enjoy.

### **7.1.1 Regulatory Committee Comments**

The Regulatory Committee considered this report, prior to Cabinet on the 18<sup>th</sup> of October, in line with constitutional requirements, set out at section B, section 7, paragraph 2 (f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, planning, conservation or regulatory issues. The Committee recommended that Cabinet reconsider the decision to remove Council owned education buildings from the Local Heritage List due to concerns over the quality of any future development of the school sites. The Assistant Director- Planning response is to partly accept this informal recommendation. It is proposed to continue to remove the schools which are in Conservation Areas in line with the approach with other buildings that were proposed in conservation areas as these already have statutory protection but to leave West Green School on the local list as it isn't in a conservation area.

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

### Finance and Procurement

- 8.1 Any costs associated with the consultation and the publication of the adopted documents will be contained within existing approved budgets for Planning Policy & Design.

### Assistant Director of Corporate Governance and legal implications

- 8.2 As noted in the report there is a duty under section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ("the Act") for a local planning authority ("LPA") from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate those areas as conservation areas. Under section 69(2) of the Act from time to time the LPA shall review the past exercise of the functions noted above. The appraisals are part of this review process.
- 8.3 The designation of a conservation area will have several planning consequences. These include (and are not limited to):
- Restrictions (and potential criminal offence) concerning demolition in a conservation area without express planning permission.
  - The statutory duty under section 72 of the Act will be engaged, when determining planning applications in a conservation area to pay special attention to the desirability of preserving or enhancing the conservation area.

- The statutory duty noted in the report under section 71 of the Act from time to time to formulate, publish proposals and hold a public meeting about them, for the preservation and enhancement of the conservation area. As the report notes the appraisals will assist in the formulation of these proposals in the development plan policies.
- In determining planning applications, these policies regarding conservation areas will then become engaged. Part 16 of the government's National Planning Policy Framework will also apply.
- Restrictions on cutting down, topping, lopping, or uprooting trees in a conservation area.
- Greater restrictions for certain otherwise permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").
- Restricts the power of the secretary of state to cancel or modify an immediate article 4 direction (restricting permitted development rights) under the GPDO for certain classes of development.
- Greater controls to display certain types of advertisement under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8.3 No formal consultation requirements are imposed by the Act, however as the report states public consultation lasting 6 weeks is proposed. A public meeting will also be arranged, and all the consultation responses should be properly considered.

### Equality

8.4 The Council has a public sector equality duty under the Equality Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the above 2010 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.

- 8.5 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.
- 8.6 The community will be consulted on the draft conservation appraisals and management plans, in accordance with the council's statement of Community Involvement. Input from the community will inform the final character appraisal which is due to be presented to Cabinet in 2017. Any concerns from particular communities or groups of residents arising from this consultation will be highlighted as part of this report.

## **9 Use of Appendices**

Appendix 1: Draft Bruce Castle Conservation Area Appraisal and Management Plan for consultation.

Appendix 2: Draft Tottenham Cemetery Conservation Area Appraisal and Management Plan for consultation.

Appendix 3: Draft Tower Gardens Conservation Area Appraisal and Management Plan for consultation.

Appendix 4: Draft Peabody Cottages Conservation Area Character Appraisal and Management Plan for consultation.

Appendix 5: Draft Local Heritage List

Appendix 6: Planned programme of Conservation Area Appraisal and Management Plans

Appendix 7: Maps of proposed changes to Conservation Area Boundaries

Appendix 8: Alphabetical list of properties proposed to be removed from and added to the Local Heritage List

## 10 Background Documents

- a) Planning (Listed Buildings and Conservation Areas) Act 1990
- b) National Planning Policy Framework (NPPF), July 2018;
- c) Historic England Advice Note 1, Conservation Area Designation, Appraisal and Management, February 2016
- d) Historic England, Historic Environment Advice Note 7: Local Heritage Listing (2012)