

## **Caxton Avenue Conservation Area Appraisal (Planning Policy, Mike Corbett)**

### **Synopsis of report:**

Members will recall that, at the Planning Committee meeting on the 9<sup>th</sup> November 2022, approval was given to go out to public consultation on the draft Caxton Avenue Conservation Area Appraisal for a period of four weeks. This public consultation occurred from Friday 18<sup>th</sup> November until Friday 16<sup>th</sup> December 2022.

This consultation included contacting individual property owners located within, and surrounding the proposed Conservation Area, and emailing all of those on the Council's Planning Policy consultation database.

In addition, a public meeting was held on 1<sup>st</sup> February 2023 as required by section 71 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. This was to allow the opportunity for members of the public to discuss their views on the proposed designation in person with officers.

A total of six written responses were received during the period of public consultation – three from statutory consultees and three from local residents (see the first part of Appendix 2). No changes were required to be made as a result of these responses.

There were eight attendees at the public meeting held on 1<sup>st</sup> February, where a range of issues and concerns about the potential designation were discussed.

Due to the concerns raised at this meeting, it was agreed that officers would provide local residents with further information about the potential impacts of the designation and also, that a further period of public consultation would take place between the 10<sup>th</sup> and 28<sup>th</sup> February 2023. This additional consultation resulted in a further 13 responses being received (see the second part of Appendix 2). These responses set out a variety of views, with seven opposing and six supporting the designation.

After considering all the responses received overall, it is still the view of officers that the area in question (and as shown on the map at Appendix 1) is worthy of designation as a Conservation Area. The Council has a duty under section 69 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to 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 and enhance and designate as Conservation Areas. Officers are of the opinion that the proposed Caxton Avenue Conservation Area merits this designation.

As such, the Planning Committee is asked to approve the designation of the Caxton Avenue Conservation Area and to adopt the associated Caxton Area Conservation Area Appraisal.

### **Recommendation (s): The Planning Committee is recommended to APPROVE:**

**1. The designation of a new Conservation Area at Caxton Avenue and adoption of the Caxton Avenue Conservation Area Appraisal as technical planning guidance. This is subject to the Local Planning Authority giving notice to the Secretary of State, the Commission (Historic England) and publishing particulars of its effect in the London Gazette and in at least one newspaper**

**circulating in the area of the local planning authority, as required by section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

## **1. Context of report**

- 1.1 The provisions for Conservation Area designation and management are set out in the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter referred to as the Planning Act). The legislation requires local planning authorities to 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 and enhance and designate as Conservation Areas.
- 1.2 Understanding the character and significance of Conservation Areas is essential for managing change within them. It is a requirement, under the Planning Act, that all Local Planning Authorities formulate and publish proposals for the preservation and enhancement of Conservation Areas within their area and that these are periodically reviewed.
- 1.3 The potential for a new Conservation Area at Caxton Avenue was discussed informally with Members at a meeting of the Infrastructure and Economic Development Working Party on 20<sup>th</sup> October 2021 and then Members were updated on the background work that had been undertaken to underpin this potential designation at a Planning Policy Briefing on 5<sup>th</sup> October 2022.
- 1.4 At the Planning Committee meeting on 9<sup>th</sup> November 2022, Members approved the draft Conservation Area Appraisal for public consultation for a period of four weeks from Friday 18<sup>th</sup> November until Friday 16<sup>th</sup> December 2022.

## **2. Report and, where applicable, options considered**

- 2.1 One of the purposes of this report is to inform Members of the representations received during the two consultation periods on the Caxton Avenue Conservation Area designation proposal and the supporting Appraisal document (see Appendix 1).
- 2.2 The draft Conservation Area Appraisal underwent public consultation between 18<sup>th</sup> November and 16<sup>th</sup> December 2022 and further consultation took place between 18<sup>th</sup> and 28<sup>th</sup> February 2023. This included consulting individual property owners located within and surrounding the proposed Conservation Area and emailing all of those on the Council's Planning Policy consultation database.
- 2.3 A public meeting was held on 1<sup>st</sup> February 2023, as required by section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This was to allow members of the public to express their views in person on the proposed designation. Eight people attended and a variety of views were expressed, including support and opposition to the proposed designation.
- 2.4 The six responses received during the first round of public consultation have been fully considered by officers. See Appendix 2 for a summary of the consultation responses received and the officer responses to these.
- 2.5 In summary, the responses from the first consultation period stated:

- Support the proposed Conservation Area designation;
- That the proposed boundaries of the Conservation Area have been correctly drawn;
- That the information in the Appraisal document is relevant;
- That it would be beneficial for the conservation of all the aspects of the character and appearance of the area including trees, landscape and public spaces be put on a statutory basis as the trees, frontages and verges require careful and sympathetic management;
- That the Garden Village movement is back on the agenda for helping solve the housing shortage. This makes the preservation of the remaining original examples relevant and locally important.

2.6 Following on from the initial round of public consultation, and the public meeting that was held on 1<sup>st</sup> February 2023, additional information was provided to residents in relation to what restrictions would result from the potential designation of a Conservation Area. This related to the Permitted Development Rights that would be removed from the area following its designation as a Conservation Area. This information was sent to residents and was intended to assist them when making their submissions during the second period of consultation.

2.7 There were 13 responses received during the second period of public consultation. Again, Appendix 2 provides a summary of the comments made and the officer responses to them. During this second period of consultation, residents were split in their views on the designation, with six expressions of support for the designation and seven objections. The objections covered the following grounds:

- Lack of / insufficient consultation with residents and information on the impact of the Conservation Area designation;
- No consensus in favour of the designation amongst residents;
- Concern about the potential negative impact on property prices;
- Loss of Permitted Development Rights and the ability to make beneficial changes to properties resulting in a restriction of the enjoyment of the property, particularly in relation to those with restricted characteristics under the Equalities Act 2010.
- Restrictions and additional costs associated with tree management;
- The Council already has sufficient powers to protect the existing aesthetic of the area;

2.8 Across the two periods of consultation there were three responses of no comment / no objection to the proposed designation, nine representations in support (including from Historic England) and seven against, including from the local Caxton Avenue 2001 Ltd Residents Association on the basis that there was no consensus in favour of the designation between residents.

2.9 There was one change made to the Conservation Area Appraisal because of these responses- specifically, the note that discusses the redevelopment of number 23 Caxton Avenue has had the date of the fire amended from January 2019 to January 2020 based on feedback from a resident. This was done to ensure accuracy in the document.

2.10 Although during the second period of consultation there have been a number of objections to the proposed designation received, officers are of the view that the Council should proceed to designate the proposed Conservation Area. This is because:

- There is no requirement for a consensus amongst residents for the designation to go ahead, instead the decision should be based upon whether the area in question is considered to have special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance (in line with regulation 69 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990).
- The potential impact on property prices is not a material consideration when making planning decisions.
- Although there would be some restrictions / loss of Permitted Development Rights if the area were designated as a Conservation Area, this would not result in a ban on certain types of development taking place, it would mean that planning permission would need to be applied for instead so a proposal could be considered against the Council's adopted policies.
- There would be some restrictions in relation to tree management as an application would be required for tree works, and the Council would then have 6 weeks to determine whether the tree(s) in question were worthy of protection by a Tree Preservation Order). However, the aim of a Conservation Area designation is to protect the special architectural or historic interest of the area, which includes trees in the area. This potential restriction is (in the opinion of officers) outweighed by the benefits of protecting the special historic interest of the area.
- Whilst it has been argued that the Council already has sufficient powers to protect the existing aesthetic of the area, designation of the area as a Conservation Area would allow proposals requiring planning permission to be assessed against Local Plan Policies EE3: Strategic Heritage Policy and EE5: Conservation Areas. This enhances the Council's ability to protect the special architectural or historic interest of Caxton Avenue.

2.11 In considering the above, the Planning Committee will need to decide whether the proposed Caxton Avenue Conservation Area meets the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. In this case, a decision is required as to whether Councillors take the view that the proposed Conservation Area is of sufficient special architectural or historic interest to merit protection via formal designation as a Conservation Area. Officers recommend that this designation is made, as they take the view that the area meets the legislative requirements in this regard.

### **3. Policy framework implications**

- 3.1 The designation of this proposed additional Conservation Area and adoption of its associated Appraisal will support objective 8 of the adopted Runnymede 2030 Local Plan which is, 'To protect and enhance the Borough's heritage assets, both designated and non-designated...'. The proposal is also in line with Policy EE5: Conservation Area of said Plan, which states that the Council will consider other areas of the Borough for Conservation Area designation if, and when, appropriate. Once designated, EE5 will be a key policy which will be relevant when determining planning applications in this part of the Borough.
- 3.2 The Caxton Avenue Conservation Area Appraisal document will help to support and provide technical guidance to those seeking to make changes to properties within the Conservation Area.

#### **4. Resource implications**

- 4.1 No additional resource has been required within the Planning Policy team to progress this project, and no additional resource is envisaged to be required to complete it. All activities associated with the project are covered by the existing Planning Policy budget.

#### **5. Legal implications**

- 5.1 The Planning Act sets out under Part 2, Regulation 69 that  
*(1) Every local planning authority—  
(a) shall 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  
(b) shall designate those areas as conservation areas.  
(2) It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.*
- 5.2 This report shows how the Council remains committed to satisfying this legislative requirement.
- 5.3 There is the potential for the designation of a Conservation Area to be challenged through the courts. However, officers have sought to ensure compliance with the legislative requirements for the designation process, as set out in the Planning Act, to minimise this risk.

#### **6. Equality implications**

- 6.1 The Council has a Public Sector Duty under the Equalities Act 2020 to have due regard to the need to:
- Eliminate unlawful discrimination, harassment or victimisation;
  - Advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it;
  - Foster good relations between those who share a relevant characteristic and persons who do not share those characteristics.
- in relation to the 9 'Protected Characteristics' stated within the Act.
- 6.2 An EqlA screening was carried out by officers when this proposal was brought before the Planning Committee in November 2022. This EqlA can be viewed at Appendix 3. No changes have been made to the EqlA based on the representations received. The EqlA screening has picked up potential negative impacts on those with the protected characteristics of age and disability, however, it is not considered that a full EqlA is required as the Government requires Local Authorities to designate Conservation Areas through primary legislation where they have been identified to have special architectural or historic interest, and the Council is following this process. Also, personal circumstances can be weighed in the planning balance when determining planning applications.

**7. Environmental/Sustainability/Biodiversity implications**

- 7.1 A Conservation Area designation, if made, would help to preserve and enhance the Borough's heritage assets in line with objective 8 of the adopted Runnymede 2030 Local Plan.

**8. Other implications**

- 8.1 There are no known other implications because of the designation of the proposed Conservation Area.

**9. Conclusions**

- 9.1 The area shown in the map in Appendix 1 is considered to have special architectural and historic interest which warrants the area being designated as a Conservation Area. Officers recommend that Caxton Avenue is designated as a Conservation Area and that the accompanying Caxton Area Conservation Area Appraisal is adopted by the Council.

**(To resolve)**

**Background papers**

**Appendix 1** – Draft Conservation Area Appraisal and map of the proposed boundary of for the Caxton Avenue Conservation Area;

**Appendix 2** – Summary of the consultation responses received and responses to the proposed designation of Caxton Avenue Conservation Area.

**Appendix 3** - EQIA