

AGENDA ITEM: 8 Pages 9 – 33

Meeting	Finchley and Golders Green Area Environment Sub-Committee
Date	29 June 2009
Subject	<u>Bridge Lane Conservation Area: Conservation Area Character Appraisal Statement</u>
Report of	Cabinet Member for Planning and Environmental Protection
Summary	The draft Conservation Area Character Appraisal and Management Proposals have been prepared to provide a basis for planning decisions in the conservation area and set the groundwork for future policies and projects that seek to preserve and enhance the character and appearance of this historic area, in line with the Three Strands Approach (PEG) & Adopted UDP. This document has been subject to a public consultation exercise.

Officer Contributors	Jonathan Hardy, Principal Planner - Urban Design & Heritage Team
Status (public or exempt)	Public
Wards affected	Golders Green
Enclosures	Appendix 1 - Bridge Lane Character Appraisal and Management Proposals (separate document)
For decision by	Finchley and Golders Green Area Environment Sub-Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	Not Applicable

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1. RECOMMENDATIONS

- 1.1 That the Sub-Committee notes the results of the public consultation exercise and the revised text and map for the Bridge Lane Conservation Area Character Appraisal and Management Proposals.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 The Bridge Lane Conservation Area was designated by Cabinet on 23rd October 2008 (decision item 10).
- 2.2 Cabinet approved the Three Strands Approach in 2004, which seeks to: Protect the Green Belt; Enhance the classic suburbs of high quality and conservations areas, and deliver sustainable high quality Growth in targeted areas of brownfield development.
- 2.3 The Council adopted the Barnet Unitary Development Plan in May 2006 (UDP) which sets out the development plan and conservation policies of the borough for the next three years. In due course the UDP will be replaced by the Local Development Framework (the statutory spatial Development Plan for Barnet) and core strategies for conservation and Three Strands Approach, Protection, Enhancement and Growth (PEG).

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1. Barnet's Corporate Plan (2008/09 to 2011/12) identifies six main priorities for the next four years. Of particular relevance to the conservation appraisal statement is "A Successful City Suburb", "Clean, Green and Safe" and a "Strong and Healthy" borough. These priorities highlight that one of the qualities that makes Barnet a successful suburb is that it is a place where people want to make their home, take pride in their community, its attractive suburbs and rich heritage. Barnet's priority, supported by this Character Appraisal Statement to facilitate the conditions in which an active community can thrive and prosper whilst protecting and enhancing the best of the boroughs character and historic environment. The preservation and enhancement of the Borough's Conservation Areas helps to achieve these aims by ensuring that the historic built environment and open areas of high heritage quality are retained, protected and enhanced, making Barnet a place in which communities want to live, work and visit.
- 3.2 This Character Appraisal Statement will help deliver the objectives of The Three Strands Approach (PEG) – Planning, Enhancement, Growth seeking to deliver successful high quality suburbs now and for the future. Conservation Areas fall under both the first and second strands, as they require preservation and enhancement of their character and appearance.
- 3.3 The Council's Adopted Unitary Development Plan, May 2006 contains policies on the designation of conservation areas and the preservation and enhancement of conservation areas. Policy HC1 (Built Environment) specifically refers to the fact that the Council will refuse planning permission for proposals which fail to preserve or enhance the character or appearance of Conservation Areas, and that special consideration will be given to advice provided in the Council's character appraisal statements.

4. RISK MANAGEMENT ISSUES

- 4.1 Without the preparation of conservation area character appraisals, the Council would fail in its statutory duties and would encounter greater difficulties preserving and enhancing the borough's conservation areas. This Conservation Area Appraisal is part of a broader PEG strategy to 'enhance' the suburbs under Strand 2 and without which it would be at risk of delivery and defending future planning application decisions.
- 4.2 Government and English Heritage guidance reminds Local Authorities of the importance of consultation on conservation area character appraisals, without which there may be increased risk of the LPA's ability to defend development control decisions or fully perform its statutory duty to preserve and enhance the character and appearance of conservation areas.
- 4.3 The Council is the subject of a judicial review challenge (as referred to in paragraph 7.3, Legal Issues) against the designation of the conservation area. By consulting and adopting the character appraisal in accordance with national guidance reduces the risk of challenge to the due and proper process whilst underpinning the rationale for the designation of the conservation area.
- 4.4 A claim for compensation of approximately £10m 'for loss or damage caused by service of a Building Preservation Notice', was received on 7th August 2008. The claim followed the Secretary of State's decision not to uphold the BPN in June 2008 and relates to the drop in market value in the intervening 6 month period.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Bridge Lane Character Appraisal will increase satisfaction ratings amongst different groups of residents who live in the area, as it will promote a sense of place and a better quality of life. The Appraisal will also enhance Barnet's reputation as a good place to work, live and visit, to benefit all sections of Barnet's diverse communities.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 Costs involved in the publication and printing of this report and accompanying map are incorporated in the planned expenditure for 2009/10 and contained within approved budgets.

7. LEGAL ISSUES

- 7.1 Pursuant to Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has designated the Bridge Lane Conservation Area. The designation report was approved by Cabinet on 23rd October 2008 and referred to the preparation of a character appraisal, which has now been produced.
- 7.2 A claim for compensation 'for loss or damage caused by service of a Building Preservation Notice', was received on 2nd December 2008 from lawyers acting on behalf of the site's owners, Metro Construction Limited, under section 29 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The claim sought approximately £10m compensation in terms of development value loss following the Secretary of State's decision not to uphold the BPN. Matters have not progressed since receipt of the claim.
- 7.3 A judicial review challenge has also been made on the 23rd December 2008 to the Cabinet's decision to designate the Bridge Lane conservation area. The Judicial Review

process involves 2 stages: the permission stage and the substantive hearing. On the 15th June 2009, the High Court granted permission to proceed with the substantive hearing stage of the Judicial Review.

7.4 Both matters are presently being dealt with by the Council's legal representatives.

8. CONSTITUTIONAL POWERS

8.1 Constitution Part 3, Para 3.10. Area Environment Sub-Committees perform functions that are the responsibility of the Executive including making recommendations to Cabinet on the designation of Conservation Areas.

9. BACKGROUND INFORMATION

9.1 The Conservation Area is located on Bridge Lane in Golders Green, which runs east to west from Finchley Road at Temple Fortune to the North Circular Road. The conservation area is approximately 11, 430 m² (ie. 1.1 hectares) and contains the former Carmelite Monastery and a detached, two-storey lodge located close to the main entrance. The monastery is set-back from Bridge Lane behind a brick boundary wall with iron gates. A tall, stock brick wall, with substantial buttresses encloses the site. The large, green open space to the south, with its numerous established and protected trees provides an attractive setting to the building and makes a significant contribution to the character and appearance of the conservation area.

9.2 Conservation areas are "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance" (Section 69 Planning [Listed Building & Conservation Area] Act ,1990). Local planning authorities are required under the Planning Act, 1990 to review them every five years. The Bridge Lane Conservation Area Character Appraisal is one of a series covering Barnet's Conservation Areas and provides information on the essential character of the area.

9.3 The Character Appraisal and Management Proposals will assist in the process of making planning decisions in the conservation area and provides the groundwork for future policies and projects to preserve and enhance the character and appearance of the area. Conservation Area Appraisals form part of the wider Three Strands Approach to delivery: Strand 2: enhancement of historic suburbs (PEG) as well as through the policies of the UDP.

9.4 365 letters were sent to local residents. Letters were also sent to the owners of the site and interested groups including English Heritage.

9.5 An application for planning permission for the residential conversion of the monastery and new build development within the grounds is due to be considered by the Planning and Environment Committee on 1st July 2009.

9.6 Response to Consultation

9.6.1 A public consultation exercise with local residents will be completed on the 24th June. Any responses received and amendments made as a consequence, will be reported to committee in the form of a summary.

9.6.2 Planning Policy Guidance Note 15 (PPG15) states that "... it will be highly desirable that there should be consultation with local residents, businesses and other local interests (e.g. amenity bodies) over the identification of areas and the definition of their boundaries. The greater the public support that can be enlisted for designation before it takes place, the

more likely it is that policies for the area will be implemented voluntarily and without the need for additional statutory controls” (para’ 4.7, page 16).

9.6.3 In line with Council’s approved Statement of Community Involvement, residents have been formally consulted by letter with a link to an on-line copy of the draft Character Appraisal. The results of the consultation exercise will be set out as a summary.

11. LIST OF BACKGROUND PAPERS

11.1 Planning Policy Guidance Note 15 (1994) *Planning and the Historic Environment*

11.2 English Heritage Guidance dated February 2006: *Guidance on Conservation Area Appraisals* and *Guidance on the Management of Conservation Areas*.

11.3 Various letters received as a result of Public Consultation. These will be available on file for inspection

11.4 Anyone wishing to inspect the papers should contact Jonathan Hardy. Tel. 020 8359 4655

Legal – MAM
CFO – CM/MG