

DESIGNATION OF GATEHILL FARM ESTATE CONSERVATION AREA

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Planning, Transportation and Recycling
Officer Contact	Sarah Harper/ Nairita Chakraborty Planning, Environment, Education and Community Services
Papers with report	Appendix 1 – Standard objection letter circulated to residents Appendix 2 – Minutes of the public meeting held on 13 th December 2010

HEADLINE INFORMATION

Purpose of report	<ol style="list-style-type: none"> To inform Cabinet of the outcome of the public consultation on the proposed designation of the Gatehill Farm Estate Area of Special Local Character as a conservation area. To seek agreement not to designate a conservation area
Contribution to our plans and strategies	Hillingdon's Emerging Local Development Framework Hillingdon Design & Access Statements Hillingdon Unitary Development Plan 1998 (Saved Policies 2007) Community Strategy
Financial Cost	The costs of informing residents by letter of the decision not to designate and of the revised boundary to the existing Area of Special Local Character will be approximately £50 and will be met from the Planning, Environment, Education and Community Services budget for 2011/12.
Relevant Policy Overview Committee	Residents and Environmental Services Policy Overview Committee
Ward(s) affected	Northwood Hills

RECOMMENDATION

That Cabinet:-

1. Agrees not to designate the area as a Conservation Area; and
2. Instructs officers to notify residents of the above decision.

INFORMATION

Reasons for recommendation

Between November 2010 and January 2011, a public consultation exercise was carried out within the existing Gatehill Farm Estate Area of Special Local Character to gauge the support of residents for its designation as a Conservation Area. It is considered that the response was such that designation cannot be justified.

Alternative options considered

To propose the designation of the Gatehill Farm Estate Area of Special Local Character as a Conservation Area. This would impose additional controls on development and works to trees which are not fully supported by local residents.

Supporting Information

1. As part of the Council's ongoing review of the Borough's Conservation Areas, and following a request for designation from the Residents Association, officers assessed the Gatehill Farm Estate Area of Special Local Character and proposed its designation as a Conservation Area. On 18th November 2010 Cabinet approved the designation in principle and a period of eight weeks for public consultation in accordance with Hillingdon's Statement of Community Involvement, and also allowing for the Christmas holiday period.
2. The consultation exercise commenced in November 2010 and completed at the end of January 2011. Local residents, amenity groups and other interested parties were consulted and ward councillors were also informed of the consultation. This report sets out the responses to the consultation.
3. The consultation was carried out by way of a letter which included a voting paper and information sheet. The latter included a map illustrating the boundary of the proposed conservation area and an explanation of the implications of the designation should it be approved. The letters were addressed to the individual properties within the area and sent post.
4. Following the receipt of a number of standard objection letters, based on an original containing misleading information, which was circulated throughout the estate by a local resident (a copy is included in Appendix 1 for information) the Gatehill Farm Estate Residents' Association arranged a public meeting on 13th December 2010. Local councillors and the council's conservation team were invited to answer questions from residents on the implications of designation. This meeting was well attended and the minutes are included as Appendix 2. Following this meeting, the minutes were circulated to all residents on the estate by the Residents' Association. On 18th January a further consultation letter was sent to those residents who had returned a standard letter, inviting them to provide their individual views following the public meeting.

Summary of responses

5. Initially, 189 consultation letters were sent out to residents. Following the public meeting, further letters were sent to those respondents who had sent a "standard" objection letter. Overall, there was a very high response rate of approximately 56% (106

responses). Of these, 55 supported the designation and 51 were opposed. There were also 11 “standard” objection letters without voting sheets, from residents who declined the second opportunity to send their individual responses.

6. The table below summarises the responses received:

Date	Yes	No	Standard objection letter only
29 th Nov- 6 th Dec (Initial consultation)	22	16	
7 th Dec- 15 th Dec (following circulation of standard objection letter)	9	15	
16 th Dec to 18 th Jan (Following public meeting)	20	13	
19 th Jan- 28 th Jan (Following second consultation letter)	4	7	
Sub-total	55	51	11
Total	Total Yes = 55	Total No = 51+11 = 62	

7. The above table illustrates that residents initially supported the designation, but later appeared to be influenced by the content of the standard objection letter. The public meeting and the additional consultation letter appeared to have little impact on the overall views and as a result there was no clear support for the proposal. A summary of comments and queries arising from the consultation are listed below:

- a) A number of residents were supportive of the proposal and commented that designation would give further protection and help preserve the character of the area.
- b) Whilst agreeing to the proposal, some residents raised concerns over the amount of through traffic and queried whether the conservation area status would address this issue.
- c) One resident requested the inclusion of all the properties along Elgood Avenue.
- d) A few residents were of the opinion that the proposal was too late as the character had already been lost through large extensions and poorly designed replacement houses.
- e) Some residents raised strong objections to the proposal and commented that the existing planning rules and Residents’ Association requirements were enough, and that the area should not be subject to further restrictions. Some also commented that existing Council policies re Areas of Special Local Character should be used more efficiently to protect the character of the area.
- f) A number of residents queried the benefits of the designation and said that the area would be ‘subject to more bureaucracy and red tape’ as a result of additional planning requirements and that there would be additional costs to residents. They also expressed concerns over a potential negative effect on the value of their properties. These views were also expressed in the standard objection letter.

- g) One resident commented that the area was varied in terms of architectural style, and that many of the properties were in poor state of repair. There had been cases of subsidence, and as a result two houses had been demolished and rebuilt in the past five years. Further planning restrictions would be detrimental to the 'renovation and alteration' of the properties.

SUMMARY AND RECOMMENDATIONS

10. Despite attempts to explain the designation process and its impact, the response from residents was mixed, with no clear support for the designation of a Conservation Area. This outcome does not show any clear mandate to proceed. However given that half of respondents were in favour, and many wanted stricter control of development, it is recommended that a special development control policy be written for the Gatehill Farm Estate Area of Special Local Character for inclusion in the Development Management Plan, to provide greater support the Council's decisions in the area.

11. In surveying the area it became clear that the existing boundaries of the Area of Special Local Character do not follow current townscape features or boundaries. It is recommended that residents be advised that the Area of Special Local Character designation will be retained with a revised boundary.

Financial Implications

12. The cost of informing the residents of the outcome of the public consultation and the revised boundary to the existing Area of Special Local Character will be approximately £50, which will be met from the 2011-2012 budget for the service. Details of the boundary changes will be included in the Hillingdon People and posted on the Council's web site at no additional cost.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation

No change

Consultation carried out or required

13. The report includes the details of consultation.

CORPORATE IMPLICATIONS

Corporate Finance

A Corporate Finance Officer has reviewed the report and the financial implications within it, and is satisfied that the financial implications properly reflect the direct resource implications on the planning service and any wider implications for the Council's resources as a whole.

Legal

Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives local authorities power to designate areas of special architectural or historic interest the character of which it is desirable to preserve or enhance, as Conservation Areas. Before an area can be designated however, a local planning authority should properly consult with the public and depending on those results consider whether the area ought to be designated in accordance with the statutory procedures.

The leading case on consultation is the High Court decision in R v Brent London Borough Council ex parte Gunning (1985) 84 LGR 188. In **Gunning**, Hodgson J drew attention to four elements that should exist in the proper performance of consultations. These elements hold true whether the need for consultation is triggered under statute or the common law. Once consultation has been embarked upon the Council must be satisfied that:

- a. consultation took place at a time when proposals were still at a formative stage;
- b. consultation must include sufficient reasons for the particular proposals to allow those consulted to give intelligent consideration and an intelligent response;
- c. adequate time was allowed for consideration and response; and
- d. that responses from the public were conscientiously taken into account when the ultimate decision is taken.

These elements reinforce the principles that consultation, when undertaken, must be genuine and conducted in a fair manner to minimise the risk of challenge when considering either designation of a conservation area. It is noted in the body of the report that consultation has properly been carried out and consequently no further work is to be carried out on the designation. Accordingly there are no legal implications that arise from this report.

Corporate Landlord

There are no direct property implications arising from this report, and the Interim Corporate Landlord has no comments.

BACKGROUND PAPERS

- Cabinet report dated 18th November 2010
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning Policy Statement 5 (PPS 5): Planning for the Historic Environment, 23rd March 2010
- PPS 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide- 23rd March 2010
- London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27th September 2007
- London Borough of Hillingdon Core Strategy (Draft for consultation June 2010)
- Guidance on the Management of Conservation Areas, English Heritage, February 2006
- Guidance on Conservation Area Appraisals, English Heritage, February 2006