

Churchgate Street Conservation Area Management and Article 4 Direction



Report to:	Cabinet
Date:	13 February 2025
Portfolio Holder:	Councillor Alastair Gunn, Portfolio Holder for Garden Town and Planning
Lead Officer:	Tanusha Waters, Assistant Director - Planning and Garden Town (01279) 446595
Contributing Officer:	David Watts, Principal Forward Planning Officer (01279) 446577
Key Decision:	No
Forward Plan:	Forward Plan number I017167
Call In:	This item is subject to call in procedures
Corporate Mission:	Renew our neighbourhoods
Wards Affected:	Old Harlow

Executive Summary

- A** The Churchgate Street Conservation Area (CA) encompasses the historic core of Churchgate Street, characterised by a range of pre-20th century architecture and a number of nationally listed buildings. The area's architectural and historical significance is outlined in the Conservation Appraisal and Management Proposals document (CMP), which details the CA's features and identifies key buildings contributing to its significance.
- B** The CMP recommended three management proposals: introduction of an Article 4 Direction (A4D), revision of the CA boundary, and production of a Management Plan and Guidance document (MPG).
- C** Public consultation on the CMP was carried out from 2 September to 30 September 2024. Feedback received by the Council led to minor amendments to the CMP and additional boundary revisions to include Sheering Drive and the entirety of the St. Mary's Church churchyard in the CA.

- D** This Cabinet report seeks adoption of the revised CA boundary (resulting in a net increase in the size of the CA, from 6.36ha to 7.97ha, an increase of 25%), approval to make (draft) the Article 4 Direction, and approval to consult on the draft MPG.
- E** Subject to Cabinet approval, the six-week MPG consultation will take place alongside a notification period where comments on the A4D can be submitted.
- F** Subject to consultation responses and Cabinet approval, the A4D will be confirmed (come into force) 12 months after it was made, and prior to this the MPG will be adopted.

Recommended that Cabinet:

- A** Notes the comments received during the September 2024 consultation on the CMP, and the Council's responses, set out at Appendix A to this report.
- B** Notes the finalised Churchgate Street Conservation Area Character Appraisal and Management Proposals document (CMP), set out at Appendix B to this report.
- C** Adopts the revised Churchgate Street Conservation Area boundary, set out at Appendix C to this report.
- D** Approves the making (drafting) of the Churchgate Street Article 4 Direction set out at Appendix D to this report, and approves commencement of associated notification period.
- E** Approves a consultation on the draft Management Plan and Guidance document (MPG) for a six-week period.

Reason for decision

- A** To formally recognise the Churchgate Street Conservation Area Character Appraisal and Management Proposals document (CMP), which supports the overall management of the Churchgate Street Conservation Area and becomes a material consideration when determining relevant planning applications.
- B** To formally note the responses received during the CMP consultation, how they were considered and details of resulting amendments.
- C** To formally adopt the revised CA boundary.
- D** To allow the Article 4 Direction to be made and a notification period to commence.
- E** To allow the draft Management Plan and Guidance document (MPG) to be consulted upon.

Other Options

- A** Do nothing: this is not considered appropriate as the Council would fail its legal duty to regularly review and publish management proposals/plans for its Conservation Areas (CAs).
- B** Carry out some but not all the recommendations: not appropriate as the CA boundary review, Article 4 Direction (A4D) and draft Management Plan and Guidance document (MPG) are related to one another and are important for the Council to discharge its relevant legal duties relating to CAs.
- C** Make revisions to the proposed A4D and/or the CA boundary before the recommendations are implemented: not appropriate because the Character Appraisal and Management Proposals document (CMP) provides robust evidence and justification for the wording of the A4D and the CA boundary revisions, so any modifications could be unjustifiable.

Background

1. The Churchgate Street Conservation Area (CA) was designated in March 1969. The CA focuses on the historic core of Churchgate Street, which is a ribbon development of various types of buildings, mostly houses, built predominantly in the 18th and 19th centuries but also with some notably older buildings.
2. The building styles, materials and densities, construction methods, recorded history, topography of the land and the presence of a notable number of nationally listed buildings provide the special architectural and historic interest that supports the area's designation as a CA.
3. The Conservation Appraisal and Management Proposals document (CMP) details the CA's history, features, development and buildings. It also identifies which buildings make the most contribution to the CA.
4. As part of preserving the CA, the CMP included three management proposals – introducing an Article 4 Direction (A4D), revising the CA's boundary and producing a Management Plan and Guidance document (MPG).
5. The council has a legal duty to monitor and review CAs and publish plans and proposals for their preservation and enhancement, while considering the views of local people.
The National Planning Practice Guidance (NPPG) states that appraisals and management plans can assist with fulfilling this duty.
6. The CMP, therefore, assists the Council in fulfilling its legal duties relating to CAs and provides a robust justification for implementing the three management proposals, including the making of an A4D to ensure the CA is sufficiently protected in the future.

Issues/Proposals

Public consultation on the Character Appraisal and Management Proposals (CMP)

7. In August 2024, Portfolio Holder approval was received for consulting on the CMP. The consultation period ran from Monday 2 September to Monday 30 September 2024. This consultation was not required by legislation. However, to ensure consistency and to enact best practice, the council carried out the consultation in accordance with the requirements for similar Planning consultations, the requirements of which are set out in legislation and in the council's adopted Statement of Community Involvement.
8. At the end of August 2024, letters were sent to all 103 addresses in the Churchgate Street Conservation Area (CA) to explain how residents could take part in the consultation. Letters were also sent to 14 addresses which had been identified in the CMP for possible inclusion in the CA, 15 owners of properties who reside elsewhere (where they could be identified) and 9 non-statutory consultees. 108 emails were also sent to statutory and non-statutory consultees.
9. Statutory consultees and non-statutory consultees are stored on the Forward Planning contacts database; statutory ones include utility providers and local groups such as the Harlow Civic Society, and non-statutory ones are people who have requested to be informed of such consultations. The Churchgate Street Residents Association was also contacted separately and invited to attend a briefing on the consultation, but the Council received no response.
10. In total, 249 letters or emails were sent. A press release was also published by the Council and the consultation was advertised on the Council's social media channels.
11. A total of seven people/organisations submitted responses, which were split into 31 comments. A schedule of comments submitted, along with the Council's responses, can be found at Appendix A to this report.
12. While the response rate was a low percentage of those contacted, this was expected given this consultation was an informal, preliminary exercise. The subsequent consultation, for the Article 4 Direction and draft Management Plan and Guidance document (MPG), will provide more specific details and may generate more interest. This consultation (technically a 'notification period' for the A4D) will be statutory and run for six weeks, including at least one public exhibition, preferably at a venue in the CA.
13. As a result of the CMP consultation, a number of minor alterations were made to the document and it was concluded that the proposal for the boundary revision should be amended to include the area of Sheering Drive and the entirety of the St. Mary's Church churchyard in the CA. More information can be found later in this report.
14. This report recommends that Cabinet notes the finalised CMP which is set out at Appendix B.

Management Proposal: Article 4 Direction (A4D)

15. There are a number of alterations that homeowners can make to their homes without the need for planning permission. These are allowed via Permitted Development Rights (PDRs), as set out in law in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
16. Certain PDRs are not available in Conservation Areas (CAs), meaning major works like adding additional storeys and certain types of extensions already require planning permission. However, many PDRs remain available to homeowners in CAs, including being able to paint the exterior of a house in a different colour, or altering external windows and doors. Many of these PDRs also apply to Listed Buildings, but Listed Building Consent would likely be required for many changes and therefore a level of management is already in place.
17. Around two-thirds of the buildings in the CA are not nationally listed but still have important original features and are, therefore, particularly vulnerable to changes allowed by PDRs. Many were designed with symmetry in mind, for example in the case of pairs of houses or terraced rows designed in the same style, which would be affected by many changes available through PDRs.
18. One of the proposals in the Character Appraisal and Management Proposals document (CMP) was to introduce an A4D. A4Ds remove certain PDRs, so planning permission would need to be obtained before carrying out the changes or development covered by the A4D. Consequently, the A4D would allow such changes to be managed better via the Development Management process.
19. To ensure it is not overly restrictive for homeowners, the proposed A4D only removes PDRs which evidence suggests are necessary to remove. The CMP includes further details on other PDRs that are available in a CA, and why it is not proposed that they be included in the A4D.
20. The following parts of the GPDO (i.e. the PDRs) are included in the A4D:
 - Part 1, Class A: external alterations, including changes to windows and doors, adding a canopy over the front door, converting a window to a bay window, etc. (specifically excludes rear enlargements to ensure conservatories are not included);
 - Part 1, Class D: adding or replacing a porch;
 - Part 1, Class G: installing, altering (including removing) or replacing a chimney;
 - Part 2, Class C: painting the exterior a property.
21. While planning permission would be required for works covered by the PDRs specified in the A4D, it does not mean that permission would be refused. Any changes proposed would, however, need to respect the original symmetry, design and materials of the building in question. The Management Plan and Guidance document (MPG) would assist residents submitting such planning applications, assuming the A4D is confirmed (brought into force).
22. It is important to note that existing PDRs will remain unaffected unless and until the A4D is confirmed by Cabinet in early 2026 and brought into force. The A4D cannot be

applied retrospectively, so would only apply to changes made by the PDRs listed within it from the date it is confirmed.

23. In accordance with legislation, the 12-month period between making and confirming the A4D ensures the Council is not liable to any compensation claims, which could be made by homeowners should the A4D be confirmed before the 12-month period has expired.
24. The proposed A4D is set out at Appendix E.

Management Proposal: Revision to the Boundary of the Churchgate Street Conservation Area (CA)

25. One of the proposals in the Character Appraisal and Management Proposals document (CMP) was to revise the boundary of the CA. As detailed in the CMP, the boundary was first designated in 1969 and received minor amendments in 1981 and 1984.
26. Since 1984 there have been a number of changes in the CA, including the building of houses on land which had been allocated for housing. Examples include development on land which was formerly part of Millhurst and Meadham.
27. Given these modern houses are mostly not visible from (and in some cases not near) the public realm, the CMP proposed amending the CA boundary to exclude them, given they do not positively contribute to the CA. The boundary has been revised accordingly.
28. These minor revisions will ensure the overall CA is strengthened, by removing parts which can no longer justifiably be part of the CA. This is supported by paragraph 197 of the National Planning Policy Framework (NPPF) (December 2023), which says it must be ensured that “the concept of conservation is not devalued through the designation of areas that lack special interest”.
29. Other revisions which were proposed and have been implemented include adding 1 to 12 Churchgate Court to the CA (the building which was designed as a replica of Chantry House and now contains flats), as well as other minor revisions to tidy the boundary.
30. As a result of the CMP consultation and further work, there is sufficient justification to add Sheering Drive and the entirety of St. Mary’s Church churchyard to the CA. Revisions to the boundary were made.
31. The boundary revisions have resulted in a net increase in the size of the CA, from 6.36ha to 7.97ha (an increase of 25%).
32. A full list of the revisions is provided below. Full justification for the changes is detailed in the CMP.
 - exclude 3 & 4 Millhurst Mews
 - exclude the open space north of Millhurst

- exclude The Three Gables, Drakes Meadow
 - include the eastern part of the curtilage of 35 Sheering Road
 - exclude 22 & 24 Sheering Road
 - include Ashberry House, Mill Lane
 - include 1 to 12 Churchgate Court
 - tidy boundary around Chantry Gardens
 - include Sheering Drive
 - include entire churchyard of St. Mary's Church
 - tidy boundary in other places (not shown on the map as they would not be easily visible)
33. The council has no legal obligation to notify owners/occupiers of properties being affected by CA boundary revisions. However, in the interests of best practice, in late October 2024 notification letters were sent to owners/occupiers of the above houses/flats to advise them of the proposed revisions. These owners/occupiers had also been made aware of the proposals when they received notification letters about the CMP in August.
34. Given the proposal to include Sheering Drive in the CA emerged as a result of the consultation, owners/occupiers of the three properties in the Drive were also given a two-week window in which to make comments about the proposed boundary revision. This period ran from 4 to 18 November 2024, and no comments were received.
35. Subject to adoption by the council, notice of the revised boundary will be advertised in the London Gazette and the local newspaper as per the requirements of the relevant legislation.
36. This report recommends that Cabinet adopts the revised CA boundary, as shown on the map at Appendix C.

Management Proposal: Management Plan and Guidance

37. One of the proposals in the CMP was to produce a Management Plan and Guidance document (MPG). The draft MPG, which when adopted would become a material consideration in the determining of planning applications, provides guidance on how the council would consider proposals requiring planning permission as a result of the Article 4 Direction (assuming that is confirmed).
38. It additionally identifies broader issues within the CA – including in relation to street furniture, street lighting, road condition and road safety – and how these may be improved in the future. While the council has limited powers to improve many of these factors directly, the MPG can be used as evidence to assist the Council in working with external partners and organisations to secure funding and programmes for such improvements.
39. As part of the MPG consultation, which will run alongside the notification period for the A4D, at least one public exhibition will be held, preferably at a venue in the Churchgate Street CA.
40. The draft MPG is available at Appendix D.

Statutory Consultation for the Article 4 Direction and draft Management Plan and Guidance document

41. Subject to Cabinet approval, the council will make the Article 4 Direction (A4D). A formal, statutory consultation (otherwise known as a notification period) will then be held on the A4D. During this period, the draft Management Plan and Guidance document (MPG) will also be consulted on (also subject to Cabinet approval).
42. This consultation will run for six weeks, which is two weeks more than the statutory minimum period of four weeks for an A4D. To be consistent with the CMP consultation, the same people and organisations will be consulted about the making of the Direction and the MPG consultation. In accordance with the relevant legislation, site notices will also be displayed and the Secretary of State for Housing, Communities and Local Government will be notified.
43. In accordance with the relevant legislation for the management of Conservation Areas, at least one public exhibition will be held with Council Officers in attendance, preferably be at a venue in the Churchgate Street CA.
44. Views of those attending the exhibition(s) will be considered when finalising the draft MPG.
45. Subject to consultation responses and any response from the Ministry of Housing, Communities and Local Government, Cabinet approval will be sought in late 2025 to confirm the A4D and to adopt the MPG. The A4D would then be confirmed (come into force) 12 months after its making. It would not be in force until it is confirmed and it could not be applied retrospectively.
46. The 12-month period between making and confirming is a standard procedure for 'non-immediate' A4Ds, to give sufficient notice of the A4D coming into force and avoid any potentially costly compensation claims.
47. This report recommends that Cabinet approves the making (drafting) of the A4D and the commencement of an associated six-week notification period, as well as the commencement of a consultation on the draft MPG at the same time and for the same period.

Next Steps

48. A summary of intended next steps is as follows:
 - **Feb 2025:** Cabinet to note the finalised CMP, adopt the revised CA boundary, approve the making of the A4D and associated notification period, and approve consultation on the draft MPG.
 - **Feb – Apr 2025:** Consultation on the draft MPG and notification period for the A4D (where comments can be made).
 - **Before Feb 2026:** Comments received will be considered; MPG will be finalised; Cabinet to adopt the MPG and approve the confirming of the A4D.

- **Feb 2026:** A4D to be confirmed and come into force, assuming the council has approved the confirmation and MHCLG has not intervened.

Implications

Equalities and Diversity

An Equalities Impact Assessment will be produced for the making of the Article 4 Direction.

Climate Change

A4Ds in CAs could include the PDRs relating to installation of solar panels on a building, meaning planning permission would be required for such installation in certain cases. However, given the recognised climate emergency, the CMP has identified that including such PDRs in the A4D would be inappropriate, as the ability of homeowners to produce sustainable energy should not be impeded. The management proposals are, therefore, considered to have an appropriate balance between protecting the CA and managing the effects of climate change.

Finance

No direct financial implication arising from this report.

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Governance

The Local Planning Authority can use an Article 4 direction under the General Permitted development Order to withdraw specified permitted development rights across a defined area. Government guidance is that Article 4 directions should only be used in exceptional circumstances where the exercise of permitted development rights would harm local amenity and the proper planning of the area. Provided the Local Planning Authority can justify both its purpose and extent the proposed direction can be made. The use should be limited to situations where it is necessary to protect the local amenity or wellbeing of the area. Councillors should be aware that the proposed direction, if made and confirmed, would not prevent development but means that an application must be made for planning permission prior to any development taking place.

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Appendices

Appendix A – Character Appraisal and Management Proposals Consultation Responses Schedule

Appendix B – Finalised Character Appraisal and Management Proposals document (CMP)

Appendix C – Revised Conservation Area boundary map

Appendix D – Draft Management Plan and Guidance document (MPG)

Appendix E – Proposed Article 4 Direction

Background Papers

Relevant section of the NPPG, available at: <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#designated-heritage-assets>

Glossary of terms/abbreviations used

A4D	Article 4 Direction
CA	Conservation Area
CMP	Conservation Area and Management Proposals
GPDO	General Permitted Development Order 2015 (as amended)
LBC	Listed Building Consent
MPG	Management Plan and Guidance
MHCLG	Ministry of Housing, Communities and Local Government
NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework
PDR	Permitted Development Right