

## APPENDIX 1

<b>Report to:</b>	Cabinet Member - Planning and Building Control	<b>Date of Issue:</b>	14 December 2023
		<b>Date of Decision:</b>	22 December 2023
<b>Subject:</b>	Adoption of Hesketh Road Conservation Area Appraisal and Management Plan (with boundary change)		
<b>Report of:</b>	Chief Planning Officer	<b>Wards Affected:</b>	Cambridge
<b>Portfolio:</b>	Planning and Building Control		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

### Summary:

The purpose of this report is to seek the Cabinet Member's approval for the adoption of Hesketh Road Conservation Area Appraisal and Management Plan and extension of the boundary as proposed.

### Recommendation(s):

That Cabinet Member:

- (1) Approves the adoption of the Hesketh Road Conservation Area Appraisal and Management Plan (appendix 1) as a background planning document where their contents will be a material consideration in the determination of planning applications.
- (2) Approves the proposed amendments to Hesketh Road Conservation Area shown on the plan appended as Annex 2, under the provisions of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Following the approval from Cabinet Member, this will be published on the council's website.

### Reasons for the Recommendation(s):

That Cabinet Member approves the documents to fulfil the Councils statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Alternative Options Considered and Rejected: (including any Risk Implications)

The alternative options are:

-That no Conservation Area Appraisal nor Management Plan are carried out which would not be in the best interests of preserving and enhancing Hesketh Road Conservation Area.

-That the proposed boundary extension is not approved which means that the current boundary will be retained as it is.

### What will it cost and how will it be financed?

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## (A) Revenue Costs

Any costs associated with this report will be met from the existing local planning budget.

## (B) Capital Costs

There are no direct capital costs associated with the recommendations in this report.

### Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> Any implications associated with the consultation will be met from within existing resources.
<b>Legal Implications:</b>  The Planning (Listed Buildings and Conservation Areas) Act 1990 requires review, and protection of Conservation Areas.  The Conservation Area Appraisal and Management Plan outlines the way in which the Council will seek to preserve or enhance the conservation area and how it will monitor this.  To redraw / amend the red line boundary will bring more properties within the Conservation Area and result in those properties becoming subject to the additional powers available to the Local Planning Authority to limit and control changes to buildings that would otherwise (usually be) allowed without planning permission in other locations.
<b>Equality Implications:</b>  There are no equality implications.
<b>Impact on Children and Young People:</b>  No.
<b>Climate Emergency Implications:</b>  There are no climate emergency implications.

### Contribution to the Council's Core Purpose:

Protect the most vulnerable:  Not applicable.
Facilitate confident and resilient communities:  Effective physical regeneration significantly contributes to promoting community resilience through improved associations between people and place.
Commission, broker and provide core services:  Not applicable.

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Place – leadership and influencer: Heritage conservation work and associated built assets helps create a restored sense of Place.
Drivers of change and reform: Physical built regeneration provides a significant contribution to system change, assets often being the catalyst for reform.
Facilitate sustainable economic prosperity: Inward investment to heritage assets contributes to the local economy in both the short and longer term.
Greater income for social investment: Creating a greater sense of place stimulates social investment and contributes towards behaviour change.
Cleaner Greener An improved physical environment means that our spaces that are occupied are cleaner.

### What consultations have taken place on the proposals and when?

#### (A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD7446/23/23) has been consulted and notes that any costs associated with this report will be met from the existing local planning budget as with the normal process of public consultation and Chief Legal & Democratic Officer (LD 5546/23) have been consulted and any comments have been incorporated into the report.

#### (B) External Consultations

The 6 week public consultation period for Hesketh Road Conservation Area Appraisal and Management Plan ran from Thursday 20<sup>th</sup> July 2023 to Monday 4<sup>th</sup> September 2023. The Council received a total of 13 responses comprising of 11 online responses ('Your Sefton Your Say') and 2 email responses.

Within this six-week consultation period, a drop-in event session was held on 3rd August 2023 at Argyle Tennis Club, inviting residents, local business and stakeholders to come and have their say on the document. A series of display boards highlighting the essential character and special interest of the Conservation Area provided a summary of the content of the document, including pictorial and historical map information showing how the area had developed and evolved over time and including the proposed boundary change to include Hesketh Golf Club.

6 people attended the drop-in session. An additional meeting was held with the board of directors of the Hesketh Golf Club at the clubhouse the 14<sup>th</sup> of August 2023.

All public comments were included in the 'schedule of amendments' on the appendixes.

#### Implementation Date for the Decision

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Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting.

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## Appendices:

Annex 1 Final draft Hesketh Road Conservation Area Appraisal and Management Plan.  
Annex 2 Hesketh Road Conservation Area proposed new boundary extension.

## Background Papers:

Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities 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 so, designate those parts accordingly.

Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to prepare proposals for the preservation and enhancement for any conservation areas that they designate.

In recognition of the above duties the draft of Hesketh Road Conservation Area Appraisal and Management Plan has now been produced and undergone public consultation. The format and scope of the appraisals is derived from the guidance provided by Historic England. It also follows the format of the appraisals adopted previously.

Boundary changes are proposed, this can be viewed in Annex 2.

## Public Consultation

During the six-week consultation period running from Thursday 20th July 2023 to Monday 4th September 2023 regarding the Hesketh Road Conservation Area Appraisal and Management Plan, the Council received a total of 13 responses comprising of 11 online responses ('Your Sefton Your Say') and 2 email responses.

Within this six-week consultation period, a drop-in event session was held on 3rd August 2023 at Argyle Tennis Club, inviting residents, local business and stakeholders to come and have their say on the appraisal. A series of display boards highlighting the essential character and special interest of the Conservation Area provided a summary of the content of the appraisal, including pictorial and historical map information showing how the area had developed and evolved over time.

6 people attended the drop-in session. An additional meeting was held with the board of directors of the Hesketh Golf Club at the clubhouse the 14<sup>th</sup> of August 2023.

A summary of the main points raised are as follows:

- Most people agreed that the remains of Little Ireland should be considered a Non-designated Heritage Asset. This will be taken on board and the proper procedures will be taken for its designation as a Non-designated Heritage Asset.
- A comment mentioning that the report was highly critical on No. 12 and 10a Hesketh Road was received. These are modern developments which are not considered a positive contribution to the character of the conservation area. For the purpose of this report, it was felt that no amendments were necessary regarding this issue.

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- Clarification was received in several public comments regarding the access to the footpath in the golf course. The footpath is only for golfers. This was amended in the report.
- Further information of the golf clubhouse was received during the public consultation and was added into the report.
- A comment was received regarding the 'conservation style' high quality UPVC windows. The windows were already mentioned in the report under section 7.4 However it was acknowledged that its inclusion in section 6.4 would be beneficial. The report was amended accordingly.
- Further information was received during the public consultation regarding the Southport Paviers. This was added into the report.
- Further information of Hesketh Golf Club current legal and statutory framework under which the golf course is controlled was received and added to the appraisal.
- From the 13 comments received, 8 were against the proposed extension to the conservation area boundary, the remaining comments did not provide an opinion regarding this issue. One of the comments against the extension was from Hesketh Golf Club. They state in their comments that an additional layer of statutory control will impede the operation, management and advancement of the golf club, as it would imply to request planning approval for any tree works that fall under the proposed extension. After proper consideration, it was decided to include the proposed extension within the Conservation Area boundary. The current legal and statutory framework under which the golf course is controlled protects the natural heritage and the land for future developments. The Sefton Local Plan identifies the golf course as a Site of Special Scientific Interest (SSSI). It is also identified as an Urban Golf Course by planning policy NH6 and also protected under NH2 'Nature', which designates the land as a Local Wildlife Site. Although the policies protect the natural heritage, they fail to protect the built environment. The policies mentioned above have some control over future developments, so the 'views from the golf course' (which is one of the reasons for the extension) are considered under these policies. However, these policies do not protect the built environment (golf club and Little Ireland remains). As mentioned in the report, those buildings are of great importance and value. Their designation as Non-designated Heritage Assets gives them some sort of protection from inappropriate alterations. However, it does not protect them from unjustified demolition. Non-Designated Heritage Assets carry no weight in the determination of demolition. To protect the building from demolition through permitted development rights, it would need to be included within the Conservation Area or alternatively be listed.
- One respondent objected to the use of an Article 4 direction. An Article 4 direction would not be adopted as part of this plan.
- After consultation with Sefton Tree Officer, it was advised to include a tree section in the action plan for future works of trees in the golf course.
- Demolition or other alteration of a non-designated heritage asset does not require Planning Permission, so is outside the Council's control. This can lead to serious or total harm to the significance of such a heritage asset. An Article 4(1) Direction can be used to remove those permitted development rights, the result of which means that Planning Permission is then required for the types of works specified. However, as government advice is undetailed regarding Article 4 directions regarding Non-designated heritage assets it was decided that the proposed boundary extension would be more efficient for the protection of those assets which we would like to protect.

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## Annex 2

