

## REPORT TO CABINET

Title: **MAIDENHEAD RIVERSIDE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

Date: 10/05/10

Member Reporting: Cllr Alison Knight

Contact Officer(s): Elizabeth Long, Conservation Officer 01628 796057

Wards affected: Oldfield and Riverside

### 1. SUMMARY

1.1.1 The conservation and management of the built heritage is important to the Council and as such approval is sought for the implementation of

- **A new Maidenhead Riverside Conservation Area, comprising an amalgamation and extension of two existing Conservation Areas 'Maidenhead Bridge and Guards Club' and 'Boulters Lock'.**
- **A Conservation Area Appraisal document for the proposed area and an accompanying Management Plan.**
- **Restrictions of rights for some properties within the area to carry out certain development of a minor nature that could damage the character and appearance of the area.**

1.1.2 The proposed boundary will result in a large area of Maidenhead's riverside being included within a single Conservation Area, shown in Appendix 1. This will help to ensure a more cohesive treatment of the river frontage, with this stretch of the Thames receiving greater protection from inappropriate development.

1.1.3 The proposed Conservation Area Appraisal document seeks to identify the *Special Architectural and Historic Interest* and the changing needs of a Conservation Area. The related Management Plan seeks to guide the controlled and positive management of change within a Conservation Area, thus avoiding harmful development. For this reason, the appraisal documents are fundamental not just in terms of planning but for the activities of the Council as a whole, ensuring that actions for protection and improvement of this area will be clearly identified.

1.1.4 Approval is sought to remove permitted development rights for minor alterations within the Conservation Area. Many small scale alterations do not require planning permission. Individually, many of these changes are fairly minor but added together they begin to have a marked effect on the appearance of an area. The aim is to preserve and enhance the character and

appearance of the Conservation Area and the historic environment for the benefit of the community as a whole, by requiring that certain types of permitted development are subject to additional planning controls.

## **2. RECOMMENDATION**

**i) That in accordance with the provision of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the boundaries of the existing Maidenhead riverside Conservation Areas be amended, as shown on the Conservation Area map in Appendix 1, to form a new Conservation Area named Maidenhead Riverside Conservation Area.**

**ii) That the Maidenhead Riverside Conservation Area Appraisal document and respective Management Plan, be approved to guide future planning decisions and to inform the Local Development Framework.**

**iii) Approval is given to make an Article 4(2) Direction on the specified properties within the Maidenhead Riverside Conservation Area to remove certain permitted development rights, as detailed with section 3.3.2 of this report, in order to introduce additional management and that final confirmation be delegated to the Head of Planning and Development with the Head of Legal, in consultation with the Lead Member for Planning and Development.**

What will be different for residents as a result of this decision?
Many of the residents will have been within the previous Conservation Areas boundaries and for those residents, the main difference will be the availability of clear information about the important features and characteristics existing within their Conservation Area, and the objectives of the Council in preserving and enhancing the built heritage for that area.
For those residents to be included within the new boundary, their properties will now fall within a Conservation Area and will be subject to the additional controls this designation brings in relation to more restrictive planning controls.
For those residents to be included within the proposed Article 4(2) direction, they will be subject to further planning controls but will be clear about the additional controls proposed and the objectives of the Council in proposing the controls.

## **3. SUPPORTING INFORMATION**

### **3.1 Proposed Conservation Area boundary**

3.1.1 As part of the programme for review of Conservation Areas in the Borough studies of the two existing riverside Conservation Areas of 'Boulters Lock', and 'Maidenhead Bridge and Guards Club Island' were undertaken. As a result, it is now proposed that the designated areas should be amended and extended to form one new, larger Conservation Area.

3.1.2 Boulters Lock Conservation Area was first designated in July 1969 and was later amended in September 1989. This Conservation Area was based around

the area immediately associated with Boulters Lock itself, including the whole of Boulters Island, Ray Mill Island and a small area to the north of these islands along the river bank. Maidenhead Bridge and Guards Club Island Conservation Area was designated in September 1989. The Conservation Area extended northwards from Brunel's railway bridge, including Guards Club Island, Maidenhead Bridge, Bridge Gardens and reaching northwards to the Thames Hotel. A number of residential properties on Ray Park Avenue were also included.

3.1.3 The proposed Maidenhead Riverside Conservation Area as shown in Appendix 1 now effectively links these former Conservation Areas, resulting in a large, linear area stretching from south of Brunel's Bridge to north of Boulters lock. The boundary includes what is considered the most significant remaining elements of Maidenhead's riverside frontage. The Conservation Area also now includes the larger detached properties south of Brunel's Bridge down to Bray Village Conservation Area. It is considered that the properties along this stretch of land, known as The Fisheries, provide a positive addition to the riverside.

3.1.4 The Maidenhead Riverside Conservation Area is supported by the identification in the RBWM 2008 Townscape Characterisation study of Maidenhead's 'Victorian/Edwardian Riverside Villa Suburbs' as having a unique character area within the borough. Furthermore, there is significant history to the area overall as a late 19th century riverside resort with large detached riverside villas. Despite the large areas of modern infill, this history is still apparent through the road layout, plot boundaries and the promenade.

## **3.2 Proposed Conservation Area Appraisal and Management Plan**

3.2.1 A draft Appraisal document was produced for the proposed Conservation Area and was the subject of a public consultation exercise during December 2009 and January 2010. Due to public interest and response, the Conservation Area boundary was further amended and a second consultation to include more of the Fisheries Estate took place during March 2010. Proposed publication versions of the Appraisal Documents, amended to reflect the results of both the consultation exercises, and a report summarising these consultation exercises are available in Group Rooms, Members' Room and with Democratic Services.

3.2.2 A Management Plan is included as a section within the overall Appraisal Document. This contains mid to long term strategies for preserving or enhancing the area, based on the issues and recommendations for action arising from the appraisal such as the need for additional planning controls in certain areas.

## **3.3 Proposed Additional Planning Controls**

3.3.1 Even in Conservation Areas many alterations to houses are 'permitted development' and do not require planning permission. Consequently many small-scale alterations do not require permission. Individually, these alterations may be fairly minor but added together they begin to have a

marked effect on the appearance of an area. This can create an issue where the character and appearance of a Conservation Area is threatened. Therefore, the Management Plan includes a proposal to introduce additional planning controls to guard against this, in the form of an Article 4(2) direction.

- 3.3.2 The effect of such a Direction is to remove the permitted development rights granted within certain classes of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). In summary, the Direction removes permitted development rights for certain minor operations such as replacement windows and doors and removal of garden fences, thereby necessitating a planning application to be made in these instances. Applications would be considered against the normal Conservation Area policies with a presumption that proposals should preserve or enhance the character or appearance of an area. The purpose of an Article 4(2) Direction is therefore not to stop development from happening at all but to control development as considered appropriate. Article 4(2) Directions are normally made only where the house itself or the locality is of a particularly high quality and where the front elevation of a property is in a relevant location. Properties involved are set out within the Additional Planning Controls section of the Appraisal document.
- 3.3.3 There is no fee required for a planning application required as a result of an Article 4(2) direction. If a planning application, required because of the direction, is refused, there is provision within the legislation for the applicant to claim compensation for the first 12 months from the date of the direction being made. Given that the controls will be extended in the interest of preserving and enhancing the character and appearance of the area and the scope of works affected by the new controls are relatively minor, it is considered that the extent of claims will be limited. This is supported by recent research by English Heritage, who state that compensation claims are extremely rare, with studies showing no claims have been made amongst the local authorities surveyed.
- 3.3.4 The direction is proposed to cover those properties which sit within the former Ray Lodge Estate, the land of which was sold off at the end of the 19<sup>th</sup> century. This marked one of the earliest designed building plots within Maidenhead and the houses constructed were all of a typical arts and crafts style, all within distinct plot boundaries. The direction excludes listed buildings, commercial properties and flats, all of which already have more restrictive planning controls applying. The proposed direction only includes properties which front a highway or are considered prominent in the Conservation Area and of these properties, it is only the elevations facing a highway or open space, which would be controlled.
- 3.3.5 If approved by Cabinet, the Article 4(2) direction would need to be formally served on owners and occupiers of affected properties and additional planning controls would come into force at that time. For at least 21 days, there would be an opportunity for those affected to make representations, after which time, the Council would consider any responses made and whether to confirm the direction. The direction must be confirmed within 6 months or the order will lapse.

## 4. OPTIONS AVAILABLE AND RISK ASSESSMENT

### 4.1 Options

	Option	Comments	Financial Implications
1.	To endorse the proposed boundary and related appraisal document and management plan, in conjunction with the proposed Article 4(2) direction.	Recommended. This would enable the Appraisal to be used to support planning decisions at all levels. The implementation of an Article 4(2) direction will help to preserve and enhance the special character and appearance of the area.	Revenue Additional costs of processing applications can be funded from existing resources. Very few applications are expected, see 4.2.3. Possibility of compensation claims may arise from the withdrawal of permitted development rights but again this is deemed very rare, see 3.3.3.  Capital Some of the measures will require funding if implemented. Funding could be from S106 contributions.
2.	To endorse the proposed boundary and related appraisal document but not agree the proposed Article 4(2) direction	Not Recommended. To be most effective, the appraisal requires statutory basis to implement connected management proposals.	Revenue N/A  Capital As above.
3.	Do nothing	Not Recommended. The Council would not be moving towards the recommended position of having up to date Appraisals, and there would be elements and policies of the LDF work that would lack appropriate support.	Revenue N/A  Capital N/A

### 4.2 Risk assessment

- 4.2.1 Including properties within a Conservation Area will make them subject to some additional planning controls, but it also provides a statutory framework for the application of policies to protect the special architectural and historic character of the area. Without designation there is a risk that the Council will not be able to resist development proposals which could harm the area. Mitigation – To agree the amended boundaries as proposed.

- 4.2.2 In relation to planning decisions, the lack of a recognised character appraisal may lead to a reduction in the weight that might be given to the importance of the characteristics of the Conservation Areas in planning decisions, particularly in appeals. Mitigation - The incorporation of a consultation exercise in the appraisal process reduces the risk that the Appraisal does not reflect local views.
- 4.2.3 As regards the Article 4(2) direction, the main risk involved will be the potential compensation issues that may arise, although this is only in limited circumstances and should be balanced by the fact that the risk to the special character and appearance of the Conservation Area will be reduced by the imposition of the additional planning controls. Mitigation - Since the implementation of the Bray Article 4(2) direction in February, there have only been three applications received and no claims for compensation. Indeed, English Heritage guidance states that compensation claims are very rare, with a recent study finding that no evidence for any such claims being made from authorities surveyed.

## **5. CONSULTATIONS CARRIED OUT**

- 5.1.1 The Council carried out a detailed appraisal of the area and produced a draft document in December 2009 which was subject to a public consultation exercise, closing Monday 25th January 2010. During this time, all residents and business properties together with the utility companies operating within the proposed Conservation Area were notified of the consultation process and the availability of the draft document. There was also an internal consultation process within the authority with relevant council officers. Full copies of the Appraisal Document were sent to relevant Cabinet Members, Ward Councillors, neighbouring authorities, local amenity bodies and English Heritage. Furthermore, a public exhibition/drop in session was held on Monday 14<sup>th</sup> December 2009 within Maidenhead Town Hall, between 4pm and 7.30pm, to which all residents were invited. Copies of the Appraisal document were available for public viewing and members of the Conservation team were present to answer any queries and record any comments made.
- 5.1.2 The first public consultation exercise highlighted a strong public desire for the area south of Brunel's Bridge, known as the Fisheries, to be assessed for inclusion within the proposals. As a result, some additions and amendments were made to the document and a renewed consultation took place during March 2010. During this second consultation, all residents within or near to the proposed extension were notified by letter, as were all those who had responded to the first round of consultation. All local amenity groups were again informed as were the relevant Ward Councillors and internal consultees.
- 5.1.3 The main issues arising from the first consultation relate to the proposed boundary, with requests for the boundary to extend further north towards Cookham and west to include Lock Avenue and the larger flatted development along Ray Mead Road. Finally, there was support to extend south to include the Fisheries. As a result, more of the Fisheries Estate was

included. It was not considered appropriate to extend the boundary to the other areas, where it was considered the criteria for designation was not met. The second consultation on the Fisheries extension received support from all but two properties, who were both concerned at their inclusion within the proposals. Both properties do not directly front the river and questioned their inclusion. Although neither directly front the Thames, it is considered that both make a positive impact to the area and are worthy of inclusion.

5.1.4 With regards to the proposed Article 4(2) Direction, although there was largely support for the proposals, it should be noted that there was a mixed response from those residents who will be directly affected, with only one in full support of the direction.

## 6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

6.1.1 To be completed.

## 7. IMPLICATIONS

7.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity Equality &
✓	✓	✓	✓	N/A	N/A

### Background Papers:

PPS 5 - Planning for the Historic Environment (March 2010)  
 English Heritage – Guidance on Conservation Area Appraisals 2006  
 English Heritage – Guidance on Management of Conservation Area Appraisals 2006  
 English Heritage – Guidance on Making Article 4 Directions 2009  
 RBWM Local Plan, July 1999 (incorporating alterations adopted 2003)  
 RBWM Maidenhead Riverside Conservation Area, Consultation Draft (December 2009)  
 RBWM Maidenhead Riverside Conservation Area Appraisal, Publication Draft for Cabinet (April 2010)  
 RBWM Maidenhead Riverside Conservation Area; Summary of Consultation Exercise, Responses and Proposed Amendments (April 2010).

# Appendix 1

