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| <b>Report Title</b>                          | <b>Conservation Area Appraisals Review Programme</b>                       |
| Contains Confidential or Exempt Information? | NO - Part I  |
| Member reporting:                            | Councillor Coppinger, lead member for Planning                             |
| Meeting and Date:                            | Cabinet 28 June 2018   |
| Responsible Officer(s):                      | Russell O'Keefe, Executive Director and Jenifer Jackson, Head of Planning. |
| Wards affected:                              | All  |

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## REPORT SUMMARY

1. Conservation Area appraisals are a useful tool that can be used to understand and manage change within these areas. The borough has 27 conservation areas, a small number of which do not have appraisals. Some of the appraisals that exist are out of date, in that they do not accord with current policies, plans and guidance.
2. This report recommends that the council commences a rolling programme of conservation area appraisal review, with the aim of providing up to date appraisals for the 27 borough's conservation areas.

## 1 DETAILS OF RECOMMENDATION(S)

### RECOMMENDATION:

**That Cabinet notes the report and:**

- i) Authorises the Head of Planning to commence a prioritised programme of review, see point 2.5.**
- ii) Agrees the criteria for the designation of new areas/deletions to existing conservation areas and a checklist for identifying local buildings of interest, see appendix 1 and 2.**

## 2 REASON(S)

- 2.1 Under Section 71 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a duty to formulate and publish policies for the preservation and enhancement of conservation areas within the borough. The borough currently has 27 conservation areas, 22 of which have appraisals, however, a number of these date from 1995 and whilst some are more recent, most no longer accord with current planning or Historic England guidance.

### **Background**

- 2.2 The purpose of an appraisal is to provide an analysis of those features that give an

area its special architectural or historic character (its significance), and to identify those elements it is important to retain, re-introduce or enhance. This will help applicants, agents, owners as well as members of the public who have a particular interest in the area, or who are considering development proposals, and provide a basis for the assessment of these by planning officers. Appraisals should be developed in line with council policy and make reference to current legislation and relevant guidance.

- 2.3 Management plans can form part of a conservation area appraisal, or be a separate document, and provide guidance for the successful management of these areas. They can include privately owned and council owned land. Management plans should relate to the emerging Local Development Framework and other relevant information. If approved, conservation area appraisals and management plans will be material considerations in determining planning applications in each area. Both types of document are referenced at appeal and are important in assisting the Planning Inspectorate when making decisions. Management plans can also include proposals for additional controls, such as Article 4 Directions, specific design guidance, for example shopfronts and signage, and site briefs for sensitive locations awaiting development.
- 2.4 Funding from the capital bid programme for financial year, 2018/19, of £20,000 has been approved to commence a rolling review of the borough's appraisal documents. This aims to provide updated appraisals and management plans for all of the borough's conservation areas.

### **Programme**

- 2.5 This is proposed to take the form of a cyclical programme of review on the following basis:
- Prioritise the conservation areas without appraisals.
  - Prioritise those areas that are subject to significant development pressure.
  - Any conservation area reviews that result from the neighbourhood plan process.
  - Areas where the existing documents are outdated.
- 2.6 Based on the above the proposed areas to be addressed in the first year are Cookham High Street (underway), Mill Lane and Old Windsor. In year two, All Saints (Boyn Hill, Maidenhead), Castle Hill (Maidenhead) and Waltham St Lawrence will be reviewed. All of these conservation areas (with the exception of Cookham High Street) do not currently have appraisals. In year three Sunningdale, Datchet and Windsor will be reviewed. This is because Sunningdale and Datchet have some of the oldest appraisals (1995) and Windsor is considered to be under pressure from development. Maidenhead Town Centre and Datchet are also considered to be under pressure from development and therefore depending on development pressure, one or more of these areas may be moved up in priority into either year two or three of the review.
- 2.7 All appraisal documents will be written and/or reviewed by the conservation team, with draft new and revised documents considered by cabinet and subject to public consultation. Consultation responses will be reported to cabinet, alongside the amended final documents to be agreed prior to publication.

### **Table 1: Options**

| Option  | Comments   |
|---|--|
| <p>Do nothing, do not review and update the appraisals.</p> <p><b>This is not recommended</b></p>   | <p>This would leave a number of areas without appraisals and others with outdated documents and vulnerable to insensitive change. It would miss an opportunity to engage with local communities and groups with an interest in the area. This approach would result in less robust appraisals that lack the support of stakeholders and may be open to challenge at appeal.</p>  |
| <p>To review the appraisals, and draft new documents ensuring that all the borough's conservation areas have up to date documents.</p> <p><b>This is the recommended option</b></p> | <p>This approach would respond to planning legislation and the requirements of the NPPF in terms of preserving and enhancing the significance of the historic assets of the borough.</p> <p>It ensures engagement with stakeholders and proper consideration of the borough's heritage in planning decisions.</p> <p>It provides robust documents that will assist officers and support council decisions at appeal.</p> |

### Criteria for new designations

- 2.8 As proposals to extend existing, or designate, conservation areas may result from the review and non-listed buildings may be identified as being of local interest; it is important to have an agreed approach to considering these matters. This ensures transparency and consistency of quality in these decisions, see Appendix 1: Proposed criteria for the designation of new and extended conservation areas, and Appendix 2: guidance for agreeing buildings of local interest.
- 2.9 Any buildings identified are likely to form the basis of a formally agreed 'Local List' for the Borough.

## 3 KEY IMPLICATIONS

- 3.1 The aim of the first three year cycle of the programme is to review and provide new and updated appraisals for nine conservation areas.

**Table 2: Key implications**

| Outcome  | Unmet   | Met      | Exceeded | Significantly Exceeded | Date of delivery |
|----------|---------|----------|----------|------------------------|------------------|
| Year 1 - | 1 April | 30 March | 28       | 31                     | 30 March         |

| <b>Outcome</b>                                   | <b>Unmet</b> | <b>Met</b>    | <b>Exceeded</b>  | <b>Significantly Exceeded</b> | <b>Date of delivery</b> |
|--|--------------|---------------|------------------|-------------------------------|-------------------------|
| three appraisals reviewed and completed          | 2019         | 2019          | February 2019    | January 2019                  | 2019                    |
| Year 2 - three appraisals reviewed and completed | 1 April 2020 | 30 March 2020 | 28 February 2020 | 31 January 2020               | 30 March 2020           |
| Year 3 - three appraisals reviewed and completed | 1 April 2021 | 30 March 2021 | 28 February 2021 | 31 January 2021               | 30 March 2021           |

#### **4 FINANCIAL DETAILS / VALUE FOR MONEY**

- 4.1 All costs associated with the rolling appraisal programme will be met from existing budgets.

#### **5 LEGAL IMPLICATIONS**

- 5.1 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 the council has a duty to formulate and publish proposals for the preservation and enhancement of conservation areas. Such proposals include conservation area appraisals and management plans. It is expected that the council will consult when the proposals are at a draft stage in line with best practice and as outlined in the 'Conservation Area Designation, Appraisal and Management' by Historic England 2016 (revised 2017).

#### **6 RISK MANAGEMENT**

**Table 4: Impact of risk and mitigation**

| <b>Risks</b>  | <b>Uncontrolled Risk</b> | <b>Controls</b>   | <b>Controlled Risk</b> |
|---|--------------------------|---|------------------------|
| That conservation areas are ill-defined and insufficiently protected. | High                     | Completion of detailed appraisals, with consultation and adoption by the council to agreed timetable. | Low                    |

#### **7 POTENTIAL IMPACTS**

- 7.1 Levels of enquires from the public might increase – resulting in demand on front line staff. In addition the number of consents required (including for works to trees in conservation areas) may increase, this could result in pressure on existing resource. This will be kept under review for the duration of the three year programme.

## **8 CONSULTATION**

- 8.1 As part of the review process, the appraisals and management plans will be subject to internal and wider public consultation as required by the act and in line with good practice. The consultation will include individually addressed letters being sent to all residents living or working in the area; councillors; relevant local bodies and groups, such as parish councils, local history societies; and statutory bodies, such as Historic England. The draft proposals will be available to view in local libraries and on the council's web site. All proposals will be advertised in a local paper and be subject to a public meeting attended by members of the conservation team, as required by the Act.
- 8.2 Once plans are approved, any changes to the boundaries of existing conservation areas, or new conservation areas, will be published in the local paper and in the London Gazette; the Secretary of State and Historic England will be notified; and the council's GIS system and Local Land Register updated.

## **9 TIMETABLE FOR IMPLEMENTATION**

- 9.1 The timetable for implementation on the conservation appraisals for two areas are detailed in table 5.

**Table 5: Implementation timetable (Current Financial year)**

| <b>Date</b>   | <b>Details</b>   |
|---------------|--|
| October 2018  | Adoption of a revised Cookham Village (former High Street) Conservation Area Appraisal |
| December 2018 | Adoption of a Conservation Area Appraisal for Mill Lane                                |
| March 2019    | Adoption of a Conservation Area Appraisal for Old Windsor                              |

## **10 APPENDICES**

- 10.1 The appendices to the report are as follows:
- Appendix 1: Criteria for the designation of conservation areas and extensions (electronic format)
  - Appendix 2: Checklist for identifying buildings of local significance (electronic)

## **11 BACKGROUND DOCUMENTS**

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework 2012

Historic England 'Conservation Area, Designation Appraisal and Management' Advice

Note 2016

Historic England 'Understanding Place Historic Area Assessment' 2017

## 12 CONSULTATION

| <b>Name of consultee</b> | <b>Post held</b>    | <b>Date issued for comment</b> | <b>Date returned with comments</b> |
|--------------------------|---------------------|--------------------------------|------------------------------------|
| Cllr Coppinger           | Lead Member         | 30.05.2018                     | 31.05.18                           |
| Alison Alexander         | Managing Director   | 30.05.2018                     | 1.6.18                             |
| Russell O'Keefe          | Executive Director  | 30.05.2018                     | 31.05.18                           |
| Andy Jeffs               | Executive Director  | 30.05.18                       | 1.06.18                            |
| Rob Stubbs               | Section 151 Officer | 30.05.18                       | 1.06.18                            |
| Louisa Dean              | Communications      | 30.05.18                       | 1.06.18                            |

## REPORT HISTORY

|  |                            |                               |
|--|----------------------------|-------------------------------|
| <b>Decision type:</b><br>Key decision entered onto forward Plan on the 27 <sup>th</sup> April 2018               | <b>Urgency item?</b><br>No | <b>To Follow item?</b><br>Yes |
| Report Author: Victoria Goldberg, Development Management Manager- Enforcement and Conservation. T. 01628 796042. |                            |                               |

## **APPENDIX 1**

### **Eligibility criteria for the designation of conservation areas/ conservation areas extensions and deletions**

- 1. The area should display a particular character, which could be defined in the following ways:**
  - (A) By the architectural quality of the buildings and features, listed and non-listed within the area
  - (B) Townscape quality, street layout and building lines, open and enclosed spaces, views within the area, views from outside and landmark buildings/features
  - (C) The area may have a homogeneity of building types, size, scale, overall design or building materials, which may be vulnerable to certain forms of development.
  - (D) The area may have particularly strong relationships between the buildings and their settings, in particular topography, water bodies, trees and open spaces.
- 2. The area should have a definable physical boundary.**
- 3. The area may be interesting historically.**

### **Calculation to determine whether designation is recommended**

|  |                           |                                 |  |
|--|---------------------------|---------------------------------|--|
| Definable Character<br>A, B, C, D<br>(4) | Definable Boundary<br>(1) | Interesting historically<br>(1) | <b>TOTAL POINTS</b><br><br><b>OUT OF 6</b> |
|--|---------------------------|---------------------------------|--|

To designate as a conservation area:

5 ~ 6 points

To de-designate / not designate

0 ~ 4 points

## **APPENDIX 2**

### **Criteria for identifying buildings or features of local significance**

**To be considered at least two of the following criteria should be met:**

- 1) Has architectural interest or quality
- 2) Is a landmark feature
- 3) Has a relationship with adjacent designated heritage assets in age, materials or in any other historically significant way
- 4) Individually, or as part of a group, should illustrate the development of the local area
- 5) Has significant historic associations with features such as a historic road layout, a park or a landscape feature (designed or natural)
- 6) Has historic associations with important people or past events
- 7) Reflects the traditional functional character or former uses of the area
- 8) Contributes positively to the character or appearance of the area