

Report Title	Mill Lane, Clewer Village Conservation Area Appraisal
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Adam Bermange, Cabinet Member for Planning, Legal and Asset Management
Meeting and Date:	Cabinet, 13 th December 2023
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services & Adrien Waite, Assistant Director of Planning
Wards affected:	Clewer East

REPORT SUMMARY

1. The Borough has 27 conservation areas, most have a recent conservation area appraisal, but a small number lack an appraisal or have existing documents that are out of date and do not accord with current policies, plans and guidance.
2. On 28th June 2018 Cabinet agreed a rolling programme of review of the Borough's Conservation Areas and those areas without an appraisal, or with outdated documents, were made a priority for a new or revised appraisal.
3. The first of these documents, an appraisal for the Cookham High Street Conservation Area, was agreed last year and the second, a draft appraisal for the Mill Lane Conservation Area in Windsor, has been prepared in readiness for public consultation (as required under the Planning (Listed Buildings and Conservation Areas) Act 1990). This document forms Appendix B.
4. This report seeks agreement of the draft Mill Lane Conservation Area Appraisal and approval of a period of public consultation. A final draft of the document, updated to take account of the public's views, will be reported to Cabinet for approval. The aims of this project meet the Council's current key corporate objective to create inspiring places.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Agrees the draft appraisal document.**
- ii) **Delegates authority to the Assistant Director of Planning in Consultation with the Cabinet Member for Planning, Legal and Asset Management to**
 - a. **approve and publish any minor changes to the Mill Lane Conservation Area Appraisal document, prior to its publication for consultation, and**

b. commence a period of public consultation on the document, including a drop-in session at a local venue.

iii) Agrees that the appraisal document would come back to Cabinet after consultation, following a review of the responses received, for a decision on whether it can be adopted as a material planning consideration.

2. REASON(S) For RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
<p>Agree the draft appraisal document.</p> <p>Delegate authority to the Assistant Director of Planning in Consultation with the Cabinet Member for Planning, Legal and Asset Management to commence a period of public consultation on the document, including a drop-in session at a local venue.</p> <p>This is the recommended option</p>	<p>This approach is in accordance with the agreed programme of review and responds to planning legislation requirements, and the requirements of the NPPF (National Planning Policy Framework) in terms of preserving and enhancing the significance of the historic assets of the Borough and Policy HE 1 of the Borough Local Plan.</p> <p>The proposed consultation would engage with stakeholders and ensure proper consideration of the Borough's heritage in planning decisions. This would provide a robust document that will assist officers and support Council decisions at Appeal.</p>
<p>Do nothing</p> <p>This is not a recommended option.</p>	<p>There is a risk that this would leave the area without an appraisal and vulnerable to insensitive change, and challenge at Appeal.</p> <p>It would also miss an opportunity to engage with the local community and groups with an interest in the area and could result in less support for local heritage and a lost opportunity to gain further understanding of the area and its value to residents.</p>

Background

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. In the Cabinet report of 28th June 2018, the Mill Lane Conservation Area, an area without a current appraisal, was identified as a priority for this work.

- 2.2 The Mill Lane Conservation Area was originally part of a larger Conservation Area and was designated as a separate area in 1974. It is small in size, largely residential in character and located close to the Thames, with St Andrews Church, a grade II* listed building, at its heart. The area is attractive and historically significant. It includes a number of good historic buildings, both listed and unlisted, and has links to a number of nationally important historical figures and events. Despite being a fairly early designation, the first conservation areas were designated in 1967, the area does not currently have a conservation area appraisal.
- 2.3 The purpose of the draft Mill Lane Conservation Area Appraisal is to provide an analysis of the features that give the 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, and owners, as well as members of the public who have a particular interest in the area, to understand its importance. It will also guide those who are considering development proposals and provide a basis for the assessment of applications by Planning Officers. The appraisal has been developed in line with Council policy and refers to current legislation and relevant guidance.
- 2.4 Under Section 71 (2) and (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council is required to undertake public consultation on proposals for conservation areas, including conservation area appraisals, and to consider any views expressed by the public as part of the consultation process.

Criteria for new designations

- 2.5 Following review, there are no proposals to extend this conservation area, however, a number of non-listed buildings have been identified as being of local interest. These have been considered using the previously approved selection criteria for buildings of local interest and if agreed, will be considered as non-designated heritage assets, and protected by Council policy. In the future, these buildings are likely to form the basis of a formally agreed "Local List" for the Borough, one of the anticipated outcomes of the Borough's future Heritage Strategy and Action Plan.

3. KEY IMPLICATIONS

- 3.1 It is proposed that following Cabinet agreement, a period of public consultation on the document will commence. Once revised to take account of comments received, the final document will be returned to Cabinet for approval. The approved document will be a material consideration when considering planning applications within the conservation area.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The costs associated with the programme of conservation area appraisal provision are 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. In addition, para 190 of the NPPF advises that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. These should consider the desirability of sustaining and enhancing the significance of heritage assets. Also, the wider social, cultural, economic, and environmental benefits that the conservation of the historic environment can bring, and the opportunities to draw on the contribution made by the historic environment to the character of a place.
- 5.2 The Council will undertake public consultation as required by the Act, in line with best practice and as outlined in the 'Conservation Area Appraisal, Designation and Management' Historic England Advice Note 1, 2019. The Act also requires the Council to have regard to the views expressed as part of the consultation process.

6. RISK MANAGEMENT

Table 2: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that the conservation area is insufficiently protected, and the local community not engaged if the document and public consultation exercise are not completed.	Major 3	High	The public consultation events will be well publicised using the Council's web site, local notice boards, and libraries. All residents in the area will be written to and asked for their views on the document. A drop in event, at a local community hub, will be held.	Completion of the revised appraisal, with full public consultation and adoption by the Council to an agreed timetable	Minor 1	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A
- 7.2 Climate change/sustainability. The Government recognised with the Climate Change Act 2008, that there is a need for us to understand the risks presented by the changing climate and how we can adapt to minimise the impact of these risks. There is international recognition of the importance of preparedness for climate change in the heritage sector, with a number of UNESCO publications and in the UK a Joint Heritage Sector Statement on Climate Change. Historic England in its Climate Change Adaption Report (2016) advises that we should not see contributing to sustainability as an imposed additional task, but as an opportunity to think differently and review existing practices and processes, as in the case of this project.
- 7.3 Key issues are promoting the positive role that the historic environment can play in informing responses to climate change and associated environmental risks. Current approaches promote the reuse of buildings rather than redevelopment, and the use of local materials; using innovative approaches, including technology, to ensure the historic environment can contribute to energy efficiency, including renewable energy generation to meet future changes without loss of significance. Key actions include promoting the positive role the historic environment can play in informing responses to climate change and associated environmental risks, and engaging the public in this process. The appraisal promotes sustainability, and this issue will be examined and discussed throughout the public consultation process.
- 7.4 Data Protection/GDPR. A DPIA is not required in this instance as personal data, i.e., names and detailed addresses of all those who respond to the consultation will not be required/collected as part of the consultation process.
- 7.5 There is the possibility of enquiries from the public relating to this project that may involve front line staff.

8. CONSULTATION

- 8.1 The appraisal will be subject to both internal consultation and wider public consultation as required by the Act and in line with accepted good practice and as outlined in Historic England current guidance.
- 8.2 This will include individually addressed letters and comments/response sheets sent to all those living or working in the area; letters to local Councillors and to relevant local bodies and groups, such as Parish Councils and local history societies; and the consultation of statutory bodies, such as Historic England. Hard copies of the draft proposals will be available to view in local libraries and the document and consultation details will be uploaded to the Council's web site. Dates for the public meeting will be advertised on the web site and this will be held as a drop-in event at an accessible local community hub within the area. The meeting will include presentation materials and will be attended by members of the Conservation Team, who will be available to answer questions in person.
- 8.3 All consultation responses will be considered, collated and relevant comments incorporated into a revised document and reported to Cabinet for final

consideration.

- 8.4 Once agreed, Berkshire Archaeology will be notified so that the County Historic Environment Record can be updated, and Historic England will also be advised of the new document. The Council's Planning web site, GIS and Local Land Register will be updated accordingly.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 It is anticipated that the public consultation on the draft Mill Lane Conservation Area Appraisal will commence in Spring 2024.

10. APPENDICES

This report is supported by two appendices:

- Appendix A - Equality Impact Assessment
- Appendix B – Draft Mill Lane Conservation Area Appraisal

11. BACKGROUND DOCUMENTS

This report is supported by the following background documents:

- Conservation Area Appraisals Review Programme [Report template \(moderngov.co.uk\)](https://www.moderngov.co.uk)
- Planning (Listed buildings and Conservation Areas) Act 1990 [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
- National Planning Policy Framework [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)
- Borough Local Plan [BLP Adopted Final \(7\).pdf](#)
- Historic England Advice Note 1 (Second Edition), Published 8 February 2019 [Conservation Area Appraisal, Designation and Management | Historic England](#)
- [Joint Heritage Sector Statement on Climate Change | Historic England](#)
- Understanding Place Historic Area Assessment, Historic England 2017 historicengland.org.uk/images-books/publications/understanding-place-historic-area-assessments/heag146-understanding-place-haa/#:~:text=HAAs typically give insights into,wider evolution of the area.

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i> Statutory Officer (or deputy)			
Elizabeth Griffiths	Executive Director of Resources & S151 Officer	07.11.23	
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	07.11.23	08.11.23
<i>Deputies:</i>			

Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer	07.11.23	22.11.23
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer	07.11.23	
Mandatory:	<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>		
Samantha Wootton	Data Protection Officer	07.11.23	17.11.23
Mandatory:	<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>		
Ellen McManus-Fry	Equalities & Engagement Officer	07.11.23	08.11.23
Other consultees:			
Directors (where relevant)			
Stephen Evans	Chief Executive	07.11.23	22.11.23
Andrew Durrant	Executive Director of Place	07.11.23	22.11.23
Assistant Directors (where relevant)			
Adrien Waite	Assistant Director of Planning	07.11.23	08.11.23
External (where relevant)			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cllr Bermange Cabinet Member for Planning, Legal and Asset Management	Yes
Ward Councillors	Cllr Karen Davies Cllr Amy Tisi	Yes

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Non-key decision Added to Forward Plan on 31.07.23.	No	No

Report Author: Ian Motuel, Planning Policy Manager 01628 796429

Appendix A

Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	Mill Lane Conservation Area Appraisal
Service area:	<u>Planning</u>
Directorate:	<u>Place</u>

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?

Is it a new proposal or a change to an existing one?

Under the Planning (Listed Buildings and Conservation Areas) Act 1990 Councils have a duty to formulate and publish proposals for the preservation and enhancement of conservation areas and to undertake public consultation on these proposals. In addition, para 190 of the NPPF advises that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

The Mill Lane Conservation Area lacks a Conservation Area Appraisal at present and the new appraisal document aims to meet the above Government requirements. It provides an analysis of the features of the Mill Lane Conservation Area that give it its special architectural and historic character and identifies those elements that it is important to retain, re-introduce or enhance.

It is intended that the document will help local residents and others with an interest in the area to understand its importance and raise awareness of its history, heritage, and unique sense of place. It is also intended to function as a guide when development proposals are being considered and aid Planning Officers when assessing applications for works within the area, so contributing positively to the local development process and to improved place making.

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM

employees?

- If Yes, state 'Yes' and proceed to Section 3.
- If No, please explain why not, including how you've considered equality issues.

Will this proposal need a EQIA at a later stage? (For example, for a forthcoming action plan)

Yes

3.Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal?

For example, users of a particular service, residents of a geographical area, staff

Residents within the conservation area boundary, developers and planning staff

Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented? For example, compared to the general population do a higher proportion have disabilities?

No

What engagement/consultation has been undertaken or planned?

- How has/will equality considerations be taken into account?
- Where known, what were the outcomes of this engagement?

A period of public consultation is planned for early next year. This will include a letter, map and a response sheet, the layout and content of which will be agreed with the Council's Communications Department and will be sent to each household within the conservation area. An accessibly checked version of the document and a response form will be available online, and a hard copy of the document and paper response form will be made available in local libraries.

Council staff will also be available to answer queries via email and telephone; and in person at the meeting. The meeting will be held in an accessible venue, ideally with parking, if available.

What sources of data and evidence have been used in this assessment?

Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.

Not applicable

4. Equality Analysis

Please detail, using supporting evidence:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age	No impact	Not applicable	Not applicable
Disability	The document has been accessibly checked and will be made widely available on the Council's web site and in hard copies at the libraries; staff will be available to answer queries via email and telephone; and in person at the meeting; the meeting will be held in an	Not applicable	Not applicable
Sex	No impact	Not applicable	Not applicable
Race, ethnicity, and religion	No impact	Not applicable	Not applicable
Sexual orientation and gender reassignment	No impact	Not applicable	Not applicable
Pregnancy and maternity	No impact	Not applicable	Not applicable
Armed forces community	No impact	Not applicable	Not applicable
Socio-economic considerations e.g., low income,	Document is free of charge on the web site and to all residents	Not applicable	Not applicable

poverty			
Children in care/Care leavers	No impact	Not applicable	Not applicable

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off

<p>What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it? For example, adjustments needed to accommodate the needs of a particular group</p>
<p>Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?</p> <ul style="list-style-type: none"> • For planned future actions, provide the name of the responsible individual and the target date for implementation.
Not applicable
<p>How will the equality impacts identified here be monitored and reviewed in the future? See guidance document for examples of appropriate stages to review an EQIA.</p>
Not applicable

6. Sign Off

Completed by: Sarah Harper	Date: 8.08. 2023
Approved by: Adrien Waite	Date: 24.11.2023