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Date: 11 April 2023

## **Notice of meeting**

### **Environment and Sustainability Committee**

**Date:** Wednesday, 19 April 2023

**Time:** 7.00 pm

**Place:** Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

#### **To the members of the Environment and Sustainability Committee**

Councillors:

I.J. Beardsmore (Chairman)	A. Brar	V.J. Leighton
R.J. Noble (Vice-Chairman)	T. Fidler	S.C. Mooney
R.O. Barratt	N.J. Gething	L. E. Nichols
M. Beecher	K.M. Grant	O. Rybinski
J. Button	K. Howkins	J.R. Sexton

Substitute Members: Councillors M.M. Attewell, J.T.F. Doran, C. Bateson, S. Buttar, M. Gibson, H. Harvey, I.T.E. Harvey, N. Islam, T. Lagden, D. Saliagopoulos and S.J Whitmore

*Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.*

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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## **Agenda**

**Page nos.**

**1. Apologies and Substitutes**

To receive any apologies for absence and notification of substitutions.

**2. Disclosures of Interest**

To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.

**3. Questions from members of the Public**

The Chair, or their nominee, to answer any questions raised by members of the public in accordance with Standing Order 40.

At the time of publication of this agenda no questions were received.

**4. Staines Conservation Area Appraisal**

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To consider agreement to the revisions to the boundary of the Staines Conservation Area, and to consider agreement of the Staines Conservation Area Appraisal document as supplementary planning guidance.

# Environment and Sustainability Committee



19 April 2023

<b>Title</b>	Staines Conservation Area Appraisal
<b>Purpose of the report</b>	To consider the draft Staines Conservation Area Appraisal and the proposed revisions to the Staines Conservation Area boundary following consultation.
<b>Report Author</b>	Esmé Spinks, Planning Development Manager Russ Mounty, Principal Planning Officer
<b>Ward(s) Affected</b>	Staines Ward
<b>Exempt</b>	No
<b>Exemption Reason</b>	N/A
<b>Corporate Priority</b>	Community Environment Service delivery
<b>Recommendations</b>	<b>Committee is asked to:</b> <ol style="list-style-type: none"> <li>1. Agree the revisions to the boundary of the Staines Conservation Area</li> <li>2. Agree the Staines Conservation Area Appraisal document as supplementary planning guidance.</li> </ol>
<b>Reason for Recommendation</b>	<p>As set out more fully in this report</p> <ul style="list-style-type: none"> <li>- A fresh consideration of the proposed changes to the conservation area and other content of the draft Appraisal is required following the outcome of the judicial review proceedings brought by the owner of the former Debenhams building (FHSL).</li> <li>- Minor amendments to the draft Appraisal are appropriate to address matters arising during consultation.</li> <li>- The two extensions to the conservation area which were objected to, should be included within the SCA since they are considered to form part of the area of special architectural or historic interest which it is desirable to preserve and enhance. The essential rationale for their inclusion is set out in the draft Appraisal and the objection by FHSL is responded to in the body of the report.</li> </ul>

## **1     Background to this report**

- 1.1     Staines Conservation Area was designated in 1975 by Spelthorne Borough Council as an area of special architectural and historic interest and reviewed in 1991. **Appendix 1** contains a map of the original conservation area.
- 1.2     This review of the Staines Conservation Area and the production of the Conservation Area Appraisal are part of a wider aim by Spelthorne Borough Council to preserve or enhance the special character and appearance of the Conservation Area as required by the Planning (Listed Buildings and Conservation Areas) Act 1990. It is the first of eight appraisals to be carried out, reviewing and appraising all the Borough's conservation areas; and it will enable sustainable decisions to be taken about the conservation area's future management.
- 1.3     Officers engaged Dr Fry of Architectural History and Conservation Consultants ("AHC") to prepare the appraisal in draft. It is that document ("the draft Appraisal") which was agreed by this committee for consultation in May 2022 and is now recommended for approval with minor amendments.
- 1.4     Most Conservation Areas do not have a uniform character and appearance across the whole area. In many cases there are different 'character areas' or 'sub areas' that can be discerned, which have their own unique appearance and characteristics. Their varied character tells a story about the history of the Conservation Area and contributes to the special character and appearance of the whole.
- 1.5     Three distinct Character Areas were identified for the Staines Conservation Area by the draft Appraisal:
- Character Area 1 – St Mary's Church - has the appearance and secluded, quiet atmosphere of a small village centred upon its Church: a building which dominates the character area.
  - Character Area 2 – The Two Rivers - stretches from the former Staines West Station and Hale Street in the north of the Conservation Area, southwards to the rear of the buildings that face onto Clarence Street.
  - Character Area 3 – Market Square and Memorial Gardens - this is the civic core of the town and saw a rapid and extensive period of redevelopment in the early to mid C19.
- 1.6     The draft Appraisal also considers the extent of the Conservation Area and made recommendations for four additional areas to be included, and two existing areas to be excluded:
- Inclusions
- (A)     The area around the four storey, former Debenhams building at the junction of Thames Street and Clarence Street and the adjacent buildings of nos. 47-57 High Street.
  - (B)     The Memorial Gardens and the adjacent car park adjacent to the River Thames.
  - (C)     A section of riverside bank and the river to the west of Church Island.
  - (D)     A section of the River Colne at Two Rivers.



### Exclusions

- (A) The area around the current Travel Loge
- (B) The northern periphery

- 1.7 At the meeting of the Environment and Sustainability Committee on 11 May 2022, a report on the draft updated Staines Conservation Area Appraisal was considered. The Committee agreed the draft Appraisal for consultation, and that it should be subject to 6 weeks public consultation on the proposed amendments to the Conservation Area. The Committee delegated authority to the Group Head Regeneration and Growth, in consultation with the Chair and Vice Chair of the Environment and Sustainability Committee, to approve the final document, taking account of comments, as required, arising from the consultation.
- 1.8 On 29 June 2022, in line with the recommendations in the delegated report of 27 June 2022 (“the June report”), the draft Appraisal was adopted with immediate effect subject to the minor amendments set out in that report.
- 1.9 Very unfortunately, five responses to consultation were not taken into account by those writing the June report, nor those authorising the decision. The reason for this has been identified and steps have been taken to ensure it does not happen again.
- 1.10 Of those five responses, four were supportive of the proposal, however one was an objection articulated by Gail Stoten of the Pegasus Planning Consultancy on behalf of the owner of the former Debenhams store, Future High Street Living (Staines) Ltd (“FHSL”).
- 1.11 On 10 August 2022, FHSL brought an application for judicial review, seeking a quashing order in respect of the decision to extend the conservation area over areas (A) and (B) above. The claim relied on three grounds, namely:
  1. That the decision was taken for an unlawful purpose, namely to prevent the demolition of the former Debenhams building;
  2. That the decision was flawed for failing to take the FHSL objection into account; and
  3. That the decision was flawed for failing to take account of two pieces of evidence relating to the architectural and historic qualities of the building – the views of Historic England expressed when refusing to list the building; and the fact the building was not included in the local list of non-designated heritage assets in 2004 or 2016.
- 1.12 Grounds 1 and 3 were defended in full. For obvious reasons, however, the error relied upon in ground 2 was admitted. The Council nevertheless defended the claim and resisted the quashing order sought by FHSL because FHSL’s objection had been considered subsequently, with the conclusion that the June decision would not have been different had the objection been taken into account at that time. That report was prepared in August 2022 and its conclusion was agreed by Terry Collier (Deputy Chief Executive), in Heather Morgan’s absence, after consultation with Councillors Beecher and Noble on 31 August 2022 (“the August report”).

- 1.13 FHSL amended its claim to add ground 4, an attack on the August report, arguing that it had the appearance of a predetermined outcome and that Mr Collier did not have authority to make a decision on the issue bearing in mind the terms of the Committee's delegation in May. In due course the claim was given permission to proceed and was heard by Mr Justice Lane in the Planning Court on 21 February 2023. On 28 March 2023, the judicial review succeeded, and the decision pursuant to the June report to extend the SCA to include the areas of land where the former Debenhams Building is situated, and the Memorial Gardens and car park was quashed. The effect of the Judge's decision is that the draft Appraisal remains, in terms of its legal effect, unapproved by either the June decision or the August decision insofar as it addresses the two additional areas to which objection was made. A copy of the judgment is at **Appendix 7**
- 1.14 In that context, the draft Appraisal (insofar as it includes additional areas (A) and (B) within the conservation area) needs to be considered afresh and in the light of all responses to consultation including the FHSL objection.
- 1.15 The starting point for consideration is, strictly speaking, the May 2022 resolution, in which the approval and adoption of the draft Appraisal was delegated as set out above. However, officers considered it more appropriate to return the matter to committee, given the background outlined above.
- 1.16 A minor drafting error made in the draft Appraisal approved in May 2022 has been corrected by officers, namely the correct name for the Memorial Park is "Memorial Gardens" (see **Appendix 2**).

## **2 Consultation**

- 2.1 On 11 May 2022 the LPA notified 650 properties within and adjoining the Conservation Area, including the revised boundary.
- 2.2 In addition, the draft appraisal was advertised in the local press and 6 site notices were displayed in and around Staines Conservation Area. Copies of the documents of the proposals were placed on the Councils website and hard copies were available for inspection at the Council Offices and Staines Library.
- 2.3 On 13 May 2022 approximately 3000 emails and 250 letters were sent to stakeholders who had expressed an interest in the Local Plan process.
- 2.4 Specific Consultation Bodies
- the Coal Authority
  - the Environment Agency
  - English Heritage
  - Natural England
  - Network Rail
  - the Highways Agency,
  - our neighbouring local authorities – Runnymede BC, Elmbridge BC, Richmond, Hillingdon, Hounslow
  - Primary Care Trust and Ashford & St Peters Hospitals
  - Electricity suppliers and National Grid

- Gas Suppliers
- Thames Water
- Homes and Communities Agency

## 2.5 General Consultation Bodies

- Residents Associations
- Voluntary and interest Groups
- A2 Dominion
- Sports Clubs including Ashford Sports Club
- Some of the Local Schools

2.6 In addition, there was a large number of local residents who had expressed interest in planning issues and asked to be involved. By the close of the consultation period on 24 June 2022, 139 public consultation responses and 9 stakeholder representation were received. The points raised **by stakeholders** are summarised as follows:

Stakeholder	Summary Comment(s)
Transport for London	No Comments
Network Rail	Glad to see Staines Station featured on the Heritage Asset list
Natural England	No Comments
Surrey County Council Historic Environment Planning Team	<p>This is a considered, well researched and succinct Conservation Area and Management Plan which shows great awareness of the requirements of national legislation, policy and guidance.</p> <p>The document provides a good assessment of what contributes positively and negatively to the character and appearance of the Conservation Area and provides a firm basis for options to enhance the area going forward.</p> <p>The views and vistas, are well considered and are given sufficient justification. The assessment of the character areas is also clearly well thought out, particularly considering the fragmented development of areas such as Two Rivers makes subdividing the Conservation Area somewhat challenging.</p> <p>Further to the recent publication <i>Departing Stores</i> by SAVE Britain's Heritage, we agree with the decision to include the former Debenhams building with the Conservation Area.</p> <p><b>Boundary Review</b> A strong argument is made for the inclusion of the former Debenhams building within the Conservation</p>

	<p>Area as this reflects the ‘important civic and commercial buildings’ highlighted as being as part of the ‘key elements’ of the town. Should this be an area of special interest for Staines, consideration should also be given to including some of the buildings on the High Street, which also reflect this.</p> <p>It is unclear why the decision has been made to exclude the Travelodge aside from the fact it is modern development. While it may not be the most architecturally significant building, it uses appropriate materials and occupies an important site between the River Wraysbury and River Colne. Retaining the building as a whole within the Conservation Area would allow for a more manageable boundary between these two rivers and importantly, also ensure that future development responds to the character and appearance of the area.</p> <p><b>Origins and Historic Development</b> This is a very good section of the document and it has clearly been well researched. It would greatly benefit from some historic map regression showing the development of Staines over time.</p> <p><b>Archaeological Potential</b> This section helpfully outlines the potential of the Staines CA to contain archaeology, but it may be worth adding that this “potential” is not hypothetical: there have been numerous excavations and discoveries within the area, particularly in recent years, which demonstrate the importance and necessity of archaeological work within Staines town centre when development is considered.</p> <p><b>Built Form and Architecture, Views and Vistas and Character Areas</b> The mapping of these elements could be reconsidered to aid interpretation.</p> <p>The section on Character Area 1 would benefit from highlighting that the reason the modern buildings of the business park do not dominate the Conservation Area is because of their height and scale. This is considered elsewhere in the document and this section provides an opportunity to emphasise that again.</p> <p>There are numerous references throughout this section to the contribution of trees to the townscape, although it is not mentioned whether</p>
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	there are sufficient Tree Preservation Orders in place to protect these. A programme of TPO assessment, and if necessary, designation could be included within the Management Plan.
Coal Authority	No Comments
National Highways	No Comments
SBC Asset Team	<p>Do not consider this southernmost proposed extension of the conservation area, which seeks to cover surface car parking as well as the Memorial Gardens, fully justified in the consultation document.</p> <p>If the Council do not agree that further justification is required for the Park area, then this part of the proposed extension must at least be removed, and a defensible line drawn to exclude the car park from the Memorial Park in the conservation area extension.</p> <p>It would be appropriate, as part of this review, to remove the Bridge Street Car Park and the adjacent Hanover House as part of this conservation area review as neither site offers meaningful contribution to the conservation area, nor the setting of the River Thames.</p> <p>Commercial realities need to be considered as part of successful town planning. The Bridge Street Car Park is an important strategic site that offers important wider strategic benefits that will bring inward investment into the borough and act as a catalyst for “pump priming” future development and enhancements that will positively contribute to the long-term vitality and economic sustainability of the town centre.</p>
abrdn (previously known as Aberdeen Standard Investors)	<p>Support the boundary changes around Two Rivers and are aware of the proximity of the revised boundary and those heritage assets within it.</p> <p>Have no comment in respect of the other boundary changes affecting the wider part of Staines town centre.</p>
Pegasus (representing Future High Street Living (Staines) Ltd)	<p>Pegasus object to two extensions to the SCA, (1) to the area including the former Debenhams building; (2) to the Memorial Gardens and car park.</p> <p><u>(1) The area including the former Debenhams building</u></p> <p>The following main points are made:</p>

	<ul style="list-style-type: none"> <li>• Contrary to the claims in the Appraisal the former Debenhams building is not of special architectural or historic interest.</li> <li>• The buildings to the north-east of the former Debenhams building have no intrinsic special architectural or historic interest.</li> <li>• The former Debenhams and buildings to the north-east are entirely out on a limb from the main part of the character area and as such, can only be part of a 'street scene' with one another.</li> <li>• The former Debenhams building is not comparable with any of the 'characteristic features' referred to in the appraisal.</li> <li>• The modest heritage interest of the former Debenhams building is sufficiently protected in planning terms without the awkward and contrived inclusion in an extended conservation area.</li> <li>• The references in the appraisal to 'high architectural quality' and 'good architectural quality' are contradicted by the Historic England Designation Assessment, which found it of a very common level of architectural interest.</li> <li>• The area does have the characteristics of any of the examples given in paragraph 72 of the Historic England guidance. (Historic England Advice Note 1 (Second Edition) 2019: Conservation Area Appraisal, Designation and Management)</li> <li>• The proposed boundary extension runs through the middle of the street, contrary to Historic England guidance on designation.</li> </ul> <p><u>(2) Memorial Gardens</u></p> <p>The following main points are made:</p> <ul style="list-style-type: none"> <li>• The Memorial Gardens do have a low level of historic interest due to their origins within the town, but in the light of their modern character and absence of the memorial, are not considered to hold the requisite special interest that would justify inclusion in the conservation area.</li> <li>• The inclusion of the car park and road junction is considered to be entirely unreasonable – reference is made to the NPPF and the point that including areas of insufficient quality can devalue an area.</li> </ul>
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	<ul style="list-style-type: none"> <li>The justification for the inclusion of the car park given in terms of the views to the Former Debenhams is unreasonable.</li> </ul> <p>Note: the Pegasus representation is attached in full at <b>Appendix 6</b>.</p>

2.7 The LPA received 139 public consultation responses (this incorporates the additional 4 comments in para1.9 above) including comments relating to the following:

- Staines Bridge cannot cope with increased traffic.
- Too many people in the town centre.
- Staines Conservation Area is pitifully small and should be extended to cover the whole of south street right up to and including the Elmsleigh Centre, and the whole of the high street and Two rivers.
- This is a fair and well-informed description.
- Agree with all the recommendations and hope they will be implemented.
- Very much in favour of the proposed changes to include the former Debenhams building within the local conservation area.
- Concern regarding the omission of the Mercure Hotel site and being adjacent to the boundary, will not provide this protection.
- Could the management plan be more specific about powers available to the Local Planning Authority to deal with poor maintenance of buildings.
- Very important to emphasise the importance of maintaining views across the CA, especially from Staines Bridge across to St Mary's Church and The Brewery Tower.
- Recommend the extension is continued to include the riverbank up to the railway line - finishing where it is proposed to finish does seem arbitrary.
- The Conservation Area should be expanded to cover the Debenhams building and all other proposed areas.
- The redevelopment of the Travelodge must be more sympathetic.
- It's a shame to remove Hale Street as the buildings are very interesting.
- The area to be deleted at the entrance to the bridge should surely stay as it is as a small patch of green on the way out of town.
- The Memorial Gardens provide an important vista and access point to the river and the Council has for many years been committed to maximising the value of the river for the borough.
- This an amazing trip through the history of and the historical significance of buildings, properties and areas of Staines.
- The Conservation Area must be up to the railway bridge in Laleham Road, which includes Thameside House and the Thames Lodge Hotel.
- Note that the Appraisal does not mention the former Oast House (once the Knowle Green Brewery)
- Concern at the state of 25/27 Clarence Street, within the Conservation Area.

- Concern regarding the usability of the map.

### **3 Key Issues arising from consultation**

- 3.1 The consultation process undertaken by the Council was open, thorough and has not been criticised in the legal proceedings.
- 3.2 Amongst the responses considered in June, the Council's Asset Team expressed concern that the Memorial Gardens and car park were not fully justified and should be removed, as well as other car parks in the conservation area. This extension was also criticised by Pegasus in its objection.
- 3.3 The following matters were and are considered well founded, and this report recommends that the Appraisal be revised accordingly:
- The comments from the County's Historic Environment Planning Team regarding the archaeological potential of the area.
  - The mapping should be improved to aid interpretation (although some of the usability issues related to the platform on which it was presented for consultation purposes).
- 3.4 The level of support for the Appraisal was particularly notable. Some of the criticisms are addressed briefly below:
- In response to the suggestion that consideration should also be given to including some of the buildings on the High Street: The High Street was reviewed, but its inclusion was not considered appropriate at this time. Individual buildings that might be considered important civic and commercial buildings could be reviewed through the Local List procedure as resources permit.
  - In response to the deletion of the area around the Travelodge: This was not considered to contribute to the overall character and appearance of the Conservation Area and was considered to have an unclear boundary. However, any redevelopment on the edge of the Conservation Area would be expected to respond positively to the character and appearance of the area.
  - In response to the historic map regression: This has not been incorporated because this section is intended to provide an overview. More detailed information is available from the Surrey Historic Environment Record.
  - In response to consideration of trees within the Conservation Area: These have a level of protection from being within the Conservation Area. A review of Tree Preservation Orders is a separate process.
  - In response to the capacity of Staines Bridge and the number of people in the town centre: this is considered not have a direct relevance to the review of the Staines Conservation Area or changes to the boundary.
  - In response to the suggestion that consideration be given to the inclusion of more of the High Street within the Conservation Area: this involves a judgment as to the best place for the boundary at a point in time. While the Council should not rule out including more of the High Street in the future, the Appraisal involved a comprehensive and



independent review, and the extent of the designation as proposed is considered appropriate at this time.

- In response to the omission of the Mercure Hotel site: The Mercure Hotel site was assessed, but its inclusion was not deemed appropriate at this time. The building is locally listed and its location adjacent to the Staines Conservation (as proposed) would be a material consideration were an application for redevelopment received.
- In response to the suggestion that the powers available to the Local Planning Authority to deal with poor maintenance of buildings should be included: these have not been included because they are considered adequately covered in the Listed Building and Conservation Areas Act 1990.
- In response to the point made about the removal of Hale Street: Hale Street has not been deleted from the Conservation Area, only area of the former Frankie and Benny's / Travelodge.
- In response to the deletion of the area adjacent to the bridge: The only part of the Conservation Area being deleted at the Staines Bridge is that located within the adjoining Borough.
- In response to the Appraisal not mentioning the former Oast House: This site is outside of the Staines Conservation Area and therefore is not referred to in this document.
- In response to the concern at the state of 25/27 Clarence Street: This site is the subject of planning approval for the restoration and extension of these buildings, that is considered to enhance the Conservation Area.
- In response to the usability of the map: These were provided as PDF documents for the purpose of the consultation.

3.5 The following issues are considered in more detail below:-

- Additional area A: Including the former Debenhams building and neighbouring buildings (ref, Pegasus);
- Additional area B: Including the Memorial Gardens and car park into the conservation area (ref. SBC Asset Team and Pegasus).

The Pegasus objection on behalf of FHSL is provided in full at **Appendix 6**.

#### **Additional area A: the former Debenhams building**

3.6 The draft Appraisal recommends this area for inclusion within the broader conservation area as part of the area of special architectural or historic interest which designation seeks to preserve.

3.7 References to it are found within the following paragraphs of the draft Appraisal:

3.8 Section 1.3: Key Elements (pg4)  
*'Important civic and commercial buildings including the Town Hall, Fire Engine Shed Staines West Station, War Memorial and Debenhams building etc.. reflecting civic pride in the 19<sup>th</sup> and 20<sup>th</sup> centuries;'*

- 3.9 Section 3.3; Character Area 3 – Market Square and Memorial Garden (pg29)  
*‘Views along Clarence Street from west to east are terminated by the former Debenhams building. This building shares many of the features characteristic of the historic buildings in this Character Area in terms of scale, string rhythm, architectural language and detail and reinforces those characteristics. For these reasons, and due to the fact that it forms a landmark termination to those views, it contributes positively to the street scene and the character and appearance of the Conservation Area.’*
- 3.10 Section 3.3; Character Area 3 – Market Square and Memorial Garden (Pg34)  
*‘The former Debenhams building is clearly visible from Thames Street and the from the car park on Thames Street, adjacent to Memorial Gardens. The view from Thames Street shows the long and undulating side elevation of the Debenhams building which is not visible from Clarence Street. It shows another aspect of the visual architectural interest of this large building that influences so much of the Conservation Area.’*
- 3.11 Section 4: Inclusions (pg35):  
*‘The four storey, former Debenhams building was built in 1956 by George Coles, the renowned Art Deco architect. This landmark building is an important building of high visual quality which terminates the long views along Clarence St and from Thames Street. It is of good architectural quality and it reinforces the historic built character of character area 3.*
- 3.12 Pegasus’s objection is based on the analysis by Gail Stoten of Pegasus summarised in the table in paragraph 2.6 above and provided in full at **Appendix 6.**
- 3.13 The key issues raised by the Pegasus objection are:
- 1) Whether, contrary to the claims in the draft Appraisal, the former Debenhams building is not of special architectural or historic interest.
  - 2) Whether the buildings to the north-east of the former Debenhams building have any intrinsic special architectural or historic interest and if so whether they should be excluded from the conservation area.
  - 3) Whether the shape of the conservation area means the former Debenhams building and buildings to the north-east can only be part of a ‘street scene’ with one another.
  - 4) The area does have the characteristics of any of the examples given in paragraph 72 of the Historic England guidance. (Historic England Advice Note 1 (Second Edition) 2019: Conservation Area Appraisal, Designation and Management)
  - 5) The proposed boundary extension runs through the middle of the street, contrary to Historic England guidance on designation.

### The qualities of the building

- 3.14 The objection refers to the decision of Historic England on 15 December 2021 and in response to requests to list the building, not to recommend it be included on the statutory list and the reasons given for that decision.

- 3.15 It gave two reasons, copied below:

Degree of Architectural interest:

*'the building is a late example of neo-Georgian retail architecture and despite the interest of its architect, is comparable in quality to a very large number of high street buildings of the inter- and post- war period across the country; it does not possess the quality of design, decoration or craftsmanship to mark it of special architectural interest.'*

Degree of Historic interest:

*'department stores are an important part of the country's retail heritage, and they are increasingly under threat; however, only those with the greatest claims to interest will merit addition to the statutory list,'*

The Historic England assessment is included at **Appendix 8**

- 3.16 Pegasus agrees with the assessment of significance above (§ 5.1) and goes on to say not every building by a celebrated architect will be of special interest. It acknowledges the building has 'some landmark quality' [§5.8] and that it is part of the setting of the current conservation area, but considers the qualities identified in the draft appraisal as to its architectural quality are contradicted by the Historic England assessment [§5.9].
- 3.17 While to some extent these points reflect a legitimate, albeit different, judgment, there are some aspects of the Pegasus analysis which officers consider incorrect.
- 3.18 First, the draft Appraisal's judgment as to architectural quality need not be inconsistent with that of Historic England and Officers do not believe it is. The building has sufficient quality to be a locally listed building and is so designated. Historic England's assessment was given before the draft Appraisal and for a different purpose. Historic England was not consulted on the draft Appraisal, but its general comment on retail heritage (copied above) appears consistent with the view that a building which forms an important part of the retail heritage of Staines Town Centre belongs within the Staines Conservation Area.
- 3.19 Whilst the former Debenhams building is not of 'special interest' sufficient for inclusion on the national list as a result of its association with George Coles and has neither the striking overall design or exquisite detailing of his best work, the draft Appraisal considers it is important as a piece of Staines townscape, and as part of views both within and outside of the Staines Conservation Area.
- 3.20 In addition, the former Debenhams building has been assessed by AHC in the draft Appraisal as sharing many of the features characteristic of the historic

buildings in Character Area 3 in terms of scale, string rhythm, architectural language and detail and reinforces those characteristics.

- 3.21 Whilst it was not statutorily listed by Historic England, the former Debenhams building was included in the Local List of Buildings and Structures of Architectural or Historic Interest, at the Planning Committee 30 March 2022. The building owner, Future High Street Living (Staines) Ltd, was consulted on the proposal and objected, noting that the building was found not to be worthy of inclusion on the local list of 2004 and 2016. This was a matter raised before Mr Justice Lane at the Judicial Review and he ruled that it should have been taken into account when the draft Appraisal was approved. Accordingly, the committee should take that failure to include the building on the local list in 2004 and 2016 into account. Officers give this particular point very little weight since the building was lawfully included on the Local List as of March 2022.

#### The influence of the building on the conservation area

- 3.22 The Pegasus objection considers the influence of the former Debenhams building on “so much of the conservation area” to be simply incorrect [§5.10].
- 3.33 This is a pure question of judgment which Members should consider from their own knowledge of the conservation area, and whether they agree with the Pegasus objection. It is not necessary for a building to have a particularly extensive influence on the conservation area in order to be included within it. Officers agree with AHC that the phrase does adequately describe the influence of the building on the conservation area, but there is room for a difference of view here.

#### The qualities of the buildings to the NE of the former Debenhams

- 3.24 Historic England state that conservation areas exist to manage and protect the special architectural and historic interest of a place. These buildings need not themselves display ‘*intrinsic special architectural or historic interest*’ to be included.
- 3.25 This issue is a boundary issue, in that it is about precisely where the Council should draw the boundary to the conservation area. It is open to the Council to choose what is a sensible boundary to the Staines conservation area bearing in mind the advice in Guidance Note 1 at §75 which states:

*‘Before finalising the boundary it is worth considering whether the immediate setting also requires the additional controls that result from designation, or whether the setting is itself sufficiently protected by national policy or the policies in the Local Plan’.*

- 3.26 The draft Appraisal does not suggest these buildings have particular qualities themselves, but they contribute to the views into the Conservation Area from the High Street illustrating the tight urban grain that the High Street elevation of the former Debenhams building has sought to reflect in creating a landmark building at this junction.

- 3.27 Officers consider that these buildings, together with the former Debenhams building are properly included as part of the area of architectural and historic significance it is desirable to preserve and enhance. A different boundary could be chosen, but officers consider AHC's choice is appropriate bearing in mind the advice in Guidance Note 1 and the relationship of those buildings to the former Debenhams building referred to above.

#### The shape of the conservation area

- 3.28 The shape of the proposed extension to the conservation area to include the former Debenhams building reflects the elements that are considered to contribute to its character and appearance and excludes those elements that are unlikely to contribute positively in the short/medium term.
- 3.29 Officers are satisfied that the draft Appraisal is right to draw the boundary where it does, and that it makes a positive contribution to views within the conservation area and to its character and appearance.

#### The examples in paragraph 72 of Advice Note 1

- 3.30 Paragraph 72 of the Historic England's Guidance (Historic England Advice Note 1 (Second Edition) 2019: Conservation Area Appraisal, Designation and Management) does not represent criteria that the Council must follow. In referring to the suitability for designation it states: *'The different types of special architectural and historic interest which have led to designation include;*', and then provides examples. This is not provided by HE as a prescriptive list. However, the LPA considers that the extensions proposed represent a valuable component of the wider historic area.

#### The boundary down the middle of the High Street

- 3.31 The Historic England Guidance (Historic England Advice Note 1 (Second Edition) 2019: Conservation Area Appraisal, Designation and Management) states at paragraph 68:
- '..in almost all situations the conservation area boundary runs around rather than through a space or plot. It will generally be defined by physical features and avoid for example running along the middle of a street, though including the boundary wall of a property which is otherwise not included can in itself cause problems when applying conservation area policies in development management decisions.'*
- 3.32 It is clear that these are pragmatic considerations designed to avoid difficulties when applying the designation in practice: considering the use of powers and making other decisions affecting the conservation area.
- 3.33 Revising the Staines Conservation Area boundary along the middle of the High Street is not itself contrary to HE guidance, although the Advice Note does highlight potential problems may result. The LPA is satisfied that this small section of the boundary is appropriately located and that it won't cause insurmountable difficulties when exercising powers and applying policies.

### **Additional Area B: the Memorial Gardens and car park**

- 3.34 The draft Appraisal recommends this area for inclusion within the broader conservation area as part of the area of special architectural or historic interest which designation seeks to preserve.
- 3.35 References to it are found within the following paragraphs of the draft Appraisal:
- 3.36 Section 2.2 Origins and Historical development (pg6)  
*'All the bridges prior to the construction of the present structure in 1832 were located between what is now the Memorial Gardens and The Hythe on the opposite riverbank and were accessed via the High Street which stretched across the site of the present Town Hall.'*
- 3.37 Section 2.2 Origins and Historical development (Pg8)  
*'Between 1871 and 1880 the Town Hall was constructed. This involved the demolition of the existing market house and a number of buildings to the east of the current Town Hall which created the Market Square and made space for the Memorial Gardens which were laid out in 1897.'*
- 3.38 Section 2.5 Trees and Open Space (pg14)  
*'There are five significant open areas within the Conservation Area; the churchyard at St Mary's; the Thameside Walk along Island Close, the area at the junction of the rivers Colne and Wraysbury to the east of the lower part of Church Street; Market Square and the Memorial Gardens.'*
- 3.39 Section 2.5 Trees and Open Space (pg14)  
*'This key civic space [the Market Square] creates an intended public arena and place to gather in front of the Town Hall. It also provides a transition to the Memorial gardens by virtue of the fact that the spaces to either side of the south of the Town Hall are not enclosed by buildings beyond them but instead provide glimpses out to open space beyond.'*
- 3.40 Section 2.5 Trees and Open Space (pg14)  
*'The Memorial Gardens was the original home of the War Memorial. This is an attractive, open, riverside park which allows for an appreciation of the river and a different perspective of the town that is not obtainable from the urban core. Formally planting provides structural shape to the park whilst informal tree areas along the bank of the Thames adds greenery to this urban area.'*
- 3.41 Section 3.3 Character Area 3 Market Square and Memorial Gardens (pg27)  
*"The Thames is not readily legible from the town centre but is fully appreciable, once within the Memorial Gardens;"*

- 3.42 Section 3.3 Character Area 3 Market Square and Memorial Gardens (pg30)  
*'The river and Memorial Gardens are not readily appreciable from Clarence Street and are largely concealed from view by buildings.'*
- 3.43 Section 3.3 Character Area 3 Market Square and Memorial Gardens (pg31)  
*'As in Clarence Street, the river itself is again not clearly appreciable from within Market Square, although the entrance to the Memorial Gardens successfully creates legibility and permeability, directing the eye, and pedestrians, into the gardens and towards the river. Memorial Gardens is very important to the setting of the Town Hall and Fire Engine Shed;'*
- 3.44 Section 3.3 Character Area 3 Market Square and Memorial Gardens (pg31)  
*'The War Memorial was moved to its present location from the Memorial Gardens in 2002 and is almost tucked away behind Cygnet House but its status and presence is fully appreciable once within the Square.'*
- 3.45 Section 3.3 Character Area 3 Market Square and Memorial Gardens (pg32)  
*'The Memorial Gardens have been deliberately laid out so that it is the focus of, and terminates views into, Market Square on the approach into the town from the Gardens.'*
- 3.46 Section 3.3 Character Area 3 Market Square and Memorial Gardens (pg32)  
*'The river is most appreciable from within the Memorial Gardens where there are attractive views across it to The Hythe. Development on the southern bank impacts directly on the character of the Conservation Area due to its visibility from the northern bank;'*
- 3.47 Section 3.3 Character Area 3 Market Square and Memorial Gardens (pg32)  
*'The Memorial Gardens is an attractive open space and one of the few spaces within the Conservation Area where the river is clearly evident. The width, power and importance of the river are celebrated, within the Gardens. The Gardens have significance for that reason alone but also for its social and evidential value as it was created as a memorial to the men of the town who gave their lives in the first World War;'*
- 3.48 Section 3.3 Character Area 3 Market Square and Memorial Gardens (pg33)  
*'The car park to the east of the Memorial Gardens is an integral part of the landscaping and open space that allows wide, uninterrupted views of the river to be obtained and appreciated;'*
- 3.49 Section 3.3 Character Area 3 Market Square and Memorial Gardens (pg33)  
*'The Memorial Gardens make a fitting setting for the public art which it contains;'*

- 3.50 Section 3.3 Character Area 3 Market Square and Memorial Gardens (pg34)  
'The former Debenhams building is clearly visible from Thames Street and the from the car park on Thames Street, adjacent to Memorial Gardens.'
- 3.51 Section 4 Inclusions (pg35)  
*'The Memorial Gardens and adjacent car park have been included in its entirety because of the importance that this high quality open space has within the character area and also as one of the few public, open spaces from where a full appreciation of the river Thames and its relationship to Staines town can be obtained.'*
- 3.52 Pegasus's objection is based on the analysis by Gail Stoten of Pegasus summarised in in the table attached to paragraph 2.6 above.
- 3.53 The key issues raised by the Pegasus objection are:  
1) Whether the Memorial Gardens hold the requisite special interest that would justify inclusion in the conservation area.  
2) Whether it is unreasonable to include the car park and road junction and whether doing so might devalue the area.
- 3.54 The key issues raised by the Council's Asset Team are similar and do not require separate consideration.

#### The Memorial Gardens' intrinsic interest

- 3.55 The Memorial Gardens is a relatively new, or modern, introduction and it is agreed that it has limited historic interest in its own right. However, this is not the sole basis upon which areas are designated. The Memorial Gardens is the place where the war memorial used to be located and has a particular relationship with the River Thames and the town centre, all of which is significant in the history of Staines-upon-Thames and part of its special interest, which it is desirable to preserve and enhance. Officers agree with the draft Appraisal and recommend that the conservation area is extended to include it.

#### The car park

- 3.56 The inclusion of car parks and road junctions is not uncommon within conservation areas, and these are considered to be relevant to the wider conservation area. The area is considered to be properly identified as a component part of the wider conservation area.
- 2.57 The view of the former Debenhams building from the car park area, and Thames Street, is a factual statement and is not intended itself to 'justify' their inclusion.
- 3.58 The Memorial Gardens incorporates part of the Thames Path, alongside the river, which lies adjacent to the Riverside car park. The boundary to the car park is not defined from the wider open space adjacent to the Thames, beyond the landscape buffer.



- 3.59 Whilst it is hardstanding, it represents part of the open space adjacent to the Thames and the town centre laid out for social relevance to Staines.
- 3.60 Although it would be possible to define a boundary that would separate the car park from the area, officers are satisfied that it contributes to the overall character and appearance of the Conservation Area and is properly included as part of the area the Council wishes to preserve and enhance.

#### **4 Legal Implications**

- 4.1 On 28 March 2023, Mr Justice Lane handed down judgment in the case brought by the owners of the former Debenhams building, *Future High Street Living (Staines) Ltd v Spelthorne Borough Council* [2023] EWHC 688 (Admin) (see **Appendix 7**) FHSL's case was that the June 2022 decision taken under delegated powers to approve and adopt the Staines Conservation Area Appraisal as amended ("the Appraisal") with immediate effect was unlawful.
- 4.2 FHSL succeeded and the June decision was quashed insofar as the Appraisal proposed extensions to the conservation area to include the former Debenhams building and the Memorial Gardens. The principal reason for the quashing order was the Council's failure to consider FHSL's objection, and the Judge also quashed the retrospective consideration of FHSL's objection in August 2022.
- 4.3 The judgment and Order do not direct the Council how to give effect to the quashing of these decisions. The status of the draft Appraisal now - insofar as it affects those two areas of proposed extension - is as it was when published for consultation in May 2022.
- 4.4 The task for members and the subject of this report is to assess the merit of the FHSL objection with an open mind, entirely unaffected by the analysis in the June report, and the August report which should be ignored. It will be noted that neither the June nor the August reports are attached in the Appendix.
- 4.5 A conservation area is an '*area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*'. [section 69(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.]
- 4.6 The Council as local planning authority is subject to the statutory duty '*from time to time 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*' [section 69(2)]
- 4.7 The Judge held that Ground 1 failed, in which FHSL claimed the Council extended the conservation area for the unlawful purpose of preventing the demolition of the building. In addition, the consultation process was not criticised. Therefore, the judicial review leaves things where they were at midnight on June 24 as far as the now-quashed decisions are concerned: a six week consultation (not criticised) had ended and the Council needs to

consider whether the Appraisal should be adopted in the form in which it was published for consultation, or amended in the light of those responses to consultation.

4.8 In that context, the judicial review leaves entirely intact: -

- (1) The decision of the Planning committee to agree the report dated 30 March 2022 and include the Debenhams building to the Local List of buildings and structures of architectural or historic interest. Indeed, the Judgment barely mentions this (although it records the fact at §15).
- (2) The decision of the E&S committee on 10 May 2022 to agree the draft updated appraisal for consultation, to undertake the 6-week consultation, and to delegate authority to approve the final document taking account of comments as required arising from the consultation.
- (3) The approval of the Appraisal in June 2022 insofar as it addresses matters other than the two decisions over the extent of the conservation area.

4.9 **The key question when including additional land in the conservation area is whether that land is properly judged to be part of the area of architectural or historic significance it is desired to preserve and enhance.** Pragmatic decisions about conservation area extent are often made on the boundary, and all sources of guidance and planning policy recognise that not all areas of a conservation area are of a quality sufficient in and of themselves to justify designation. However, as the NPPF warns at paragraph 191:

*‘When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest’.*

4.10 In conclusion, when considering the Appraisal’s additional areas for inclusion in the conservation area and whether to adopt it as is or amend it in some way, it is worth looking closely at each of the areas of objection and considering afresh whether or not the boundary has been put in the correct place – a place which reflects the key judgment outlined above. These areas are:

- 1) The former Debenhams building;
- 2) The High Street and whether the boundary should be along one side or the other – or down the middle as proposed;
- 3) The buildings to the NE of the Debenhams building and whether their contribution to setting justifies including them in the conservation area. If not, does something else?
- 4) The Memorial Gardens;
- 5) The car park adjacent to the Memorial Gardens.

- 4.11 The Council needs to approach the task with an open mind whether or not the conservation area should be extended in the manner proposed in the draft Appraisal.

## **5 Financial Implications**

- 5.1 These are provided for contextual information but are not relevant to the decision to adopt the Appraisal and extend the conservation area.
- 5.2 The extension of a conservation area boundary is likely to result in additional resource pressures for planning officers and the likely need to obtain, on occasion as, additional independent expert heritage advice due to the additional controls. There is no additional planning fee income received by the Local Planning Authority as a result of the additional controls. This will matter be monitored to establish whether this additional work can be paid for from within existing budgets.

## **6 Other implications**

- 6.1 These are provided for contextual information but are not relevant to the decision to adopt the Appraisal and extend the conservation area.
- 6.2 Planning decisions concerning land within the conservation area engage section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3 The Staines Conservation Area Appraisal will become a material consideration in decision making.
- 6.4 The conservation area designation introduces some additional controls over the way owners can alter or develop their properties. These include:
- control over the demolition of unlisted buildings.
  - control over works to trees.
  - limitations on the types of advertisements which can be displayed with deemed consent.
  - restriction on the types of development which can be carried out without the need for planning permission (permitted development rights).
  - support for the use of article 4 directions to remove permitted development rights where avoidable damage is occurring.
  - clarification of archaeological interest, thereby assisting its protection.

## **7 Equality and Diversity**

- 7.1 This decision does not have any direct equality and diversity impacts.

## **8     Sustainability/Climate Change Implications**

- 8.1     The protection and enhancement of existing heritage buildings and open areas has a neutral impact on sustainability/climate change issues.

## **9     Recommendation**

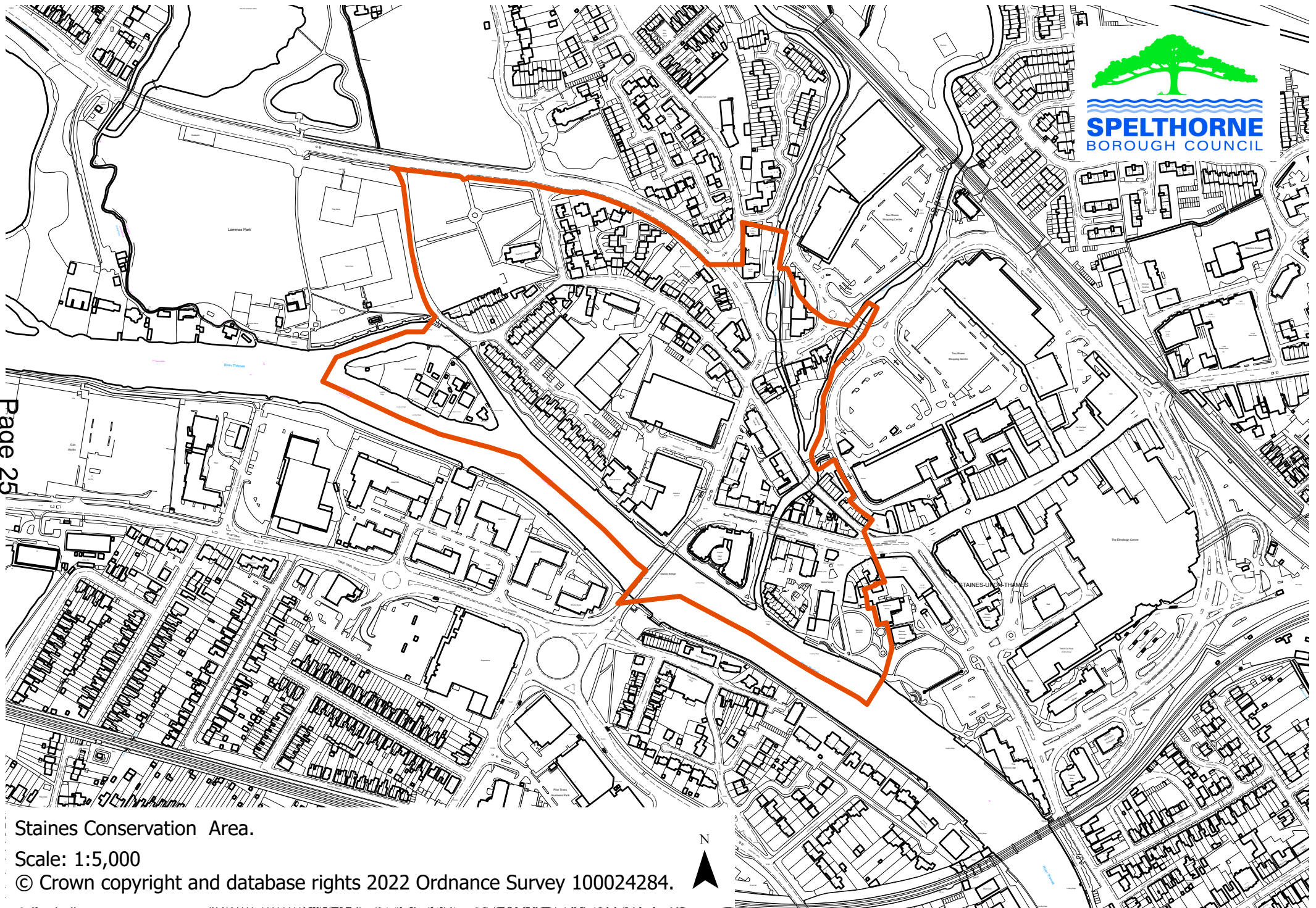
- 9.1     It is recommended that:
1.     The revisions to the boundary of the Staines Conservation Area be agreed; and
  2.     The Staines Conservation Area Appraisal document be agreed.

### **Contact**

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### **Appendices:**

- Appendix 1   - Staines Conservation Area (Map)
- Appendix 2   - Staines Conservation Area Appraisal 2022 (as amended)
- Appendix 3   - Staines Conservation Area Character Areas (Map)
- Appendix 4   - Staines Conservation Area boundary changes (Map)
- Appendix 5   - Staines Conservation Area Asset Sheets
- Appendix 6   - Pegasus representation on behalf of Future High Street Living (Staines) Ltd
- Appendix 7   - The Judgment and Order of Mr Justice Lane in *FHSL (Staines) Ltd v Spelthorne Borough Council* [2023] 688 (Admin)
- Appendix 8   - Historic England's assessment of the former Debenhams building's suitability for listing, 15 December 2021
- Appendix 9   - E&S Committee report of 10 May 2022



Staines Conservation Area.

Scale: 1:5,000

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## **Staines Conservation Area Appraisal**

### **Spelthorne Borough Council**



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## 1.0 INTRODUCTION



## 1.1 Introduction

Staines Conservation Area was designated in 1975 by Spelthorne District Council as an area of special architectural and historic interest. On 19 April 2023 the Staines Conservation Area Appraisal (this document) was adopted by the Council as Supplementary Planning Guidance. It follows advice given by Historic England as set out in '*Advice Note 1: Conservation Area Appraisal, Designation and Management*' published 8 February 2019.

This Conservation Area Appraisal seeks to analyse the special architectural and historic interest of the Staines Conservation Area. It will also identify opportunities for beneficial change and the need for additional protection. The Appraisal also seeks to consider and review the Conservation Area boundary which has been in place since 1975.

The review of the Staines Conservation Area and the production of the Conservation Area Appraisal are part of a wider aim by Spelthorne District Council to preserve or enhance the special character and appearance of the Conservation Area. It will also enable sustainable decisions to be taken about its future management.

## 1.2 Planning policy Context

Section 69 1(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a Conservation Area is an '*area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*'. It goes on to state that the duty of Local Planning Authorities is '*from time to time to review the past exercise of functions under this section (Section 69(2)) and to determine whether any parts or any further parts of their area should be designated as Conservation Areas*'

Section 72 of the 1990 Act further states that, '*with respect to any buildings or land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*' (in the exercise of the Local Planning Authority's planning function). In order to carry out this duty the character of the Conservation Area needs to be clearly defined and understood (character appraisal).

The appraisal set out here, together with the management plan (Section 6 below) comply with government guidance on the management of the historic environment through the National Planning Policy Framework (NPPF) as amended July 2021. The appropriate conservation of heritage assets is one of the 'Core Planning Principles' that underpins the planning system.

Further details of the conservation of heritage assets are set out in the NPPF at Chapter 6, *Conserving and enhancing the Historic Environment*. Para 189 states that '*[Heritage assets] are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations*'.

Para 192 states that '*Local Planning Authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area...*'



The Staines Conservation Area Appraisal follows the latest guidance provided by Historic England as set out in '*Advice Note 1: Conservation Area Appraisal, Designation and Management*' published 8 February 2019.

The broad principles of government guidance are included in the Spelthorne Local Plan 2009. Of especial relevance are Policies EN5, Buildings of Architectural and Historic Interest (p.60) and EN6 Conservation Areas, Historic Landscapes, Parks and Gardens (p.61). At the time of writing the emerging Local Plan currently carries no weight.

### 1.3 Summary of Key Elements

The key elements which define the special character and appearance of the Staines Conservation Area are

- Its' location adjacent to the Thames on its southern boundary together with Church Island;
- The number of rivers, tributaries and channels which run throughout the Conservation Area creating boundaries, views and a number of riverside settings within a largely built-up environment;
- The high level of interconnection between spaces and visual permeability throughout the Conservation Area due to a plethora of glimpsed views and openings;
- The presence of a few pivotal, landmark buildings such as the listed buildings in Market Square, Brewery Tower, St Mary's Church etc...and the multiple views of these buildings due to extensive visual permeability within the Conservation Area;
- Important civic and commercial buildings including the Town Hall, Fire Engine Shed Staines West Station, War Memorial and Debenhams building etc.. reflecting civic pride in the 19<sup>th</sup> and 20<sup>th</sup> centuries;
- There a several Coaching Inns throughout the area which, even where they are converted, are easily recognised and reflect the importance of Staines as a Coaching stop from the 18<sup>th</sup> century onwards;
- The high number of valuable trees and specimen trees, particularly in the St Mary's Church Character area, and along the Thames;
- The small-scale, village-like appearance and quiet character of St Mary's Church Character Area;
- By contrast the more built up, busier, grander and larger-scale historic development centered around the Market Square, High Street, Church Street and Clarence Road junctions.

## 2.0 ASSESSING SPECIAL INTEREST

### 2.1 Location and Setting

Staines Upon Thames is located in the south-east of England, to the west of London and within the M25 motorway. It lies in the far north of Surrey on the left bank of the Thames. Its setting adjacent to the River Thames lends the town some open views and attractive riverside spaces. Staines' location close to good national and international road, rail and air transportation links and within easy commutable distance of London, means that it is subject to considerable development pressures. Lack of available land for development means significant pressure exists to build upwards and this can create difficult juxtapositions of old and new.

### 2.2 Origins and Historic Development

Archaeological evidence suggests that the area around Staines was settled as far back as the Neolithic period. It suggests that during the Roman period a settlement had grown up around the crossing of Thames and Colne rivers and along what is now the western end of High Street. This then formed part of the Devil's Highway, a principal Roman road from Londinium (London) to Calleva Atrebatum (Silchester). It is likely that the area was chosen as a crossing point of the Thames because the subsoils are gravel rather than alluvial and therefore provide solid foundations for bridge structures. It is believed that flooding may have caused the Roman town to decline around the 2<sup>nd</sup> century and shift its focus to Binbury Island, the site of the current parish church of St. Mary's.

The Domesday Book of 1086 references Staines as 'Stanes' and lists it as being held by Westminster Abbey and a market was established in 1218. Also notable in the history of medieval Staines is its role as the place of residence of King John's barons during the period of negotiation prior to the signing of the Magna Carta, just across the River Thames at Runnymede on 15<sup>th</sup> June 1215. During the medieval period development appears to have concentrated to the south of the church and close to the bridge around what is now Market Square and the western end of High Street.

The position of Staines close to Windsor Castle and on the main road from London to the South-West ensured its strategic importance. The town was a stopping point and over the centuries many coaching inns grew up in the town. Examples include The Angel on the High Street which occupies the site of a former medieval inn and The Bells in Church Street, elements of which date from the 17<sup>th</sup> century.





**The Bells, Church Street, an early example of a Coaching Inn**

Rivers have had a significant impact on the history of Staines and were important for transportation, communication and for industry. The town marked the western-most extremity of the City of London's jurisdiction over the River Thames. The Rivers Colne, Ash and Wraysbury were important for the establishment of several mills within the town. In the late 18<sup>th</sup> century Thomas Ashby established a brewery in Staines which utilised the water from the River Colne. The brewery was located in Church Street and although closed in 1936, the 19<sup>th</sup> century brewery tower still survives and forms a major landmark in Staines' skyline.

There have been a number of bridges built across the River Thames, the first post-Roman reference to a bridge dates from 1222. In 1791 a stone bridge was constructed, but collapsed soon after completion. All the bridges prior to the construction of the present structure in 1832 were located between what is now the Memorial Gardens and The Hythe on the opposite riverbank and were accessed via the High Street which stretched across the site of the present Town Hall. The present stone bridge, designed by George Rennie and John Rennie the Younger, was



**Staines Bridge constructed in 1832**



opened in 1832 by William IV and is located a short distance to the north-west of the former bridges.

By the late 16<sup>th</sup> century, the area around the church known as Binbury, appears to have declined in population and the church became isolated from the main concentration of development around the bridge and High Street. In the following century, John Ogliby describes Staines as a 'well-built town' (Britannia Atlas, 1675) and by 1723 a market building had been constructed in the middle of High Street, effectively dividing the western end in two. By this period, development is believed to have stretched east of Thames Street, but very few pre-19<sup>th</sup> century buildings survive to give clarity to the appearance of Staines during and prior to this era. Those pre-19<sup>th</sup> century buildings that do survive are primarily concentrated along Church Street. Development during the 19<sup>th</sup> century significantly altered, much of the earlier town. The construction of the existing stone bridge in 1832, saw some reconfiguration of road layouts with the creation of Clarence Street and Bridge Street.



**Stainton House, 101 Church Street**



**View looking west towards early 19<sup>th</sup> century buildings lining northern side of Clarence**

During the same period improvements were made to the western end of the Staines, with the demolition of older and smaller cottages to create larger, higher status properties such as Stainton House, Church Street.

There were relatively few roads outside the town that extended through the parish prior to 19<sup>th</sup> century. Kingston Road approaches the town from the south-east and was turnpiked in 1773. Wraysbury Road (now the B376) which approaches Staines from the north-east, was





originally located a short distance to the south and aligned to its present position in 1841-2. Moor Lane also approaches Staines from the north-east and was straightened in 1891. Laleham Road, (which also forms part of the B376) approaches Staines from the south-east and for a short distance runs along the line of the River Thames.

In 1848 the railway came to Staines and forms part of the Waterloo to Reading line. There were three stations serving Staines; Staines Central, Staines High Street and Staines West. Only Staines West Station today lies within the Conservation Area.

The arrival of the railway led to the establishment of a number of industries in the town. Frederick Walton opened the internationally recognised Linoleum Manufacturing Company in Staines in 1864 and it became the principal employer in the town. The main industry factory occupied a large area of land a short distance to the north of the High Street, just outside the present Conservation Area. When the factory closed in 1970 all the original buildings were demolished and the land redeveloped as the Two Rivers Shopping Centre.



### **A reminder of the Lino Industry in Staines, (High Street)**

Another major employer during the mid-19<sup>th</sup> century was Finch, Rickman & Co who made mustard at a former flour mill located in the same area as the linoleum factory. The mustard factory went into decline during the late 19<sup>th</sup> century eventually closing in 1900 and was eventually demolished. All that remains of this industry Mustard Mill Road which runs to the north-west and north-east of the Two Rivers Shopping Centre.

With the arrival of the railway, development initially occurred around what had been the hamlet of Knowle Green. Development here mostly took the form of villas and smaller terrace housing. Following the construction of Linoleum Manufacturing Company in 1864, terraced housing was built on the area to the south of the factory, but this has now largely been demolished. During this period housing also developed north-eastwards along London Road, around the western end of Gresham Road and along Kingston Road. Between 1871 and 1880 the Town Hall was constructed. This involved the demolition of the existing market house and a number of buildings to the east of the current Town Hall which created the Market Square and made space for the Memorial Gardens which were laid out in 1897.





**No. 24 Hale Street, a Victorian dwelling whose setting has been harmed by the Two Rivers Retail Park**

Between the two World Wars most development was concentrated along the London Road to the north and to south around Kingston and Laleham Roads. Post Second World War the majority of the remaining land in the south of the parish has been developed. The development of Heathrow Airport has also had a major impact on Staines. First established in the 1930s as a private airfield, Heathrow has now become one of the World's busiest international airports and its proximity to Staines has created development pressure in the Staines area.

### 2.3 Archaeological Potential

Every settlement holds archaeological evidence of its development, of the economy and industry of the community and of the lives and lifestyles of past inhabitants. Designated Sites and Areas of High Archaeological Potential (AHAP) are most likely to contain archaeological remains which will shed light on the origins of the settlement. Where a new development is proposed, the impact that it might have on these remains is a material consideration within the planning process. This may occasionally result in the need for archaeological recording prior to development commencing.

Approximately two thirds of the Staines Conservation Area is covered by an AHAP. There is therefore the potential for the remains of earlier buildings and structures relating to the settlement of Staines to survive beneath existing buildings and streets. Very early burials may also remain intact in the churchyard surrounding St Mary's Church.

### 2.4 Built Form and Architecture

There are almost 40 buildings within Staines Conservation Area that have been included in the Statutory List of Buildings of Special Architectural or Historic Interest. St. Mary's Church and The Blue Anchor are both listed Grade II\* and the remainder are listed as Grade II. The oldest known surviving buildings are 118 High Street, which is believed to contain some 16<sup>th</sup>



century elements and 21 to 27 Church Street which are a much-altered short row of buildings with 17<sup>th</sup> century origins. A handful of 18<sup>th</sup> century buildings survive which are mainly concentrated along Church Street and close to the church. Examples include Corner Hall, Bosun's Hatch, 57 and 59 Church Street and 114 Church Street. The majority of the buildings of 18<sup>th</sup> century origin are either detached or form short rows and are constructed of red or buff-coloured bricks; others are rendered. In height they range between two and three storeys and present relatively regular, principal elevations with timber sash windows. Roofs are gabled or hipped and laid in slate or tile. A number have parapets.



**111 to 113 Church**

The majority of the surviving historic building stock in Staines dates from the 19<sup>th</sup> century which was a period of significant growth for the town prompted by the construction of Staines Bridge in 1832, the arrival of the railway in 1848 and the establishment of a number of industries. The construction of Staines Bridge resulted in the creation of Clarence Street which is lined on its northern side by a fine row of three-storey, buff-coloured brick buildings with similar architectural elements and a strong vertical emphasis. Almost all of the buildings date from between 1824 and 1830 and despite the assortment of modern shop fronts is arguably the most homogenous street frontage in Staines.

There are other smaller pockets of 19<sup>th</sup> century development which have a strong sense of uniformity including 45 to 55 Church Street, which is a curved terrace of two storey buildings with repetitive gables and gothic brick arches infilled with hung tiles. Other 19<sup>th</sup> century buildings such as 18 to 26 Hale Street form a cohesive group because the buildings have similar mass, form, materials and are surrounded by modern development.



**45 to 55 Church Street**



During the 19<sup>th</sup> century a number of civic, ecclesiastical and industrial buildings were constructed which were deliberately designed as statement buildings reflecting the Victorian aspirations and prosperity of the town. The Town Hall, located in Market Square, is a good example of this civic pride and was designed by John Johnson and built between 1879 and 1880 following a public competition.

The building, which is exuberant in its design and confident in its mixture of Italian Renaissance, Baroque and French influences, is unique within the town, and therefore demands attention as a landmark building in the Conservation Area.



**The Town Hall 1880**

Unfortunately, little remains of the industrial architecture that brought prosperity to the 19<sup>th</sup> century town. Perhaps the most evocative and important building from this time is the former Staines West Station due to the influence of the railway on Staines which shaped the development of the town.

Adapted from an early 19<sup>th</sup> century building, the station was opened in 1885 and is constructed of buff-coloured bricks. It is L-shaped in plan and is two to three storeys in height with a central box porch and shallow-pitched, hipped roofs laid in slate. Today it is symbolic that this former Station sits



**Former Staines West Station**



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adjacent to a small green, marooned in a pinch point of land between a road and a waterway, the two other forms of transport that have strongly influenced the history of the town.

The most visually dominant reminder of 19<sup>th</sup> century industry is the six storey Brewery Tower on Church Street. This building, constructed of bricks with a hipped slate roof, is a local landmark and vies with the tower of St. Mary's Church as the visual focus to so many views within the historic core of Staines. The building originally formed part of a brewery founded by Thomas Ashby which eventually ceased production in the 1970s and has subsequently been converted to offices and residential use.



**The Brewery Tower, Church Street**

St Mary's Church provided the religious focus to the rapidly developing town. Designed by John Burges Watson in the Victorian Gothic style, the main body of the church is constructed from buff-coloured bricks, and dates from 1828. The red brick western tower is earlier and is believed to date from the late 18<sup>th</sup> century. It has been attributed to Inigo Jones, although there is no definitive evidence proving this. The Church is located on elevated ground at the western extremity of the town. The construction of the Church during the 19<sup>th</sup> century was a physical expression of the perceived spiritual health of the town at a time of significant development and would have complimented the equally confident expressions of civic



**St Mary's Church**

pride and industry represented by the Town Hall and the now demolished Linoleum Factory.

Close to the Church towards the western end of the town, the historic buildings are more domestic in appearance than those bordering the commercial areas of town such as the eastern end of Church Street, Clarence Street and High Street. Despite the area having an eclectic mix of buildings of varying dates and uses, an overall sense of homogeneity is achieved here. This is primarily realised through a general unity in terms of the buildings'



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small-scale, massing, materials, position in plot, orientation to the street and repeated architectural forms and motifs. The historic streets here are typically narrow in comparison to later roads and are generally lined on both sides by a mixture of some detached, but primarily terraced or short rows of buildings. The position of these buildings at the front of their plots results in strong building lines which help reinforce a sense of continuity and enclosure. The overall dominance of classical architecture means that most buildings present relatively symmetrical principal elevations to the street, with similar numbers of bays articulated with regular window and door patterns and repeated architectural details.

In more recent times, the character of Staines has changed following the decline in manufacturing and the growth in tertiary industries. Staines lies within the London commuter belt with a resulting pressure for space. This has brought about the redevelopment of significant areas of the historic core of Staines including the Island Close development between the Church and the River Thames, the western side of Bridge Street, the southern side of Clarence Street and the Two Rivers Shopping centre to the east and north of Hale Street. In many cases the siting of new development adjacent to historic buildings is uncomfortable, with significant differences in scale, height and massing and materials.

However, the juxtaposition of new and old does work successfully in Staines where care has been taken to reflect elements of the historic built environment. An interesting example of such a relationship is the modern 'Service Now UK&I building' on Bridge Street which, although large in scale and dominant in the streetscape, has a strong emphasis on the horizontal line and a white elevation which picks up the same characteristics of its neighbour, 46 Church Street, a former early 19<sup>th</sup> century public house.



**46 Church Street and ServiceNow UK&1, Bridge Street**

Similarly, the Island Close which stretches along the river frontage and a section of Church Street does respect the scale of its historic neighbours. The development is broken down into modest units built on similar building lines, with narrow, regular elevations that set up an architectural rhythm to the streetscape similar to the historic buildings along Church Street.

Pressures of development can often bring with it smaller scale changes, such as the loss of original architectural features like windows and doors or the insertion of incongruous shopfronts. Such changes will have negative impacts on the character, interest and appearance of an individual building, but cumulatively they can adversely impact the visual quality of the entire streetscape. Pockets of historic building have become subsumed within more dominant modern development of the town. Continued pressure will potentially



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result in the loss of buildings which, although not of nationally listable quality, do nevertheless make positive contributions to Staines' visual quality and sense of place

## 2.5 Trees and Open Spaces

There are five significant open areas within the Conservation Area; the churchyard at St Mary's; the Thameside Walk along Island Close, the area at the junction of the rivers Colne and Wraysbury to the east of the lower part of Church Street; Market Square and the Memorial Gardens.

The churchyard to St Mary's is extensive and verdant with a relaxed informal character. It contains a substantial number of mature and specimen trees which can be appreciated in the skyline for some distance and which contribute to the verdant character of the area when viewed from Staines Bridge and Bridge Street. The green backdrop of the Lammas recreation ground with its trees enhances and reinforces the sense of green space and of being at the edge of the town and transitioning to the countryside.

The verdant, treed walk along the Thames, along Island Close is a small, informal, linear open space which is significant to this part of the Conservation Area. It allows the opening up of views along the river in both directions and creates a sense of space in an otherwise built up, urban environment.

The area where the two rivers meet has been open space since the first edition Ordnance Survey map in 1869 which shows no development between the two rivers at their conjunction and a clear break in development along the eastern side of Church Street. There is no public access into this space but its open qualities and the views of the river it affords contribute to the sense of place and provide an attractive and informal oasis in such close proximity to the busy traffic-dominated-environment immediately to the north. Views across this space from Mustard Mill Road allow one of the best and most attractive opportunities to appreciate the rivers within the Conservation Area, although lack of management and maintenance currently project a neglected and run-down appearance. The trees here grown along the line of the rivers making them more legible.

In contrast, the open space in Market Square is an urban, open space with extensive hard landscaping surrounded on three sides by predominantly three storey buildings creating a sense of enclosure. The large gaps between some of the buildings means this enclosure is very loose, but development of a similar scale beyond those gaps reinforces the sense of enclosure. This key civic space creates an intended public arena and place to gather in front of the Town Hall. It also provides a transition to the Memorial Gardens by virtue of the fact that the spaces to either side of the south of the Town Hall are not enclosed by buildings beyond them but instead provide glimpses out to open space beyond.

The Memorial Gardens was the original home of the War Memorial. This is an attractive, open, riverside park which allows for an appreciation of the river and a different perspective of the town that is not obtainable from the urban core. Formally planting provides structural shape to the park whilst informal tree areas along the bank of the Thames adds greenery to this urban area.



Throughout the Conservation Area tree lines grown along the numerous rivers and tributaries and are important to making the presence of the water courses visible in the streetscape.

## 2.6 Views and Vistas

The Historic core of Staines is remarkable for its extensive visual permeability. Glimpsed views of key historic buildings, in particular the brewery tower, St Mary's Church Tower, and the Town Hall are obtained throughout the Conservation Area both within and between character areas. This visual permeability creates a strong sense of place and legibility with repeated views and glimpses of the easily-recognisable, key landmark buildings.

Where they exist, views along river channels are attractive and often dissect character areas. However, many views along rivers channels are glimpsed, foreshortened, or partial due to extensive overgrowth and lack of management of vegetation. This gives a neglected air to these waterways which, as the arteries of the town and fundamental to its historic significance and development, could be enhanced through a programme of management for visual and biodiversity gains. Such a programme would also offer the opportunity to further enhance visual permeability.

The expansive view over the west of Staines obtained from the southern end of Bridge Street and the western end of Clarence Street is significant. This vista affords full appreciation of the very clear and distinct change in character between the high density built form and urban grain of the town centre and more verdant, looser grain and lower built density to the west. This vista and clear change in character is also clearly appreciable on the important historic route into the town over the bridge from the south on what is now the A308.

Views into and out of the Conservation Area are less significant than the degree of intervisibility when within the area. The topography is relatively flat and does not afford long distance or significant views into the area. The verdant tree and hedge lined approach from the west along Wraysbury Road is important to appreciating the village like character of Character area 1 and in providing a semi-rural and verdant backdrop to the setting of St Mary's.

## 3.0 CHARACTER AREAS

Most Conservation Areas do not have a uniform character and appearance across the area. In many cases different 'character areas' or 'sub areas' can be discerned which have their own unique appearance and characteristics. Their varied character tells a story about the history of the Conservation Area and contributes to the special character and appearance of the whole. Three distinct Character Areas have been identified for the Staines Conservation Area. These can be seen at Appendix 2, the Map of the Conservation Area



### 3.1 Character Area 1 – St Mary’s Church

#### Overview

St Mary’s Church Character Area has the appearance and secluded, quiet atmosphere of a small village centred upon its Church: a building which dominates the character area. It has small-scale houses, mostly of two storeys which line narrow streets, some of which have small front gardens and plot boundaries which are important to the character and appearance of the area, creating a domestic appearance. The strong building line here create a sense of enclosure. The Church has a relatively large churchyard with longer views down to the Thames and to the treed island in the river. There are also longer views into Lammas Park which, though lying beyond the Conservation Area boundary, are important to its sense of openness and space. The Church and its churchyard are similar to a traditional village green in that they provide a foil to the otherwise tight grain of development in this area and provide a degree of open space.

There are many small, domestic, historic houses in this part of the Conservation Area most of which are terraced and of red or buff brick or render with slate or tiled roofs. The character of the area here is residential and small-scale.

#### Local Features

- Strong sense of enclosure along roads;
- Small front and rear gardens with plot boundaries reinforce the tight urban grain;
- The raised Church above local roads is dominant in the streetscape;
- The large, open churchyard provides a village-green appearance;
- Topography of the area slopes down to the Thames;
- Verdant Thameside Walk adds interest;
- Views open up at the Thames in both directions;
- Presence of Church Island;
- Use of red or buff brick and render;
- Largely narrow plots, strong building line and small-scale buildings;
- Quiet, secluded atmosphere;
- Many specimen trees.

#### Streets

##### Church Street: West of Junction with Wraysbury Road

- Church Street is narrow where it runs to the west and south of the churchyard and is bordered by a defining, retaining wall;
- There are attractive trees within and outside the Conservation Area which are visible from Church Road and contribute to its green appearance;
- Views are important where the road slopes down to the Thames across to the island;
- The very small park on the north side of the road contributes to the quiet atmosphere of the area;



- As the road heads north towards the junction with Vicarage Road it curves and includes important views to the Tower of St Mary's;
- Past the junction with Vicarage Road the street curves to the east with tight knit development, much of which is historic;
- Once past the curve and still heading east towards the junction with Wraysbury Road and Bridge Street, the view of the 6-storey Brewery Tower becomes an important landmark at the end of the road;
- This is a quiet street whose appearance is partially marred by parking;
- There are key trees in the streetscene which soften the hard lines of development and provide a backdrop on the north side of the road behind Cambria Court;
- The north side of street is more cohesive than south side which has views through to modern development in Staines Business Park – this slightly spoils the building line of the street;
- The north side of Church Street has an attractive, tightly-knit grain and a strong building line. There are several, small historic piercings in the building line to historic yard areas behind (some of which are now developed (i.e Cambria Court));
- The view up and down the road unfolds gradually due to the curve in the line of the road.

#### Vicarage Road

- This is a short, straight road dominated by the raised, open Churchyard on west side and the proximity of St Mary's to the residential houses on the east side;
- Larger, detached residential homes on east side create a tight grain in this area with small front gardens and plot boundaries;
- The Church boundary wall, red brick with stone capping, is a key feature;
- There is a strong building line here.

#### Wraysbury Road (B376)

- The churchyard wall runs along south side of this road and forms the boundary of the Conservation Area;
- The wall is red brick and cement rendered with attractive iron railings and gates which form the northern entry into the churchyard;
- Traffic noise is harmful here.

#### Church Island

- The Island is accessed by an attractive bridge over the river;
- The western half is heavily treed;
- The eastern half is populated by buildings partly obscured by trees;
- There is a prominent Edwardian building on the south-east end of the Island;
- The Island has an attractive and distinctive riverside frontage with small boats



### Island Close

- This is a modern, 1980s terrace of two storey houses of small scale, mass and height facing the Thames;
- It is verdant and quiet; a treed walk along the Thames which forms a narrow, linear open space important to the Conservation Area;
- It has narrow plots with small, green front and rear gardens which are important to the character of the area;
- Simple, tiled roofs without intrusive dormers keeps the development low-lying;
- The rear of the road is strongly enclosed by the high, brick wall boundary to Staines Business Park.

### Staines Business Park

- Although the Business Park covers a large space within this character area it is contained behind the high wall of Island Close and is largely hidden behind the buildings that line the southern side of Church Street;
- It has far less impact on the Conservation Area than its size would suggest;
- Glimpses of its modern buildings can be seen but they do not dominate the Conservation Area.

## **3.2 Character Area 2 – The Two Rivers**

### **Overview**

The Two Rivers Character Area stretches from the former Staines West Station and Hale Street in the north of the Conservation Area, southwards to the rear of the buildings that face onto Clarence Street. It includes the small island of Victorian development at the junction of Hale Street and Wraysbury Road, Bridge Street and the south-eastern end of Church Street. Its main focus is the River Colne which flows into the area from the north-east as two branches, that to the west is called the River Wraysbury. The two branches coalesce just to the north of Church Street and then flow as a single channel the short distance to the River Thames. The character area is also dominated by roads, which cut through it from north to south and form a triangle at its centre. Wraysbury Road (B376) approaches from the north-west but sweeps around in a gentle curve through the character area eventually exiting Staines across the bridge in a south-westerly direction. Wraysbury Road effectively dissects the Conservation Area in two. The area to the west of the buildings fronting Wraysbury Road has a quieter, more domestic feel and the area to the east of the road is busier and has a more commercial and civic character.

Within the overall commercial feel of the Two Rivers Character Area, there are minor variations which primarily result from the flow of traffic. The south-eastern end of Church Street, although lined with commercial buildings and close to the junction with Clarence Street, nevertheless feels quiet because there is no heavy traffic flow along it. In contrast the endless succession of vehicles along Wraysbury Road and Bridge Street provide a constant background noise. Also important in the general character of the area is the scale of modern buildings and their relationship to the street and their surroundings. Modern





buildings along the western side of Bridge Street are substantial in mass in comparison to their historic neighbours. This breaks up the more regular rhythms established by the relatively narrow principal elevations of the historic buildings that line Church Street and High Street.

### Local Features

- Good visibility of the River Colne and its branches due to trees and vegetation growing alongside the water courses;
- Many local variations in atmosphere and noise caused by levels of traffic along different roads;
- Area dominated by roads;
- Historic buildings tend to be overwhelmed and dominated by modern development;
- Open spaces are particularly important for the visibility and permeability of the area;
- Pockets of vegetation and lines of trees contribute greatly to softening the modern development of this character area;

### Wraysbury Road

- The most northerly part of the Two Rivers Character area focuses around a small area along the eastern side of Wraysbury Road and includes the former Staines West Railway Station and a short section of the Wraysbury River which forms the western branch of the River Colne;
- The dominant feature within this area is Wraysbury Road which runs in a north-west to south-east direction. It is a busy road with three lanes of traffic approaching the junction with Hale Street;
- Wraysbury Road acts as a visual and physical barrier which dislocates the former train station and row of Victorian buildings along Hale Street from historic buildings elsewhere within the Conservation Area;



**The former Staines West Station  
with tree line to the east**

- The former Staines West Railway Station is visually prominent, particularly in views looking north-westward along the street from the junction of Wraysbury Road and Hale Street;



- The former railway station, a substantial 2-3 storey building in buff-coloured brick, is set at an angle to the carriageway behind a small, grassed public open space with a large metal sculpture at its centre. The building is viewed with trees and vegetation to the east, which line the banks of the Wraysbury River;
- The western side of Wraysbury Road is dominated by the brick boundary walls to the rear of buildings along Church Street, the small mid-19<sup>th</sup> century brick malthouse with its unusual central pavilion roof and the adjacent run of steeply pitched gables and dormers of the red bricked 4 to 8 Wraysbury Road.
- Views looking south-westwards across and between the wall and buildings on the western side of Wraysbury Road are dominated by the Brewery Tower and the stark white elevations of 46 Church Street and 45 to 55 Church Street.

### Hale Street

- Historic development is confined to a small area on the south-eastern side of Hale Street marooned between the eastern and western branches of the River Colne;
- All the buildings in this area are late Victorian and similar in scale, height, massing and articulation;



**Number 24 and 26 Hale Street.**

- The buildings are set back from the road behind a small grass verge planted with trees. The verge and trees act as a partial buffer to the constant noise and traffic associated with the Two Rivers Shopping Centre;
- Buildings here are two storeys in height. Roofs are gabled or hipped, in tile or slate, with ridgelines running in parallel to the carriageway;
- Windows are wooden sashes and fenestration patterns are regular;
- There is a homogeneity to the buildings created by their similar, scale, mass, material and position in relation to the street.
- They are enclosed to the north, north-east and south-east by large areas of parking and generic modern buildings including Travel Lodge and Two Rivers Shopping Centre;
- Nos 24 to 26 Hale Street is the most visually prominent building within the group, due to its height and because it is positioned at the end of the road, closest to the bridge over the eastern branch of the River Colne;



**Numbers 24-26 Hale Street with the backdrop of the Two Rivers Shopping Centre affecting its setting**

- Views south-westwards along Hale Road back towards the historic core of the town are dominated by the Brewery Tower;



**Views looking south-westwards from Hale Street towards Brewery Tower**

- The eastern branch of the River Colne has a strong visual presence in this part of the Conservation Area because of its open surroundings;



**River Colne with number 24 Hale Street**

- The views from the footpath along the eastern branch of the River Colne affords views across the currently undeveloped area of open space behind Hale Street and across to the south-western end of Church Street. Trees and vegetation in this area provide a welcome visual contrast to the hard edges of buildings in Church Street and the hard spaces created by the Two Rivers carpark.



### **View from River Colne across to the Brewery Tower**

#### Church Street: East of Junction with Wraysbury Road

- To the east of the Wraysbury Road and Bridge Street junction, Church Street forms a short, straight section of road running south-eastwards to meet Clarence Street;
- Flow of traffic along the road is light and, although close to the commercial heart of the town and lined at its south-eastern end with shops, Church Street feels like a side street;
- Nos 45-55 Church Street are a row of Neo-Gothic buildings with a roofline punctuated by regular gables articulated with hanging tiles;
- The section from Wraysbury Road to the River Colne is dominated on the south-western side by two, four storey modern blocks, Charta House and Church House. Both blocks maintain a strong building line but are tall in relation to their historic neighbours and overbearing within the streetscape;
- With the exception of 45 to 55 Church Street the north-eastern side of Church Street, from Wraysbury Road to the River Colne is undeveloped and, at the time of writing, hoarding fronts the plot. This partially restricts views into the site, but clearly visible above it and from vantage points close to the footbridge, are the trees that line the water channel. These trees help to mask views



View looking north-westwards along Church Street including Church House and Charta House developments





- of the Two Rivers shopping centre development to the north-east;
- Here, as elsewhere within the character area, trees grow adjacent to the channels of the River Colne and increase the visual legibility of its course through the town;
  - The view south-eastwards along Church Street from the road bridge over the River Colne encompasses the 17<sup>th</sup> and 19<sup>th</sup> century buildings that line both side of the carriageway and beyond these to the rear elevations of the early 19<sup>th</sup> century buildings fronting onto Clarence Street. The view takes in an assortment of roofscapes of modest but varying heights and orientations, indicative of a tight-grained, urban environment;
  - The flowing water of the river and the large trees growing from the bank provide an attractive foreground to views looking south-west from the road bridge towards the rear elevation of 25 and 27 Clarence Street;
  - To the south-east of the bridge, historic buildings line both sides of the carriageway creating strong building lines and channelling views;
  - Buildings are primarily 19<sup>th</sup> century in date with the exception of 21 to 27 Church Street which is a row of four much-altered buildings with 17<sup>th</sup> century origins;



**View along the River Colne to the rear and 25 and 27 Clarence Street**

Buildings range in height between two and three storeys and sit beneath hipped and gabled roofs

- Although the historic buildings that populate the street are of both national and local value, some are poorly maintained or vacant, others have suffered unsympathetic alterations;
- Poor signage and visually-dominant shop-fascias along with the artwork on the London Stone public house vie for attention and result in an overall incoherent



**View along Church Street towards Market Place**

streetscape. This is further compounded by the poor quality of street surfaces and furniture and the negative visual impact of on-street parking.

### Bridge Street

- Bridge Street runs in a north to south direction from the junction with Church Street to Staines Bridge. It rises gradually as it approaches the bridge.
- Both sides of Bridge Street are dominated by modern development. The buildings on the eastern side maintain a tight building line established by 41 Clarence Street, the Literary and Scientific Institute, which faces onto Clarence Street, but which extends around onto Bridge Street forming an attractive visual focus to the entrance to both streets when approaching Staines from across the bridge.



41 Clarence Street

- The modern buildings on the eastern side of Bridge Street, provide definition to the street and create enclosure. This is in contrast to the western side of the street, where the Bridge Street carpark, built partly below the level of the road, allows wide views towards modern buildings on both sides of the River Thames.
- A line of trees planted along Bridge Close provides enclosure and soften the visual impact of the car park when looking from the north-east.
- Located on the western side of Bridge Street is the Service Now UK&I building. It is a substantial, detached building that,, in terms of its scale and mass, dominates its historic neighbours. This building is a deliberate architectural statement that embraces its modernism. In its design it acknowledges the strong horizontal emphasis of its neighbour 46 Church Street and, although significantly taller than the historic buildings along Church Street, it does not dwarf the Brewery Tower or spire of St.Mary's Church.
- Views looking north along Bridge towards the junction with Church Street and Wraysbury Road are dominated by the Brewery Tower, but channelled by the white elevations of 46 Church Street and 45 to 55 Church Street.



**Junction with Church Street showing Brewery Tower and  
45 to 55 Church Street**

### **3.3 Character Area 3 – Market Square and Memorial Garden**

#### **Overview**

This is the civic core of the town and saw a rapid and extensive period of redevelopment in the early to mid C19. This included the creation of Clarence Street, construction of the high-status buildings along its northern side, the construction of Staines bridge and the Town Hall. The redevelopment of this part of the town in such a relatively short timeframe has created a strong and cohesive character with a synergy between the buildings in terms of their age, scale, materials and architectural style.

The high social status and build quality of the historic buildings along Clarence Street is echoed in the civic pride exhibited by the Town Hall, creating an area of high architectural quality and historic interest.

This character and quality is undermined by the presence of the busy and noisy A308 which runs through the Character Area on an east-west axis and which separates the Market Square to some extent from the rest of the townscape. The junction between the A308 and Church Street is particularly harmful to the Character Area due to the volume of traffic and the plethora of visual and physical barriers separating pedestrians and traffic. No 1 Clarence Street rises serenely above this chaotic activity, however, and directs the eye towards the civic core at Market Square to its left and the quieter, narrower Church Street to its right.





**View towards the Town Hall**



**Number 1 Church Street**

### **Local Features**

- The civic core of the town from the early C19 onwards with an important historic function;
- High social status and civic importance of Market Square and Clarence Street reflected in the polite architectural language, the high built quality and degree of architectural embellishment of the historic buildings. This contrasts with the more vernacular character of buildings in the other character areas;
- Market Square is the only urban, purpose-built public space within the Conservation Area;



### **Regular, late Georgian Buildings along the north side of Clarence Street**

- The terrace along the northern side of Clarence St has a grander character due to a strong built rhythm, shared void to solid ratio and shared eaves and fascia levels. This is further reinforced through the repetition of shared architectural features, notably sash windows under square heads and a change in the material at ground floor;
- Materials in this character area include buff brick which dominates, render and (with the exception of The Blue Anchor, which was a high-status town house when built in the early C18) red brick used at the lower end of the spectrum and in C20 buildings;







### The Blue Anchor

- Loose and open urban grain to the Market Square in marked contrast to the high density continuous built frontages along Clarence Street and into Church Street and the High Street;
- The urban grain of this area is characterised by blocks of development with continuous building lines tightly abutting the street. There are large gaps between blocks created by the river to the north and south of Clarence Street and by the open space of Market Square creating a somewhat cellular character;



### View looking south down Clarence Road towards the Thames

- The Thames is not readily legible from the town centre but is fully appreciable, once within the Memorial Gardens;
- The historic buildings within the town turn their back on the river and face into Market Square or directly onto the High Street / Clarence St / Thames St;

- Some vestiges of the pre C1820's layout of the town survive; nos. 5-15 High Street, which run along the north-eastern edge of Market Square and denote the former line of the High Street which terminated in a wharf at the riverside;
- The high levels of traffic and associated noise detracts from the quality of this environment;
- High volumes of traffic and the wide road along the A308 (Thames Street and Clarence Street) separates Market Square and the rest of the historic town to the north.

## Streets

### Clarence Street;

- The terraces along the northern side of Clarence Street are of high status. This is the most imposing run of terraces within the Conservation Area. The shared scale, built form, strong rhythm and architectural details of these terraces which run in two groups, one either side of the river, collectively give the northern side of Clarence Street a very strong character and high-quality appearance.



### **Buildings on the south side of Clarence Street**

The early C20 infill in the centre of the two historic terraces (No's 19-23) detracts from the architectural cohesion in the street but these are, nevertheless, subservient to the existing historic buildings and maintain the strong building line onto Clarence Street.



### **Nos 19-23 Clarence Street**

- The southern side of the road is less cohesive with large gaps between blocks and with the majority of development being late C20. Thames Court at the corner of Bridge Street and Clarence Street is set back from the road and presents its service or 'back of house' frontage to Clarence Street, at odds with the polite frontages close to the road opposite. This elevation of Thames House is poorly executed in comparison to the river frontage and detracts from Clarence Street;
- There is a substantial gap between Thames Edge Court and the next modern building to the east, in part because of the river, which is poorly legible within the street scene here.



### **The River Colne on the south side of Clarence Street which can be seen by the row of trees**

- Views along Clarence Street from west to east are terminated by the former Debenhams building. This building shares many of the features characteristic of the historic buildings in this Character Area in terms of scale, string rhythm, architectural



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language and detail and reinforces those characteristics. For these reasons, and due to the fact that it forms a landmark termination to those views, it contributes positively to the street scene and the character and appearance of the Conservation Area.



**View from Bridge Street looking down Clarence Road**

- Cygnet House forms an island at the mouth of Market Square but due to its similar age, scale, and architectural language, has a strong affinity with the terraces along the northern side of Clarence Street;



**Cygnet House in the Market Square**

- The river and Memorial Gardens are not readily appreciable from Clarence Street and are largely concealed from view by buildings.



### Market Square;

- In the midst of the Market Square is the Town Hall which is visually prominent in views on the approach from the east but concealed by buildings on the approach from the west. For this reason the Town Hall and Market Square have a strong inter-visual relationship with the High Street and junction of Church Street which forms a key juncture at the heart of the town.
- Views beyond the Town Hall to the south are terminated by development on the southern bank of the river which in itself is screened by vegetation on the north bank.



**The 1880s Town Hall now converted to flats**

- As in Clarence Street, the river itself is again not clearly appreciable from within Market Square, although the entrance to the Memorial Gardens successfully creates legibility and permeability, directing the eye, and pedestrians, into the gardens and towards the river. Memorial Gardens is very important to the setting of the Town Hall and Fire Engine Shed;
- The listed fire engine shed attached to the Town Hall would have used water from the river Thames and its location is key to its significance. The building is visually prominent and adjoins the primary civic building in the town, the grand Town Hall;
- The War Memorial was moved to its present location from the Memorial Gardens in 2002 and is almost tucked away behind Cygnet House but its status and presence is fully appreciable once within the Square.



### War Memorial

- The Memorial Gardens have been deliberately laid out so that it is the focus of, and terminates views into, Market Square on the approach into the town from the Gardens.



### View from Memorial Park to the Market Square

- The lack of through traffic in Market Square provides a marked contrast to the busy, noisy A308 which dominates Clarence Street.

### Memorial Gardens;

- The river is most appreciable from within the Memorial Gardens where attractive views across it to The Hythe. Development on the southern bank impacts directly on the character of the Conservation Area due to its visibility from the northern bank;
- The Memorial Gardens is an attractive open space and one of the few spaces within





the Conservation Area where the river is clearly evident. The width, power and importance of the river are celebrated, within the Gardens. The Gardens have significance for that reason alone but also for its social and evidential value as it was created as a memorial to the men of the town who gave their lives in the first World War;



**Canopy and steps leading to the boat deck**



**Wildlife on the Thames**

- The car park to the east of the Memorial Gardens is an integral part of the



landscaping and open space that allows wide, uninterrupted views of the river to be obtained and appreciated;

- The Memorial Gardens makes a fitting setting for the public art which it contains;
- The former Debenhams building is clearly visible from Thames Street and from the carpark on Thames Street, adjacent to Memorial Gardens. The view from Thames Street shows the long and undulating side elevation of the Debenhams building which is not visible from Clarence Street. It shows another aspect of the high architectural quality of this large building that influences so much of the Conservation Area;



**The Thames Street elevation of the Debenhams building**

Bridge Street (southern part);

- The southern part of Bridge Street from 41 Clarence Street up to and including the bridge are located in this character area;

The bridge is of comparable age to the buildings along the northern side of Clarence



**Staines Bridge**

Street and is part of the extensive redevelopment of this part of the town in the early to mid C19. It has a simple robust form, is constructed in a light-coloured granite ashlar. It has a simple detail to its segmental arches;



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- The bridge itself is most readily appreciable as a structure from the riverside and is prominent in views from both upstream and downstream. Glimpsed views of the river are obtained on the approach to the bridge at the western end of Clarence Street and the impressive scale and width of the river is almost a surprise in these views due to the lack of appreciation of it along the A308.



**View across the bridge**

- The increasing elevation to Bridge Street on approaching the bridge allows for a sudden 180° panorama to the west at the junction between Bridge Street and Clarence Street.

#### **4.0 Alterations to Boundary**

##### **4.1 Inclusions**

- The four storey, former Debenhams building was built in 1956 by George Coles, the renowned Art Deco architect. This landmark building is an important building of high visual quality which terminates the long views along Clarence St and from Thames Street. It is of good architectural quality and it reinforces the historic built character of character area 3.
- The Memorial Gardens; the Gardens and adjacent car park have been included in its entirety because of the importance that this high quality open space has within the character area and also as one of the few public, open spaces from where a full appreciation of the river Thames and its relationship to Staines town can be obtained.
- A section of riverside bank and the river to the west of Church Island; this area is important in allowing an appreciation of the context and character of both character



area 1 and Church Island, their relationship with each other, and with the river.

- Minor changes have occurred to the boundary of the Conservation Area to follow the line of the footpath and include its green riverbank along the eastern side of the River Colne.

#### **4.2 Exclusions**

- Minor changes to the boundary of the Conservation Area have occurred around its northern periphery to ensure that the boundary line is legible on the ground and does not dissect buildings or plots. The modern Travelodge, built after the Conservation Area was designated, has been excluded.

#### **5.0 Summary of Issues**

- Unsympathetic new development; given the predominantly low level of buildings in the town, Staines Conservation Area is particularly negatively affected by higher-rise development dwarfing existing buildings and streetscapes;
- Lack of maintenance to properties;
- Unauthorised and poorly-designed outdoor advertisements;
- Poorly coordinated public realm including visual clutter from the overprovision and mix of types of parking and street signage, street furniture, bollards and, poor floorscapes;
- Prominence of traffic and traffic noise, particularly Character Areas 2 and 3;
- Prominence of parking in the narrow streets in Character Area 1, St Mary's Church;
- Lack of integration of the rivers in the town with the streetscape.

#### **6.0 MANAGEMENT PLAN**

##### **General**

- Through the development management process retain existing road frontages, building lines, plot boundaries and front gardens which are typical of each character area;
- The open spaces and trees that have been identified as being important to the special character and appearance of the Conservation Area should be preserved;
- Staines Conservation Area has relatively low buildings, the majority of which are two, three or four storeys in height. Any new development should respect the heights of existing buildings in order to protect the Conservation Area;
- The design and materials of any new build should generally accord with those traditionally used, unless it can be clearly demonstrated that an exception should be considered;
- The siting of new development should be carefully considered to ensure that it preserves or enhances the existing grain of the Conservation Area;
- No new development should obstruct views of importance into, out of and within the Conservation Area;



- Maintain the riverside verges, walks and paths that characterise the Staines Conservation Area, where possible improving them through the Development Management process and conditions imposed on new development.
- Protect the setting of the Conservation Area through the development management process; the significance of the setting of the Conservation Area varies from different vantage points.

### **Character Area 1 -St Mary's Church**

- Any new buildings or extensions should reflect the small-scale, low height, simple forms of the existing historic buildings in this part of the Conservation Area;
- Use materials which reflect the predominant palette of materials in this area – red brick, buff brick, render, slate or tile;
- Where they exist retain soft front gardens and resist hard-surfaces in gardens;
- Resist additional on-street parking through the development management process;
- Retain the strong building line and plot boundaries;
- Development which blocks or impedes views of the Church will be resisted;
- Resist the use of box dormers through the development management process since these would alter the small-scale appearance of the buildings in this area.

### **Character Area 2- Two Rivers**

The environmental quality of this Character Area has suffered with a wide variety of inappropriately sized and scaled signage, the use of materials of poor visual quality and poor maintenance. To prevent further degradation the following should be adhered to:

- Prevent inappropriate advertising and signage through the development management process;
- Properties should only have one main fascia sign; multiple fascias will not be permitted even if there are additional businesses within the building;
- Existing fascias of architectural and/or historic interest should be incorporated into design proposals and not be covered by a new fascia sign;
- Fascias on historic buildings should be timber with hand painted signage;
- Fascias which extend across multiple buildings, even when incorporating a number of commercial units, should respect the depth and proportions of the historic fascia;
- Where large modern fascias may be covering earlier timber fascias of appropriate proportions. Proposals for the changing of signage should investigate the potential to restore traditional shopfronts, and where they survive, their restoration should be encouraged;
- Hanging signs should respect the character of the individual building and adjoining properties. Businesses should adapt their corporate style to preserve and enhance the integrity of the shopfront and the wider streetscape;
- The design of the sign should complement the colour scheme and design of the fascia, so that it appears as part of the existing shopfront;
- Projecting and hanging signs should not be located above fascia level;



- Projecting and hanging signs on historic buildings should be timber with hand painted signs;
- Improve the riverside properties, verges, walks and paths that characterise this part of Conservation Area, where possible improving them through the development management process and conditions imposed on new development;
- Enforce against unauthorised works to listed buildings.

### **Character Area 3-Market Square and Memorial Gardens**

- Development which negatively affects the loose grain and visually permeable character of this part of the Conservation Area will be resisted through the development management process;
- Views to and from the Thames will be protected through the development management process;
- Views across the Thames towards the Egham and Hythe Conservation Area (Runnymede District Council) will be protected through the development management process;
- Any new shopfronts within numbers 1-23 Clarence Street shall retain and reuse any architectural features of historic interest and shall be a traditionally detailed shopfront in all respects. Stallrisers, columns, consoles, fascias and materials shall be of a form, detail, scale and appearance appropriate and proportionate the host building and taking precedence from remaining historic examples within this group. Any proposals which would result in the loss of any traditional or historic shopfronts or remaining elements of shopfronts should not be permitted.

## **Appendices**

- 1- Map of Conservation Area with Character Areas**
- 2- Asset Pages**



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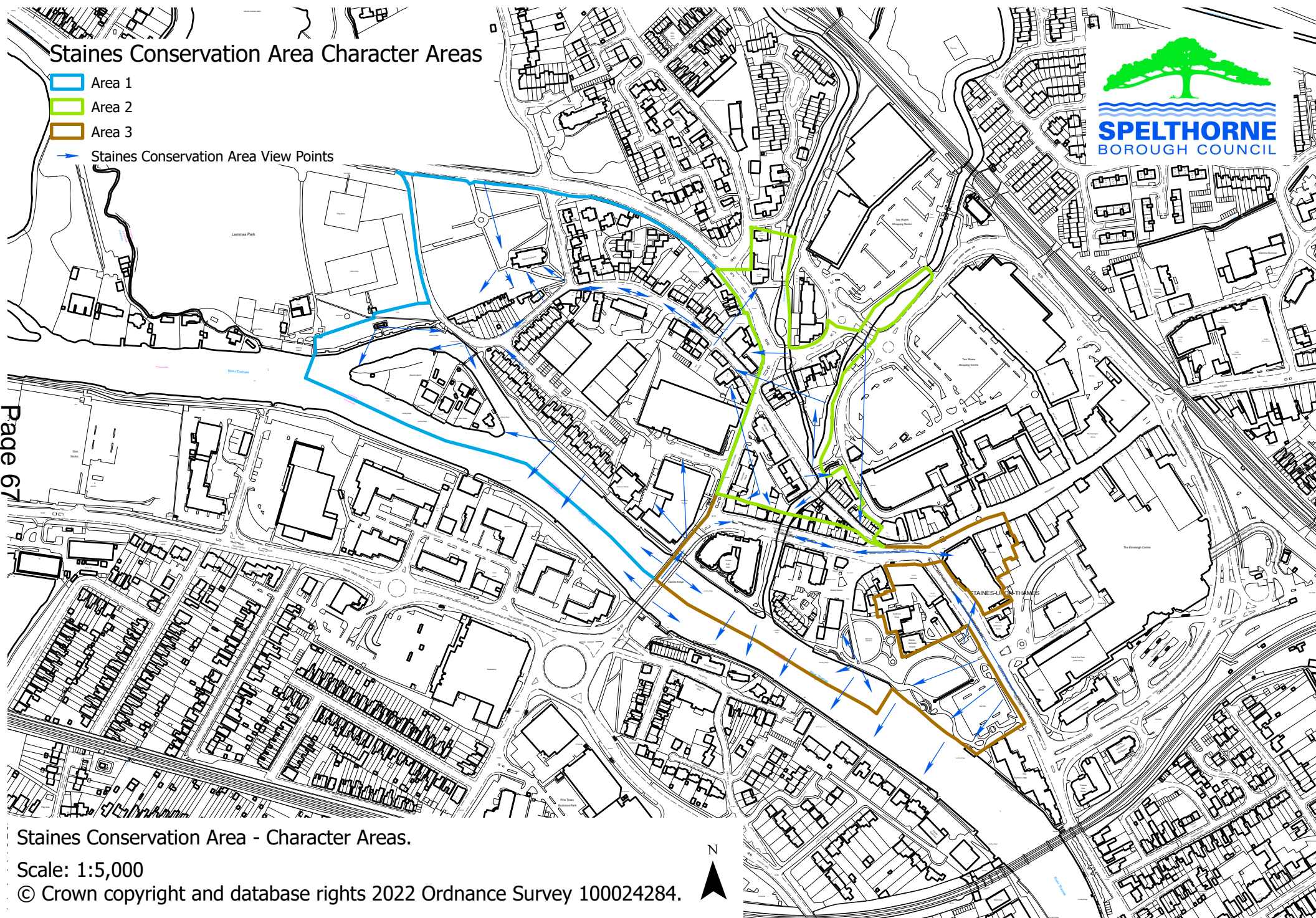


# Staines Conservation Area Character Areas

- Area 1
- Area 2
- Area 3
- Staines Conservation Area View Points



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Staines Conservation Area - Character Areas.

Scale: 1:5,000

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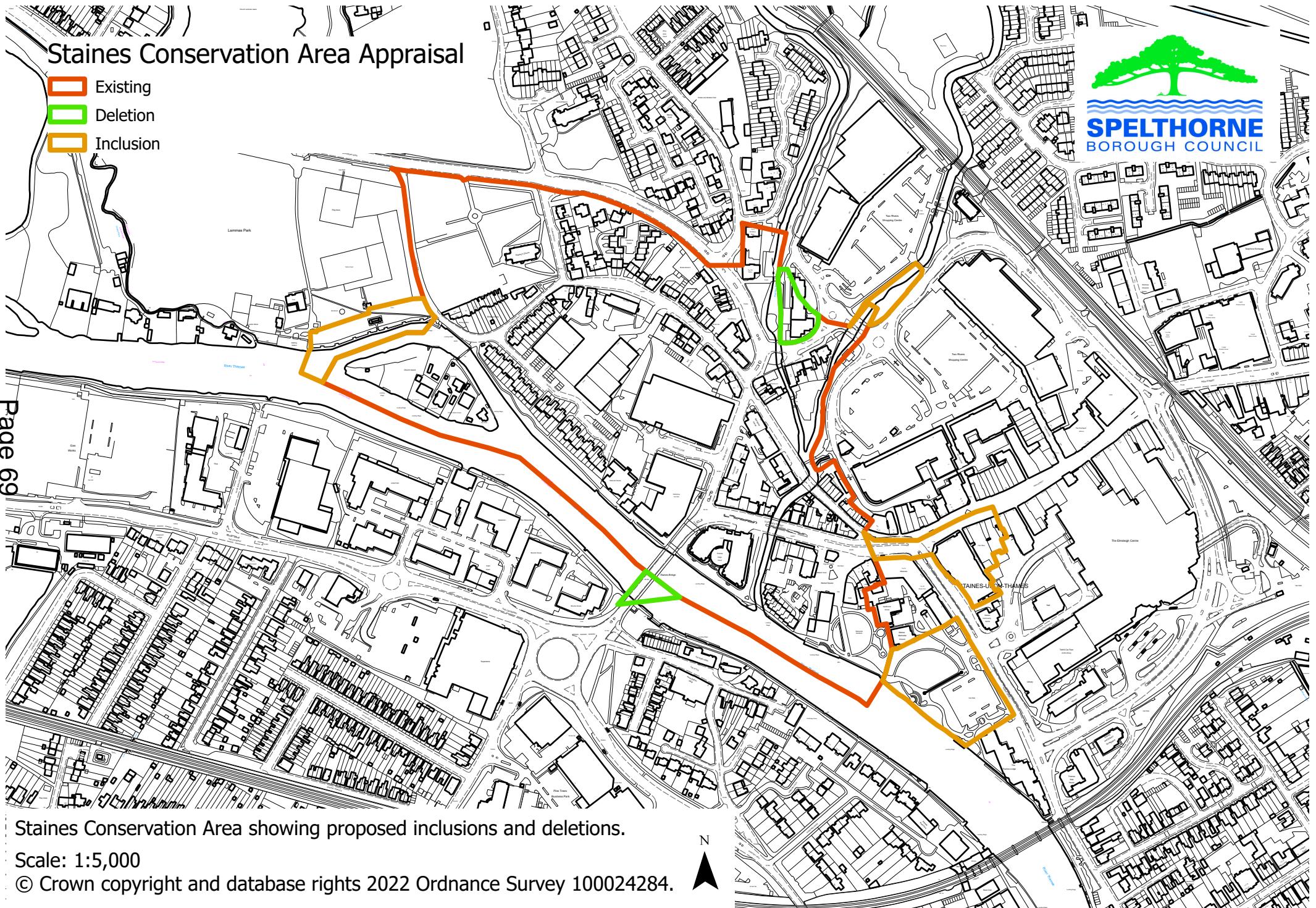


# Staines Conservation Area Appraisal

- Existing
- Deletion
- Inclusion



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Staines Conservation Area showing proposed inclusions and deletions.





Scale: 1:5,000


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Structure		Status	Assessment of Significance
Church of St. Mary's, Church Street 1187031		Grade II * 11-08-1952	<p>Nain buff coloured brick church dates from 1828 and was designed by the architect John Burges Watson. The church tower is built in red brick laid in English bond with stone plinth, corner buttresses, strings and modern coping and parapets is late 18<sup>th</sup> century and is ascribed to Inigo Jones. Lancet windows to lower stages of tower with larger 2-light Y-pattern window to upper stage. Clock to south elevation.</p> <p>Main body of church has 5 bay aisled nave with plinth cornice, string, crenelated parapet, dividing buttresses and tall lancet windows with paired lights, Y-pattern heads and cusping. Gabled south porch with half glazed door. Oculus in east gable. Lower one bay aisled chancel with projecting shorter bay and later apse. Grade II* for tower principally.</p>
George Hawkins Tomb, Graveyard of St. Mary's Church, Church Street 1298928		Grade II 02-02-1982	<p>The more notable of the chest tombs. G Hawkins died 1761. Panelled stone sides, long sides subdivided by carved fruit interlace pilasters, end sides have round shield reliefs. The memorial tablets are capped by skull with scythes and torch.</p>
2 to 8 Church Street LL/023		Local Note 19-02-2004	<p>Early 19th Century terrace brick and painted render facades, slate pitched roofs behind corniced short parapet concealing gutter. Sash windows one over one and six over six. Ground floor retains one arch headed doorway but generally much altered by modern shop fronts</p>
The Hobgoblin Public House, 14, Church Street LL/024		Local Note 19-02-2004	<p>Early 19th Century 2 storey pub double hipped slate roof with shallow eaves overhang. At one time the pub had frontages in both Clarence and Church Streets to take advantage of the passing trade using the newly constructed Staines bridge. The Clarence Street side of the pub became a private dwelling in 1851 and was known as Colne House. Upper storey painted render with six, eight over eight sash windows. Ground floor with banded rustication between pilasters and modillion cornice to frieze. Four doors and seven windows irregular and altered although all are vertically sliding sash type. Of local historical interest principally. Formerly known as Duke of Clarence.</p>







Structure		Status	Assessment of Significance
21 to 27, Church Street 1204681		Grade II 02-02-1982	Late C17 block of 4 houses under one roof, the front now roughcast. Upped roof with slight mansard, 4 hipped dormers and 2 chimneys. Modillion eaves cornice. Two windows - a small window - plus 7 windows on first floor, 6 retaining flat wooden cross mullions. Modern shop fronts on ground floor. Rear: a number of windows retain leaded casements.
29-31, Church Street LL/030		Local Note 19-02-2004	Mid to early 19th Century, two storey, hipped slate roof end of terrace property comprising pair of town houses now in shop use on ground floor. Two sash windows per floor on first and second floors in three barred style. Return (River Colne elevation has two window opening to ground floor three barred sash and one blocked in brick. One similar window to first and second floors. Two structural restraint tie ends in shape of cross in second floor. An effective stop end to terrace in townscape terms.
45 to 55, Church Street LL/031		Local Note 19-02-2004	Mid-19th Century curved landmark terrace of two storey buildings forming corner of Church Street and Wraysbury Road. Now shops below flats. Repetitive gables following curve of street linked by short coping hiding valley gutter between each gable, sash windows (some now altered) surmounted by gothic brick arch originally infilled with fishscale tile hanging. Facetted façade above shops in painted render, included for group value.
The Cock Inn, 46, Church Street LL/025		Local Note 19-02-2004	Public House dating from 1832 (contemporary with the construction of Staines Bridge). Records show an inn on the site in the 15th Century. Present building re-fronted mid-19th century. Two storey prominent corner building, slate roof with deep eaves overhang and modillion cornice, now finished in part painted render with part painted tile band between mid-height fascia and moulded masonry dado feature. Upper floor four double casement windows and two triple casement windows each casement with twelve pane leaded lights, all windows framed by head and architrave detail. Ground floor fascia feature below stone and lead dressed cornice running full width of both frontages, with title "The Cock Inn" gold on red ground lettering. Three doorways, five sets of triple vertical sliding sash Spelthorne Local List – February 2004 – Updated December 2016 15 windows





Structure	Status	Assessment of Significance
		each sash set four over one. Black painted band at base of walls. Interesting corbelled brick chimney at spring of splay to front elevations with half swept pediment each side of stack. An important townscape feature which successfully dominates its corner position.
57 and 59, Church Street 1187029	 Grade II 19-07-1972	1737 and later C18. Two and three storeys, restored. Buff brick with coped parapet. 2 + 2 windows, glazing bar sashes, the 2 left hand windows with gauged brick flat arches, also the left hand window of the right hand section. Angled full-height bay to right. Door to right of centre, rebated arch with a fanlight and 6 panel door. Single storey, one window wing to right. Modern 2 window wing to left. The date of construction is found in the "Records of the Ashby Family" and also that in 1797 one room was being used as the Ashby Family Bank.
Brewery Tower, Church Street LL/026	 Local Note 19-02-2004	The remaining part of a late 19th Century brewery now converted into flats, comprising a tall six storey tower topped with a slated hipped roof with malthouse slated pavilioned roof above terminating in a crown of decorated ironwork supporting a flag pole. Brewery founded by Thomas Ashby, a Quaker, at 57 Church Street. Sold out in 1931 to Simmonds of Reading which became part of Courage in the 1960s. Brewing ceased in 1950s and bottling in 1970s. Partly converted to offices in the 1960s and converted to residential use with new front façade in the early 1990s. Pink brickwork with Staffordshire blue brick jambs and decorative detailing, upper two storeys with three vertical sliding sash windows per floor. Segmented heads over windows. Recent lead covered roof over open fronted balconies rising on iron columns three storeys high painted black. Of considerable townscape interest as well as local history interest.
75, Church Street 1204708	Grade II 07-11-1972	Mid C19. Two storeys, stucco with cornice and blocking course. Hipped modern tile roof. Narrow 2 window front, plate glass sashes in moulded architraves. Moulded doorway to left, 4 panel door with transom light. Included for group value.




Structure		Status	Assessment of Significance
77 and 79, Church Street  1298926		Grade II 07-11-1972	Mid C19. Two storeys, cement rendered with concealed roof. Modillion cornice and blocking course. Two windows in all, glazing bar sashes with moulded architraves and cill brackets. Arched doorway to left. Carriageway with key to right, No 77 entered from carriageway.
Railings and gate piers to nos. 96 to 100 and 104, Church Street  1187032		Grade II 02-02-1982	1820. Cast-iron spear headed railings to front with urn-capped standards and dog-leg staunchions, central modern gate piers with small cast-iron gate.
96-104, Church Street LL/028		Local Note 19-02-2004	This entry only relates to the front part of the building as this is all that remains of the original structure. The original structure was a terrace of large Flemish bond, brick built houses dating from 1823. Three storey in yellow bricks with gauged brick flat arches to right and plaster moulded cornices to the left hand three windows. Sash six over six windows, two doors the left one with 16 Spelthorne Local List – February 2004 – Updated December 2016 plaster architrave the right one with panelled plaster architrave. Small forecourt area surrounded by listed wrought iron railings to front. Originally built as two separate houses for the Ashby family (Charles and Thomas) in 1823 (privately published book “records of the Ashby and Friends of Staines 1757 – 1916”). Ordnance Survey sheet of 1914 showed two separate gardens. Additions to the houses were added in 1831 and 1843. Two generations of the family occupied the houses until the death of Henry Ashby in 1880, when properties sold to Gardams. Building is an important backdrop for the statutorily listed railings at the front. Building currently in use as offices.






Structure		Status	Assessment of Significance
Stainton House, 101, Church Street 1187030		Grade II 02-02-1982	1830s detached villa. Two storeys, stucco with hipped slate roof. Four windows, glazing bar sashes in moulded architraves (plate glass sashes on ground floor). Large pilaster doorcase to right of centre with 4 panel door and transom light. Linked to No 103 (qv) by setback carriage arch.
Bosun's Hatch, 103, Church Street 1204720		Grade II 27-07-1979	Probably mid-C18. Two storeys, red brick with tiled roof and 2 end chimneys. Two windows, glazing bar sash windows (flush-framed) with shutters. Central 6-panel door, upper 2 glazed, with modern hood.
111 and 113 Church Street 1298927		Grade II 10-04-1974	Late C18/early C19. Two storeys, brick. Parapet front with coped verges and slate roof, 2 chimneys on front ridges. Eight windows in all, glazing bar sashes. No 111 has door to right with transom light and lattice decoration. No 113 entered from side porch (mid-C19 with half glazed door and surround) and has a large mid-C19 rear wing with hipped roof. To rear is an arched stair window and a lower one window section to left with ball finials on parapet. Said to have a good staircase in No 113.
114, Church Street 1187033		Grade II 02-032-1982	Mid to late C18 front. Two storeys yellow brick with yellow brick flat arches. Parapet front. Modern tiled roof with 2 dormers (Yorkshire sashes). Four windows, glazing bar sashes on first floor, plate glass sashes on ground floor. Central pedimented doorpiece removed, Doric doorway now at side: fluted pilasters to panelled door, good frieze. Rear (west gable end) has rough timber-framing with tumbled brick infills.




Structure		Status	Assessment of Significance
Corner Hall, 115, Church Street 1204729		Grade II 02-02-1982	The Vicarage. Includes Nos 2 and 4 Vicarage Road. Late C18 or early C19. Two storeys (and attic, lit by dormer to Church Street). Yellow brick parapet front with gauged brick flat arches. Tiled roof in 2 hipped sections. Central chimney. Two windows to Vicarage Road (and an extra one on ground floor), glazing bar sashes in reveals. Central 6-panel door with reeded surround to reveal and traceried fanlight. To left of Vicarage Road front is a projecting 2 storey 2 window wing with hipped tiled roof and brick block eaves course; glazed door with fretted gabled hood. Four window return to Church Street (3 of them blind).
The Bell Public House, 124, Church Street LL/032		Local Note 19-02-2004	Two storey public house dating from 1780 with later 19th Century front. Originally known as The Bell due to its proximity to St Mary's Church. Parts of interior date from 1630 and in Stuart times was one of the three best known taverns in Staines (along with the Angel in High Street). Painted brick (No 122 painted render) corniced coping to head of parapet. Hipped old tile roof, with moulded architraves to windows some of which are plain one over one sashes. The Bells has a tripartite circa 1920 pilaster sided shop front to right. Further one sash windowed gabled extension at angle to right – mid 19th Century with corniced pedimented gable and pub entrance at ground floor set in painted brick facing.
Church Cottage, 127, Church Street LL/032		Local Note 19-02-2004	Two storey slate roofed and painted rendered building adjacent to church yard. Originally a Verger's cottage and could date from late 18th Century/early 19th Century, remodelled front added circa 1850. Shallow eaves hipped roof with black glazed hip and ridge tiles, one rendered saddle stack left front and another right front breaking through hip. Three windows on first floor front, 2 + 1 on ground floor front with moulded wooden architrave. Door to ground floor to left with triangular label over containing a quatrefoil. Three by four glazed door flanked by windows, all three items with coloured marginal glazing. Rear slightly irregular with door to churchyard and drip mould string course over ground floor to right.
Former Staines West Station, Wraysbury 1205094		Grade II 16-06-1976	Opened 1885. Adapted from earlier C19 house called Moor House. L-plan two and three storeys, buff/yellow brick with brick flat arches; hipped slate roofs and four chimneys. Two window three storey left hand wing breaks forward (windows blocked on ground and first floors, glazing bar sashes on second floor). Central box porch, one window return. Two storey three window right hand section has band over ground floor, the left hand bay, above the porch extension, is a hipped gabled break. Projecting box porch in angle with cornice and blocking course. Panelled doors with transom light and bracketed flat hood, narrow flanking windows and a three window return to porch. Spear head railings to both sections. On east return side a 10 foot wall extends about 40 yards to north.

Structure		Status	Assessment of Significance
Small malthouse to the rear of 57, Church Street, Wraysbury Road 1187068		Grade II 28-02-1975	Mid C19. Two storeys, red brick front with hipped modern tile roof, the centre section a slate pavilion roof with red corner tiles. Three openings on first floor, the right hand one a door. Two doors on ground floor and 2 windows. Numerous tie plates to front. Rear rebuilt.
18 Hale Street LL/052		Local Note 19-02-2004	Mid-19th Century simple rectangular plan form and well-proportioned front elevation. Three upper floor one over one sliding sash windows, the central one narrower and directly over the central door opening onto the ground floor below. Two ground floor windows positioned either side of the central entrance and directly below the first floor windows. Plaster window heads with central vermiculated key stones. Buff facing bricks with recent concrete tile roof replacing the original slate. Chimney stacks removed. Important group value with no. 22 and 24/26 Hale Street.
22 Hale Street LL/053		Local Note 19-02-2004	Early 19th Century two-storey cottage circa 1835 double hipped roof with central saddle corbelled brick stack, slated roof with deep eaves overhang. Light red brick walls in Flemish bond with very plain façade onto Hale Street comprising one small double casement first floor window above door (which is of later period), under segmented brick flat head. Return elevation has two early six over six sash windows without horns.
24 to 26 Hale Street LL/054		Local Note 19-02-2004	1835 – 40 Vernacular revival. Two storeys, red brick. English bond with grey brick quoins and black brick diaper patterns. Three windows first floor, outer ones wider. One window ground floor to right. Central arched door lacking gabled porch, half glazed door with four glazed panels. Steep tiled roof with sprocket eaves. Small gables over outer windows. Set back chimneys, one with large base. Moulded bargeboard with finials. Now converted to two houses internally – forms important group with No. 22 and no. 18. All casement windows. Architectural elaboration, scale and characteristic Victorian detail.

Structure		Status	Assessment of Significance
Staines Bridge, Bridge Street		Grade II	Opened and dated 1832. (Engineer-architects: George Rennie and John Rennie). Built of rusticated granite ashlar. Three segmental arches with side pylons which have roll mould cornice and parapet and which contain arched footway. Rounded breakwaters. Modern railings to parapet above roll-mould cornice. To north are 4 modern approach arches in brick and 2 to south. Opened by William IV and Queen Adelaide.
1 to 9 Clarence Street LL/033		Local Note 19-02-2004	Early 19th Century three storey terrace of offices over shops on the ground floor. Brick parapet articulated with pilasters hides roof which is slate, tops of several corbelled chimneys just visible above parapet. Except for modern shop fronts, terrace constructed in yellow brick with flat gauged arched window openings with eleven, six over six sash windows on second floor above equal number of casements under fixed top lights to first floor. Corner to Church Street has brick pilasters supporting pediment whose apex just breaks the parapet line. Single sash window on second floor below pediment hipped tiled roofed cantilevered balcony enclosed with arched headed windows. A major townscape feature building in the centre of Staines despite series of modern and mixed quality shop fronts at ground level.
2 Clarence Street 1298898		Grade II 04.06.1973	Includes No 2 Clarence Street. Corner site. Circa 1830 with segmental corner plan. Three storeys, rendered with band over ground floor. 1 + 1 + 3 windows, glazing bar and plate glass sashes in moulded architraves, the first floor window on the centre section is tripartite with pediment.





Structure		Status	Assessment of Significance
25 and 27, Clarence Street 1298890		Grade II 02.02.1982	Circa 1832. Three storeys, yellow brick with paired brackets to eaves of roof, No 25 modern concrete tiles, hipped to right, No 27 slate. One window each with moulded architraves, first floor with carved brackets to cornice. Modern ground floor shop fronts, No 25 with bow window. The pair is divided by a rebate with a plaster mask at the top of it. Return has band over ground floor and 1 + 2 windows.
29, Clarence Street 1187035		Grade II 02.02.1982	Circa 1832 or 1824. Three storeys yellow brick with gauged brick flat arches. Paired eaves brackets to slate roof, hipped to left. Three windows, sashes upper ones plate glass, lower ones with glazing bars. Very good cast-iron balconies with honeysuckle and lotus patterns to first floor. Rusticated stucco ground floor with struck voussoirs. Two elliptical headed openings, coachway to left, window in centre and arched doorway to right.
Clarence House; 31, Clarence Street 1187036		Grade II 21-04-1980	Circa 1832 (thought to be 1824). Three storeys. Yellow brick with gauged brick flat arches. Paired eaves brackets to slate roof. Five windows, glazing bar sashes on second and ground floors, French casements on first floor, giving onto balcony with good cast-iron work. Ground floor stucco with channelled rustication. Arched central doorway with traceried fanlight. Three panel door, upper and lower ones with fielded panels, centre flush reeded with central roundel and original knocker.

Structure		Status	Assessment of Significance
33, Clarence Street 1298891		Grade II 21-04-1980	Circa 1832 or 1824. Three storeys yellow brick with gauged brick flat arches. Paired brackets to eaves of hipped slate roof. Three windows, plate glass sashes. Modern shop window to left. Arched doorway to right and modern glazed doors. Included for group value.
41, Clarence Street 1298892		Grade II 03-08-1982	Dated 1835. Built as Literary and Scientific Institute. Architect: William Mullinger Higgins. Two storeys, rendered; ground floor with pilasters and frieze, first floor with listel, cornice and parapet. Concealed roof. Five windows, glazing bar sashes with moulded architraves. Central doorway with neo-classical pediment and moulded surround, panelled door.
Staines War Memorial, Market Square 1440376		Grade II 05-12-2016	<p><u>Summary</u></p> <p>First World War memorial, unveiled on 19 December 1920, with further names added after the Second World War.</p> <p><u>Reasons for Designation</u></p> <p>Staines War Memorial is listed at Grade II for the following principal reasons: * Historic interest: as an eloquent witness to the tragic impact of world events on this community, and the sacrifices it has made in the conflicts of the C20; * Architectural interest: a most striking design with an impressive composition of fine carved figures of Victory and four servicemen in uniform and other carved decorative details; * Group value: with 2 Clarence St, Staines Town Hall, and a pair of K6 Telephone Kiosks, all listed at Grade II, and the Blue Anchor Public House, listed at Grade II*.</p> <p><u>History</u></p> <p>The aftermath of the First World War saw the biggest single wave of public commemoration ever with tens of thousands of memorials erected across England, both as a result of the huge impact the loss of three quarters of a million British lives had on communities and the official policy of not repatriating the dead, which meant that the memorials provided the main focus of the grief felt at</p>



Structure	Status	Assessment of Significance
		<p>this great loss.</p> <p>One such memorial was raised at Staines as a permanent testament to the sacrifice made by the members of the local community who lost their lives in the First World War.</p> <p>The memorial was unveiled on 19 December 1920 by Brigadier General Earl of Lucan.</p> <p>Following the Second World War, an inscription dedicated to those who lost their lives in that war was added. The memorial was relocated in 2002 from the memorial gardens to the Market Square and in 2007 War Memorials Trust gave a grant for repairs.</p> <p><u>Details</u></p> <p>MATERIALS: Portland stone.</p> <p>DESCRIPTION: the memorial is located in the Market Square and it comprises a carved winged figure of Victory holding aloft a torch and a laurel wreath set upon an ornate pedestal with cornices at the top and base and embellished with carved scrolled ornament and other carved motifs. It surmounts a square double plinth with projecting spurs at each corner and, at each, is a figure of a serviceman. The figures are: a soldier in field kit with rifle; sailor in day rig with signal flags; airman in flying rig; and marine in field kit with rifle stand on the arms</p> <p>The front face of the plinth carries the inscription in black lettering: TO/ OUR GLORIOUS DEAD/ 1914 – 1918/ THIS WAR MEMORIAL IS ERECTED BY/ THE PEOPLE OF STAINES/ IN PROUD AND GRATEFUL HOMAGE TO/ THEIR FELLOW TOWNSMEN/ WHO ENDURED ALL AND GAVE ALL THAT/ HONOUR AND FREEDOM MIGHT PREVAIL/ THEY SHALL GROW NOT OLD/ AS WE THAT ARE LEFT GROW OLD/ AGE SHALL NOT WEARY THEM/ NOR THE YEARS CONDEMN/ AT THE GOING DOWN OF THE SUN/ AND IN THE MORNING/ WE WILL REMEMBER THEM. The other plinth faces carry the names of those who fell.</p> <p>The lower plinth carries the inscription: 1939 1945/ IN MEMORIAM/ TO ALL THOSE KILLED AT/ HOME AND ABROAD/ THROUGH ENEMY ACTION/ THEIR NAME LIVETH/ FOR EVERMORE. Underneath an inclined tablet lists the names of those who fell in the Second World War.</p> <p>The plinth is set upon an octagonal two-stepped base.</p>

Structure		Status	Assessment of Significance
Staines Town Hall, Market Square  1187053		Grade II  04-06-1973	<p>Town hall. Designed by John Johnson, architect and District Surveyor of East Hackney 1879-80, following a public competition, in a Renaissance style with Italian and French motifs. White brick and stone dressings with Doulton-tile bands. Fishscale slate roof with panelled brick chimneystacks. Steep roof with platform, wrought iron handrail with finials. Two storeys and attics: five windows to front elevation, nine windows to side elevation. Plan form has first floor Board Room/Court Room at front and large full-height public hall with stage behind. Front elevation has four dormers with triangular heads. Central clock tower at front of building with baroque detail, clock face and weather vane, dated AD 1880. Openwork brick balustrade with exaggerated piers to corners. Cornice with bands of dentils and interlaced decoration. Quoin pilasters. Five windows to first floor forming an arcade. Round headed arches of one recessed order with keystones and heavily foliated capitals. Plate-glass windows. Medallions in spandrels. Panel with key pattern under windows. String course and decorated band. Four sashes to ground floor with foliated imposts. Cill band and further decorated (Doulton tile) band above plinth. Central Tuscan porch supporting balcony to central upper window. Side elevation in form of two end pavilions with lower five bay public hall in centre with arcaded first floor. INTERIOR: 2 stone staircases with cast-iron balusters. Debenham Room, former Court Room or Board Room, has coved and diaphragm-arched ceiling on head corbels, plaster ceiling roses, plastered swag and panel decoration and gallery with carved wooden clock above. Room below is public hall 73 feet by 48 feet with round-headed arched proscenium, stage front renewed in later C20, balcony to rear and ribbed ceiling. Original mechanism of the town clock of 1881 by Gillette, Bland and Co. of Croydon.</p>
Fire Engine Shed, Market Square  1298899		Grade II  02-02-1982	<p>Circa 1880 to north-east of Town Hall and probably built at the same time. Yellow brick gabled front with modillion cornice returned up gable, rebated brickwork and moulded brick plinth and string. Two archways with moulded architraves inscribed "Fire Escape" and "Fire Engine". Decorative and painted terracotta bands and Doulton pottery ornaments in gable and plinth. Planned for conversion into museum.</p>

Structure		Status	Assessment of Significance
Conservative Club, 1 to 3 Market Square LL/087		Local Note 19-02-2004	Built 1887. Pleasant design in vernacular style. Roughly symmetrical. English bond, buff brick with red brick bands and glazing bar enrichments. Coved eaves cornice. Hipped slate roof. Main feature of front is roughly central chimney with weathered offsets and ridged shafts. Wide 4 light windows on each side of chimney. Dedication tablet on large chimney. Victoria County History, "History of Middlesex"/Kelly's Directory notes that several political clubs existed in Staines by mid 1880s. May Spelthorne Local List – February 2004 – Updated December 2016 33 refer to this Conservative club. Plaque on wall states "This stone commemorates the opening of the Staines and Egham-Hythe Constitutional Club on 19th May 1887 was laid by Mrs Dixon Hartland and Mrs Hanley, the wives of the members for the Divisions of Uxbridge and Chertsey." Large upper room was known as Victoria Hall.
5 to 7 Market Square LL/088		Local Note 19-02-2004	Late 19th Century. Two and a half storeys, painted brick with moulded first floor sill settings. Coved eaves. Mansard tile roof with three gables two light dormers (two with modern casement windows). London by-law type upstand parapet dividing roofs, coved eaves cornice to both properties. Three plate glass sash windows on first floor with gauged brick flat arches. Modern shop front on ground floor and narrow door to right.
The Blue Anchor Public House, 13 and 15, Market Square 1204918		Grade II* 11-08-1952	Early to mid C18. A good town house. Chequered brick front of 7 narrow bays, central 3 in slight break. Three storeys and attic. Band courses over ground and first floors. Modillion eaves cornice. Hipped tile roof. Three dormers, glazing bar sashes. The windows below are flush frame glazing bar sashes with brick flat arches. Mid C19 seven bay pilastered ground floor public house front in wood with slightly coved fascia supporting cast-iron balcony; outer windows, and one to left of centre, are bracketed bays; transom lights; central angled 3 window bay. Gabled timber-frame wing to north-east. Interior retains considerable amounts of early-mid C18 panelling and fittings on first floor and also fireplaces of the period with bolection surrounds (one enriched one with over-mantle is in corner position). Also a display cupboard. North-east staircase probably early C18 with moulded straight string, twisted ballasters, wide rail and dado. South-east staircase may also be original.

Former Debenhams  
Building  
Thames Street  
Staines



Local Note

30/03/2022

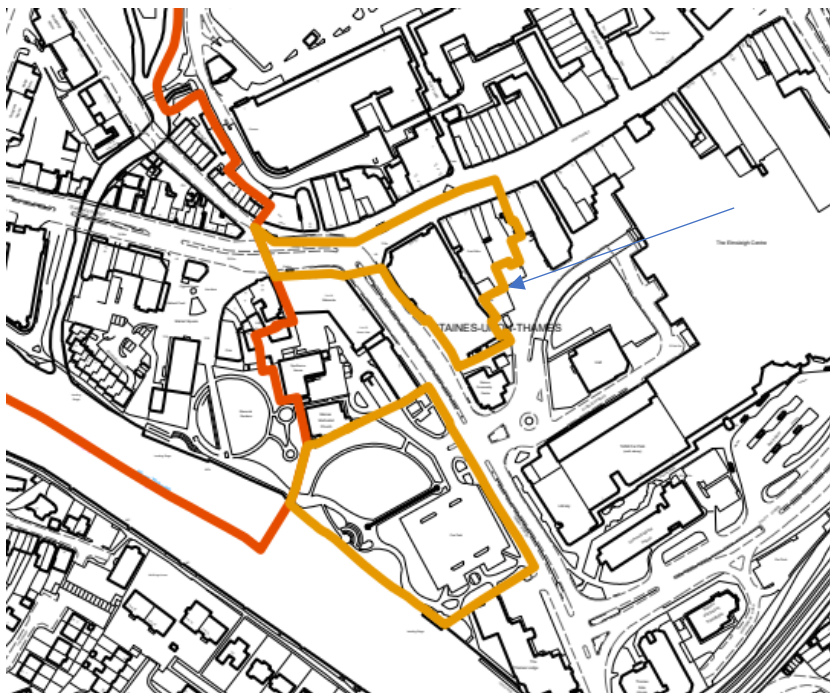
The former Debenhams building occupies a prominent position on the corner of High Street and Thames Street in Staines town centre. It was purpose-built to replace a collection of smaller buildings in 1956 under the Kennards brand (a Debenhams subsidiary) and was rebranded as Debenhams in 1973. The store was built to designs by the London-based architect George Coles and was completed in 1962. It is four storeys in height plus a basement and is Neo Georgian in style. The building's ground floor consists of almost continuous display windows beneath a canopy. Above the ground floor its elevations are largely brick, punctured by closely-spaced, metal framed windows. Half its longer Thames Street elevation is formed by a bow and this elevation has a strong horizontal appearance moderated by two-storey, stonework surrounds to four of the window bays. Two similar areas of stonework are present on the High Street elevation. The main entrance, with glazing surrounded by stone panels above, sits at the corner of the two elevations.

# Heritage Appraisal

Project name: Staines Conservation Area – South of High Street  
 Author: GS  
 Date: 23rd June 2022  
 Project number: P22-1667

## 1. Introduction

- 1.1. This note considers the proposed extension to the Staines Conservation Area, specifically the area immediately south of High Street, shown below at Plate 1. It has been commissioned by Future High Street Living (Staines) Ltd, and forms a representation on their behalf.



*Plate 1 Area of proposed extension south of High Street, marked with a blue arrow*

- 1.2. This note has reviewed the proposed boundary alterations and the Draft Appraisal, which considers the area in question. Considering these matters, it is an **objection** to the extension of the boundary.



## 2. Background and Statutory Duty

2.1. Section 69 of the 1990 Planning (Listed Building and Conservation Areas) Act states

*“Designation of conservation areas*

*(1) Every local planning authority—*

*(a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and*

*(b) shall designate those areas as conservation areas.*

*(2) It shall be the duty of a local planning authority from time to time 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 they so determine, they shall designate those parts accordingly.*

*(3) The Secretary of State may from time to time determine that any part of a local planning authority’s area which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if he so determines, he may designate that part as a conservation area.*

*(4) The designation of any area as a conservation area shall be a local land charge.”*

2.2. As such, it is clear that for an area to be designated as a Conservation Area or part thereof, it must hold special architectural or historic interest, with this relating to character and appearance.

2.3. Historic England have published guidance on Conservation Areas, *Conservation Area Designation, Appraisal and Management* (2019).

2.4. This guidance reiterates at paragraph 15 the caution given to local planning authorities in the NPPF (paragraph 191 therein) to ensure that an area justifies designation as a conservation area because of its special architectural or historic interest, so that the concept of conservation is not devalued through the designation of areas that lack special interest.

2.5. At paragraph 68 the guidance states:

*“An important aspect of the appraisal (and review) process will be considering where the boundaries should be drawn (and whether the boundaries of an existing conservation area should be re-drawn). An explanation of why the boundary is drawn where it is (or extensions are suggested, in the case of existing conservation areas), and what is included and what is excluded, is helpful. The position of the conservation area boundary will, to a large degree, be informed by the considerations identified in paragraphs 75–76 (Finalising, reviewing and publicising the boundary). As spaces contribute to enclosure, as well as framing views of assets and defining settings, a unified approach is desirable to their*

*management as well as suggesting that in almost all situations the conservation area boundary runs around rather than through a space or plot. It will generally be defined by physical features and avoid for example running along the middle of a street, though including the boundary wall of a property which is otherwise not included can in itself cause problems when applying conservation area policies in development management decisions."*

2.6. Paragraph 72 of the HE guidance states:

***"Suitability for designation***

*The different types of special architectural and historic interest which have led to designation include;*

- areas with a high number of nationally or locally designated heritage assets and a variety of architectural styles and historic associations*
- those linked to a particular individual, industry, custom or pastime with a particular local interest*
- where an earlier, historically significant, layout is visible in the modern street pattern*
- where a particular style of architecture or traditional building materials predominate*
- areas designated because of the quality of the public realm or a spatial element, such as a design form or settlement pattern, green spaces which are an essential component of a wider historic area, and historic parks and gardens and other designed landscapes, including those included on the Historic England Register of Parks and Gardens of special historic interest."*

### **3. Draft Appraisal**

3.1. With regards to the proposed extension covering the Former Debenhams Building and adjacent properties, the Draft Appraisal makes the following mentions of the area and structures.

3.2. Under the 'Key Elements' section (page 4), the following bullet point is included:

*"Important civic and commercial buildings including the Town Hall, Fire Engine Shed Staines West Station, War Memorial and Debenhams building etc.. reflecting civic pride in the 19th and 20th centuries;"*

3.3. Under the discussion of Clarence Street on page 29, it states:

*"Views along Clarence Street from west to east are terminated by the former Debenhams building. This building shares many of the features characteristic of the historic buildings in this Character Area in terms of scale, string rhythm, architectural language and detail and reinforces those characteristics. For these reasons, and due to the fact that it forms a*

*landmark termination to those views, it contributes positively to the street scene and the character and appearance of the Conservation Area."*

- 3.4. Under the Memorial Park section of the appraisal on page 34, it states:

*"The former Debenhams building is clearly visible from Thames Street and the from the carpark on Thames Street, adjacent to Memorial Park. The view from the Thames Street shows the long and undulating side elevation of the Debenhams building which is not visible from Clarence Street. It shows another aspect of the high architectural quality of this large building that influences so much of the Conservation Area;"*

- 3.5. Under the 'Inclusions' section on page 35, it states:

- 3.6. *"The four storey, former Debenhams building was built in 1956 by George Coles, the renowned art Deco architect. This landmark building is an important building of high visual quality which terminates the long views along Clarence St and from Thames Street. It is of good architectural quality and it reinforces the historic built character of character area 3."*

- 3.7. A list of Assets is given as Appendix 2 of the Draft Appraisal. This includes the Former Debenhams building, which is categorised as being of Local Note.

- 3.8. There is no description of the buildings north-east of the former Debenhams at 47-57 High Street, and no rationale for their inclusion in an expanded Conservation Area is provided.

## **4. Historic England Appraisal**

- 4.1. Of relevance is a recent consideration of the architectural and historic interest of the Former Debenhams Building by the Historic England Designation Team. They describe the building as follows:

*"Originally built for local department store, Kennards, the building was constructed in two phases between 1956-1957 and 1961-1962. The design was by George Coles (1884-1963), known for his work designing cinemas for the Odeon cinema chain, several of which are listed at Grade II. The Kennards store replaced a number of smaller units on the site to occupy a prominent corner of Staines High Street. Adopting a late neo-Georgian style, it is faced in red brick with stone, or reconstituted stone, dressings and windows are steel-framed multi-paned casements. Externally the building appears little altered, with the exception of a later canopy, signage and renewed entrance doors."*

- 4.2. As part of their assessment they, considered the architectural and historic interest of the building. It should be noted this assessment is given as a brief summary – it is clear that the building came nowhere close to being considered of Listable quality. Should it have been a more marginal case, a fuller assessment would have been prepared. Rather the following assessment was given:

*"Degree of Architectural interest:*

*\* the building is a late example of neo-Georgian retail architecture and, despite the interest of its architect, is comparable in quality to a very large number of high street buildings of the inter- and post-war period across the country; it does not possess the quality of design, decoration or craftsmanship to mark it of special architectural interest.*

*Degree of Historic interest:*

*\* department stores are an important part of the country's retail heritage, and they are increasingly under threat; however, only those with the greatest claims to interest will merit addition to the statutory List."*

## 5. My Assessment

- 5.1. I concur with the assessment of significance given by Historic England with regards to the architectural and historic interest of the Former Debenhams Building. The architectural interest of the structure is of a very common level, and it is not of special architectural or historic interest.
- 5.2. With regards to the association with Coles, not every building by a named or even celebrated architect will be of special interest, as is the case here. The Former Debenhams Building has neither a striking overall design nor playful or exquisite detailing of his best work, examples of which have been Listed, as noted by Historic England.
- 5.3. With regards to the buildings to the north-east of the Former Debenhams Building (Plate 2), these are of no intrinsic special architectural or historic interest, nor has anyone made any case for them having such interest, including within the draft appraisal.



Plate 2 Looking south to 47-57 High Street

- 5.4. Their upper facades are of their time, and of relatively little architectural interest, with the only exception being the upper façade of 53–55, which has some Deco detailing. However, the shop frontages at ground floor level are of no architectural interest and the building is not of special interest as a whole.
- 5.5. Although the appraisal notes the Former Debenhams building as a key element, no credible justification for this is given. The draft appraisal states:  
  
*"This building shares many of the features characteristic of the historic buildings in this Character Area in terms of scale, string rhythm, architectural language and detail and reinforces those characteristics. For these reasons, and due to the fact that it forms a landmark termination to those views, it contributes positively to the street scene and the character and appearance of the Conservation Area."*
- 5.6. This is simply not evidenced. Firstly, the Former Debenhams and group of buildings to the north are entirely out on a limb from the main part of the character area, awkwardly joined by an isthmus along the High Street. As such, the buildings of the proposed extension area can only be part of a 'street scene' with one another. In this context, the Former Debenhams does not share any of the characteristics of the other buildings, in terms of scale, string rhythm, architectural language or detail (Plate 2). There is nothing to unite them.
- 5.7. Even considering the closest buildings within the character area beyond the anomalous road-wide link, the buildings on the eastern side of Market Square, such as the Grade II\* Listed mid 18<sup>th</sup>-century Blue Anchor, are not comparable in any of the 'characteristic features' mentioned.
- 5.8. The building does have some landmark quality, and is part of the setting of the current Conservation Area. Between that consideration (provision for the consideration of which is present under the NPPF) and its locally listed status (provision also made under the NPPF), the modest heritage interest of the Former Debenhams Building is sufficiently protected in planning terms without the awkward and contrived inclusion in an extended Conservation Area.
- 5.9. References are made to 'high architectural quality' and 'good architectural quality' with regards to the Former Debenhams Buildings in the Draft Appraisal. These are contradicted by the Historic England Designation Assessment, which found it of a very common level of architectural interest.
- 5.10. The idea also put forward in the appraisal, that the Former Debenhams Building influences 'so much of the Conservation Area', is not the case, being in an awkwardly shaped extension to the bulk of the area.
- 5.11. Hence, the justification put forward in the appraisal, where present, is not considered to be evidenced or indeed correct.
- 5.12. Considering the examples of areas which have warranted Conservation Area designation, given in Historic England's guidance (paragraph 72 of the guidance, bullets below), I do not consider that the Debenhams extension is justified (my comments following the bullets in italics).
  - areas with a high number of nationally or locally designated heritage assets and a variety of architectural styles and historic associations. *This is not the case for the*



*proposed Debenhams extension. Only one locally Listed building lies within the area.*

- those linked to a particular individual, industry, custom or pastime with a particular local interest. *The buildings are retail structures in a wider retail area. This is insufficient to engender a particular local interest.*
- where an earlier, historically significant, layout is visible in the modern street pattern. *This is not the case here. The roads have been widened, and no special interest lies in their layout.*
- where a particular style of architecture or traditional building materials predominate. *As discussed above, there is no unifying architectural style within the group.*
- areas designated because of the quality of the public realm or a spatial element, such as a design form or settlement pattern, green spaces which are an essential component of a wider historic area, and historic parks and gardens and other designed landscapes, including those included on the Historic England Register of Parks and Gardens of special historic interest. *There is no open space of particular interest in the proposed area of extension.*

5.13. I consider that the streetscape formed by the group of buildings proposed for designation in this area is of generic interest for such an area with regards to the frontages, lacking special architectural interest, and of no interest in terms of overall form in plan and rear elevations. The area lacks the special architectural interest that would warrant its designation as a Conservation Area or part thereof.

5.14. Furthermore, it is noted that the boundaries of the proposed designation area run through the middles of streets, contrary to Historic England guidance on designation.

## **6. Conclusions**

6.1. In conclusion, the justifications for the extension included in the Draft Appraisal are variously incomplete (making no mention of buildings north-east of the Former Debenhams Building), incorrect (stating that the Former Debenhams Building shares characteristics of the streetscape of the character area), contrary to independent assessment (asserting that the Former Debenhams Building is of high architectural interest, when Historic England found it to be of a very common level of interest) and without consideration of whether existing designations covering and in the vicinity of the area in question adequately provide for the interest of the area in planning terms.

6.2. The area proposed lacks the requisite special interest, and its inclusion within the Staines-upon-Thames Conservation Area would devalue the asset as a whole, in contradiction of Historic England guidance and the NPPF.

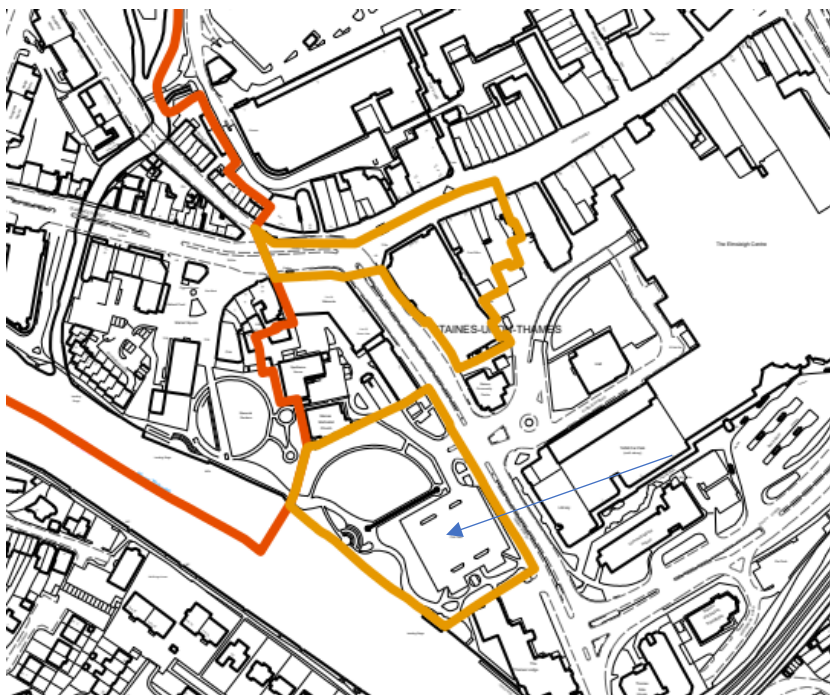


# Heritage Appraisal

Project name: Staines Conservation Area – Memorial Gardens  
 Author: GS  
 Date: 23rd June 2022  
 Project number: P22-1667

## 1. Introduction

- 1.1. This note considers the proposed extension to the Staines Conservation Area, specifically the Memorial Gardens area, shown below at Plate 1. It has been commissioned by Future High Street Living (Staines) Ltd, and forms a representation on their behalf.



*Plate 1 Area of proposed extension at the Memorial Gardens, marked with a blue arrow*

- 1.2. This note has reviewed the proposed boundary alterations and the Draft Appraisal, which considers the area in question. Considering these matters, it is an **objection** to the extension of the boundary.

## 2. Background and Statutory Duty

2.1. Section 69 of the 1990 Planning (Listed Building and Conservation Areas) Act states

*“Designation of conservation areas*

*(1) Every local planning authority—*

*(a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and*

*(b) shall designate those areas as conservation areas.*

*(2) It shall be the duty of a local planning authority from time to time 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 they so determine, they shall designate those parts accordingly.*

*(3) The Secretary of State may from time to time determine that any part of a local planning authority’s area which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if he so determines, he may designate that part as a conservation area.*

*(4) The designation of any area as a conservation area shall be a local land charge.”*

2.2. As such, it is clear that for an area to be designated as a Conservation Area or part thereof, it must hold special architectural or historic interest, with this relating to character and appearance.

2.3. Historic England have published guidance on Conservation Areas, *Conservation Area Designation, Appraisal and Management* (2019).

2.4. This guidance reiterates at paragraph 15 the caution given to local planning authorities in the NPPF (paragraph 191 therein) to ensure that an area justifies designation as a conservation area because of its special architectural or historic interest, so that the concept of conservation is not devalued through the designation of areas that lack special interest.

2.5. At paragraph 68 the guidance states:

*“An important aspect of the appraisal (and review) process will be considering where the boundaries should be drawn (and whether the boundaries of an existing conservation area should be re-drawn). An explanation of why the boundary is drawn where it is (or extensions are suggested, in the case of existing conservation areas), and what is included and what is excluded, is helpful. The position of the conservation area boundary will, to a large degree, be informed by the considerations identified in paragraphs 75–76 (Finalising, reviewing and publicising the boundary). As spaces contribute to enclosure, as well as framing views of assets and defining settings, a unified approach is desirable to their management as well as suggesting that in almost all situations the conservation area boundary runs around rather than through a space or plot. It will generally be defined by*

*physical features and avoid for example running along the middle of a street, though including the boundary wall of a property which is otherwise not included can in itself cause problems when applying conservation area policies in development management decisions."*

2.6. Paragraph 72 of the HE guidance states:

***"Suitability for designation***

*The different types of special architectural and historic interest which have led to designation include;*

- *areas with a high number of nationally or locally designated heritage assets and a variety of architectural styles and historic associations*
- *those linked to a particular individual, industry, custom or pastime with a particular local interest*
- *where an earlier, historically significant, layout is visible in the modern street pattern*
- *where a particular style of architecture or traditional building materials predominate*
- *areas designated because of the quality of the public realm or a spatial element, such as a design form or settlement pattern, green spaces which are an essential component of a wider historic area, and historic parks and gardens and other designed landscapes, including those included on the Historic England Register of Parks and Gardens of special historic interest."*

### **3. Draft Appraisal**

3.1. With regards to the proposed extension covering the Memorial Gardens, the draft appraisal makes the following references to the Memorial Gardens or elements therein:

- *The Summary of Key Elements includes a reference to "the high number of valuable trees and specimen trees, particularly in the St Mary's Church Character Area and along the Thames."*
- *"Between 1871 and 1880 the Town Hall was constructed. This involved the demolition of the existing market house and a number of buildings to the east of the current Town Hall which created the Market Square and made space for the Memorial Gardens which were laid out in 1897." (Page 8)*
- *The Memorial Park is noted as being one of five significant open areas within the Conservation Area (Page 14): "The Memorial Park was the original home of the War Memorial. This is an attractive, open, riverside park which allows for an appreciation of the river and a different perspective of the town that is not obtainable from the urban core. Formally planting provides structural shape to the park whilst informal tree areas along the bank of the Thames adds greenery to this urban area."*

- The Memorial Park is discussed on pages 32–34 of the Market Square and Memorial Gardens Character Area Assessment, which states:
  - *"The river is most appreciable from within the Memorial Park where attractive views across it to The Hythe. Development on the southern bank impacts directly on the character of the Conservation Area due to its visibility from the northern bank;*
  - *The park is an attractive open space and one of the few spaces within the Conservation Area where the river is clearly evident. The width, power and importance of the river are celebrated, within the park. The park has significance for that reason alone but also for its social and evidential value as it was created as a memorial to the men of the town who gave their lives in the first World War;*
  - *The car park to the east of the Memorial Park is an integral part of the landscaping and open space that allows wide, uninterrupted views of the river to be obtained and appreciated;*
  - *Memorial Park makes a fitting setting for the public art which it contains;*
  - *The former Debenhams building is clearly visible from Thames Street and the from the carpark on Thames Street, adjacent to Memorial Park. The view from the Thames Street shows the long and undulating side elevation of the Debenhams building which is not visible from Clarence Street. It shows another aspect of the high architectural quality of this large building that influences so much of the Conservation Area;"*
- The proposed inclusion section (p35) states *"The Memorial Park; the park and adjacent car park have been included in its entirety because of the importance that this high quality open space has within the character area and also as one of the few public, open spaces from where a full appreciation of the river Thames and its relationship to Staines town can be obtained."*

## 4. My Assessment

- 4.1. Whilst the Memorial Gardens were laid out to commemorate those fallen in the First World War, the War Memorial has now been moved to the Market Square. The gardens still hold a low level of historic interest due to their origins, but in the light of their modern character and absence of the memorial, I do not consider that they hold the requisite special interest that would justify their Inclusion in the Conservation Area. The green space is not considered to be an essential component of a wider historic area, and it is not considered to be a *historic* park or garden in current character and appearance.
- 4.2. I can understand the desire to preserve views to the Thames across them, but inclusion in a Conservation Area should be on the basis of intrinsic special interest.
- 4.3. The inclusion of the car park and road junction is entirely unreasonable and goes directly against the caution in the NPPF of devaluing any given area, as they are clearly areas the character and appearance of which is of no special interest.
- 4.4. Likewise, the justification for the inclusion of the car park given in terms of the views to the Former Debenhams is unreasonable. Even if these views were to be considered to be important (and it should be noted that Historic England consider the building to be of a

very common level of interest), inclusion should be on the basis of intrinsic architectural and historic interest, which the car park clearly does not hold.

## **5. Conclusions**

- 5.1. The area proposed lacks the requisite special interest, and its inclusion within the Staines-upon-Thames Conservation Area would devalue the asset as a whole, in contradiction of Historic England guidance and the NPPF.





Neutral Citation Number: [2023] EWHC 688 (Admin)

Case No: CO/2909/2022

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**  
**PLANNING COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 28/03/2023

**Before :**

**MR JUSTICE LANE**

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**Between :**

**FUTURE HIGH STREET LIVING (STAINES)  
LIMITED**

**Claimant**

**- and -**

**SPELTHORNE BOROUGH COUNCIL**

**Defendant**

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**Mr P Tucker KC and Mr J Easton** (instructed by **Eversheds Sutherland (International) LLP**) for the **Claimant**

**Ms H Townsend** (instructed by **Spelthorne Borough Council**) for the **Defendant**

Hearing date: 21 February 2023  
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**Approved Judgment**

This judgment was handed down remotely at 10.30am on 28 March 2023 by circulation to the parties or their representatives by e-mail and by release to the National Archives (see eg <https://www.bailii.org/ew/cases/EWCA/Civ/2022/1169.html>).

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MR JUSTICE LANE

**Mr Justice Lane:**

**A. THE FORMER DEBENHAMS DEPARTMENT STORE IN STAINES**

1. The claimant owns the former Debenhams department store at 37 – 45 High Street, Staines-on-Thames (“the Building”). It wishes to demolish the former store and provide residential accommodation on the site. This wish has generated considerable local controversy regarding the loss of the Building.
2. With permission granted by Lang J on 6 December 2022, the claimant seeks an order quashing the decision made by the defendant local planning authority dated 29 June 2022 to extend the Staines Conservation Area (“SCA”) to include the Building and other land (“the Decision”).
3. The defendant produced a Supplementary Report (“SR”) dated 31 August 2022, by which it purported to review the Decision. The SR concluded that no change should be made to the Decision or to the Appraisal which underpinned the defendant’s review of the SCA. As a consequence of the SR, the claimant amended the Statement of Facts and Grounds to address the purported review.
4. The claimant submits that the defendant fell into a number of legal errors, which I shall describe in due course.

**B. FACTUAL BACKGROUND**

5. The relevant factual background is as follows.

***Planning application***

6. On 10 November 2021, the claimant submitted a planning application (Ref: 21/01772/FUL) to the defendant for the following scheme:

“Demolition of the former Debenhams Store and redevelopment of site to provide 226 Build-to-Rent dwellings (Use Class C3) and commercial units (Use Class E) together with car and cycle parking, hard and soft landscaping, amenity space and other associated infrastructure and works.”
7. The planning application elicited 268 letters of objection. Reasons for objection included “loss of an iconic building – should be retained and converted” and “heritage impacts on nearby Conservation Areas and Listed building”.
8. The planning application was recommended for refusal in an Officers’ Report (“the Planning OR”) of the defendant, dated 24 May 2022 and updated on 1 June 2022.
9. Planning permission was refused by a decision notice dated 6 June 2022. The notice alleged (i) harm to the significance of designated heritage assets (including the SCA) and non-designated heritage assets; (ii) overdevelopment causing harm to the character and appearance of the area; and (iii) insufficient affordable housing. At the date of the decision notice, the Building did not fall within the SCA.

10. On 25 July 2022, the claimant submitted a notification of intention to submit an appeal against the refusal of planning permission.

***Prior approval application for demolition***

11. On 25 February 2022, the claimant made an application to determine if prior approval was required for the demolition of the Building under the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 11, Class B.
12. Under cover of an email dated 24 March 2022, the defendant determined that prior approval would be required for the demolition. The Building did not fall within the SCA at that date.
13. By a decision notice dated 1st July 2022, prior approval was refused for the following reason:

“The former Debenhams building, subject to this application, is located within the Staines Conservation Area and its demolition would be development and relevant demolition and NOT be Permitted Development under Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would require planning permission.”

14. The Building had been included within the extended SCA on 29th June 2022.

***Local listing***

15. Following a report to the defendant’s Planning Committee dated 30 March 2022, the Building was included in the Local List of Buildings and Structures of Architectural or Historic Interest (“Local List”) with immediate effect.

***Conservation Area Review***

16. The decision-making process that led to the inclusion of the Building in an extended SCA may be summarised as follows.
17. The defendant instructed AHC Consultants to prepare an Appraisal of the SCA. The AHC’s letter of instruction and terms of reference have not been produced in these proceedings. The draft Appraisal (written by Dr Carole Fry) recommended changes to the SCA, including its extension to incorporate the Building.
18. By an Officers’ Report dated 10 May 2022 (“the May OR”), the defendant’s Environment and Sustainability Committee (“E&SC”) were invited to:
  - i. agree the draft Appraisal for consultation;
  - ii. agree to go out to 6 weeks’ public consultation on the proposed amendments to the SCA;
  - iii. delegate authority to the defendant’s Group Head Regeneration and Growth, in consultation with the Chair and Vice Chair of the Environment and Sustainability Committee, to

approve the final document, taking account of comments, as required, which arise from the consultation.

19. Paragraph 3.3 of the May OR quoted directly from the draft Appraisal, which had this to say about the extension of the SCA to cover the Building:

“The four storey, former Debenhams building was built in 1956 by George Coles, the renowned Art Deco architect. This landmark building is an important building of high visual quality which terminates the long views along Clarence St and from Thames Street. It is of good architectural quality and it reinforces the historic built character of character area 3”.

20. Paragraph 3.3 then said that the extension of the SCA also “includes the adjacent buildings of nos. 47-57 High Street which contribute to the setting of Debenhams”.
21. At a meeting of the E&SC on 10 May 2022, the E&SC approved the recommendations outlined above.
22. The defendant invited representations on the Appraisal between 13<sup>th</sup> May and midnight on Friday 24<sup>th</sup> June 2022. The invitation to produce representations was publicised on the defendant’s website.
23. A delegated report dated 27<sup>th</sup> June 2022 (“the June OR”) produced by the defendant’s Planning Development Officer and Principal Planning Officer sought approval of the amended SCA by the Group Head Regeneration and Growth in consultation with the Chair and Vice-Chair of the E&SC. The June OR recorded that “there have been no material objections to the content of the Conservation Area Appraisal or to the revisions to the boundary”.
24. The June OR was shared with the Chair and Vice Chair of the E&SC, who both confirmed their approval of the recommendation to adopt the Appraisal and the changes to the boundary. The Group Head Regeneration and Growth signed the June OR on Wednesday 29<sup>th</sup> June, formally adopting the Staines Conservation Area Appraisal and the revisions to the boundary, with immediate effect.

***Claimant’s representations on the Review***

25. Ms Gail Stoten, Executive Director (Heritage) at the Pegasus Group, prepared detailed representations on behalf of the claimant in response to the defendant’s proposed extension of the SCA and duly uploaded them to the defendant’s consultation portal. Amongst other things, the representations highlighted Historic England’s views on the Building’s lack of special architectural merit. Ms Stoten received confirmation that the representations had been duly received prior to the end of the consultation period. Ms Stoten’s representations raised a number of objections to the proposed extension of the SCA, particularly the inclusion of the Building.
26. It is common ground that Ms Stoten’s representations were not taken into account by the defendant, prior to the decision being made on 29 June 2022 to extend the SCA. A main thrust of the claimant’s challenge concerns the way in which the defendant

addressed that important matter. It is also important to record that the error is accepted by the claimant to have been entirely accidental in nature.

***Pre-action correspondence***

27. In accordance with the CPR Pre-Action Protocol in relation to judicial review claims, the claimant sent a Pre-Action Protocol letter (“PAP Letter”) to the defendant on 22 July 2022.
28. The defendant responded to the PAP Letter on 4 August 2022 (“the PAP Response”). The defendant rejected the proposed basis of the judicial review claim.

***Reconsideration of the Decision***

29. The SR was produced after the PAP Letter, PAP Response and issue of the Claim. In the SR, the defendant purported to “address the additional comments received in respect of the Staines Conservation Area Appraisal following consultation”; ie the Stoten/Pegasus representations and four others, which had not been taken into account owing to the same accidental error. Paragraph 1.3 said that the purpose of the SR was to address “whether these representations would make a material difference to the decision to agree the Staines Conservation Area Appraisal and the revisions to the boundary.” The representations were then summarised.
30. Paragraph 3 of the SR is headed “Response”. Paragraph 3.1 stated that each of the matters raised by the “Pegasus objection has been considered carefully and the question of where the conservation area boundary should lie has been considered afresh”. Paragraph 3.1 said “Officers bear in mind that the Appraisal and recommended changes to the boundary were the result of an independent and expert appraisal by AHT Consultants.” It was not considered that any of these representations altered the recommendation in respect of the SCA for a number of reasons, which were then given in the form of bullet points.
31. The first bullet point said that the June OR and the SR related to the Appraisal, not the assessment by Historic England for the inclusion of the Building within the statutory list of buildings of special architectural or historic interest. The SR said the tests “ are by necessity, distinct and different and Historic England was not considering the proposed revisions to the conservation area. The Council recognises that the former Debenhams building is not of national significance”.
32. The second bullet point stated that the Building had been included within the revisions to the boundary because of its contribution to the character and appearance of the area, particularly Character Area 3: Market Square and Memorial Garden: “The points made in the Pegasus objection do not alter the Council’s judgment on that question.”
33. The third bullet said the buildings to the north-east of the Building were assessed by Dr Fry to have a degree of architectural and historic interest and to contribute to the character and appearance of the public realm which would merit their inclusion within the CA. The proposal was to include them within the CA; and that the “bar” is not comparable to that used to assess inclusion within the statutory list”.



34. The fourth bullet point argued that the shape of the CA at this point reflected the elements that were considered to contribute to its character and appearance, and excluded those elements that were unlikely to contribute positively in the short/medium term.
35. The fifth bullet point stated that the Building “has been assessed as sharing many of the features characteristic of the historic buildings in Character Area 3 in terms of scale, string rhythm, architectural language and detail and reinforces those characteristics”.
36. The sixth bullet point stated that the Building and the buildings to the north east “have been included within the conservation area for the contribution they make to its character and appearance...”. The inclusion of a building within a conservation area renders it subject to planning controls intended to preserve or enhance the special character, features, or appearance of that area and guard against inappropriate work. This equates to requiring good design and sympathetically managed change”.
37. The seventh bullet point said the assessment of Historic England regarding the inclusion of the Building within the statutory list was “not considered to be comparable to the text used within the Conservation Area Appraisal”.
38. The ninth bullet point dealt with the statement in the Stoten/Pegasus representations, which quoted a passage from the Guidance issued by Historic England in 2019, entitled “Conservation Area Appraisal, Designation and Management”. The conclusion in the representations was that there is no open space of particular interest in the proposed area of extension. The SR, however, said that this ignored the first part of the paragraph of the Guidance, which relates to areas being designated “because of the quality of the public realm or a spatial element, such as a design form or settlement pattern”. The SR said that the Appraisal “is very clear on why the Debenhams building has been included and it has nothing to do with open space.” This meant that “this criteria had not been used correctly in the Pegasus assessment”.
39. The tenth bullet point dealt with another passage from the Historic England Guidance. This concerns the issue of whether the CA should run along the middle of a street. The SR said this issue had been discussed with Dr Fry. It was determined that “it would be appropriate not to include the north side of the street and that the space would not be adversely impacted as a result.”
40. Part 4 of the SR contains the following conclusions:
  - 4.1 Conservation areas are normally designated by the local planning authority where an area is identified as being of special architectural or historic interest and are generally valued as special places by those living and working in them. There is no statutory requirement for consultation before designation of an area, or for changes to the area designated. However, consultation having been offered, the Council should have taken into account all relevant responses. It is highly regrettable that this did not happen, and steps are being taken to ensure that it does not happen again.”

4.2 The Pegasus objection represents an alternative planning judgement and interpretation of the Historic England Guidance. However, these are judgments which are simply different from (not better than) those of the consultant employed by the Council, and those of the Council's own professional officers and have now been taken into account in full. They do not alter the Council's judgment as set out in the report of 27 June 2022, that the Staines Conservation Area Appraisal and the revisions to the boundary should be approved.

41. The recommendation of the SR was that "no change is made to the Appraisal or the Staines Conservation Area boundary from that approved in June 2022".
42. The SR was authorised by Terry Collier, the defendant's Deputy Chief Executive. He was a different officer from the one authorised by the E&SC to make the changes to the SCA. That person was Heather Morgan, Group Head Regeneration and Growth.

### **C. LEGAL FRAMEWORK**

#### ***Planning judicial review***

43. In Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government [2014] EWHC 754 (Admin), Lindblom J, as he then was, summarised the relevant legal principles to be applied to a statutory challenge. In the light of Bloor and later case law, it is now established that, amongst other matters, officers' planning reports are to be read with reasonable benevolence, without the strictures applied to Acts of Parliament and other legislative instruments. Such reports are to be construed on the understanding that they are addressed to members who possess both a working familiarity with planning law and a knowledge of the locality in question.

#### ***Review of conservation areas***

44. Section 69(1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the LBCA Act") provide for the designation by a local planning authority of conservation areas:

“(1) Every local planning authority—

(a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and

(b) shall designate those areas as conservation areas.

(2) It shall be the duty of a local planning authority from time to time 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 they so determine, they shall designate those parts accordingly”.

45. There is no specific statutory timeframe within which existing conservation areas should be reviewed.

46. Since the purpose of designating or extending conservation areas is to preserve or enhance areas of “special architectural or historic interest”, the designation or extension of a conservation area which is motivated principally by a desire to protect a specific building and prevent its demolition will be unlawful.
47. In R (on the application of Arndale Properties Ltd) v Worcester City Council [2008] EWHC 678 (Admin), the claimant was able to show that the designation of a conservation area was effectively a pretext to prevent the demolition of a building, where that demolition was necessary in order for the claimant’s development ambitions to be fulfilled.
48. Similarly in Metro Construction Limited v LB Barnet [2009] EWHC 2956 (Admin), Collins J quashed the designation as a conservation area of a former Carmelite monastery which was set in a garden of 2.5 acres surrounded by a high wall. At paragraph 10 of the judgment, Collins J observed that:
- “... It is clear that the future of unlisted buildings may be a relevant consideration if they do provide a material contribution to an area which is worthy of designation and which would be harmed if they were to be demolished. But it is apparent that the desire to protect unlisted buildings and I think a fortiori a single unlisted building cannot justify a designation unless there is an area to which that building or those buildings make a real contribution. Thus if the motive for designation is to protect an unlisted building, that will suggest that the statutory powers are being used for a wrong purpose and so, as it seems to me, the planning authority must show a clear justification for the designation.”
49. Collins J concluded that designation should never be undertaken in order to bring the future of an unlisted building under control. This means the conservation area must exist independently of the building, albeit that the building may be an important feature within it (paragraph 20).
50. In Trillium (Prime) Property GP Ltd v Tower Hamlets LBC [2011] EWHC 146 (Admin), Ouseley J (at paragraph 20) observed that:
- “It is a question of fact, in my judgement, whether the Limehouse Cut Conservation Area was designated for the improper purpose of preventing the demolition of 307 Burdett Road, or whether the Council genuinely considered that the area designated met the statutory criteria. The decision would not be unlawful merely because the wish to protect 307 Burdett Road from demolition was father to the thought that a Conservation Area should be designated; what matters is whether the Council then genuinely thought that the area met the criteria ...”.
51. In R (Silus Investments S.A.) v London Borough of Hounslow [2015] EWHC 358 (Admin), Lang J summarised the position as follows:

“The Court will strike down a decision to designate if the desire to protect a building was the impetus for designating the conservation area and that the designation of a conservation area was simply a pretext to prevent the demolition of a specific building or if the “true reason” is to prevent the demolition of a building ...” (paragraph 35).

### ***The law on demolition***

52. As Lang J noted in *Silus*, the demolition of a building (subject to certain immaterial exceptions) is operational development requiring planning permission: sections 55 and 57 of the Town and Country Planning Act 1990 (“TCPA”). The permitted development rights for demolition are in Part 11 of Schedule 2 to the General Permitted Development Order 2015. Class B of Part 11 of Schedule 2, applies to the demolition of buildings. Under Class A the permitted development is “Any building operation consisting of the demolition of a building”.
53. Before demolition can take place under Class B of Part 11 of Schedule 2, an application has to be made to the local planning authority for a determination whether prior approval of the method of demolition and any proposed restoration of the site is required. Demolition may then proceed if prior approval is granted, notice is given that it is not required or on “the expiry of 28 days from the applicant's giving of notice without the local planning authority determining whether prior approval is required or notifying the applicant of their determination”: condition B.2(vii)(cc).
54. Importantly, however, those permitted development rights do not apply in conservation areas: . Class B of Part 11 of Schedule 2. The demolition of buildings within conservation areas is “relevant demolition” which has to be authorised by the grant of planning permission by the local planning authority or Secretary of State. Section 196D of the TCPA makes demolition in conservation areas without planning permission a criminal offence. Accordingly, once the Building was included within the SCA, planning permission was required for its demolition.

### ***D. THE GROUNDS OF CHALLENGE***

55. Ground 1 contends that the defendant acted illegally in making the decision to extend the SCA. The true purpose of including the Building in the extended area was to prevent its demolition and redevelopment. That amounted to an improper purpose and thus was contrary to law.
56. Ground 2 argues that the defendant failed to take into account the representations made on behalf of the claimant in response to the consultation exercise.
57. Ground 3 contends that the officers’ reports of the defendant were seriously misleading. They omitted to mention a number of material considerations. First, they omitted the important fact that an application to place the Building on the statutory list held by the Secretary of State (in common parlance, to make it a “listed building”) had been rejected by the Designation Team of Historic England on the basis that the Building did not possess the quality of design, decoration and craftsmanship to merit being of special architectural interest. The claimant says that information would have been highly relevant to Members deciding on the proposed revision to the boundary of the SCA.

58. Additionally under this ground, none of the officers' reports advised Members that the Building had not even been included in the local list of non-designated heritage assets, created by the defendant in 2004 and reviewed in 2006. On neither occasion was the Building considered sufficiently important to be locally listed, let alone to trigger a conservation area review.
59. Ground 4 concerns the purported reconsideration of the decision through the mechanism of the SR of 31 August 2022. The claimant contends that the exercise undertaken by the defendant in connection with the SR was unlawful. It is also unclear whether the SR was meant to replace the original decision to extend the SCA or, rather, to be a review of that decision in the light of information that should have been considered in the first instance, as part of the consultation exercise.
60. In any event, the claimant says any decision expressed through the SR must be unlawful because first, the Deputy Chief Executive did not have authority to reconsider the original decision; and second, because the defendant acted illegally in making the decision to extend the SRA, and the SR simply reaffirmed that unlawful decision and did not address the claimant's concerns regarding the extension. Having identified the patent illegality of the original decision, and in order to ensure that any subsequent decision was taken with a demonstrably open mind, the defendant should simply have consented to judgment in the judicial review claim, so as to facilitate such a reconsideration. Not to do so gives the unavoidable appearance of a predetermined outcome.

## ***E. DECIDING THE CLAIM***

### ***Grounds 2 and 4***

61. It is convenient to begin with grounds 2 and 4, taking them together. At the hearing, Mr Tucker KC understandably concentrated upon these grounds.
62. As I have already recorded, it is accepted that the claimant's submissions in the form of the Stoten/Pegasus representations to the consultation on the extension of the SCA were not considered before the defendant took the decision on 29 June 2022 to extend the SCA to include the Building (and some shops close to it); as well as land within Memorial Park.
63. The defendant's case in response to ground 2 is that the SR represents a proper consideration of the Stoten/Pegasus representations. Alternatively, the defendant argues that the SR shows it is highly likely that the outcome for the claimant would not have been substantially different, if the defendant had taken the claimant's representations into account when making the Decision. If that is so, then section 31(2A) of the Senior Courts Act 1981 ("SCA") requires this court to refuse to grant relief. In the further alternative, Ms Townsend says that, in the event ground 2 is made out, this court should, in the exercise of its discretion, withhold a remedy from the claimant.
64. I agree with Ms Townsend that the present case is not to be equated with the situation where an authority has decided to refuse planning permission, in which event the authority is *functus officio*. The duty in section 69(1) of the LBCA Act to review the past exercise of its duty to determine what, if any, parts of an authority's area should be conservation areas is both broad and ongoing.



65. Two important points nevertheless must be borne in mind. First, the decision to extend the SCA to include the Building and (albeit less directly) Memorial Park has a material bearing on the claimant's ability to deal with its property, in that the claimant cannot demolish the Building without express planning permission, if it is in a conservation area. Secondly, in a public law challenge of whatever kind, the courts are as a general matter cautious in their approach to *ex-post facto* reasoning.
66. With these points in mind, it is necessary to consider the status of the SR. Mr Tucker questioned what purpose the SR was supposed to have. I find he was right to do so.
67. The recommendation at paragraph 5.1 was that the "report is agreed and that no changes made to the Appraisal or the Staines Conservation Area boundary from that approved in June 2022". The SR was addressed to two named Councillors, respectively the Chairman and Vice-Chairman of the E&SC. It is, however, unclear whether they made a decision in respect of the SR. Ms Townsend was unable to shed any relevant light on the matter. Instead, she concentrated on section 31(2A) of the SCA and the issue of discretion. Whatever its formal status, Ms Townsend submitted that the SR shows that the defendant's Officers would still have advised Members to accept the recommendations of the Appraisal, and so extend the SRA to include the Building/Memorial Park, even if the Stoten/Pegasus representations had been considered, as they ought to have been, as part of the consultation process leading to the Decision.
68. The defendant's case, accordingly, depends upon the SR being, in its own terms, free from material legal error. Having considered the written materials and the oral submissions, I find that the SR is flawed for the following reasons.
69. Despite the bald assertion at paragraph 3.1 that "the question where the Conservation Area boundary should lie has been considered afresh", this is not borne out by a proper reading of the document (applying the Bloor criteria). I agree with Mr Tucker that the entire thrust of what follows in paragraph 3.1 and its various bullet points, together with the conclusions in paragraphs 4.1 to 4.3, show that what the authors of the report were doing was to take the Decision as their starting point and then see whether anything in the Stoten/Pegasus representations was sufficiently persuasive to change that decision.
70. Importantly, the SR seeks to row back from the May OR, in the face of what was said in the Stoten/Pegasus representations about the views of Historic England on the Building. The SR contends that (i) the tests for including a building within the National Statutory List of Buildings of Special Architectural or Historic Interest and (ii) the criteria under section 69 for designating a conservation area are "distinct and different".
71. There is a fundamental problem with this. Section 69 (1)(a) states in terms that what is "desirable to preserve or enhance" by designation as a conservation area are "areas of special architectural or historic interest". It is quite evident from the Appraisal, quoted at length in paragraph 3.3 of the May OR, that great emphasis was placed, with regard to the proposed extension in respect of the Building, upon the architectural interest of the Building (see above). This was emphasised by the fact that the buildings to the north-east were proposed to be included in the extension because they "contribute to the setting of Debenhams". The belated suggestion that these shop buildings may themselves be of architectural relevance is itself problematic. It is a good exemplar of why *ex post facto* reasoning tends to be viewed with caution, if not suspicion.

72. The extension of the SCA to cover Memorial Park and the adjacent car park was, likewise, heavily justified in the Appraisal by reference to the Building. The Appraisal said:
- “ the former Debenhams building is clearly visible from Thames Street and from the carpark on Thames Street, adjacent to Memorial Park. The view from the Thames Street shows the long and undulating side elevation of the Debenhams building which is not visible from Clarence Street. It shows another aspect of the high architectural quality of this large building that influences so much of the Conservation Area.”
73. It was, accordingly, highly relevant that Historic England had declined to list the Building, for the reasons it gave.
74. These reasons are to be found in the Stoten/Pegasus representations. Historic England described the Building as “... comparable in quality to a very large number of high street buildings of the inter-and post-war period across the country; it does not possess the quality of design, decoration or craftsmanship to mark it of special architectural interest”.
75. In her expert view, Ms Stoten regarded the Building as coming “nowhere close to being considered of Listable quality”. Her reasoning was that, had Historic England considered the Building to represent a “more marginal case” for listing, it would have undertaken a fuller assessment. Historic England did not do so.
76. Faced with all this, the SR needed to grapple with the substance of what was being said in the Stoten/Pegasus representations about the nature and significance of the Building, instead of dismissing the issue in a manner that involved a significant *volte face* from the position previously taken.
77. Ms Townsend submitted that the SR was written by Officers who are experts in their field. The inescapable fact is, however, that Dr Fry had been commissioned to produce the Appraisal, recommending extensions to the SCA, and that her expertise was stressed by the Officers in their reports.
78. Furthermore, Dr Fry was consulted by Officers in connection with the SR. This can be seen from the tenth bullet point in paragraph 3.1 of that document.
79. At paragraph 4 of her witness statement, Ms Heather Morgan, the defendant’s Group Head Regeneration and Growth, says that before she “went on annual leave I read the claimant’s representations prepared by Gail Stoten of Pegasus and Dr Fry’s response to them. They did not alter the view I had in June”.
80. As well as underscoring the point made by the claimant, that the defendant approached its belated consideration of these submissions from the wrong starting-point, the defendant was unable to inform the court what Dr Fry’s response had been at that time. During the short adjournment on 21 February 2023, Ms Townsend obtained from her client copy emails of 30 and 31 August between Ms Spinks, the defendant’s Planning Development Manager, and Dr Fry. It was, however, common ground at the hearing

that the dates of these emails mean they cannot be the response referred to by Ms Morgan. What that response amounted to remains unknown to the court and the claimant.

81. Dr Fry's e-mail of 31 August 2022 says that she had been "looking at the amended report and the objection from Gail Stoten and it seems to me that all the points they make have been answered in the delegated report". Dr Fry then makes reference to one particular aspect of the submissions, describing it as "disingenuous".
82. The nature and extent of the defendant's interaction with Dr Fry are plainly relevant to ground 2. It is a matter of some regret that the information adduced at the hearing was not provided earlier. It remains puzzling what further input Dr Fry may have had in connection with the SR. As matters stand, the conclusion can only be that Dr Fry's input was perfunctory and that, from what this court has been shown, it was very much in the nature of a "defensive" approach.
83. In so saying, I wish to make it clear that there is no question as to Dr Fry's expertise or professionalism. She was placed in a very difficult position, not only as a result of the defendant's failure to include the Stoten/Pegasus representations in the responses considered prior to the Decision but also because of the way in which the defendant attempted to address that failure, which appears to have left Dr Fry with insufficient time to do more.
84. Standing back, I find that the SR does not, in its own terms, represent a legally satisfactory response to the fact that the Stoten/Pegasus representations were not considered at the time they should have been. The flaws in the SR are such that section 31(2A) of the SCA can have no bearing. There is more than a fanciful prospect of a different outcome, were the impugned decision to be taken afresh. *A fortiori*, there is no legitimate basis for withholding relief.
85. In the circumstances, it is unnecessary to reach a decision on whether there was lawful delegation to Mr Collier, the Deputy Chief Executive, as opposed to Ms Morgan. It was to her that the defendant's E&SC had delegated authority, in consultation with the Chair and Vice Chair, in relation to the decision to amend the SCA.
86. At the hearing, Mr Tucker did not press this aspect of the ground 4 challenge. Had he done so, it would have been necessary to consider whether delegation to a particular officer (A) impliedly includes delegation to officer B, where officer B is more senior to officer A. That potentially interesting question will have to await another day.
87. In conclusion on grounds 2 and 4: (i) the defendant failed to take account of the claimant's representations in response to the consultation at the proper time; (ii) it did not do so in a legally adequate manner in the SR (if that was what the defendant purported to do in the SR); and (iii) having regard to (ii), it cannot be said that it is inevitable or even highly likely the outcome would not have been substantially different if the conduct complained of had not occurred.
88. Grounds 2 and 4 accordingly succeed.

### ***Ground 3***

89. Ground 3 argues that the Officers' reports were seriously misleading in that they omitted to mention the fact that the application to place the Building on the statutory list had been rejected by Historic England; and that neither the May OR nor the June OR advised Members that the local list of non-designated heritage assets, created in 2004 and last reviewed in 2016, had included the Building.
90. In view of my conclusions on grounds 2 and 4, it is unnecessary to spend much time on this ground, which is closely related to them. The claimant submits that there are clear parallels between the present case and those of Trillium, where Members were not told that the area in question had previously been rejected for designation; or that the building in question had been refused local listing because of its lack of architectural merit. In that case, Ouseley J held that the Officer's report failed to give Members clear advice as to the proper basis for considering designation, which they needed. Accordingly, the decision was quashed: paragraph 163 of the judgment.
91. The defendant submits that the facts of the present case are distinguishable from those of Trillium. As the Appraisal made clear, it was the contribution made by the Building to the character/appearance of the SCA that had to be considered and which justified the decision to include the Building within the extended SCA.
92. I do not accept the defendant's submission on this ground. Although I acknowledge that such a contribution is, of course, relevant to the exercise which must be undertaken pursuant to section 69, the alleged architectural quality of the Building itself was an important, if not central, consideration in the Appraisal. It also has to be borne in mind that Members considering the May OR, and those considering the June OR which led directly to the impugned decision, would have been aware of the controversy aroused locally by the stated intention of the claimant to demolish the Building. Indeed, ground 1 centres on what the claimant says was an improper purpose behind the defendant's setting in motion the process leading to the two extensions to the SCA.
93. Regardless of the resolution of ground 1, I find that it is plain Members would have had at the forefront of their minds the issue of the architectural merits or otherwise of the Building. I therefore regard the parallels with Trillium and the present case as striking.
94. In the present case, there was a clear need to provide Members with a fair and balanced analysis of the architectural worth of the Building. This included informing them of the outcome of the approach made to Historic England regarding possible statutory listing. Although that outcome was not determinative of the view Members could have taken of the Building in the context of a review under section 69, it was obviously material.
95. So too was the fact that, in both 2004 and 2016, the Building had not been regarded as sufficiently important to merit even local listing. Whilst views can, of course, change over time, an understanding of that fact was necessary to reach an informed decision.
96. I do not consider the defendant can resist ground 3 on the basis that Members could have been expected to be aware of these matters. It has not been shown that their local knowledge extends to being aware of negative decisions on potential listing on the part of Historic England. Likewise, Members may not have been aware (or may have forgotten about), the previous local list review exercises.

97. Ground 3 accordingly succeeds.

***Ground 1***

98. Ground 1 contends that, on a fair and proper consideration of the factual context, the court should find as a matter of fact that the primary motivation of the defendant for making the relevant extensions to the SCA was not the protection of the character and appearance of that area but to prevent the demolition of the Building and the subsequent redevelopment of the site.
99. In Arndale, Sullivan J emphasised that it was necessary to “look at all the evidence in the round” (paragraph 50). I shall endeavour to do so.
100. Although the claimant accepts that the defendant did not make the request to Historic England for the Building to be listed (the request being made in late 2021, after the claimant’s intentions became known), it is evident from emails involving the defendant’s Councillors and Officers that some Councillors, at least, were concerned to do everything possible to prevent demolition of the Building. To that end, questions were asked about the significance of local listing. It was in this environment that the Appraisal process began. That process, according to the claimant, was initiated by and had as its aim the prevention of demolition, by including the Building within a conservation area.
101. Mr Tucker accepted that the emails did not constitute, in his words, “a smoking gun”. He submitted, however, that, looked at in the round with the other evidence, including the timing of the commencement of the section 69 process and the claimant’s application to the defendant for planning permission to demolish and construct a replacement building of site, the court could be satisfied that an improper purpose had driven the Decision.
102. Ms Townsend drew attention to the fact that the minutes of the E&SC of 10 May 2022 recorded concern being expressed at the length of time since the last appraisal of the SCA. Ms Townsend emphasised that the duty under section 69 (2) is a continuing one, under which the defendant must “from time to time... review the past exercise of functions under this section ...”.
103. Ms Townsend also submitted that the defendant had genuinely undertaken a consultation exercise, whereby everyone - including the claimant - had been given an opportunity to make submissions. It was unfortunate that, by accident, the Stoten/Pegasus representations had not been considered at the correct time.
104. So far as the emails were concerned, Ms Townsend drew attention to the fact that one of the exchanges between an Officer and a Councillor, relied on by the claimant, occurred some six months before the Decision was made. This concerned the effect of including the Building on the local list. The Councillor’s concern about demolition was, according to Ms Townsend, perfectly proper. The advice given by the Officer was lawful. The Officer in question had pointed out that the approach which would be most relevant in the case of the Building was not the CA review, then underway, but, rather, reaching a decision on the claimant’s planning application. By the same token, the Officer said that the CA review relied on “ professional advice and assessment and

consultation is expected, with owners being advised of the intention to locally list an asset”.

105. As was pointed out by Collins J in Metro Construction Ltd, there is nothing wrong with the desire to protect a building being an impetus for the designation of a conservation area. What it must not be, however, is the impetus.
106. In the same vein, as Lang J held in Silus, a designation of a conservation area is not unlawful because the process was prompted by a threat to demolish a particular building. Thus, a desire to protect an unlisted building from demolition cannot justify designation; but the existence of a particular building may contribute to the proposed area and a threat of demolition may prompt the taking of a decision whether to designate (paragraphs 37 and 38 ).
107. Ms Townsend drew particular attention to paragraph 138 of Trillium, where Ouseley J concluded “... that the evidence is not strong enough to show that Councillors were adopting an approach to the justification for designation other than that recommended by officers or for reasons other than those which officers presented to them ...”. At paragraph 141, Ouseley J concluded that “... the merits of designation and the timing and manner of the decision were inextricably but not unlawfully linked in the officers’ minds. In my judgment, they remained so in the Cabinet’s mind, adopting what officers recommended for the reasons officers had given ...”.
108. Considering the evidence as a whole, I have concluded that Ms Townsend’s submissions have force and that ground 1 must fail. The evidence does not show more than that the desire to prevent the demolition of the Building was “*an* impetus” rather than “*the* impetus” for the relevant extensions to the SCA.
109. Ground 1 accordingly fails.

#### ***F. DECISION***

110. This judicial review succeeds on grounds 2 to 4.



**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**  
**PLANNING COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL



**Before:**

**MR JUSTICE LANE**

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**Between :**

**FUTURE HIGH STREET LIVING (STAINES)  
LIMITED**

**Claimant**

**- and -**

**SPELTHORNE BOROUGH COUNCIL**

**Defendant**

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**ORDER**

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UPON HEARING Counsel for the Claimant and Counsel for the Defendant  
AND UPON considering the written submissions and correspondence subsequent to the  
judgment being circulated on a confidential basis in draft

IT IS ORDERED THAT:

1. The Defendant's decision dated 29<sup>th</sup> June 2022 to extend the Staines Conservation Area so as to include the former Debenhams Building and the Memorial Garden; and the Defendant's decision set out in its Supplementary Report dated 31<sup>st</sup> August 2022 are both quashed.
2. Subject to paragraph 3 below, the Defendant shall pay the Claimant's costs, to be subject to detailed assessment if not agreed.
3. The Claimant shall pay the Defendant's costs of preparing the Defendant's written submissions of 27 March 2023, to be subject to detailed assessment if not agreed.

Dated this 28th day of March 2023.

## REASONS FOR PARAGRAPHS 2 AND 3 OF THE ORDER

I agree with the Claimant that, on ordinary principles, it has succeeded overall and should therefore recover its costs, despite the fact that I found in favour of the Defendant on ground 1.

Issues as to the reasonableness of costs, such as those regarding the use of two counsel, can be resolved at the detailed assessment stage.

As far as can be ascertained, it does appear that counsel for the Defendant was put in the position of having to spend yesterday afternoon drafting written submissions on costs, owing to the fact that information was promised by the Claimant which was not in the event forthcoming. (The court has indeed only just received the letter of today's date from the Claimant's solicitors). Whilst it is possible that such submissions would have been forthcoming in any event, had the Claimant responded earlier, it appears that counsel was significantly inconvenienced; and that justice requires the Claimant to bear the costs of preparing those submissions, irrespective of the overall outcome.

*Mr Justice Lane*

**Application Name:** Debenhams Department Store, Staines-upon-Thames**Number:** 1478804**Type:** New**Heritage Category:** Listing**Address:**

Debenhams Plc, 37-45 High Street, Staines-upon-Thames, TW18 4QU

County	District	District Type	Parish
Surrey	Spelthorne	District Authority	Non Civil Parish

**Recommendation:** Reject**Assessment**

Historic England has received two applications asking us to assess Debenhams department store in Staines-upon-Thames, for listing. We have also received communications of support for the building's listing from three community groups: Staines Town Society, Riverside Residents (Staines) Coalition and Riverbank Residents, as well as a petition of over 1,000 signatures against demolition. The store closed in 2020 and there are proposals for redevelopment of the site for housing and retail. The building is not in a conservation area and is not locally listed.

Originally built for local department store, Kennards, the building was constructed in two phases between 1956-1957 and 1961-1962. The design was by George Coles (1884-1963), known for his work designing cinemas for the Odeon cinema chain, several of which are listed at Grade II. The Kennards store replaced a number of smaller units on the site to occupy a prominent corner of Staines High Street. Adopting a late neo-Georgian style, it is faced in red brick with stone, or reconstituted stone, dressings and windows are steel-framed multi-paned casements. Externally the building appears little altered, with the exception of a later canopy, signage and renewed entrance doors.

Based on the information provided and with reference to the Principles of Selection (November 2018) and Historic England's Selection Guides, Debenhams, High Street, Staines-upon-Thames, is not recommended for listing for the following principal reasons.

Degree of Architectural interest:

\* the building is a late example of neo-Georgian retail architecture and, despite the interest of its architect, is comparable in quality to a very large number of high street buildings of the inter- and post-war period across the country; it does not possess the quality of design, decoration or craftsmanship to mark it of special architectural interest.

Degree of Historic interest:

\* department stores are an important part of the country's retail heritage, and they are increasingly under threat; however, only those with the greatest claims to interest will merit addition to the statutory List.

# Environment and Sustainability Committee



10 May 2022

<b>Title</b>	Staines Conservation Area Appraisal
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Esmé Spinks, Planning Development Manager Russ Mounty, Principal Planning Officer
<b>Ward(s) Affected</b>	Staines Ward
<b>Exempt</b>	No
<b>Exemption Reason</b>	N/A
<b>Corporate Priority</b>	Community Environment Service delivery
<b>Recommendations</b>	<p><b>Committee is asked to:</b></p> <ol style="list-style-type: none"> <li>1. Agree the draft updated Staines Conservation Area Appraisal for consultation</li> <li>2. Agree to go out to 6 weeks public consultation on the proposed amendments to the Conservation Area</li> <li>3. Delegate authority to the Group Head Regeneration and Growth, in consultation with the Chair and Vice Chair of the Environment and Sustainability Committee, to approve the final document, taking account of comments, as required, which arise from the consultation.</li> </ol>
<b>Reason for Recommendation</b>	<p>1.1 Under planning policy, local planning authorities are required to formulate and publish proposals for the preservation and enhancement of conservation areas. The appraisal of Staines Conservation is the first of eight which will be completed as part of updating the conservation areas across the borough. The appraisal defines three distinct character areas and includes recommendations on boundary changes to remove areas where designation is no longer justified and also proposals to extend the boundary in some locations.</p>

## **2. Summary of the report**

- 2.1 Under national planning policy and advice by Historic England, Local Planning Authorities (LPAs) are required to formulate and publish proposals for the preservation and enhancement of conservation areas. LPAs should also consult the public in the area in question, taking account of views expressed. Spelthorne LPA will be undertaking appraisal reviews of all its existing conservation areas over the coming year. There are eight conservation areas in the borough, six were made in the 1970s, one in 1993 and one in 2002. Preservation and Enhancement plans were agreed in the 1990s for those originally approved in the 1970s.
- 2.2 The first review of this year which has taken place relates to Staines Conservation Area. The last previous preservation and enhancement plan for this area was agreed in 1991. The review has been undertaken by AHC Consultants (Architectural History and Conservation Consultants). The attached report (Appendix 1) provides a draft updated appraisal of the Conservation Area. It includes recommendations on boundary changes to remove areas where designation is no longer justified and also proposals to extend the boundary in some locations.

## **2 Key issues**

- 2.1 Staines Conservation Area was designated in 1975 by Spelthorne Borough Council as an area of special architectural and historic interest and reviewed in 1991. Appendix 2 contains a map of the existing conservation area. The Planning Practice Guidance (PPG) stresses that 'local planning authorities must review their conservation areas from time to time' (section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Resources permitting, it is advised that every five years is ideal, but review frequency will vary according to the development pressures in the local area. Staines town is currently experiencing significant development pressures and a review of the Staines Conservation Area is required.
- 2.2 The attached draft appraisal follows advice given by Historic England as set out in '*Advice Note 1: Conservation Area Appraisal, Designation and Management*' published 8 February 2019. It seeks to analyse the special architectural and historic interest of the Staines Conservation Area, identifies opportunities for beneficial change and the need for additional protection. The draft appraisal also seeks to consider and review the Conservation Area boundary which has been in place since 1975.

The review of the Staines Conservation Area and the production of the Conservation Area Appraisal are part of a wider aim by Spelthorne Borough Council to preserve or enhance the special character and appearance of the Conservation Area as required by the Planning (Listed Buildings and Conservation Areas) Act 1990. It will also enable sustainable decisions to be taken about its future management.



### **3. Options analysis and proposal**

#### Option 1 – agree the revised draft appraisal for consultation

- 3.1 The draft appraisal sets out nine key elements which define the special character and appearance of the Staines Conservation Area. This includes

- the location and setting
- origins and historic development
- archaeological potential
- built form and architecture
- trees and open spaces, and
- views and vistas

A number of examples are used to highlight the special interest. The draft appraisal includes some amendments to building heights and design and materials.

- 3.2 The next section of the draft appraisal assesses in some detail character areas. Most Conservation Areas do not have a uniform character and appearance across the area. In many cases different ‘character areas’ or ‘sub areas’ can be discerned which have their own unique appearance and characteristics. Their varied character tells a story about the history of the Conservation Area and contributes to the special character and appearance of the whole. Three distinct Character Areas have been identified for the Staines Conservation Area:

- Character Area 1 – St Mary’s Church - has the appearance and secluded, quiet atmosphere of a small village centred upon its Church: a building which dominates the character area.
- Character Area 2 – The Two Rivers - stretches from the former Staines West Station and Hale Street in the north of the Conservation Area, southwards to the rear of the buildings that face onto Clarence Street.
- Character Area 3 – Market Square and Memorial Gardens - this is the civic core of the town and saw a rapid and extensive period of redevelopment in the early to mid C19.

These character areas are shown in appendix 3.

- 3.3 The next section of the draft appraisal sets out recommendations for proposed alterations to the boundary of the Staines conservation area.

#### Inclusions

The draft appraisal suggests four areas to be added to the conservation area;

- “The four storey, former Debenhams building was built in 1956 by George Coles, the renowned Art Deco architect. This landmark building is an important building of high visual quality which terminates the long views along Clarence St and from Thames Street. It is of good architectural quality and it reinforces the historic built character of character area 3.” {The inclusion also includes the adjacent buildings

of nos. 47-57 High Street which contribute to the setting of Debenhams}.

- The Memorial Park; the park and adjacent car park have been included in its entirety because of the importance that this high quality open space has within the character area and also as one of the few public, open spaces from where a full appreciation of the river Thames and its relationship to Staines town can be obtained.
- A section of riverside bank and the river to the west of Church Island; this area is important in allowing an appreciation of the context and character of both character area 1 and Church Island, their relationship with each other, and with the river.
- Minor changes have occurred to the boundary of the Conservation Area to follow the line of the footpath and include its green riverbank along the eastern side of the River Colne.”

### Exclusions

The report also advises on the following exclusions from the Staines Conservation Area.

- “Minor changes to the boundary of the Conservation Area have occurred around its northern periphery to ensure that the boundary line is legible on the ground and does not dissect buildings or plots. The modern Travelodge, built after the Conservation Area was designated, has been excluded.”

A plan showing the recommended boundary changes is attached as Appendix 4.

- 3.4 The next section of the draft appraisal sets out a summary of the main issues currently adversely impacting on the Staines conservation area. The final part of the draft appraisal provides a management plan for the conservation area. This is set out in four sections; the first deals with general issues and the next three addresses management with each of the three character areas.
- 3.5 Appendix 5 contains a list of the important assets in the Staines conservation area and an assessment of significance for each.
- 3.6 This is the preferred option.

### Option 2 – do not agree the revised draft appraisal for consultation

- 3.7 The committee could decide that they want to keep the conservation area boundary unaltered. This is not recommended as the LPA would be ignoring the advice of AHC Consultants, who are its independent experts.
- 3.8 This option is not recommended.

Option 3 – agree the revised draft appraisal for consultation but with further amendments

- 3.9 The council's consultants, David Lock Associates who are dealing with the Staines Development Framework (SDF) have made the following comments:
- The zoning plan in the SDF will need to be amended (Officer note: this is not a matter for the appraisal)
  - Not convinced that the Memorial Garden Car Park should be included
  - Two other comments relating to building heights and design and materials (Officer note: see 3.1 above).
- 3.10 On the first matter the zoning proposals within the draft SDF, previously agreed in principle by the Staines Development Task Group, are due to be considered by the Environment and Sustainability Committee at an Extraordinary meeting on 26 April 2022. If the SDF is agreed, it is expected that it will be further considered by Council on 19 May 2022. At that time, the proposed changes to the Staines Conservation Area (if agreed) will be subject to its own public consultation. It is anticipated that consultation on the conservation area appraisal will start shortly after 10<sup>th</sup> May and will last for six weeks, expiring towards the end of June. The draft SDF zoning plan (if agreed) will be consulted on its current proposed format unless the proposed changes to the conservation area are agreed before the consultation on the draft SDF to allow for the material to be amended. Otherwise a rider could be added to the draft SDF advising that the conservation area boundary is likely to be altered and this will affect the extent of the zoning plan. If the conservation area is agreed, a revised plan could be added to the draft SDF to assist understanding of what that means for the zoning proposals.
- 3.11 On the second matter, the recommendation to include the car park as part of the Memorial Gardens extension been included in its entirety because of the importance that this high quality open space has within the character area and also as one of the few public, open spaces from where a full appreciation of the river Thames and its relationship to Staines town can be obtained.
- 3.12 This was the recommendation by the expert Architectural History and Conservation Consultant, and it is advised that this remains unaltered.
- 3.13 Consequently, this option is not recommended.

**4. Financial implications**

- 4.1 The extension of a conservation area boundary is likely to result in additional resource pressures for planning officers and the likely need to obtain, on occasions, additional independent expert heritage advice due to the additional controls outlined in 3.9 above and also the management plan. There is no additional planning fee income received by the Local Planning Authority as a result of the additional controls. This will matter be monitored to establish whether this additional work can be paid for from within existing budgets.

## **5. Other considerations**

- 5.1 The broad principles of government guidance are included in the adopted Spelthorne Local Plan 2009. Of particular relevance are Policies EN5, Buildings of Architectural and Historic Interest (p.60) and EN6 Conservation Areas, Historic Landscapes, Parks and Gardens (p.61). At the time of writing the emerging Local Plan currently carries no weight.
- 5.2 If the appraisal is adopted following public consultation, it will become a Supplementary Planning Document (SPD) and be a material consideration in decision making. The role of SPD policy is confirmed by its glossary definition within the NPPF 2021 which provides:
- “Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not 73 part of the development plan.”*
- 5.3 Consequently SPDs are required to have a policy hook within existing (or, imminently to then be adopted) local plan policy. The associated policy for the appraisal SPD is policy EN6. Upon imminent adoption of the emerging local plan, the SPD would ‘hook’ onto the replacement heritage policy and remain a material consideration in decision making.
- 5.4 The conservation area designation introduces some additional controls over the way owners can alter or develop their properties.

These controls include:

- the requirement in legislation and national planning policies to preserve and/or enhance, as discussed further in the NPPF and the PPG
- local planning policies which pay special attention to the desirability of preserving or enhancing the character or appearance of the area
- control over demolition of unlisted buildings
- control over works to trees
- limitations on the types of advertisements which can be displayed with deemed consent
- restriction on the types of development which can be carried out without the need for planning permission (permitted development rights)
- support for the use of article 4 directions to remove permitted development rights where avoidable damage is occurring
- clarification of archaeological interest, thereby assisting its protection

- 5.5 There is no statutory remedy available to a person who wishes to challenge the legality of the designation of a conservation area and no mechanism by which the owner of land subject to such designation could claim compensation. Notwithstanding this, the Council's decision could be subject to judicial review and quashed if the Court found the grounds for designation to be inadequate e.g. a paucity of evidence regarding special architectural or historic interest, a lack of meaningful consultation etc.

## **6. Equality and Diversity**

- 6.1 This does not have any direct equality and diversity impacts

## **7. Sustainability/Climate Change Implications**

- 7.1 The protection and enhancement of existing heritage buildings and open areas has a positive impact on sustainability/climate change issues.

## **8. Timetable for implementation**

- 8.1 Following the approval of the amended Staines conservation area boundaries, the following process will take place:
- Advertise the appraisal and invite comments on the Council's website and Council's social media for a period of six weeks
  - Advertise the appraisal and invite comments in the local press
  - Notify the owners, where possible who are affected by the boundary changes
  - Advise the local residents associations and invite comments
  - Adopt the updated Staines Conservation Area Appraisal as a Supplementary Planning document

## **9. Contact**

- 9.1 For further details please contact Esmé Spinks at [e.spinks@spelthorne.gov.uk](mailto:e.spinks@spelthorne.gov.uk) and Russ Mounty at [r.mounty@spelthorne.gov.uk](mailto:r.mounty@spelthorne.gov.uk)

**Background papers:** There are none

### **Appendices:**

Appendix 1 – Staines Conservation Area Appraisal-Draft  
Appendix 2 – Staines Conservation Area 1975  
Appendix 3 - Staines Conservation Area Character Areas  
Appendix 4 – Staines Conservation Area Boundary changes - Draft  
Appendix 5 – Staines Conservation Area Asset Sheets - Draft

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