

Environment and Sustainability Committee



18 June 2024

Title	Conservation Area Appraisals
Purpose of the report	To make a decision
Report Author	Esme Spinks & Russ Mounty
Report Owners	Esme Spinks – Planning Development Manager Russ Mounty – Team Leader (Planning Development Management)
Ward(s) Affected	Halliford and Sunbury West Laleham and Shepperton Green Riverside and Laleham Shepperton Town (Lower Halliford) Stanwell North Sunbury East
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Resilience Environment Services
Recommendations	Committee is asked to: 1. Agree the draft Conservation Area Appraisals; 2. Undertake a six-week public consultation process, and 3. Refer the appraisals back to Environment and Sustainability Committee to agree, following the consultation process.
Reason for Recommendation	The current conservation area appraisals for Spelthorne (excluding Staines) date from the 1990s, with one from 2002. The appraisals, including the conservation area boundaries have been reviewed, amended and updated for consultation purposes.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> The Borough's Conservation Area Appraisals are more than 20 years out of date. Purcell UK, on behalf of the LPA, has undertaken reviews and recommended revisions. 	<p>The LPA has a <u>duty</u> to determine which parts of its area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.</p>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> To issue the Conservation Areas Appraisals for a six-week public consultation. 	<ul style="list-style-type: none"> Review any representations received and present recommendations to the E&S Committee approval.

- 1.1 This report seeks approval to issue the seven Conservation Area Appraisals for public consultation for a six-week period.
 - 1.2 In 2022, Staines Conservation Area was reappraised and an amended boundary was agreed. At that time, officers indicated that the intention was for all the remaining conservation areas in the borough to be reappraised. There are seven conservation areas in question, six were appraised in the 1990s and the seventh in 2002. There have been a number of built development changes in these areas since these times and it is important that their historic value is kept relevant.
 - 1.3 The seven conservation areas have been appraised by PurcellUK (architects, masterplanners and heritage consultants) following a procurement process and are attached as appendices to this report.
 - 1.4 It is recommended that a six-week consultation on the appraisals is undertaken and a further updated report is brought back to the E&S Committee.
- 2. Key issues**
- 2.1 This review of the Borough's Conservation Areas and the production of the Conservation Area Appraisals is 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. In each case, the review focuses on the heritage asset and will enable sustainable decisions to be taken about the conservation area's future management.
 - 2.2 The conservation area preservation and enhancement proposal documents were produced to address s69 of the Planning (Listed Building and Conservation Areas) Act 1990 and are currently as follows:

Conservation Area	Date
Laleham Conservation Area Preservation and Enhancement	August 1991
Lower Halliford Conservation Area Preservation and Enhancement	February 1994
Lower Sunbury Conservation Area Preservation and Enhancement	November 1992
Manygate Lane Conservation Area Preservation and Enhancement	October 2002
Shepperton Conservation Area Preservation and Enhancement	February 1994
Stanwell Conservation Area Preservation and Enhancement	January 1992
Upper Halliford Conservation Area Preservation and Enhancement	July 1994

- 2.3 These documents provide a brief outline of the history and existing character of the conservation areas. They also set out various preservation and enhancement proposals together with a discussion of the means of Implementation.
- 2.4 However, the preservation and enhancement of the conservation areas needs to be a collaborative process and all those involved need a better understanding of what defines the special character and appearance of the areas.
- 2.5 Revisions to the existing conservation area boundaries, through inclusions and exclusions are proposed around all of the Conservation Areas, with the exception of the Manygate Lane Conservation Area. This will serve to focus on the special character and appearance of each.
3. **Options analysis and proposal**
- 3.1 **Option 1** – To agree the six-week public consultation exercise on the proposed conservation area appraisals. This option would engage the community and interested parties and provide a local dimension to the Appraisal. This option is recommended.
- 3.2 **Option 2** – To agree Conservation Area Appraisals and boundary revisions without public consultation. There is no legislative requirement to consult and has previously put the Council at risk. However, public consultation is custom and practice and does encourage public ownership and understanding. This option is not recommended.
- 3.3 **Option 3** – Not to progress the Conservation Area Appraisals and instead rely on the existing heritage documents. The existing heritage documents are out of date and would carry limited weight in decision making. This option is not recommended.
- 3.4 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'*.

3.5 At Section 72 of the Act, it 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 order to carry out this duty, the character of the Conservation Area needs to be clearly defined and understood.

3.6 The Appraisals produced by Purcell UK comply with government guidance on the management of the historic environment through the National Planning Policy Framework (NPPF) as amended in December 2023. The appropriate conservation of heritage assets is one of the 'Core Planning Principles' that underpin the planning system.

4. Financial management comments

4.1 A growth bid to undertake the conservation area appraisals was agreed by Council in February 2023 and was budgeted for. There will be additional costs associated with the press advertising and officer time to undertake the consultation process and report writing.

5. Risk management comments

5.1 The purpose of Conservation Area Appraisals and boundary reviews is to support and justify the Borough's heritage assets and the wider planning system. The risks associated with not having up to date heritage information are high in terms of justifying the LPA's decision making process. In addition, the LPA has a duty to both designate and review conservations areas and heritage is an irreplaceable asset.

6. Procurement comments

6.1 The engagement of Purcell UK went through the Council's procurement process.

7. Legal comments

The review of the conservation area is a legal requirement prescribed by the Planning (Listed Building and Conservation Areas) Act 1990. The Local Planning Authority fulfils its statutory duty by undertaking a conservation area appraisal.

The appraisal will be a material consideration in decisions affecting the area as such it is significant that this is up to date and correctly reflects the special interest of the conservation area that merits its designation.

8. Other considerations

- 8.1 The Conservation Area Appraisals will assist the local community in understanding and the heritage value of their particular area and the appropriate maintenance to retain and enhance that value.
- 8.2 Conservation Areas are not intended to prevent development, but to ensure that the integrity and character of the area is not eroded or compromised.

9. **Equality and Diversity**

9.1 Human Rights Act 1998:

- (a) the LPA should pay due regard to the Human Rights Act 1998. In particular, the requirement not to act in a way which is incompatible with any relevant Convention rights which include the right to a fair trial, the right to respect for private and family life, the prohibition of discrimination and protection of property.

9.2 Public Sector Equality Duty (Equality Act 2010)

- (a) The Council should:
- i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
 - ii) advance equality of opportunity
 - iii) foster good relations

- 9.3 The addition of these considerations ensures the provision of more robust reasoning and justification for all enforcement action, which in turn strengthens our arguments on appeal or prosecution and will lead to more successful legal outcomes for the Council.

10. **Sustainability/Climate Change Implications**

- 10.1 The preservation and enhancement of conservation areas represents a sustainable process, which ultimately contributes positively to climate change objectives.

11. **Timetable for implementation**

11.1 It is recommended:

- 1) Agree the draft Conservation Area Appraisals;
- 2) Undertake a six-week public consultation process, and
- 3) Refer the appraisals back to E&S Committee to agree, following the consultation process.

12. **Contact**

- 12.1 For any queries regarding the Local Planning Enforcement Policy, please contact:

Russ Mounty Team Leader (Planning Development Management) on r.mounty@spelthorne.gov.uk, or Esme Spinks Planning Development Manager on E.Spinks@spelthorne.gov.uk.

13. **Background papers:**

There are none. The existing Conservation Area Preservation and Enhancement documents can be found here:

<https://www.spelthorne.gov.uk/article/17714/Trees-Conservation-Areas-and-Listed-Buildings-information>

14. **Appendices:**

- A - Laleham Conservation Area Appraisal
- B - Lower Halliford Conservation Area Appraisal
- C - Lower Sunbury Conservation Area Appraisal
- D - Manygate Lane Conservation Area Appraisal
- E - Shepperton Conservation Area Appraisal
- F - Stanwell Conservation Area Appraisal
- G - Upper Halliford Conservation Area Appraisal