

Environment and Sustainability Committee

14 January 2025



Title	Conservation Area Appraisals
Purpose of the report	To advise the Environment and Sustainability Committee of the results of the public consultation and make recommendations on each of the seven Spelthorne Conservation Areas.
Report Author	Esme Spinks & Russ Mouny
Report Owners	Esme Spinks – Planning Development Manager Russ Mouny – 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	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Note the comments received on each Conservation Area Appraisal; and 2. Agree the Laleham Conservation Area Appraisal and boundary revisions; 3. Agree the Lower Halliford Conservation Area Appraisal and boundary revisions; 4. Agree the Lower Sunbury Conservation Area Appraisal with additional text at S5.0 Summary of Issues and boundary revisions with alterations at Swan Island; 5. Agree the Manygate Lane Conservation Area Appraisal; 6. Agree the Shepperton Conservation Area Appraisal and boundary revisions; 7. Agree the Stanwell Village Conservation Area Appraisal and boundary revisions;

	8. Agree the Upper Halliford Conservation Area Appraisal with text amendments at S4.0 Summary of Issues, and boundary revisions with retention of 34 Upper Halliford Road.
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 and public consultation has been undertaken and the results assessed.

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 The Borough's Conservation Area Appraisals are more than 20 years out of date.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 borough 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"> Adopt the Conservation Areas Appraisals and boundary revisions. 	<ul style="list-style-type: none"> Update the Council's website with the Conservation Areas Appraisals.

- 1.1 This report seeks approval for the seven Conservation Area Appraisals considered by the Environment and Sustainability Committee in June and issued for public consultation.
- 1.2 Following the reappraisal of the Staines Conservation Area in 2022, officers indicated that the intention was for all the remaining conservation areas in the borough to be reappraised. Of the 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 Purcell UK (architects, masterplanners and heritage consultants) following a procurement process and are attached as appendices to this report.
- 1.4 It is recommended that following the public consultation the boundary revisions are agreed and the Conservation Area Appraisals are approved.

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 original 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 The new Appraisal 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 which remains unaltered. These revisions serve to focus on the special character and appearance of each.
- 2.6 The public consultation exercise gave residents six weeks to review the Appraisals and make comments to the Local Planning Authority. The following responses were received (with officer response added where appropriate):
- 2.7 Laleham Conservation Area 24/01072/CAA
- No comments received.

2.8 Lower Halliford Conservation Area 24/01073/CAA

- No comments received.

2.9 Lower Sunbury Conservation Area 24/01074/CAA

- Concern at the scope of the public consultation exercise.

Officer response: There is no statutory requirement for the Local Planning Authority to consult on conservation area designation, however custom and practice is that public consultation is undertaken. The LPA consulted 537 properties that would be directly affected by the conservation area appraisal and allowed for a 6-week consultation period.

- There is no reference to the wear and tear on buildings caused by increased traffic. Thames Street in particular, is subject to this damaging activity. This issue is probably the most important one for the area and would like to see a reference to it added to Section 5.0, Summary of Issues.
 - Officer response: The concern regarding traffic impact through the conservation area has been highlighted by numerous respondents. Whilst traffic is the responsibility of the County Council, this should be identified to encourage future consideration by the County Highways. It is recommended that S5.0 Summary of Issues of the Conservation Area Appraisal be revised - *Traffic impact: The high volume of traffic, including buses and HGVs, together with the existing traffic calming measures creates vibrations and disturbance to adjoining properties, particularly on Thames Street. Discussions with the County Highway Authority to improve the current situation would enhance the special interest of the Conservation Area.*
- Concern regarding the boundary change that removes Old Rope Walk, which is a historical path that has defined and constrained the boundaries of more recent developments.
 - Officer response: Old Rope Walk runs between French Street, Saxonbury Avenue and Elizabeth Gardens and is designated as public footpath FP14, FP15 and FP16 (route code UH112/14/10 UH112/15/10 & UH112/16/10). The removal of Old Rope Walk and the more recent development within which it is located would have no impact on its historical status or represent any increased risk from development.
- The proposed boundary extension to the east, which would include Darby House and Sunbury Court, also brings in Swan's Rest Island, which is technically part of Elmbridge.
 - Officer response: The inclusion of Swans Rest Island is a drafting error and should be removed from the revised Lower Sunbury Conservation Area boundary.

- The revised northern boundary along Thames Street is convoluted in order to exclude more recent developments, while at the same time still including equally modern developments on the south side, such as Oxford Row. Individual exclusions on one side but not the other is inconsistent, particularly when they are still within historical plot areas.
- Officer response: The revised boundary is not considered to be complex or difficult to follow, running along existing boundaries. The revised boundary along Thames Street is explained within the Appraisal at pg29. The area and properties removed from the Conservation Area do not address the character identified in either the Thames Street (Central) or Riverside Character Areas and would therefore dilute the character and appearance for planning purposes.
- The exclusion of the eastern side of the Avenue Parade because there are no buildings of significance is unnecessary resulting in a Conservation area on one side, but not the other. Including this would ensure greater control of the shops and flats above should they be developed in the future.
- Officer response: Conservation Areas are designated in order to protect areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The removal of the eastern side of Avenue Parade would be entirely appropriate to address this legislative requirement.
- Objection to the modern properties being excluded along Thames St, River Mount and Lower Hampton Road. Whilst the properties are not of 'architectural merit' they shouldn't be excluded since they contribute to the character of Lower Sunbury and their inclusion will ensure enhancement in the future and reduce uncontrolled permitted development.
- Officer response: Conservation Areas are designated in order to protect areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Those excluded on Thames Street (Berkley Mews) and River Mount do not reflect the character identified in the Thames Street (Central), The Riverside or French Street Character Areas. The boundary revisions have not excluded any properties Lower Hampton Road. Conservation Area designation is a planning tool that requires collaborative working, it cannot ensure enhancement and is not intended to reduce 'uncontrolled permitted development' within the general housing stock.
- Reducing the boundary of the Conservation Area would mean that any trees outside the new boundary would not be protected. This would be detrimental to the character of the area and TPO's should be considered.
- Officer response: Within a Conservation Area there is a requirement to notify the LPA of any proposed tree work. This allows the LPA the opportunity to consider whether a Tree Preservation Order would be

appropriate. The designation of a Conservation Area is not an appropriate mechanism to protect trees.

- The Appraisal is a very comprehensive and informative document and the changes that are proposed together with the ongoing control and management proposals are generally supported.

➤ Officer response: Comments noted.

2.10 Manygate Lane Conservation Area 24/01075/CAA

- The Conservation Area has many unauthorised and some approved alterations, that are irretrievably changing the character and appearance, including inappropriate fencing.
- Officer response: The purpose of the Conservation Area Appraisal is to inform and encourage residents to appreciate the character and appearance of their Conservation Area. The Modernist, starkly simple design, use of modern materials, shared open spaces and extensive landscaping is under appreciated and inconsistent with the Borough's other Conservation Areas, which show more traditional organic growth.
- Roof insulation has impacted the standardised height and roof line, which has maintenance impact on adjoining properties.
- Officer response: Modern materials can be employed within Conservation Areas, but consideration of the impact on the character and appearance of the property and the wider area is necessary.
- Unsuitable replacement cladding.
- Officer response: Section 4.0: Management Plan specifically refers to repairs and replacement considerations, which it is anticipated will assist residents.
- The Council could mandate and support existing owners to keep original design, when carrying out improvements to insulate and replace, with recommended suppliers as there is a lack of information.
- Officer response: The LPA offers advice to homeowners within the Conservation Area and will consider additional information that could be identified on the Council's website as a separate project, subject to appropriate officer resources being available.

2.11 Shepperton Conservation Area 24/01076/CAA

- No comments received.

2.12 Stanwell Conservation Area 24/01077/CAA

- No comments received.

2.13 Upper Halliford Conservation Area 24/01078/CAA

- The reference to the Goat Inn and The Old House (10 Upper Halliford Road) Section 4.0 : Summary of Issues is very specific and at a particular point in time. It appears unlikely that the Appraisal is intended as a "name and shame" exercise to provoke a reaction from the owners.

The Appraisal should inform, highlight and encourage all stakeholders. The specific reference to individual properties should be deleted from the document. It is recommended that S4.0 Summary of Issues of the Conservation Area Appraisal be revised - *Building condition: Whilst most buildings in the Conservation Area are well maintained, there are a small number of instances where condition is having a negative effect on the appearance of the Conservation Area from flaking paintwork, staining from water run-off and extensive vegetation growth.*

and

Inappropriate boundary treatments: There are instances where historic brick boundary treatments have been replaced or supplemented with timber fencing. Likewise, some modern boundary treatments use materials other than brick (a particularly acute example being the modern fencing to the south side of the village green). Brick boundary walls are a key feature of the Conservation Area, with other types detracting from its special interest. There are opportunities to enhance the Conservation Area through the introduction of appropriate brick boundary treatments where these don't currently exist.

- At Appendix A: Heritage Assets, 14 Upper Halliford Road (Rose Cottage) should be revised, as it was once part of the farmstead and property (previously) know as Old Farm Cottage/Sunbury cottage and 10 Upper Halliford Road (The Old House) should be revised as the core of the building is much older, could even be 18th Century
- Officer response: The Heritage Asset list at Appendix A is intended to identify specific assets within the Conservation Area rather than be a heritage assessment of the individual properties. However, the comment is noted.
- A query over whether no. 34 Upper Halliford Road should have been excluded from the Conservation Area (area A). Although now surrounded by more contemporary buildings, it has existed in the village for many years and is visible on both Ordnance survey and the black and white photo on page 13.
- Officer response: Area A is identified as modern developments either side of the historic village green which do not contribute to the special interest of the Conservation Area. No.34 is a traditional building identified on the OS maps and should be retained within the Conservation Area boundary

3. Options analysis and proposal

- 3.1 **Option 1** – Not to progress the Conservation Area Appraisals. This option is not recommended.
- 3.2 **Option 2** - To agree a further six-week public consultation exercise using a wider scope for all seven Conservation Areas. This option is not recommended.
- 3.3 **Option 3** – To agree a further six-week public consultation exercise using a wider scope for the Lower Sunbury Conservation Area and agree the other Conservation Area Appraisals and boundary revisions. This option is not recommended.
- 3.4 **Option 4** – To note the comments received on each Conservation Area Appraisal; and
Agree the Laleham Conservation Area Appraisal and boundary revisions;
Agree the Lower Halliford Conservation Area Appraisal and boundary revisions;
Agree the Lower Sunbury Conservation Area Appraisal with additional text at S5.0 Summary of Issues and boundary revisions with alterations at Swan Island;
Agree the Manygate Lane Conservation Area Appraisal;
Agree the Shepperton Conservation Area Appraisal and boundary revisions;
Agree the Stanwell Village Conservation Area Appraisal and boundary revisions;
Agree the Upper Halliford Conservation Area Appraisal with text amendments at S4.0 Summary of Issues, and boundary revisions with retention of 34 Upper Halliford Road; and
Replace the existing Conservation documents on the Council’s website.

This option is recommended.

- 3.5 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’*.
- 3.6 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.

3.7 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 has been budgeted for.

4.2 There would be additional costs and officer time and delays associated with a further consultation process and report writing, for which additional budget would be required.

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 has fulfilled its statutory duty by undertaking the conservation area appraisals.

The Appraisals will be a material consideration in decisions affecting the Conservation Areas and 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 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.

8.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is an additional level of requirement separate from and above Design Codes.

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 the Borough's Conservation Areas represents a sustainable process, which ultimately contributes positively to climate change objectives.

11. **Timetable for implementation**

11.1 The timetable for implementation for Option 4 would be:

- 1) To finalise and upload the Laleham Conservation Area Appraisal and boundary revisions approximately 1 week;
- 2) To finalise and upload the Lower Halliford Conservation Area Appraisal and boundary revisions approximately 1 week;
- 3) To finalise and upload the Lower Sunbury Conservation Area Appraisal with additional text at S5.0 Summary of Issues and boundary revisions with alterations at Swan Island approximately 4 weeks;
- 4) To finalise and upload the Manygate Lane Conservation Area Appraisal approximately 1 week;
- 5) To finalise and upload the Shepperton Conservation Area Appraisal and boundary revisions approximately 1 week;
- 6) To finalise and upload the Stanwell Village Conservation Area Appraisal and boundary revisions approximately 1 week;
- 7) To finalise and upload the Upper Halliford Conservation Area Appraisal with text amendments at S4.0 Summary of Issues, and

boundary revisions with retention of 34 Upper Halliford Road
approximately 4 weeks.

12. **Contact**

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

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

13. **Background papers:**

The 18 June 2024 Environment and Sustainability report - Conservation Area Appraisals (item 8 pg 39-262) - can be found here: [\(Public Pack\)Agenda Document for Environment and Sustainability Committee, 18/06/2024 19:00](#)

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