

Heritage Statement

Boutique Care Homes Ltd

Lawnfield, 1 Westmorland Road, Maidenhead SL6
4HB

August 2023



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Project

Lawnfield, 1 Westmorland Road, Maidenhead
SL6 4HB

Client

Boutique Care Homes Ltd

Job Number

1365

Date

August 2023

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1. Introduction

- 1.1 This Heritage Statement has been prepared by Smith Jenkins Planning & Heritage on behalf of Boutique Care Homes Ltd in support of a planning application for the proposed redevelopment of Lawnfield, 1 Westmorland Road, Maidenhead, SL6 4HB.
- 1.2 The Site currently comprises of a late-19th century detached house with substantial garden. The development proposals comprise:
- 'Proposed erection of a 70-bedroom residential care home (Use Class C2) with access, parking, landscaping and associated works, following demolition of all existing buildings on the site.'
- 1.3 The Site is located opposite the Grade II listed 'Cromwell Cottage, Hill Cottage' comprising a semi-detached pair of cottages. The setting of this asset is a material consideration in the planning process and this report considers the potential impact of the proposed scheme on their significance.
- 1.4 A site visit was conducted by Smith Jenkins on 22nd June 2023 to undertake a walkover of the site and surrounding area.
- 1.5 Paragraph 194 of the National Planning Policy Framework (NPPF) 2021 sets out the information requirements for determining applications and states that:
- 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.¹
- 1.6 In response to the NPPF, Section 2 of this report identifies the heritage assets which may be affected by the application proposals, Section 3 provides proportionate statements of significance for the heritage assets identified. These are relative to the scale, nature and effect of the proposals.
- 1.7 Section 4 provides an assessment of the application proposals on the significance of the identified heritage assets based on national, regional and local policy and guidance. The Heritage Planning Policy context for the consideration of these proposals is set out in Appendix A. This includes the statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, regional and local planning policy.

¹NPPF (2021)



2. The Heritage Assets

2.1 A heritage asset is defined by the NPPF as:

'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)¹.

2.2 A 250m radial study area around the Site was used as an initial scoping assessment to identify any designated or non-designated heritage assets which may be affected by the proposals.

Designated Heritage Assets

2.3 A Designated Heritage Asset is described by the NPPF (2021) as:

'A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation².

2.4 Such assets are statutorily identified as having a level of heritage (architectural and/or historic) interest to justify designation. There are then particular procedures in planning decisions to ensure that their special interest is preserved or enhanced.

Listed Buildings

2.5 The 250m study area contains 14 listed buildings. A scoping exercise has been undertaken to determine which assets should be taken forward for assessment. The scoping exercise considered the potential for the development to have an effect on the assets setting where proximity to the site, topography and the intervening built and natural landscape was taken into account and supported by information gathered during the site walkover.

2.6 This is detailed in Table 2-1 and concluded that only one asset should be taken forward.

Conservation Areas

2.7 The All Saints Boyn Hill Conservation Area is located 80m to the west of the Site. It was designated in August 1975 and covers the mid-19th century All Saints Church, its associated ancillary structures and churchyard to the north which were all designed by the pioneer of the Victorian Gothic Revival, G.E. Street.

2.8 The All Saints Boyn Hill Conservation Area has been scoped out of the assessment as there are no views of the Site as determined from a site walkover.

Non-Designated Heritage Assets

2.9 The NPPF identifies that heritage assets not only include those which are designated (often with statutory protection), but also those assets identified by the local planning authority which could include local listing or buildings of townscape merit. Any such designation, for the purposes of the NPPF, are considered to constitute non-designated heritage assets.

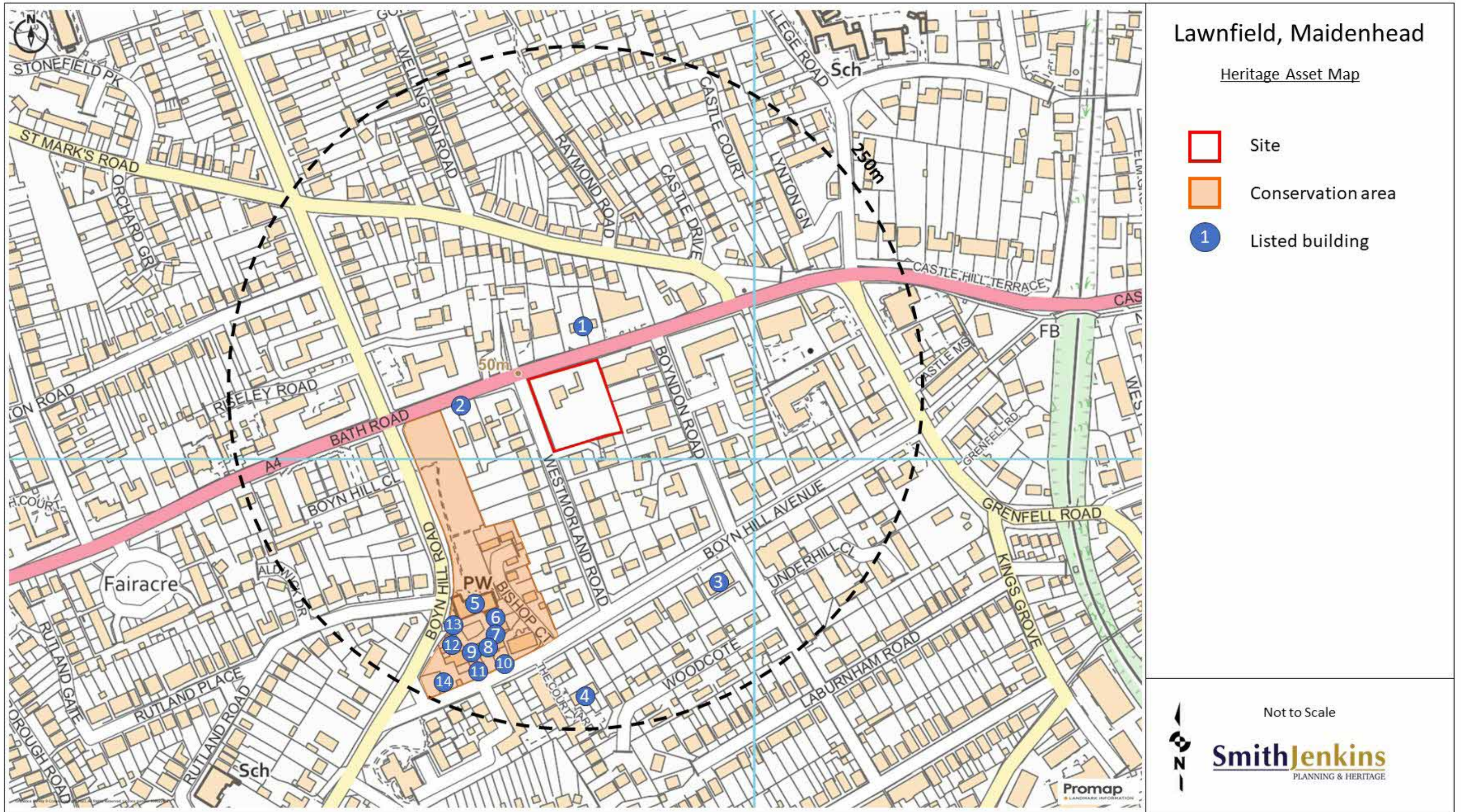
2.10 The Royal Borough of Windsor and Maidenhead does not manage a Local List. Heritage Gateway was consulted to identify any potential non-designated assets within the site and study area but none were identified.

Table 2.1. Listed buildings within the study area potentially affected by the proposals

Key	Name, Address	Grade	Scoping
1	Cromwell Cottage, Hill Cottage	II	IN
2	Milestone opposite Number 34	II	OUT
3	Brocket	II	OUT
4	27 Boyn Hill Avenue	II	OUT
5	Church of All Saints	II*	OUT
6	Former All Saints Vicarage	II*	OUT
7	Vicarage Cottage	II*	OUT
8	All Saints Cottage	II*	OUT
9	All Saints Parish Centre	II*	OUT
10	Vicarage Lodge	II	OUT
11	Girls School	II	OUT
12	3 and 4 Church Close	II	OUT
13	Entrance gateway and wall to Quadrangle	II	OUT
14	15 Boyn Hill Road	II	OUT

¹ NPPF (2021) Annex 2: Glossary (p.67)

² NPPF (2021) Annex 2: Glossary (p.66)



3. Historic Development

Maidenhead - a brief history

- 3.1 Maidenhead is located on the banks of the River Thames in Berkshire, approximately 30 miles west of central London. It is bounded in the north-west and bisected in the north-east by the River Thames. Maidenhead was established on a small inland of the River Thames on a slightly raised gravel islands which was separated by intermittent streams, such as Chapel Arches. This was a result of the surrounding area of the river being susceptible to frequent flooding and also being quite marshy.
- 3.2 The earliest known history of Maidenhead dates to the Stone Age, although the town is better known for being a thriving farming community during the Roman settlement in approximately 100AD. Remains of the Roman villas dating to this period have been discovered in the town, including a Roman villa in Cox Green. The site of Maidenhead was known as 'South Elington' or 'Aylington' up until the latter half of the 13th century, as it is mentioned for the last time in the Bray Court rolls in 1296.
- 3.3 From the medieval period onwards, a number of coaching inns were constructed on the highway of Bath Road which brought significant numbers of people to the town. They accommodated travellers who used the Great West Road to get from London to the West Country, as Maidenhead was roughly a day's travel from the centre of London. Around the time that the first bridge was built, in 1280, the town began to grow from a small hamlet. The bridge was constructed using timber, which was repaired on multiple occasions, and provided access for the thriving market community. The timber bridge was later demolished, and had been replaced by 'Stone Maidenhead Bridge' in 1777 by Sir Robert Taylor.
- 3.4 The town had become prosperous between the 17th and 19th centuries, and the introduction of the railways from the 1830s led to a demise in coaching inns. The town's first train station acted as the terminus for the Great Western Railway, which was originally located off of Bath Road in Taplow, until 1839. At this time, Isambard Kingdom Brunel's 'Sounding Arch railway bridge was built across the River Thames, but was not used until 1840. The bridge connected two stretches of track which resided either side of the river, it spans 128 feet and supported by one of the widest and flattest brick arches in the world. In 1854 Wycombe Railway Co. had constructed a line from Wycombe to Maidenhead, with the station at Castle Hill which was originally known as 'Maidenhead' but had been renamed 'Maidenhead Boyne Hill'. The first two stations were replaced after the construction of a new one, which was then known as 'Maidenhead Junction', and is the station that remains in the town today.
- 3.5 The introduction of the railway brought more people to the town, and a notable number of shops were developed on the High Street. During the 19th century, Maidenhead had gained a number of hotels and institutions and the town was known as being a fashionable resort. In addition, five

breweries had been constructed by the 19th century and a number of public houses appeared on the High Street and towards the river between the 1830s and early 1900s.

- 3.6 Despite the chosen location of the town, it did experience flooding throughout its history due to its proximity to the river. This was particularly from the latter half of the 19th century onwards, which led to the town becoming known as the 'Berkshire Venice'. A flood in 1894 was noted as being the greatest on record up until that period, and in 1947 it was reported as being the most severe flood of the 20th century.
- 3.7 In World War Two, Maidenhead became a homestead for the Air Transport Auxiliary, which was an organisation that had been established for civilians to take RAF warplanes to factories, maintenance units and front-line squadrons. This played a significant role in the allied victory of the war.
- 3.8 In the 1950s it gained the nickname the 'Jewel of the Thames', although this did not last and the town had lost much of its character since the 1960s.



Figure 3.1 - Historic oblique aerial photograph looking east along Bath Road towards Maidenhead Town Centre (1949).

Historic development of the Site

- 3.1 The earliest available map of the Site is the Tithe Map of 1843 (Figure 3.2), followed by the first Ordnance Survey Map of 1875 (Figure 3.3). These maps show the area around the Site prior to Lawnfield's development where the ribbon development along the northern side of Bath Road was the first expansion of Maidenhead into its periphery.
- 3.2 The Ordnance Survey Map of 1897 (Figure 3.4) shows Lawnfield for the first time. Positioned on a large corner plot, at this time it was only the main house which had been constructed on the site. Several other large houses have also been constructed in the surrounding area which demonstrate the beginnings of the suburbanisation of this area. It is notable that the area around Lawnfield is characterised by large houses with sizeable gardens, whilst further to the north more semi-detached and terracing is visible.
- 3.3 More development had taken place by 1910 (Figure 3.5). Lawnfield has had an extension added to the north-east corner as well as having a few outbuildings constructed, these are all still present on the site. The garden has also been subdivided into separate areas, this is also still evident on

the site. The construction of more larger houses and infill development has been completed in the surrounding area.

- 3.4 The next two maps of 1923 and 1931 (Figures 3.6 & 3.7) show minimal changes within and around the Site apart from some small piecemeal development.
- 3.5 Although the site has remained unchanged since the first half of the 20th century, more development took place in the surrounding landscape. In the immediate streets this took the form of infill development, mostly within the large gardens of the houses along Westmorland Road and Boyndon Road being sold off and infill housing development taking place. In the later 20th century it is clear that some more of the historic houses on the streets were demolished and replaced with more modern buildings and small apartment blocks.

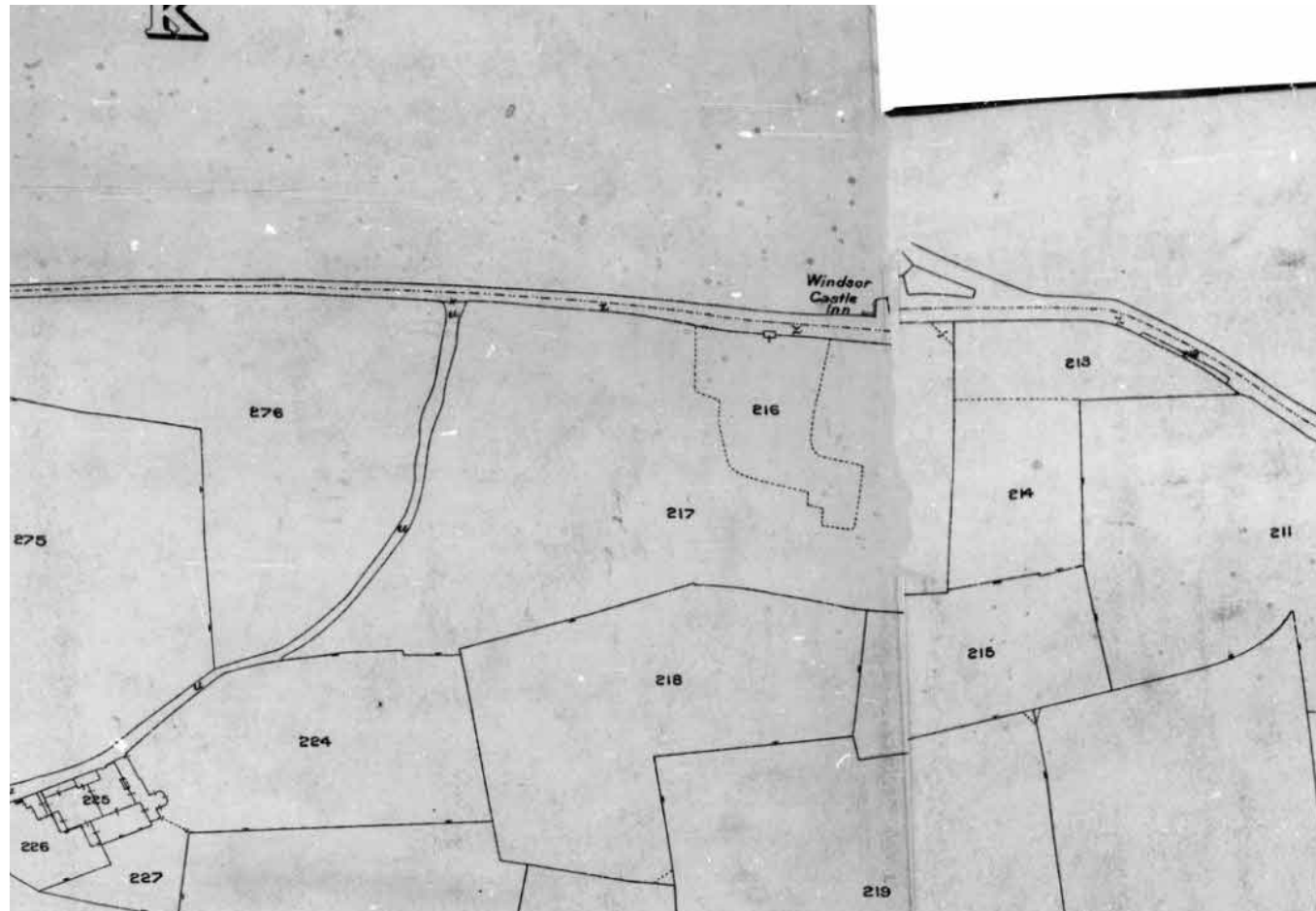


Figure 3.1 - Tithe Map of 1843.



Figure 3.2 - Ordnance Survey Map of 1875.



Figure 3.3 - Ordnance Survey Map of 1897 with the Site shown in red.



Figure 3.4 - Ordnance Survey Map of 1910 with the site shown in red.



Figure 3.5 - Ordnance Survey Map of 1923 with the site shown in red.



Figure 3.6 - Ordnance Survey Map of 1931 with the site shown in red.



4. Significance

4.1 The significance of a heritage asset is defined within the glossary of the NPPF as:

‘The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.¹

proportionate to the importance of the asset and the likely impacts of the proposals.

4.2 Listed buildings are statutorily designated and, for the purposes of the NPPF, are designated heritage assets. Recognising this statutory designation, buildings must hold special architectural or historic interest. The Department of Culture, Media and Sport publish the ‘Principles of Selection for Listed Buildings (2010)’ which is supported by thematic papers, ‘Listing Selection Guides’, based on building type, which give more detailed guidance.

4.3 Conservation Areas are identified if they are of special architectural or historic interest, the character or appearance of which should be preserved or enhanced. Historic England has published guidance on the designation of Conservation Areas which provides a framework for the identification of those features that form the character and appearance.

4.4 The identification of a site as a non-designated heritage asset does not provide any legal protection of such asset, however, for the purposes of the NPPF, they are a material consideration in the determination of applications.

4.5 Historic England has published ‘Conservation Principles’ (2008) which identifies four types of heritage values that a heritage asset (whether it be designated or non-designated) may hold – aesthetic, communal, evidential or historic interest. Conservation Principles (2008) is currently being updated by Historic England after a Consultation Draft was published on 10th November, closing on 2nd February 2018. Historic England has also published Good Practice Advice Notes on the ‘Setting of Heritage Assets’ (2nd Edition, 2017) and ‘Statements of Heritage Significance’ (October 2019) which are used to understand the surroundings of a heritage asset which may contribute to the significance of a heritage asset and explore the assessment of significance of heritage assets as part of a staged approach to decision-making in which assessing significance precedes the design of proposals.

Assessment

4.6 The following summary statements of significance provide an overview of the identified designated and non-designated heritage assets set out in Section 2, which may be affected by the application proposals. These are

¹ NPPF (2021) Annex 2: Glossary (p.71)

Cromwell Cottage, Hill Cottage

4.7 Cromwell Cottage, Hill Cottage are a Grade II listed pair of semi-detached cottages, they were designated on the 12th August 1983 (NHLE: 1117611). They are located less than 20m to the north of the Site on the northern side of Bath Road.

Architectural significance

4.8 Cromwell Cottage and Hill Cottage are of architectural significance as a pair of semi-detached mid-19th century houses. They are constructed of red brick and situated over two storeys with a hipped slate roof with central stack. Each cottage is three bays with four sash windows and a central entrance in a symmetrical composition. The lefthand cottage has the original six-panelled front door, both cottages have a semi-circular fanlight above with patterned glazing bars, decorative wrought iron porches with scrolls and ogee roofs. The lefthand cottage has a 19th century set back extension and the righthand cottage has an early-20th century extension.

Historic significance

4.9 Cromwell Cottage and Hill Cottage are of historic significance due to their age and their connection to Maidenhead's historic development.

4.10 The semi-detached pair of cottages were built in the mid-19th century on the northern side of Bath Road, which was then known as 'Castle Hill'. Bath Road forms part of the main road through Maidenhead which, from the 18th century, was a key stopping point on the main coaching road from the West Country to London. The prominence of this road led to expansion of Maidenhead and eventually development along the main road leading to ribbon development both east and west of the town centre.

4.11 Cromwell Cottage and Hill Cottage formed part of the western ribbon development along Bath Road and was once part of a row of large semi-detached houses and villas which also represent the prosperity of the town at the time. This pair of semi-detached cottages are the only example remaining of their age on the street which haven't been heavily modified, like the adjacent Redroofs Theatre School.

Setting

4.12 When first constructed, Cromwell Cottage and Hill Cottage were part of a row of ribbon development along the northern side of Bath Road which had large rear gardens extending back to St Mark's Road to the north. Beyond this the landscape was still quite agricultural with open fields interspersed with small pockets of development. Since then the surrounding landscape has been completely infilled with suburban residential development which has also resulted in the loss of the rear gardens and the majority of the other contemporary houses along Bath Road.

4.13 Despite the changes in the landscape, the setting of Cromwell Cottage and Hill Cottage makes a moderate contribution to its significance. It has a historic and visual relationship to Bath Road where it still retains a prominent visual position and can be appreciated in views up and down the road. The redevelopment of the area has affected its immediate context with modern developments such as the commercial unit to the east negatively detracting from its setting, but the survival of other buildings such as Redroofs School to the west and the Windsor Castle Pub complement its setting.

4.14 The Site is located opposite the asset and although Lawnfield was constructed at a similar time, it does not make a visual contribution to the assets setting due to the dense boundary vegetation along Bath Road which prevents any intervisibility between the asset and the Site.

Summary of significance

4.15 Cromwell Cottage, Hill Cottage are of historic and architectural significance as a pair of mid-19th century semi-detached cottages in well surviving condition connected to Maidenhead's early development as a coaching stop along the London to Bath road. Its setting makes a moderate contribution to its significance through its connection to Bath Road and some surviving elements of the surrounding landscape but has also been impacted modern developments.



Figure 4.1 - Cromwell Cottage and Hill Cottage.



Figure 4.2 - View towards the site from the cottages showing the dense boundary vegetation.



5. Assessment of Proposals

<p>5.1 The heritage legal and planning policy relevant to the consideration of the application proposals set out in Appendix A of this report. This legal and policy context includes the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF as well as regional and local policy for the historic environment.</p>	<u>The Proposals</u>	
<p>5.2 In accordance with paragraph 194 of the NPPF, the significance of the designated and non-designated heritage assets that may be affected by the application proposals have been set out in Section 4 of this report.</p>	<p>5.8 The application proposals comprise:</p> <p style="padding-left: 20px;">'Proposed erection of a 70-bedroom residential care home (Use Class C2) with access, parking, landscaping and associated works, following demolition of all existing buildings on the site.'</p>	<p>Proposed Development would not physically impact on Cromwell Cottage and Hill Cottage and it would not impact on the key aspects of its setting such as its relationship to Bath Road, other nearby buildings and prominent views of the asset along the road.</p>
<p>5.3 The NPPF requires local planning authorities to identify and assess significance of a heritage asset that may be affected by the proposals (paragraph 195). They should take the assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.</p>	<p><u>Impact of Application Proposals</u></p> <p>Demolition of existing buildings on the site</p>	<p>5.14 The Proposed Development will preserve the significance of Cromwell Cottage, Hill Cottage.</p>
<p>5.4 Account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability, and the desirability of the new development making a positive contribution to local character and distinctiveness (paragraph 190).</p>	<p>5.9 The Site comprises 'Lawnfield', a late-19th century detached house set within a large landscaped garden with a few small ancillary structures. The building was first constructed around the 1880's and was subsequently extended in the early-20th century, it has some historic and architectural merit.</p>	
<p>5.5 When considering the impact of proposals on the significance of designated heritage assets, the NPPF requires (paragraph 199) that great weight should be given to their conservation and the more important the asset, the greater the weight should be. This is consistent with recent high court judgements (Barnwell Manor, Forge Fields) where great weight should be attached to the statutory duty.</p>	<p>5.10 The building is not located within a conservation area and has not been identified by Windsor and Maidenhead Council as a non-designated heritage asset, either through identification on a Local List or in the pre-application response (received May 2023). Furthermore, as the principle of the demolition of the building has been accepted by the Council in the pre-application response, the building itself has not been considered further in the assessment.</p>	
<p>5.6 Where a development proposal causes harm to the significance of designated heritage assets, this should either be treated as less than substantial (paragraph 202), or substantial (paragraph 201). In determining the level of harm, the relative significance of the element affected should be taken into account (paragraph 199). Furthermore, local planning authorities are also encouraged to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance. According to paragraph 206, proposals that preserve those elements of setting that make a positive contribution to or better reveal the significance of a heritage asset should be treated favourably.</p>	<p>Cromwell Cottage, Hill Cottage</p> <p>5.11 Cromwell Cottage, Hill Cottage are a pair of Grade II listed semi-detached cottages dating to the mid-19th century. They are of special architectural and historic significance and their setting contributes to their significance through their historic and visual relationship to Bath Road, some surviving nearby buildings and their prominent position on the road. The pair of cottages are located to the north of the Site on the other side of Bath Road. Whilst Lawnfield was constructed at a similar time to the asset there is no intervisibility between the buildings due to the dense vegetation screening along the Bath Road boundary to the Site.</p>	
<p>5.7 Paragraph 203 of the NPPF concerns the effect of an application on the significance of a non-designated heritage asset and should be taken into account when considering development proposals with a balanced judgement being required to have regard to the scale of any harm or loss against the significance of the asset.</p>	<p>5.12 The proposals comprise the construction of a three storey care home on the site with three blocks intersecting centrally in a Y-shaped layout. This design has been chosen to enable the retention of as many trees (including their root protection area) on the site as possible, especially along the Bath Road elevation where all of the existing trees will be retained.</p> <p>5.13 The height and density of the boundary vegetation will screen the majority of the Proposed Development from views from the Grade II listed asset looking south. There is the potential of some glimpsed views in the winter months when the trees are out of leaf, but these would be minimal. The</p>	

Considerations against Legislation and Policy

Statutory Duties

5.15 The Planning (Listed Building and Conservation Areas) Act 1990 place a duty upon the decision maker in determining applications to have a special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

5.16 This statement has identified the significance of the designated heritage assets which could be affected by the application proposals and concludes that the application proposals will preserve the character and appearance of the Grade II listed Cromwell Cottage, Hill Cottage.

NPPF (2021)

5.17 The significance of the designated heritage assets, as required by paragraph 194 of the NPPF, has been set out in Section 4 of this report. In accordance with paragraph 197 of the NPPF, the application proposals will preserve the character and appearance of the Grade II listed Cromwell Cottage, Hill Cottage. The conservation of heritage assets has, in line with paragraph 199 of the NPPF, been given great weight and therefore the proposals are in accordance with the NPPF.

RBWM Local Plan (2022)

5.18 This Heritage Statement has identified the significance of the designated heritage assets within immediate vicinity of the site and undertaken a detailed assessment of the potential impacts of the proposed development on their setting. It has concluded that the works would preserve their significance, and therefore the proposals are in accordance with Policy HE1 of the Royal Borough of Windsor and Maidenhead Local Plan (2022).



Figure 5.1 - Proposed Site Plan, with Bath Road to the left.

6. Conclusion

- 6.1 In accordance with paragraph 189 of the NPPF, the significance of the designated heritage assets which have the potential to be affected by the application proposals have been described in this Statement. A clear understanding and appreciation of the significance of the heritage asset has informed the evolution of the proposals.
- 6.2 This statement has concluded that the Application Proposals would preserve the character and appearance of the Grade II listed Cromwell Cottage, Hill Cottage.
- 6.3 The application proposals are therefore in accordance with the statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF (2019) and relevant regional and local policy and guidance, including Royal Borough of Windsor and Maidenhead Local Plan (2022).





Appendix A: Heritage Planning Policy Context

Legislation

Planning (Listed Building and Conservation Areas) Act 1990

Legislation regarding buildings and areas of special architectural and historic interest is contained within the Planning (Listed Buildings and Conservation Areas) Act 1990.

The relevant legislation in this case extends from Section 16 of the 1990 Act which states that in considering applications for listed building consent, the local planning authority shall have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 further states that special regard must be given by the authority in the exercise of planning functions to the desirability of preserving or enhancing Listed Buildings and their setting.

According to Section 69 of the Act a Conservation Area is an “area of special architectural or historic interest the character and the appearance of which is desirable to preserve or enhance”. It is the duty of Local Authorities to designate such areas and to use their legal powers to safeguard and enhance the special qualities of these areas within the framework of controlled and positive management of change.

Section 69 further states that 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. Adding, 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.

Further to this Section 72 of the 1990 Act states that in exercising all planning functions, local planning authorities must have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Further provisions are detailed in Section 74 of the Act.

Recent case law¹ has confirmed that Parliament’s intention in enacting Section 66 (1) was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings, where “preserve” means “to do no harm”. This duty must be borne in mind when considering any harm that may accrue and the balancing of such harm against public benefits

as required by national planning policy. This can also logically be applied to the statutory tests in respect of conservation areas. Similarly, it has also been proven that weight must also be given to heritage benefits.

National Planning Policy

National Planning Policy Framework (NPPF) July 2021

The National Planning Policy Framework (NPPF) was published on 20th of July 2021 and sets out the Government’s planning policies for England and how these are expected to be applied. It has purposefully been created to provide a framework within which local people and Local Planning Authorities (LPAs) can produce their own distinctive Local and Neighbourhood Plans which reflect the needs and priorities of their communities.

When determining Planning Applications, the NPPF directs LPAs to apply the approach of presumption in favour of sustainable development; the ‘golden thread’ which is expected to run through the plan-making and decision-taking activities. It should be noted however, that this is expected to apply except where this conflicts with other policies combined within the NPPF, inclusive of those covering the protection of designated heritage assets, as set out in paragraph 11 of the NPPF. Within section 12 of the NPPF, ‘Achieving well-designed places’, Paragraphs 126 to 136, reinforce the importance of good design in achieving sustainable development by ensuring the creation of inclusive and high-quality places. This section of the NPPF affirms the need for new design to function well and add to the quality of the area in which it is built; establish a strong sense of place; and respond to local character and history, reflecting the built identity of the surrounding area.

Section 16, ‘Conserving and Enhancing the Historic Environment’, Paragraphs 189-208, relate to developments that have an effect upon the historic environment. These paragraphs provide the guidance to which local authorities need to refer when setting out a strategy for the conservation and enjoyment of the historic environment in their Local Plans. This should be a positive strategy for the conservation and enjoyment of the historic environment and should include heritage assets which are most at risk through neglect, decay or other threats. It is also noted that heritage assets should be conserved in a manner appropriate to their significance.

The NPPF advises local authorities to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment. These considerations should be taken into account when determining planning applications:

- The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation;
- The wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring;
- The desirability of new development in making a positive contribution to local

character and distinctiveness;

- Opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 191 of the NPPF states that 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.

In order to determine applications for development, Paragraph 194 of the NPPF states that LPAs should require applicants to describe the significance of the heritage assets affected and the contribution made by their setting. Adding that the level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance.

According to Paragraph 195, LPAs should also identify and assess the significance of a heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.

Paragraph 196 adds that where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraphs 199 to 204 consider the impact of a proposed development upon the significance of a heritage asset. Paragraph 199 emphasises that when a new development is proposed, great weight should be given to the asset’s conservation and that the more important the asset, the greater this weight should be. It is noted within this paragraph that significance can be harmed or lost through the alteration or destruction of the heritage asset or by development within its setting.

Paragraph 202 advises that where a development will cause less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 203 notes that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Adding, that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 204 stipulates that local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

In addition, Paragraph 206 notes that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their

¹ Barnwell Manor Wind Energy Limited and (1) East Northamptonshire District Council (2) Historic England (3) National Trust (4) The Secretary of State for Communities and Local Governments, Case No: C1/2013/0843, 18th February 2014

significance. Adding, proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Paragraph 207 importantly clarifies that not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Adding, loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

The NPPF therefore continues the philosophy of that upheld in PPS5 in moving away from narrow or prescriptive attitudes towards development within the historic environment, towards intelligent, imaginative and sustainable approaches to managing change. English Heritage (now Historic England) defined this new approach, now reflected in the NPPF, as 'constructive conservation'. This is defined as 'a positive and collaborative approach to conservation that focuses on actively managing change...the aim is to recognise and reinforce the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment.' (Constructive Conservation in Practice, English Heritage, 2009).

National Guidance

Planning Practice Guidance (NPPG) 2019

Planning Practice Guidance (PPG) was introduced by the Government as a web-based resource on 6th March 2014 and is updated regularly, with the most recent update on 23rd July 2019. The PPG is intended to provide more detailed guidance and information with regard to the implementation of national policy set out in the NPPF.

It reiterates that conservation of heritage assets in a manner appropriate to their significance is a core planning principle. It also states, conservation is an active process of maintenance and managing change, requiring a flexible and thoughtful approach. Furthermore, it highlights that neglect and decay of heritage assets is best addressed through ensuring they remain in active use that is consistent with their conservation.

Importantly, the guidance states that if complete, or partial loss of a heritage asset is justified, the aim should then be to capture and record the evidence of the asset's significance and make the interpretation publicly available.

Key elements of the guidance relate to assessing harm. It states, an important consideration should be whether the proposed works adversely affect a key element of the heritage asset's special architectural or historic interest. Adding, it is the degree of harm, rather than the scale of development that is to be assessed. The level of 'substantial harm' is stated to be a high bar that may not arise in many

cases. Essentially, whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the NPPF.

Importantly, it is stated harm may arise from works to the asset or from development within its setting. Setting is defined as the surroundings in which an asset is experienced and may be more extensive than the curtilage. A thorough assessment of the impact of proposals upon setting needs to take into account, and be proportionate to, the significance of the heritage asset and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The PPG makes clear that the delivery of development within the setting of heritage assets has the potential to make a positive contribution to, or better reveal, the significance of that asset.

Finally, the PPG provides in depth guidance on the importance of World Heritage Sites, why they are important and the contribution setting makes to their Outstanding Universal Value. The PPG also provides guidance on the approaches that should be taken to assess the impact of development on the Outstanding Universal Value of World Heritage Sites.

Historic England Guidance - Overview

On the 25th March 2015 Historic England (formerly English Heritage) withdrew the PPS5 Practice Guide. This document has been replaced with three Good Practice Advice in Planning Notes (GPAs), 'GPA1: Local Plan Making' (Published 25th March 2015), 'GPA2: Managing significance in Decision-Taking in the historic Environment' (Published 27th March 2015) and 'GPA3: The Setting of Heritage Assets (December 2017).

The GPAs provide supporting guidance relating to good conservation practice. The documents particularly focus on the how good practice can be achieved through the principles included within national policy and guidance. As such, the GPAs provide information on good practice to assist LPAs, planning and other consultants, owners, applicants and other interested parties when implementing policy found within the NPPF and PPG relating to the historic environment.

In addition to these documents, Historic England has published several core Advice Notes (HEAs) which provide detailed and practical advice on how national policy and guidance is implemented. These documents include; 'HEAN1: Conservation Area Appraisal, Designation and Management (Second Edition, February 2019)', 'HEAN2: Making Changes to Heritage Assets' (25th February 2016) and 'HEAN3: The Historic Environment and Site Allocations in Local Plans' (30th October 2015). In addition to these 'HEAN4: Tall Buildings' (December 2015), 'HEA:#N7: Local Heritage Listing: Identifying and Conserving Local Heritage (Second Edition, January 2021), 'HEAN10: Listed Buildings and Curtilage' (21st February 2018) and, 'HEAN12: Statements of Heritage Significance' (October 2019). Collectively, these Advice Notes provide further information and guidance in respect of managing the historic environment and development within it.

Historic England Good Practice Advice Note 1 (GPA1): The Historic Environment in Local Plans (March 2015)

This document stresses the importance of formulating Local Plans that are based on up-to-date and relevant evidence in relation to the economic, social and environmental characteristics and prospects of an area, including the historic environment, as set out by the NPPF. The document provides advice on how information in respect of the local historic environment can be gathered, emphasising the importance of not only setting out known sites, but in understanding their value (i.e. significance). This evidence should be used to define a positive strategy for the historic environment and the formulation of a plan for the maintenance and use of heritage assets and for the delivery of development, including within their setting, that will afford appropriate protection for the asset(s) and make a positive contribution to local character and distinctiveness.

Furthermore, the Local Plan can assist in ensuring that site allocations avoid harming the significance of heritage assets and their settings, whilst providing the opportunity to 'inform the nature of allocations so development responds and reflects local character'.

Further information is given relating to cumulative impact, 106 agreements, stating 'to support the delivery of the Plan's heritage strategy it may be considered appropriate to include reference to the role of Section 106 agreements in relation to heritage assets, particularly those at risk.' It also advises on how the heritage policies within Local Plans should identify areas that are appropriate for development as well as defining specific Development Management Policies for the historic environment. It also suggests that a heritage Supplementary Planning Document (SPD) can be a useful tool to amplify and elaborate on the delivery of the positive heritage strategy in the Local Plan.

Historic England Good Practice Advice Note 2 (GPA2): Managing Significance in Decision-Taking in the Historic Environment (March 2015)

This document provides advice on the numerous ways in which decision-taking in the historic environment can be undertaken, emphasising that the first step for all applicants is to understand the significance of any affected heritage asset and the contribution of its setting to its significance. In line with the NPPF and PPG, this document states that early engagement and expert advice in considering and assessing the significance of heritage assets is encouraged, stating that 'development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect.'

The advice suggests a structured staged approach to the assembly and analysis of relevant information, this is as follows:

1. Understand the significance of the affected assets;

2. Understand the impact of the proposal on that significance;
3. Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;
4. Look for opportunities to better reveal or enhance significance;
5. Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change; and
6. Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

The advice reiterates that heritage assets may be affected by direct physical change or by change in their setting. Assessment of the nature, extent and importance of the significance of a heritage asset and the contribution of its setting at an early stage can assist the planning process resulting in informed decision-taking.

This document sets out the recommended steps for assessing significance and the impact of development proposals upon a heritage asset, including examining the asset and its setting and analysing local policies and information sources. In assessing the impact of a development proposal on the significance of a heritage asset the document emphasises that the cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change.

Crucially, the nature and importance of the significance that is affected will dictate the proportionate response to assessing that change, its justification, mitigation and any recording which may be necessary. This document also provides guidance in respect of neglect and unauthorised works.

Historic England Good Practice Advice Note (GPA3): The Setting of Heritage Assets (December 2017)

This is used to understand the surroundings of a heritage asset which may contribute to its significance. It aids practitioners with the implementation of national policies and guidance relating to the historic environment found within the NPPF and PPG, once again advocating a stepped approach to assessment.

It amalgamates ‘Seeing the History in the View’ (2011) and ‘Setting of Heritage Assets’ (2015) forming one succinct document which focuses on the management of change within the setting of heritage assets.

The guidance is largely a continuation of the philosophy and approach of the previous documents, albeit now with a greater emphasis on the contribution that views to and from heritage assets make to their significance. It reaffirms that setting should be understood as the way in which an asset is experienced.

The guidance emphasises that setting is not a heritage asset, nor a heritage

designation, and that its importance lies in what it contributes to the significance of the heritage asset. It also states that elements of setting may make a positive, negative or neutral contribution to the significance of the heritage asset.

While setting is largely a visual term, with views considered to be an important consideration in any assessment of the contribution that setting makes to the significance of an asset, setting, and thus the way in which an asset is experienced, can also be affected by other environmental factors including noise, vibration and odour, while setting may also incorporate perceptual and associational attributes pertaining to the asset’s surroundings.

This document provides guidance on practical and proportionate decision making with regards to the management of proposed development and the setting of heritage assets. It identifies that the protection of the setting of a heritage asset need not prevent change and that decisions relating to such issues need to be based on the nature, extent and level of the significance of a heritage asset, as well as further weighing up the potential public benefits associated with the proposals. It clarifies that changes within the setting of a heritage asset may have positive or neutral effects.

It highlights that the contribution made to the significance of heritage assets by their settings will vary depending on the nature of the heritage asset and its setting and that different heritage assets may have different abilities to accommodate change within their settings without harming the significance of the asset and therefore setting should be assessed on a case-by-case basis. Although not prescriptive in setting out how this assessment should be carried out, noting that any approach should be demonstrably compliant with legislation, national policies and objectives, Historic England recommend using a ‘5-step process’ in order to assess the potential impact of a proposed development on the setting and significance of a heritage asset, with this 5-step process similar to that utilised in earlier guidance:

Step 1: Identify which heritage assets and their settings are affected

Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it

Step 4: Explore ways to maximise enhancement and avoid or minimise harm

Step 5: Make and document the decision and monitor outcomes

Historic England Advice Note 2 (HEAN2): Making Changes to Heritage Assets (February 2016)

The purpose of this document is to provide information in respect of the repair, restoration and alterations to heritage assets. It promotes guidance for both LPAs, consultants, owners, applicants and other interested parties in order to promote well-informed and collaborative conservation.

The best way to conserve a building is to keep it in use, or to find an appropriate new use. This document states that ‘an unreasonable, inflexible approach will prevent action that could give a building new life...A reasonable proportionate approach to owners’ needs is therefore essential’. Whilst this is the case, the limits imposed by the significance of individual elements are an important consideration, especially when considering an asset’s compatibility with Building Regulations and the Equality Act. As such, it is good practice for LPAs to consider imaginative ways of avoiding such conflict.

This document provides information relating to proposed change to a heritage asset, which are characterised as:

- Repair;
- Restoration;
- Addition and alteration, either singly or in combination; and
- Works for research alone.

Historic England Advice Note 7 (HEAN7): Local Heritage Listing: Identifying and Conserving Local Heritage (Second Edition, January 2021)

First published by English Heritage in 2012 under the title ‘Good Practice Guide for Local Heritage Listing’, HEA7: Local Heritage Listing: Identifying and Conserving Local Heritage supersedes the first edition of the published guidance; Historic England Advice Note 7: Local Heritage Listing (2016), reflecting the changes made to the Planning Practice Guidance in 2019.

The updated advice seeks to support communities and local authorities in the introduction of a local heritage list in their area or for those wishing to make changes to an existing list which may have already been adopted. It observes the value of a local heritage list and seeks to adopt a consistent and accountable approach to the identification and management of heritage assets at a local level.

Historic England notes that inclusion on a local heritage list based on sound evidence and criteria delivers a consistent and accountable way of recognising non-designated heritage assets, no matter how they are identified, to the benefits of good planning for the area and of owners, developers and others wishing to understand local context fully. By providing clear and up-to-date information, backed by policy set out in the NPPF (2019), a local heritage list which has been available on the website of a local planning authority and via the Historic Environment Record (HER) provides clarity on the location and identification of non-designated heritage assets.

Regarding the identification of non-designated heritage assets, Historic England builds on the guidance set out in Planning Practice Guidance (2019) in defining a non-designated heritage asset, highlighting that they can be identified in several ways, including:

- Local Heritage Lists;
- Local and Neighbourhood Plans;
- Conservation Area Appraisals and Reviews;
- Decision-making on planning applications.

Whilst the advice notes that planning protections for non-designated heritage assets are not as strong as those for designated heritage assets, it highlights that they are still important, referring to the importance of paragraph 197 of the NPPF (2019), which requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of such heritage assets.

This document draws on good practice across the country in developing a new local heritage list or making improvements to an existing one. Importantly, this advice should be seen as a starting point. In order to remain flexible enough to respond to local needs, decisions on the ways in which assets are identified, and the system adopted for managing the local heritage list, are matters for local planning authorities and their communities. This advice does, however, set out methods for setting up and managing a local list to provide ideas on how this might be done, including providing a clear criterion setting commonly applied selection criteria for assessing the suitability of assets for inclusion in a local heritage list.

Historic England Advice Note 12 (HEA12): Statements of Heritage Significance (October 2019)

HEA12: Statements of Heritage Significance covers the National Planning Policy Framework requirement for applicants for heritage and other consents to describe heritage significance to help local planning authorities to make decisions on the impact of proposals for change to heritage assets.

The document states that understanding the significance of heritage assets, in advance of developing proposals for their buildings and sites, enables owners and applicants to receive effective, consistent and timely decisions. It explores the assessment of significance of heritage assets as part of a staged approach to decision-making in which assessing significance precedes designing the proposal(s).

Conservation Principles, Policies and Guidance (English Heritage, 2008)

Conservation Principles outlines English Heritage's approach to the sustainable management of the historic environment. While primarily intended to ensure consistency in English Heritage's own advice and guidance through the planning process, the document is commended to local authorities to ensure that all decisions about change affecting the historic environment are informed and sustainable.

This document was published in line with the philosophy of PPS5 and is currently in the process of being updated. Nevertheless, it remains relevant to the current policy regime in that emphasis is placed upon the importance of understanding significance as a means to properly assess the effects of change to heritage assets.

The guidance describes a range of heritage values which enable the significance of assets to be established systematically, with the four main 'heritage values' being: evidential, historical, aesthetic and communal. The Principles emphasise that 'considered change offers the potential to enhance and add value to places...it is the means by which each generation aspires to enrich the historic environment' (paragraph 25).

Local Policy

Royal Borough of Windsor and Maidenhead Local Plan (2022)

The Royal Borough of Windsor and Maidenhead Local Plan 2013-2033 was adopted on the 8th February 2022. Chapter 11 covers the Historic Environment, relevant policies are copied below.

Policy HE1: Historic Environment

1. The historic environment will be conserved and enhanced in a manner appropriate to its significance. Development proposals would be required to demonstrate how they preserve or enhance the character, appearance and function of heritage assets (whether designated or non-designated) and their settings, and respect the significance of the historic environment.
2. Heritage assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset (whether designated or non-designated) or its setting, will not be permitted without a clear justification in accordance with legislation and national policy.
3. The loss of heritage assets will be resisted. Where this is proven not to be possible, recording in accordance with best practice will be required.
4. Applications for works within archaeologically sensitive areas will be required to include a desk-top archaeological assessment.
5. Applications for works to heritage assets will only be considered if accompanied by a heritage statement which includes an assessment of significance, a heritage impact assessment and, where appropriate, information on marketing and viability.

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