

PLANNING POLICY STATEMENT 15

CONSULTATION: PLANNING FOR THE HISTORIC ENVIRONMENT

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Planning and Transportation
Officer Contact	Charmian Baker/Sarah Harper, Planning and Community Services
Papers with report	None

HEADLINE INFORMATION

Purpose of report	The purpose of this report is to set out the key issues and implications of the draft Planning Policy Statement, PPS 15: Planning for the Historic Environment, to enable a consultation response to be made to DCLG.
Contribution to our plans and strategies	Local Development Framework Sustainable Community Strategy Conservation Area Appraisals and Management Plans
Financial Cost	Nil
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	All

RECOMMENDATIONS

That Cabinet:

1. Notes the contents of the draft Planning Policy Statement, PPS 15: Planning for the Historic Environment, and the implications which officers consider will arise from it and;
2. Endorses the consultation response as set out in paragraphs 17 – 23 of the report.

INFORMATION

Reasons for recommendation

The Department for Communities and Local Government has issued a consultation document, namely the draft Planning Policy Statement, PPS 15 – Planning for the Historic Environment, and has requested that all responses are returned to them by 30th October 2009.

Alternative options considered / risk management

The Cabinet may influence the Government's proposals by:

1. Agreeing that a response to the consultation document be provided in full or in part;
2. Making any amendments to the draft response that are considered appropriate.

Alternatively Cabinet may make no response to the Government's proposals.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

Background

1. Planning Policy Guidance 15: Planning and the Historic Environment, and Planning Policy Guidance 16: Archaeology and Planning, were published in September 1994 and November 1990 respectively. Local Planning Authorities are required to take account of these policies in both strategic planning and development control decisions. Over the last twenty years, these policies have provided essential, comprehensive guidance on all matters relating to heritage and archaeology, informing planning and listed building consent decisions and providing a sound policy base for appeals relating to heritage matters.

2. The single new PPS 15: Planning for the Historic Environment is intended to replace PPG Notes 15 and 16, setting out the Government's policy on the historic environment and on archaeology in relation to the planning system. It has been drafted collaboratively by the Department for Communities and Local Government, the Department of Culture, Media and Sport and English Heritage. It has been drawn up to reflect the evolution of Government policy and general practice regarding the conservation of the historic environment over the last two decades. It has been designed to ensure consistency with the enacted and proposed Government reforms of the planning system.

3. It is stated that the new PPS will be central to the Government's aims for heritage reform, reflecting "a more modern, integrated approach . . . to embrace all of the historic environment". It is intended to be published in conjunction with the forthcoming Heritage Protection Act, which will treat all elements of the historic environment (Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, Historic Gardens, and so on) as Historic Assets, to be considered under a single consent regime, by means of a common set of principles and in proportion to their significance. It is also emphasised that the Statement covers heritage assets that are not currently designated but which have a level of interest which should be conserved and, where appropriate, enhanced.

4. The core of the PPS relates to the provision of a "proportionate response to change", so that the focus is on what is significant rather than on protection for its own sake. The central plank

of this approach will be the Historic Environment Record, to be maintained by English Heritage, and at a local level, by Local Planning Authorities, which will provide a data basis of all heritage assets, with details about their significant components.

5. The draft PPS does not include those elements of the previous Planning Policy Guidance Notes which are considered to constitute guidance as opposed to policy, and it is therefore shorter and very different in appearance from the previous documents. The Guidance is to be published in a separate document by English Heritage entitled "PPS Planning for the Historic Environment: Historic Environment Planning Practice Guide". This document has been issued as a 'Living Draft' for consultation in parallel with the PPS, and English Heritage have invited comments.

Content

6. Policy HE1 refers to the Historic Environment Record, which will provide the evidence needed for assessing the 'extent, significance and condition', of known Heritage Assets (buildings, sites or areas). Local Authorities are required to consider both known assets and 'areas where there is a potential for such assets to be discovered', particularly sites of historic or archaeological interest.

7. The PPS refers in Policy HE2 to the need for the historic environment to inform the Regional Spatial Strategy. It is explained that this will tie in with the forthcoming Local Democracy, Economic Development and Construction Bill which has yet to be enacted and brought into force.

8. Policy HE3 emphasises the need for positive, pro-active, strategies for conservation and enhancement with the aim of creating 'a sense of place', particularly heritage assets at risk of loss or decay. New buildings in historic settings should enhance the appearance of an area.

9. Policy HE4 relates to the re-use and repair of buildings being sustainable, as it reduces consumption, and urges that climate change objectives should be sought which do not conflict with the conservation of heritage assets.

10. Policies HE5, HE6 and HE7 cover the use of Article 4 Directions, the application of monitoring indicators to assess the impact of planning policies on the historic environment and the usefulness of pre-application discussions.

11. Policy HE8 makes provision for the Local Planning Authority to require applicants to provide a statement of significance of the heritage assets affected and the contribution of their setting, and advises that an application should not be validated without adequate supporting heritage information.

12. Policy HE9 outlines the policy principles guiding the determination of heritage applications. Decisions should take into account an assessment of the significance of those assets, the use of appropriate expert advice, the views of the local community and the desirability of enhancing the significance and securing the long-term conservation of the asset. Care should be taken to deliver climate change mitigation solutions having the least harm to assets or their settings, whilst new developments are to be designed so as to respect their setting and reinforce distinctiveness. Decisions should also weigh up the significance of a heritage asset against the public benefits of the proposed development, allowing harm only if the heritage asset impedes all reasonable uses of the site or provides more important social, economic and environmental benefits, including mitigation of climate change. Every effort is to be made to determine

whether or not the development will actually be built. Disrepair caused by deliberate neglect is not to be taken into account in coming to this judgement.

13. Policy HE10 underlines that assets of the highest level importance (for example Grade I and II* listed buildings) should not be lost. There is also a requirement for LPA's to ensure that alternative ownership or uses for the asset have been explored, with appropriate marketing and reasonable endeavours to seek grant funding or sale to charitable or public authorities willing to take on the asset. There is a warning that not all aspects of a Conservation Area will be worthy of preservation, in which case development may enhance or reveal the significance of the area. It warns too that absence of the scheduling of an archaeological monument need not indicate a lesser significance.

14. Policy HE11 relates to the setting of a building, which will be judged again on its significance and need to enhance the process of place-making.

15. Policy HE12 examines enabling development and sets out parameters for its consideration, including whether it represents the minimum development necessary to secure the future conservation of the asset and whether it minimises harm to other public interests.

16. Policy HE13 sets out the principles guiding the recording of information relating to heritage assets. This should only be put into place once a decision is made as to whether an asset will be lost.

Implications for the Council

17. The Planning Policy Statement is a concise and, for the most part, a very general document, incorporating elements of current conservation policy, the essence of current practice and a context which reflects competing development pressures.

18. Some aspects of the PPS are particularly welcome: for example the recognition that the retention and repair of existing buildings, with sensitive adaptation for climate change mitigation, will be the most sustainable option for a site. There is also a policy promoting pre-application discussions, and another emphasising the need for good design to enhance the settings of historic assets and the creation of local distinctiveness and a 'sense of place'.

19. Some aspects of the PPS have laudable objectives but may be difficult to implement successfully. These would include the requirement for applicants to submit adequate supporting information about heritage assets, their significance and the likely impact of their proposals on this significance, before their application can be validated. Also there is an exhortation for Local Planning Authorities to monitor the impact of planning policies and decisions on the historic environment.

20. There is a concern however at the reliance to be placed on the assessment of 'significance and condition', to be set out for each historic asset in the Historic Environment Record (HER). As the HER is to be established as part of the forthcoming Heritage Protection Act, and guidelines for its creation and management have not as yet been drawn up, it is difficult to assess fully the implications for the Council as yet. However, the compiling of information on this scale, in a publicly accessible document, would be likely to require a dedicated officer. The PPS consultation document includes an estimate of £90K as being the amount Local Planning Authorities will need to pay per annum in relation to the creation and updating of the Historic Environment Record.

21. Although the PPS envisages a reduction in time spent by Conservation Officers on reactive casework, due to these policies, it is not considered that this would be a likely outcome. In weighing the significance of historic assets against the public benefits of housing supply, economic development and the need to mitigate climate change, as required in the PPS, there would be likely to be much argument in negotiations and at Public Inquiries as to the relative merits of incomparable matters. In taking away the presumption against the demolition of or harmful alteration to a listed building or conservation area, there is a concern that irreplaceable historic assets could be lost to redevelopment deemed to be of a 'wider social, economic and environmental benefit', so weakening the Council's ability to protect the heritage of this Borough.

22. Moreover there is an exhortation to Local Planning Authorities, when permitting the loss of significance of a heritage asset, to 'make every effort to satisfy themselves of the likelihood that the proposed new development will proceed, before approving the application. In fact, this is difficult to establish, when multiple applications may be submitted for the same site, and financial constraints prevent development taking place.

23. Finally, a Heritage Asset is described as being a 'Building, monument, site, or landscape of historic, archaeological, architectural or artistic interest whether designated or not', all Heritage Assets being components of the historic environment. Although this terminology will become clearer when the Heritage Protection Bill is finally enacted, it is not clear how heritage assets having no designation can be defined or protected.

Financial Implications

There are no immediate financial implications associated with this report.

The Planning Policy Statement as outlined above is planned to be published in conjunction with the new Heritage Protection Bill due to go to Parliament during the 2009/2010 Parliamentary session.

The new Heritage Bill is expected to require the Local Authority to create and maintain its own Historic Environment Records and publish its own Heritage at Risk Register plus the survey work of Hillingdon's conservation area. This more detailed policy guidance reinforces the role that the Historic Environment Record will play and it is clear that these requirements will have a resource impact. The report outlines that there is a likely need to have a dedicated officer resource for compilation of the database and that the PPS consultation document itself has estimated that Local Planning Authorities may need to pay £90k per annum in relation to the database's creation and maintenance.

There are also likely to be other impacts on activities in terms of the management of conservation areas including negotiation of management agreements for the most complex listed buildings. The full resource impact therefore at this moment is unclear but will be reported on again as part of a fuller report to Cabinet when the act becomes legislation.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

The DCLG consultation document on draft PPS 15 – Planning for the Historic Environment has implications for the heritage of the borough, which warrants the council's response being considered and endorsed by Cabinet. The submission of the council's response would be taken into account in revising PPS15 and would help ensure protection for the borough's heritage assets, which will enhance the quality of the environment within the borough.

Consultation Carried Out or Required

None

CORPORATE IMPLICATIONS

Corporate Finance

A corporate finance officer is satisfied that there are no immediate direct financial implications associated with this report.

However, the new Heritage Bill is expected to require the Local Authority to create and maintain its own database, as well as carry out survey work of Hillingdon's conservation area, which will have direct resource implications for the Council. At this stage, the report indicates that a dedicated officer is likely to be required for the compilation of the database and it is estimated that Local Planning Authorities will need to pay £90k per annum for its creation and maintenance. It is recognised that there are likely to be other impacts on activities as a result of the Legislation coming into force, but at this stage the full resource impact for the Council is unclear. The full resource impact will need to be reported to Cabinet once the act becomes Legislation.

Legal

The Secretary of State will have to take into account the Council's response to this consultation document, together with the responses of other consultees.

Corporate Property

The Head of Corporate Property has read the report and the consultation documents and supports the recommendations contained within this report.

BACKGROUND PAPERS

Consultation on Planning Policy Statement 15 – Planning for the Historic Environment – Department for Communities and Local Government

PPS Planning for the Historic Environment: Historic Environment Planning Practice Guide
English Heritage