

**APPEAL AGAINST REFUSAL OF LISTED BUILDING CONSENT FOR WORKS AT
31 DOWNSHIRE HILL PROPOSED IN OWNER'S REQUEST
SUBMITTED 4 FEBRUARY 2018**

APPENDIX 5

HISTORIC ENGLAND DOCUMENTS

- Relevant paragraphs of Historic England's Three Year Corporate Plan 2017-20
- Historic England's London Borough of Camden Local Plan examination. Issue 8: Positive strategy for the protection and enhancement of the historic environment

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Relevant paragraphs of Historic England's Corporate Plan 2017-20

From 'What Historic England does'

We support owners, local authorities, central government and all others involved in the management of heritage assets. Our objective is to find constructive solutions to ensure that historic structures can, in the best ways possible, be preserved whilst accommodating necessary change to enable economic development and an improved national realm.

From 'Our Values'

We are constructive. We promote the long term protection of the historic environment by keeping it in beneficial use.



Historic England

LONDON BOROUGH OF CAMDEN LOCAL PLAN EXAMINATION

LOCAL PLAN

STATEMENT BY HISTORIC ENGLAND

ISSUE 8: POSITIVE STRATEGY FOR THE PROTECTION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT

Hearing Session – Thursday 20th October 2016

References:

National Planning Policy Framework 2012 and National Planning Policy Guidance

Camden Local Plan Submission Draft 2016

Camden Character Study 2015

Appendix 2 Draft List of modifications to the Submission Draft Local Plan

Tall Buildings Historic England Advice Note 4 December 2015

Introduction

1. Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). In carrying out our role in protecting and managing the historic environment, Historic England gives advice to local planning authorities on certain categories of applications (planning and listed building consent applications), appeals and other matters affecting the historic environment.
2. Historic England is consulted on Local Development Plans under the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012 and provides advice to ensure that legislation and national policy in the National Planning Policy Framework are thereby reflected in local planning policy and practice.
3. Historic England's representations in relation to the Pre-submission Plan are made in the context of the requirements of the National Planning Policy Framework ("the Framework") in relation to the historic environment as a component of sustainable development and the specific policies relevant to the historic environment.
4. This statement addresses the Inspector's questions with regards to Issue 2 on the preparation of a positive strategy for the protection and enhancement of the historic environment. Specifically, it further clarifies Historic England's position with regards to policies D1 and D2 and their compliance with national policy.

Inspector's Questions – Issue 8:

Issue 8 - Does chapter 7 in the Plan set out a positively prepared strategy for securing high quality design and protecting and enhancing heritage, which is justified, deliverable and in line with national and local policy?

a) Is the approach to tall buildings in Policy D1 reasonable and justified?

5. No. It is noted that amendments submitted as Draft List of modifications to the Submission Draft Local Plan include reference to the Tall Buildings Historic England Advice Note 4 (HEAN 4) (paragraphs 7.35 and 7.36). Historic England welcomes this reference but still raises concerns that the details of the Advice Note, which has

been developed in line with national policy, have not been fully incorporated into the Local Plan. Therefore, the approach set out in the Camden Local Plan does not reflect national policy (paragraphs 154 and 157 (7th bullet point). In particular, the need for Local Plans to provide clear policies on what will, and will not be permitted and where, and to identify land where development would be inappropriate due to its historic significance. Issues of concern regarding the current approach include:

- Not undertaking a plan-led approach and relying upon identifying the whole of the Borough as 'sensitive' and applying a policy approach that is reactive to proposals (policy D1). HEAN 4 does not support the identification of potential areas as being 'sensitive' for tall buildings.
 - Ineffective use of evidence gathered (including Conservation Area Appraisals, Character Study, and strategic views) that provides a baseline of existing building heights and supports the understanding of a local height definition of what a tall building means in Camden, as a framework in which to trigger policy D1 (tall buildings).
 - Using the evidence gathered to help set out clearly where tall buildings would be considered appropriate in terms of geographical location, scale and form.
 - Ultimately providing a plan-led approach that would help identify through the local plan areas where tall buildings would not be appropriate because of the potential impacts upon the conservation of the historic environment, including the significance of heritage assets and their settings.
6. It is recognised that the Borough is 'dense' and diverse in its character and scale of development. However this is not unique to Camden and many other Boroughs in London have developed plan-led approaches to tall buildings that address the current deficiencies of policy D1 (tall buildings) in the Camden Local Plan on providing a plan-led approach to tall buildings. This includes Local Plans which identify clearly where tall buildings are considered appropriate, based on evidence, supported by the application of a development management policy that manages the details of the proposal and its potential impacts. Useful comparable examples include the Local Plan approaches used by Hackney and Islington where evidence has been used to inform a broad strategic approach to help identify where tall buildings are appropriate as well as inappropriate, supported by development management policies.

7. With the above issues in mind Historic England considers the approach set out in the Camden Local Plan does not sufficiently reflect national policy nor Historic England's advice on tall buildings (HEAN 4).

b) Does Policy D2 and the supporting text set out a positive strategy for the conservation and enjoyment of the historic environment?

8. No, Historic England considers that the current wording of policy D2 and its supporting text could be strengthened further so that it reflects a positive strategy for the conservation and enjoyment of the historic environment (paragraphs 126 and 157 (last bullet point) NPPF). This position takes into account the amendments submitted as Draft List of modifications to the Submission Draft Local Plan, which include additional text to paragraphs 7.4, 7.6, 7.43, 7.40, 7.41, 7.62, Policy D2 (introductory paragraph and policy text), and Map 4. Although these changes are welcomed, at present the approach is in parts passive, and not sufficiently proactive. To address these deficiencies Historic England would suggest that the following changes are made to the text to ensure the Local Plan provides a baseline strategy in line with national policy. The changes proposed have been shared with Camden Council and will form part of a Statement of Common Ground.
9. Under Priorities for Growth Areas (pg23-32), we recognise that in general, references are made for each named area to the historic environment. However there are inconsistencies in the type and management of heritage assets. This includes an emphasis upon the expectation of preserving, as oppose to conserving, the historic environment. National policy as reflected in its principles and terminology emphasises the need for Local Plans, to conserve and enhance the historic environment. This approach reflects a need for active management. The following changes would help address this issue:

Tottenham Court Road (para 2.29 bullet point 4)

Development of the highest quality as befits this historic area in the heart of London, which preserves local amenity and seeks to enhance and conserve ~~preserve~~ the significance of heritage assets such as the character and appearance of conservation areas; and

Holborn (para 2.31 bullet point 11)

High quality, sustainable design that's respects its surroundings and conserves ~~preserves~~ and enhances the area's heritage assets and wider historic environment

10. In addition an opportunity has been lost to incorporate area specific heritage issue, based upon the evidence gathered (e.g. Character Study and relevant Conservation Area Appraisals and Management Plans) which could be proactively addressed through this part of the Plan, in a conjunction with the overarching heritage policy D2. This approach expressed clearly in the text of the Priorities for Growth would help contribute towards the plan having a positive strategy for the conservation and enjoyment of the historic environment (NPPF paragraph 126).

11. Under policy D2 we would suggest the following amendments should be made to paragraph 7.42:

Bullet point 1 to be amended to read -

Conservation Area Management Strategies: The Council works with the Conservation Area Advisory Committees to update and support the implementation of strategies.

Bullet point 2 to be amended to read -

Heritage at Risk: The Council identifies buildings and structure at risk and proactively seeks to conserve their preservation and where required bring back into viable use, including identifying sources of funding.

Bullet point 5 to be amended to read -

Area based work: Conservation Preservation and enhancement of the historic environment is a key objective.....

12. And add a new bullet point 6 to read (please note this textual change, an amendment of that proposed in the Draft List of modifications to the Submission Draft Local Plan)-

The Council recognises that development can make a positive contribution to, or better reveal the significance of, heritage assets and will encourage this where appropriate. Responding appropriately to the significance of heritage assets and its setting can greatly enhance development schemes (for example, King's Cross Central).

13. Collectively these word changes combined with those already proposed in the Draft List of modifications to the Submission Draft Local Plan would reflect NPPF

paragraphs 58 (bullet point 4), 126, 131, 157 (last bullet point) and provide a minimum level for the plan to be considered in compliance with national policy, in terms of providing a positive strategy for the historic environment.

c) Are there any tensions between the sections in Policy D2 on designated heritage assets, conservation areas and listed buildings? Does Policy D2 accord with paragraphs 133 and 138 in the NPPF?

14. No. Changes set out in the Draft List of modifications to the Submission Draft Local Plan to policy D2 and the supporting text helps provide clarity on the management of designated heritage assets, principally listed buildings and conservation area in the context of the Camden Local Plan. The approach taken reflects both national policy, and the legislative framework for the conservation and enhancement of listed buildings and conservation areas.

Recommendation

15. Historic England considers the changes proposed in the Draft List of modifications to the Submission Draft Local Plan and the suggested textual amendments set out in this paper in relation to policy D2 and its supporting text, would help, in general, ensure the Camden Local Plan provides a positive strategy for the management of the historic environment in line with national policy.
16. However the Camden Local Plan fails to fully meet the requirements of national policy in providing a plan-led approach to the management of development (paragraphs 154 and 157 NPPF). In particular policy D1 and supporting text does not accord with Historic England's advice on Tall Buildings (HEAN 4). It currently lacks a sufficiently robust plan-led approach to the management of tall buildings that is proactive and clear in its intentions on where tall buildings would be considered appropriate, taking into account heritage conservation, supported by evidence gathered.