



AMS

Defending Historic Buildings

Patron: HIS ROYAL HIGHNESS THE PRINCE OF WALES, KG KT
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All-Party Parliamentary Group (APPG) on Conservation, Places and People

Call for Evidence - AMS Consultation Response

January 2021

Background

The Ancient Monuments Society (AMS) welcomes the launch of the All Party Parliamentary Group (APPG) on Conservation, Places and People and its first inquiry into the value of the historic environment and how it can help to promote growth and regeneration.

As one of the National Amenity Societies, the AMS has a formal role in the planning system. The Society deals with heritage cases in both England and Wales and advises local authorities on applications for Listed Building Consent; planning applications within heritage conservation areas; and applications that may affect a heritage asset or its setting. The Society also takes an interest in broader planning and heritage matters, such as local distinctiveness, undesignated heritage and place-making.

The Society was founded in 1924 and has fought many successful campaigns to save and champion historic buildings and areas. We believe in the heritage and conservation led regeneration of cities, towns and rural areas across the UK, and the importance of saving, adapting and reusing historic buildings to create viable, valued and locally distinctive places. Restoring, modernising and finding new uses for historic buildings is also essential for creating low-carbon economies.

The Society would like to submit evidence to two aspects of the inquiry: the resourcing of local authorities and the proposed reforms to the English planning system.

Call for Evidence Questions

Question: What have been the impacts of cuts in local government to the capacity of planning departments to facilitate the conservation and regeneration of sensitive historic areas?

Various reports and studies commissioned by the IHBC, Historic England and Royal Town Planning Institute over the past decade have shown the impact of local authority budget cuts and additional pressures on the capacity of their planning and conservation departments to make quality and timely planning and listed building decisions and undertake effective forward plan making.

The MHCLG also acknowledges this is a problem, noting in the Planning Reform White Paper that “We recognise that planning departments need to have the right people with the right skills, as well as necessary resources, to implement these reforms successfully” and, further: “We know that local planning departments are under great pressure – with spending per person on planning and development down 60 per cent and shortages of specialist skills such as design and ecology.”(p70).

A unique aspect of the British planning and listed building consent systems is that it is ‘discretionary’, allowing for decisions to be made at the application stage, with broad public consultation and a rigorous process of negotiation between the applicant and planning and conservation staff. This negotiation means that, in general, development is more likely to be granted permission and more likely to achieve positive community and conservation outcomes. The reduction in planning, and particularly conservation staff, has clearly reduced the ability for local authorities to dedicate the time needed to negotiate quality development outcomes, s106 agreements, and to work with owners of listed buildings to achieve the best possible conservation outcomes for their heritage assets, as well as delivering other historic environment services.

The NPPF emphasises the need to determine the level of harm a proposal would likely have on the significance of a heritage asset, yet the quality of information submitted with a planning or listed building application varies greatly. In areas with limited or no dedicated conservation officers, listed building decisions are being managed and decided by planning staff who do not have the expertise to fully understand the nature of a listed building, particularly heritage assets that have various layers of heritage that are not immediately obvious from its outward appearance. They are increasingly relying on the input of the amenity societies who themselves have limited capacity to respond. It is therefore vital that local authorities have well resourced planning departments with qualified design and conservation experts to manage our built and historic environments.

Simply put, local authorities need to be adequately funded and supported to be able to deliver vital planning and heritage outcomes in a quick, efficient and effective manner.

Question: What are the implications of the government's reforms to the English planning system, proposed in the planning white paper, for the conservation and regeneration of historic areas?

Towards a Zonal System

The White Paper represents a fundamental reform of the English planning system and a desire to 'cut red tape' and simplify an 'overly bureaucratic' process. At the heart of the White Paper is the proposal to replace the current 'discretionary' planning process with a rules-based system and a move towards a zonal approach, introducing three land categories within Local Plans: Growth, Renewal and Protected areas.

In effect this means a 'frontloading' of the system, with a new focus on the plan-making stage and the introduction of "Specific development standards". In areas zoned for Growth and Renewal, development management would be restricted to limited criteria, including height limits, setbacks, and density limits. While it would appear that site specific controls would likely be developed for large scale developments, small-scale developments would in practice be controlled through a blanket set of rules which, by their nature, cannot to respond to local character and conditions, as it would be impossible to define this at the plan-making stage.

The current system allows for expert advice and public involvement at the planning application stage. Individual cases are considered on their merits and involve individual professional judgement and skills on the part of the Planning / Conservation Officer, skill both in the assessment of the interest of the application site and in negotiating with owners and the public at large. This is particularly relevant when dealing with historic buildings and areas, which might be complex and fine-grained. Importantly, Government reporting shows that the overwhelming majority of cases are completed within the statutory or agreed time-frame, demonstrating that the current system is not a hinderance to the timely delivery of planning decisions.

A consequence of 'frontloading' is that once land is zoned, there will be a 'presumption in favour' of permission, diminishing the rights of local communities and their elected representatives, who will be powerless to stop inappropriate development at the time it is proposed. It also removes the role of planning and conservation officers to represent the public interest in the decision making process.

One only has to look at zonal and prescriptive planning systems in other countries (the New South Wales planning system, for example, adopted a standard local plan template and zones across the State in 2006) to see that this leads to a proliferation of mediocre development that simply meets the minimum design requirements. At the same time a strictly zonal system hinders the delivery of high quality development that 'breaks the mould', as the 'discretionary' approach currently enjoyed by local authorities has been removed. In addition, where a proposal is desirable, but not within an appropriate zone, it takes considerable time to update a local plan to allow that development, that would have currently been purely assessed on its impacts.

Heritage Protection

The White Paper commits to maintaining existing levels of heritage protection, acknowledging that "The additional statutory protections of listed building consent and conservation area consent have worked well, and the National Planning Policy Framework already sets out strong protections for heritage assets where planning permission or listed building consent is needed. We want to build on this framework as we develop the new planning system" (p58).

However, very little detail was provided in the White Paper about how the new planning system would operate. We understand that in Protected areas, proposals would come forward as now through planning applications being made to the local authority and judged against policies set out in the NPPF and Local Plan. In practical terms, this means maintaining the existing Listed Building Consent process and conservation area controls, which have been successful in protecting the best of the nation's heritage.

The White Paper is, however, relatively silent on what land qualifies as 'Protected'. It mentions national parks, green belts, conservation areas and AONBs, but is unclear how this is applied to other areas, such as the approximately 80% of England that is 'rural'.

We are particularly concerned about historic buildings, groups of buildings or neighbourhoods which are not situated in Protected zones. With a general presumption in favour of development in Growth and Renewal areas, there is no detail about how these assets, and particularly their settings, will be protected, and it is likely that such a presumption will harm heritage sites with such a blanket approach.

The AMS is particularly concerned about what will happen to undesignated heritage, especially outside of Protected areas. Public attitudes towards what is historically and architecturally significant change over time (as, for instance in recent years with industrial, post-war and military sites) and there must be sufficient flexibility in the system to reflect these changes. In some cases, this will lead to new designations. In addition, there is what might be described as 'humble heritage', everyday buildings, townscapes and landscapes which contribute to the local distinctiveness of an area and are often cherished by communities.

Further, many town centres are already conservation areas and have a concentration of civic and listed buildings, thus would be Protected areas, yet these are where local authorities do seek to concentrate new and appropriate mixed use development. There is the risk that this zoning system would promote out-of-town development, further undermining the role of existing town centres and the heritage that makes them special.

We do very much welcome the Government's commitment to local listing and the National Amenity Societies and others in the sector believe that local listing would be more effective if it were offered more statutory protection in the planning system, particularly in light of the development zones proposed.

Permitted Development

The White Paper restates the commitment to new permitted development rights to enable the construction of homes above existing buildings (upwards extension) and the demolition of and rebuild of vacant buildings for housing, without the need for usual planning permission to assess the impact on the surrounding development. The heritage sector has for some time made strong arguments against these measures. Permitted development gives no consideration to heritage on the basis that it is excluded, but can be particularly damaging when applied to buildings directly adjacent to a heritage asset, view corridor, or conservation area.

Technical Expertise

The AMS is very alarmed at the White Paper's stated intention to explore "better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings" (p58). This is the proposed use of private certifiers and represents a threat to unbiased decision making. We do not believe it is possible for a professional employed by an owner to present an entirely impartial case, as the financial interest of the client/consultant relationship predominates. There is also a worrying reference to "suitably experienced architectural specialists [having] earned autonomy from routine listed building consents" (p59). Not only is this assumption dangerous, there are also cases where the advice of a historic building consultant or archaeologist is necessary to determine what intervention is appropriate.

Design

Another area of the proposed planning reform is the idea that design codes can create 'beauty'. The concept of beauty is very difficult to define in general terms and is ultimately subjective. The idea of a "Fast-track for beauty" is unrealistic and open to interpretation. The concern for the heritage sector

would be the assumption that ‘pastiche’ design constitutes beauty, undermining the real heritage significance of heritage assets and conservation areas.

Plan Making

With regards to plan making, the White Paper aims to “democratise the planning process by putting a new emphasis at the plan-making stage” (p20). While the aspiration to improve community involvement at the plan-making stage is positive, the AMS is concerned that frontloading the system means that communities are disenfranchised from meaningful decision-making when a development is proposed, often long after a plan is made. It is very difficult to comment on something which is presented at an early stage as an abstract concept – and we know this already with outline planning proposals which often do not have the level of detail local residents want to determine the impact on their amenity.

Ross Anthony
Case Work
Ancient Monuments Society

Question: How can the care, repair and regeneration of the historic environment help to meet the UK's commitment to sustainable development, including cutting emissions to net zero by avoiding the use and waste of scarce resources associated with demolition and redevelopment?

The AMS is committed to helping the Government deliver Net Zero emissions by 2050. Our Patron, the Prince of Wales, recently re-affirmed his commitment to tackling climate change in an address to mark the opening of Climate Week in September: “Without swift and immediate action, at an unprecedented pace and scale, we will miss the window of opportunity to ‘reset’ a more sustainable and inclusive future.” The AMS shares this vision and believes that the historic environment has an important part to play in delivering this more sustainable future.

We therefore support reforms to the planning system to ensure it has a proactive role in promoting environmental recovery and long-term sustainability. While this is a positive development, it will be important to ensure that such measures do not negatively impact on the character of historic buildings and areas, and the role of the local authority conservation officers will be vital in facilitating the upgrade of our historic building stock to meet these environmental standards.

Last, but not least, it is important to consider the embodied energy that the existing building stock contains, and how repurposing old buildings is often more efficient than building new ones. We would draw your attention to Historic England's annual research report for 2019 *'There's No Place Like Old Homes'*, which shows that retrofitting existing historic buildings carries a drastically smaller carbon footprint than demolition.