

4. CHAPTER FOUR - HISTORIC ENVIRONMENT

4.1 POLICY HE 1: NEW DEVELOPMENT IN CONSERVATION AREAS

(Proposed Change 39)

Representations

GOSE	HE01-172/95-RD-O
Uplands Estate Houseowners Association	HE01-469/3-ID-O
Network Rail	HE01-514/5-RD-O
English Heritage	HE01-628/19-ID-O
English Heritage	HE01-628/20-ID-O

Issues

- a. Whether the policy accords with government guidance relating to development in conservation areas.
- b. Whether the policy would prejudice the operational requirements of Network Rail.
- c. Whether the supporting text provides sufficient detail about the historic context and its relation to other parts of the Plan.
- d. Whether English Heritage should be referred to in the text.

Inspector's Reasoning and Conclusions

- 4.1.1 The first criterion in the policy does not reflect the statutory duty under Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As GOSE points out this is reiterated in Planning Policy Guidance Note 15: *Planning and the Historic Environment* (PPG 15). Proposed Change 39 does not meet the objection because it requires preservation and enhancement, which is too high a test. Paragraph 4.5 in the Plan contains similar provisions and needs to be changed. It is unnecessary to refer to detraction and I recommend that the words in the Act are used.
- 4.1.2 Conservation Character Appraisals will record and define the special architectural or historic interest that justifies designation. The first criterion of the policy requires that development proposals should be assessed against them but in Paragraphs 4.4 and 4.5 of the Plan it is clear that they have not been undertaken for all conservation areas and therefore can only be a material consideration where available. The policy should make this clear. The Uplands Estate Houseowners Association ask for an appraisal of their conservation area to be made a matter of priority. However, as the Council comment in its response this would be quite separate from the local plan process and not a matter that I can consider.

- 4.1.3 Network Rail are concerned that the provisions of the policy should not conflict with their management needs to ensure the safe and efficient operation of the railway. The Council has pointed out that the rail network is not located close to any conservation areas within its area. Reference has also been made to the *Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedures) Regulations 1992* where certain proposals would be referred to the relevant Secretary of State for decision. In the circumstances, I do not consider that the policy needs to be changed or that the operational interests of Network Rail are likely to be materially prejudiced.
- 4.1.4 English Heritage consider that Chapter 4 should be linked to “The Renaissance of the City – Strategy Working Papers” which is referred to in Paragraph 1.13 of the Plan. I have commented in Paragraph 1.3.2 of this Report that it is important to realise that the Local Plan is but one of a number of strategies and these will be complementary to each other. However in Paragraph 1.3.8 of my Report I have agreed with the Objectors that there is insufficient recognition of the value of Southampton’s heritage in the overall strategy of the Plan. I suggested that this could be best addressed within the section on the *City of Culture*.
- 4.1.5 English Heritage have not explained in what way they consider that more detail should be included to explain the interaction of the historic environment with the cultural, tourism, education and leisure aspects of the Plan. In the absence of any specific suggestions I am inclined to agree with the Council that it is most important that the Plan concentrates on those matters which are likely to provide the basis for the consideration of planning applications.
- 4.1.6 It does not seem to me necessary to include reference to English Heritage’s advisory role in relation to historic buildings and conservation areas. Whilst applications for listed building consent have to be referred to them, there is no statutory requirement for such applications to have regard to the provisions of the development plan. To include reference to the consultation procedures would therefore not be particularly helpful, in my opinion.
- 4.1.7 English Heritage have suggested some additional points to be included in Paragraph 4.5 and Policy HE 1. However, these are matters that would be covered in a Design Statement accompanying a planning application. The submission of such a statement is a requirement of the second criterion in the policy in the Revised Deposit version. The draft Development Design Guide¹ is intended to become Supplementary Planning Guidance to the Plan and, in the circumstances, I consider it unnecessary to include the additional text suggested by English Heritage.

¹ See Core Document CD18/1

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ By revising the first sentence of Paragraph 4.5 to say *"preservation or enhancement"*.
- ◆ By deleting the first criterion of Policy HE 1 and replacing it with the following new criterion:
"must preserve or enhance the character and appearance of the conservation area, having regard to the Conservation Area Character Appraisal where available".

I recommend that no modification be made in respect of Proposed Change 39.

4.2 POLICY HE 2: DEMOLITION IN CONSERVATION AREAS

Representations

GOSE
English Heritage

HE02-172/49-ID-O
HE02-628/21-ID-O

Issue

- a. Whether the policy and text adequately reflects advice in PPG 15 regarding the demolition of unlisted buildings in conservation areas.

Inspector's Reasoning and Conclusions

- 4.2.1 GOSE has pointed out that Paragraph 2.12 of PPG 15 advises that applications for conservation area consent and planning permission should be considered concurrently. The Council say that this is standard practice but it is not what the final sentence of the policy actually requires. It is clearly desirable that the consent is not granted unless and until there is permission for a redevelopment. In this regard I consider it appropriate that the reference in Paragraph 4.9 should remain – albeit that the last words in sentence four should be "planning permission" not "planning consent". However, the important thing is that the developer is in no doubt that the two applications should be submitted simultaneously to enable the Council to consider them side by side. In this respect the policy needs to be changed.
- 4.2.2 English Heritage has suggested that Paragraph 4.9 refers to the tests set out in Section 3 of PPG 15. Additional wording has been added to the supporting text in the Revised Deposit version. This seems to me to satisfy the thrust of the objection.

4.2.3 Whilst not the subject of an objection², I suggest that the policy should relate solely to demolition, as alterations requiring planning permission would fall to be considered under Policy HE 1. Also, I suggest that the first sentence should be reworded to make it clearer and more succinct. The first criterion should refer to Conservation Area Character Appraisals “where available” for the same reasons as I gave in my comments on the preceding policy. The two criteria are presumably in the alternative, which needs to be made clear. Finally, it seems to me to be unnecessary to refer to Policy HE 1 in the last part of the policy as it is quite obvious that redevelopment proposals will be subject to its provisions.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

◆ **By revising Policy HE 2 as follows:**

◆ **Delete the first sentence and replace it with:**

“Consent will be refused for the demolition of an unlisted building in a conservation area unless:”

◆ **Add “where available; or” to the end of the first criterion.**

◆ **Delete the final sentence and replace it with:**

“Applications for consent to demolish should be accompanied by an associated planning application for the comprehensive redevelopment of the site”.

◆ **By replacing “consent” in the fourth sentence of Paragraph 4.9 with “permission”.**

4.3 POLICY HE 3: LISTED BUILDINGS

Representations

English Heritage

HE03-628/22-ID-O

Issue

- a. Whether the provisions of the policy provide adequate protection for development affecting listed buildings.

Inspector's Reasoning and Conclusions

4.3.1 English Heritage have suggested that the fourth provision of criterion two should be prefaced with the words “it can clearly be

² Inspector’s Note – The Uplands Estate Houseowners Association specifically supported the reference to “alterations” in the policy and I have borne this in mind in my recommendation that it should be deleted.

demonstrated that" and this seems to me to be a sensible addition. The Objectors were also concerned about compromise to the economic future of the listed building by unrelated development upon curtilage land that may be needed for its possible re-use and regeneration. The Council included an additional criterion three at Revised Deposit stage and although this is less specific it would address the situation that English Heritage is concerned about.

RECOMMENDATIONS

I recommend that the plan be modified by adding the words "*it can clearly be demonstrated that*" to (ii)(d) of Policy HE 3.

4.4 POLICY HE 4: LOCAL LIST

Representations

English Heritage

HE04-628/23-ID-O

Issue

- a. Whether the policy serves a useful planning purpose.

Inspector's Reasoning and Conclusions

- 4.4.1 Paragraph 6.16 of PPG 15 suggests that planning authorities can draw up lists of locally important buildings and formulate local plan policies for their protection. The main problem is that the Council has very limited powers to prevent demolition of locally listed buildings unless the site is within a conservation area. If that were to be the case the proposal would fall to be considered under Policy HE 2 anyway.
- 4.4.2 Even in those limited cases where demolition does comprise development it is likely to be permitted under the provisions of Part 31 of Schedule 2 of the *Town and Country Planning (General Permitted Development) Order*. The policy also refers to alterations. However, I find it difficult to understand the link between such development and the first criterion of the policy.
- 4.4.3 The second criterion requires the building or its affected parts to be recorded. However, I would have expected this to have been done by the Council as justification for including it on the local list in the first place.
- 4.4.4 English Heritage's suggestion to support the Local List with Article 4 Directions seems sensible and has been included in Paragraph 4.14 of the Revised Deposit version. In the circumstances, I do not consider that Policy HE 4 serves any useful planning purpose and I recommend that it be deleted. If the Council wishes to include a policy I suggest that it should focus on the criteria that will be used

to determine planning applications for development involving locally listed buildings. However, the Council should bear in mind that these buildings do not enjoy the protection of statutory listing.

RECOMMENDATION

I recommend that the Plan be modified by deleting Policy HE 4.

4.5 POLICY HE 5: REGISTER OF PARKS & GARDENS OF SPECIAL HISTORIC INTEREST IN ENGLAND

Representations

GOSE
English Heritage
Hampshire Gardens Trust

HE05-172/48-ID-O
HE05-628/24-ID-O
HE05-1119/1-ID-WDC

Issue

- a. Whether the Plan should also include parks and gardens of local historic interest.
- b. Whether the policy should address archaeological issues.

Inspector's Reasoning and Conclusions

4.5.1 The Hampshire Gardens Trust point out that the policy ignores those parks and gardens that are of local historic interest such as those included within the Hampshire Register. The Council in its response has suggested changes to the wording of the policy and supporting text and on this basis the objection has been withdrawn. The changes also satisfy the point made by English Heritage regarding extending the policy to include non-registered parks and gardens. I support these revisions in principle although they do not appear to have been advanced in a formal Proposed Change. I have though suggested a slightly different form of wording as "historic landscapes" seems to me to be rather all-embracing. As Paragraph 6.40 of PPG 15 says, the whole of the landscape to varying degrees is an archaeological and historic artefact. This approach reflects Policy E15 in the Structure Plan, which refers to the importance of both the national and local register.

4.5.2 GOSE objected to the policy at Initial Deposit stage on the basis that it is not considered to reflect advice in Paragraphs 15 and 16 of Planning Policy Guidance Note 16: *Archaeology and Planning* (PPG 16). It seems to me that the archaeological issues would best be kept separate from those relating to the historic interest of the site. Archaeological matters are dealt with under Policy HE 6 and I recommend that Policy HE 5 and its supporting text should delete reference to archaeology. This would satisfy GOSE's objection.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ By deleting Policy HE 5 and replacing it with the following new policy:

"HE 5: Parks and Gardens of Special Historic Interest

Development will not be permitted which would detract from the character or setting of parks and gardens of special historic interest, including those on the national and local register".

- ◆ By including additional text to explain the role of the Hampshire Register of historic parks and gardens and listing the sites on the local register in an Appendix to the Plan.
- ◆ By deleting reference in the third sentence of Paragraph 4.16 to "archaeological value".

4.6 POLICY HE 6: ARCHAEOLOGICAL REMAINS

(Proposed Change 90)

Representations

East Bassett Residents Association	<u>HE06-18/5-ID-O</u>
GOSE	HE06-172/50-ID-O
English Heritage	HE06-628/25-ID-O
Southampton and Fareham Chamber of Commerce	HE06-1032/14-RD-O
Old Town Residents Association	<u>HE06-1034/38-O</u>
Associated British Ports	HE06-1113/13-RD-O

Issues

- Whether the Plan reflects government guidance in terms of the impact of development on archaeology.
- Whether the archaeological areas should be identified on the Proposals Map.
- Whether the Plan should refer specifically to the archaeology of the Port.

Inspector's Reasoning and Conclusions

4.6.1 GOSE objects to this policy on the basis that it does not reflect government guidance in PPG 16. Although changes have been made to the policy and text in the Revised Deposit version, GOSE's objections have not been withdrawn. Southampton has a very important archaeological legacy and English Heritage points out that the town wall, much of which is still intact, and its relationship with the waterfront is of national importance. The supporting text contains no reference to Scheduled Ancient Monuments or the Archaeological Priority Area in the Old Town. Although I note that

they are referred to in Paragraph 11.19 in the Local Plan I think that a reference should be included in this section also.

- 4.6.2 I do not agree with Southampton and Fareham Chamber of Commerce that archaeological investigation does not give good value for money. As PPG 16 points out, archaeological remains are an irreplaceable and finite resource and their treatment is an important material consideration. The Old Town Residents Association consider that important historic sites can be sterilised by the time taken on archaeological investigation. I agree that this can be the case and it is important that sites are not closed to the public for unreasonable periods. However, this is a matter of management and not an issue for the Local Plan.
- 4.6.3 Paragraph 15 of PPG 16 says that the Proposals Map should identify the archaeological areas and sites to which the policies in the Plan apply. I note that such an area was identified in the adopted Local Plan and the area of archaeological potential needs to be shown on the Proposals Map of the emerging Plan.
- 4.6.4 In my opinion it would be much clearer if there were two policies. The first to establish the evaluation procedure and the second to set out the way that development affecting archaeology will be considered. I commend this approach to the Council and have recommended additional text to accompany the new policies. I consider that the new wording would satisfy the objection by GOSE. It would also meet English Heritage's concern that the policy needs to be strengthened in view of the national importance of the town walls and their setting. In the Revised Deposit version at Paragraph 4.20, reference is made to the Old Town Development Strategy. This has been adopted as Supplementary Planning Guidance to the Plan and accords with the suggestion of English Heritage.
- 4.6.5 East Bassett Residents Association suggests a further provision regarding upkeep of museums and improved public access to collections. These are not matters for the Local Plan although the second policy requires publication of results and the text encourages curation of the results for the benefit of present and future generations.
- 4.6.6 Associated British Ports object to the Eastern Docks and Town Quay area being singled out in Paragraph 4.22 in terms of their significance for industrial archaeology. The Objectors consider this to be unnecessary as Paragraph 4.18 says that the policy applies to the whole city. I do not agree. The explanatory text should contain information about parts of the city where there is particular archaeological interest. It may well be that there are other areas that should be mentioned too and I suggest that the Council should consider whether this is the case. Although Policy MSA 4 deals with development at Town Quay there is no reason why archaeological references should be confined to that section. Proposed Change 90 is rather unclear as to whether all or part of Paragraph 4.22 should be deleted. However, I consider that it should all remain so I do not support the proposed change.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ By including the area of archaeological potential on the Proposals Map.
- ◆ By deleting Policy HE 6.
- ◆ By including the following new Policy:

"Archaeological Potential

Where a development proposal is likely to affect an area of archaeological potential or any other area known or likely to contain archaeological remains, an appropriate evaluation will be required prior to the determination of the planning application. In the absence of sufficient information on the extent and importance of archaeological remains, planning permission will be refused".

- ◆ By deleting Paragraph 4.19, save for the first sentence which should be added to the end of Paragraph 4.18.
- ◆ By including the following new Paragraph 4.19:

"When considering development proposals that could affect archaeological sites, the Council will require sufficient information to be submitted so that the likely impact of the proposal on the remains can be ascertained. This will initially involve a desk-top assessment and where this exercise indicates that important remains may exist, a field evaluation will be necessary to help define their nature and extent. This information will help inform the judgement about the weight to be attached to their preservation. Informed and reasonable planning decisions on archaeological matters are most easily made where there has been early consultation and consideration of the likely impact of a development on the archaeological resource".

- ◆ By including the following new policy:

"Archaeological Remains

Development that would affect a site of archaeological potential will be expected to include appropriate measures for the protection of remains. The following considerations will apply:

- i) There will be a strong presumption in favour of the physical preservation in situ of nationally important remains and their settings.***
- ii) Where preservation in situ is not feasible either because there are other overriding considerations or because the remains are of less intrinsic importance, adequate provision should be made for the excavation and recording of the remains and the publication of results. These measures will be secured through the***

negotiation of a planning obligation or the imposition of a planning condition”.

- ◆ **By including the following new paragraph prior to Paragraph 4.20:**

“Where remains exist of national or local importance, preservation in situ is the preferred means of protection. However, this has to be assessed on the individual merits of the case. Where in situ preservation is not merited because the remains are of less intrinsic importance or where there are other overriding constraints, provision must be made for the remains to be excavated and recorded prior to development progressing. The results should also be published and arrangements made for the curation of the evidence for the benefit of current and future generations. Suitable means of protection, including a programme of site management, will be sought through the use of a planning obligation or the imposition of an appropriate Grampian style condition”.

- ◆ **By combining and expanding Paragraphs 4.20 and 4.21 to identify the Scheduled Ancient Monuments and the Archaeological Priority Area.**
- ◆ **By deleting Paragraph 4.23.**

I recommend that no modification be made to the Plan in respect of Proposed Change 90.