

Public Examination of the Development Management Local Plan

London Borough of Lewisham response to the Inspector's initial query regarding DM36 - 38: Conservation Policies

Since these policies are all of general applicability, do they add anything of significant value to the principles clearly set out in the NPPF part 12?

In any case, part (4) needs rewording to reflect the statutory duty of 'preserving or (not 'and') enhancing their character or (not 'and') enhancing their character or (not 'and' appearance'.

(Note a complete list of all the Inspector's initial questions are on the Examination website and can be accessed via the following link:

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/development-policies/Documents/DMLPInitialQueries.pdf>)

Planning Policy – 13 January 2014

Council Response

1. Introduction

- 1.1 The Lewisham Core Strategy, although prepared and adopted prior to the National Planning Policy Framework (NPPF), does set out a positive strategy for the treatment of heritage assets in the borough. The thematic policy CS 16 summarises the type of assets in the borough and considerations for their enhancement are carried through into other Core Strategy policies; including the Spatial Regeneration policies and general thematic policies e.g. on urban design, tall buildings and shopfronts.
- 1.2 In the case of DM 36 to 38 the Council considers that the policies do add significant value to the principles set out in part 12 of the NPPF as they translate, where necessary, these principles into more specific guidance for development management in the local context, provide greater clarification and inform the public and developers about the Council's expectations and the value it places on the Borough's heritage assets.
- 1.3 Although the policies reflect the principles that are set out in the NPPF, for the effective protection of the historic environment it is considered essential to have clearer policies within the Development Management Local Plan which will be the first point of reference for any local residents, building owners or developers intending to undertake development in the Borough of Lewisham.

- 1.4 The aim of these policies has been to avoid being overly prescriptive or restrictive, but to provide greater clarification on issues that have arisen in the day-to-day development management process since the introduction of the NPPF.
- 1.5 English Heritage was consulted at all stages of preparation of the DMLP and provided comments in writing to the Council on 15 February 2013 on the Further Options Report. These comments were generally supportive and included suggestions to strengthen the policies proposed.

2. DM Policy 36

- 2.1 The general principles in DM36 reflect the NPPF requirements to provide a statement of heritage significance for any proposal for development and the need to provide clear and convincing justification for any harm to the significance. However, paragraph 3 refers to climate change and historic assets, highlighting English Heritage Guidance as a reference point and alerting to the fact that some energy efficiency improvements may not be acceptable if they have a negative effect on the character or appearance of heritage assets. This is missing from the NPPF which omitted relevant policies previously set out under HE1 of the former PPS5.
- 2.2 Under part 'B. Conservation Areas' the policies provide greater clarification than the NPPF on the special characteristics of a conservation area that may be harmed (i.e. buildings, spaces etc.). They highlight the issue of cumulative harmful impact of small-scale changes, which often arises in the conservation areas in the borough whose special interest relies on consistency in materials and detailing (see paragraph 2.293). Further reference is made to specific details, such as front gardens and boundaries and the location of bin stores and bike sheds, which have become increasingly a matter for consideration in planning applications pertinent to Lewisham
- 2.3 The Council agrees with the Inspector that part 4 of DM36 will need to be amended to reflect the statutory duty of 'preserving or enhancing'. The Council therefore propose the following modification with **additional text in bold and underlined** and deletions ~~struckthrough~~.

B. Conservation areas

4. The Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving ~~and~~ **or** enhancing their character ~~and~~ **or** appearance, will not grant planning permission where....

- 2.4 Under part C. Listed Buildings the added value is that the policy draws attention to the considerations that will be applied for the change of use of Listed Buildings; clarification is provided on what the Council understands under 'viable use'; and what further considerations for the change of use may apply, for example the impact of compliance with Building Regulations.

3. DM Policy 37

3.1 The Council considers that the issue of non-designated heritage assets is not dealt with in any detail in the NPPF and essentially this policy provides the flesh to the NPPF skeleton. It highlights the existence and value of non-designated heritage asset as a signpost to those reading the Plan and the considerations that will apply in assessing planning applications affecting such assets. Attention is drawn under general principles to the fact that the Council may identify non-designated heritage asset during the development management process.

3.2 English Heritage in their comments on the Further Options supported the Council's recommendation for this issue suggesting further strengthening of the policy relating to non-designated heritage assets of archaeological interest.

4. DM Policy 38

4.1 This policy provides additional clarity on what tests apply with regard to proposals for demolition or substantial harm to designated and non-designated heritage assets and what evidence the Council requires to justify substantial harm or loss. Considering the lack of detailed guidance on this sensitive issue in the NPPF it is considered essential to have these clearly set out within the Local Plan. English Heritage in their response to the Further Options supported the Council's intention of providing clarity on the issues relating to demolition.