

CHAPTER 5: HISTORIC ENVIRONMENT

5.1. General Comments

OBJECTIONS TO DEPOSIT PLAN

Proposal/ Paragraph	Rep Number	NAME
CHAP5	212/7	Bishops Waltham Society

ISSUE

Whether important policies have been omitted from the Chapter. (212/7).

INSPECTORS CONSIDERATION AND CONCLUSIONS

5.1.1 The objector in this issue expresses concerns as to the omission of a number of Proposals that are included within the adopted Local Plan (the number has been reduced from 24 to 17 in the Revised Deposit). As the District includes the historic city of Winchester, the importance of policies to protect the historic environment cannot be underestimated. However the Council has explained that some rationalisation of the policies in the adopted Local Plan has been necessary, both to respond to the evolution of the legal framework for the protection of listed buildings and Conservation Areas and to make the policies more coherent. I deal with objections to the omission of individual policies in the paragraphs below, but overall I do not consider that any changes are required as a result of this general objection.

RECOMMENDATION

5.1.2 That no modification be made to the Plan.

5.2. Archaeology (paragraphs 5.4 - 5.10, Proposals HE.1 & HE.2)

OBJECTIONS TO DEPOSIT PLAN

Proposal/ Paragraph	Rep Number	NAME
5.9	468/22	Cala Homes (South) Ltd
HE.1	468/21	Cala Homes (South) Ltd
HE.1	214/8	Grainger Trust Plc
HE.1	349/2	Ian White
HE.1	138/25	John Hayter
HE.2	386/10	Bewley Homes
HE.2	214/9	Grainger Trust Plc
HE.2	347/2	Terence Jones

ISSUES

1. Whether Proposal HE.1 should be modified to improve its clarity and coverage (138/25), (214/8), (468/20, 468/21).
2. Whether Proposal HE.2 should be modified to extend its coverage and to more closely reflect the wording in national guidance (214/9, 347/2).
3. Whether planning applications could secure a greater role in achieving archaeological objectives (468/22, 386/10).
4. Whether the archaeological section of the Chapter is undermined by the inclusion in the Local Plan review of the Winchester City (North) MDA (349/2).

INSPECTOR'S CONSIDERATION AND CONCLUSIONS

- 5.2.1 On the first issue, the adequacy of Proposal HE.1 has been criticised by a number of objectors. One objector has suggested the recording of all features of interest, not just archaeological ones. However, as the Council points out, this policy is concerned only with features recorded in the Sites and Monuments Record and in my view any widening of its scope would be a recipe for confusion and repetition.
- 5.2.2 Another objector supports Proposal HE.1 but considers that the wording should follow that of PPG16 more closely. However whilst PPG16 informs the policy and must also be considered in tandem with it, I consider that there is no particular merit in repeating its provisions verbatim. Indeed the Council's wording is in my view more appropriate to the context of a Local Plan. The Council has addressed an inconsistency with PPG16 by the inclusion of the word 'excavation' in the second paragraph of the policy in the Revised Deposit and with this alteration I see no necessity for further amendment on the lines suggested.
- 5.2.3 The suggestion by a further objector that the first line of the policy should refer to 'nationally' important archaeological sites would be too restrictive, as paragraph 16 of PPG16 makes clear. However the point could be considered by referring to nationally important sites in paragraph 5.8 of the Plan and I shall recommend accordingly. As regards the objector's allegation of vagueness by the use of the words in the policy 'where such preservation is not possible or desirable' I do not consider that such criticism is justified. In my opinion it is essential for the policy to include flexibility to enable the Council to make a judgement on the merits of the particular case before it. The further suggestion that the information held on the Sites and Monuments Record should be shown on the Proposals Map is impractical and I agree with the Council that this would be inconsistent with the approach taken in the Plan on other supplementary data which has to be referred to (for example in relation to Nature Conservation Proposals).
- 5.2.4 Turning now to the second issue, an objector again considers that the wording of PPG16 should be followed more closely, but this time in connection with Proposal HE.2. However as I state in paragraph 5.2.2 above, provided the policy is consistent with national guidance (in this case Section B of PPG16), I see no point in repeating the exact words. In fact I would see this practice, if generally applied, as being detrimental to the analytical content of the Local Plan Review and its relevance to the appropriate local interpretation of national policy. A further objector requested that Proposal HE.2 be modified to refer to sites that in the future may be recognised as having archaeological importance. In the Revised Deposit the Council has met this point by the deletion of the reference in the policy to sites identified and recorded in the Sites and Monuments Record. I consider that this objection adequately deals with the objection.
- 5.2.5 The third issue concerns the role of planning applications in securing archaeological objectives. Firstly, an objector has referred to the omission of any reference to planning conditions in paragraph 5.9 but this has been corrected by the alteration to include it in the Revised Deposit. Another objector considers that Proposal HE.2 is too restrictive in that it should recognise that planning application design statements can include an investigative report on archaeological sites. If the basis of this objection is that design statements submitted with planning applications could include a commitment to carry out such work, then this is clearly unsatisfactory as this information is required with the application to enable a full assessment before any permission is given. If, however, the suggestion is that the results of an investigation can be included in a design statement, then no alteration to the policy is required as it already refers to an 'adequate archaeological assessment'.
- 5.2.6 The final issue in respect of archaeology is raised by an objector who considers that Proposal HE.1 and paragraph 5.4 would be rendered meaningless if the reserve housing provision at Winchester City (North) MDA were to go ahead (Proposal NC.3). I have dealt with this proposal elsewhere in my report but concur with the Council's view that the archaeological resource of this area can be dealt with through normal planning procedures in accordance with Proposals HE.1 and HE.2. In short, archaeology does not represent an absolute constraint on the development of the area.

RECOMMENDATION

5.2.7 That the Plan be modified by amending the first sentence of paragraph 5.8 to read: *'The requirement to preserve in situ the most important archaeological sites and their settings, in particular those recognised nationally, should be reflected in the design of development proposals'*.

5.3. Historic Parks, Gardens and Battlefields (paragraphs 5.11 - 5.12, Proposal HE.3)

OBJECTIONS TO DEPOSIT PLAN

Proposal/ Paragraph	Rep Number	NAME
5.11	468/23	Cala Homes (South) Ltd

ISSUE

Whether Proposal HE.3 should concentrate on protecting the designated area only or also take account of development in the wider landscape, which is likely to impact upon it? (468/23)

INSPECTORS CONSIDERATION AND CONCLUSIONS

5.3.1. The objector in this issue objects to the use of 'by intrusion into wider views' in paragraph 5.11 as the wording is considered ambiguous and contrary to the guidance in PPG12. The Council has referred to paragraphs 2.24 to 2.26 of PPG15 and paragraph 15 of PPG16 as the justification for the inclusion of the phrase. I agree with the objector that there is scope for ambiguity in the disputed words and indeed that they could be used to unreasonably oppose development just because it could be seen at a considerable distance from the historic park, garden or battlefield. Proposal HE.3 itself uses the term 'setting', which implies a more intimate relationship with the landscape and I consider that this should be used in the paragraph with the deletion of the disputed phrase.

RECOMMENDATION

5.3.2. That the Plan be modified by altering the final sentence of paragraph 5.11 to read: 'Developers will be responsible for ensuring that development proposals do not adversely affect the character of an historic park or garden or battlefield identified on these registers, either directly or indirectly by an impact on its setting, disturbance by noise or water pollution'.

5.4. Development in Conservation Areas (paragraphs 5.17 - 5.29, Proposals HE.4 - HE.8)

OBJECTIONS TO DEPOSIT PLAN

Proposal/ Paragraph	Rep Number	NAME
HE.4	212/8	Bishops Waltham Society
HE.4	468/24	Cala Homes (South) Ltd
HE.5	254/3	Ann Rich
HE.5	212/9	Bishops Waltham Society
HE.5	374/2	Hawthorne Kamm Ltd
HE.5	345/4	Hugh Watson
HE.5	1376/2	J. G Hurcom
HE.5	350/1	Martin Meadows
HE.5	1245/3	P. H. Radcliffe
HE.5	313/2	St Giles Residents' Association
HE.5	343/2	Stephenson
HE.5	1251/3	W. G. Pollock

HE.6	345/5	Hugh Watson
HE.7	261/31	Government Office for the South East
HE.7	351/1	John Beveridge
HE.8	254/2	Ann Rich
HE.8	386/21	Bewley Homes
HE.8	345/6	Hugh Watson
HE.8	1376/3	J. G Hurcom
HE.8	1245/4	P. H. Radcliffe
HE.8	313/1	St Giles Residents' Association
HE.8	343/3	Stephenson
HE.8	397/5	Taylor Woodrow (was Bryant Homes)
HE.8	1251/4	W. G. Pollock

OBJECTIONS TO REVISED DEPOSIT PLAN

Proposal/ Paragraph	Rep Number	NAME
RD0504	250/1	English Heritage South East Region
RD0505	2312/16	Kingfisher Housing Association

ISSUES

- Whether Proposal HG.5 in the adopted Local Plan should be included in the Local Plan Review Proposals (212/8)
- Whether Proposals HE.4, HE.5, HE.6, HE.7 and HE.8 are suitably worded and are adequate in their coverage and strength to serve as appropriate policy guidance for development in, or affecting, Conservation Areas (212/9, 250/1, 254/2, 254/3, 261/29, 261/30, 261/31, 313/1, 313/2, 343/2, 343/3, 345/4, 345/5, 345/6, 350/1, 351/1, 374/2, 386/21, 397/5, 468/24, 1036/2, 1245/3 + 29 other signatories, 1245/4+ 30 other signatories, 1251/3, 1251/4, 1376/2, 1376/3, 1377/2, 2312/16).

INSPECTORS CONSIDERATION AND CONCLUSIONS

- 5.4.1. On the first issue, the objection is to the omission from the Plan of the adopted Local Plan's Proposal HG.5. However the Proposal is clearly not a policy that is directly relevant to the determination of planning applications and is more appropriate as part of the explanatory text where it can in fact be found as paragraph 5.15 of the Plan. I therefore see little merit in the objection.
- 5.4.2. I now turn to the second issue and to each of the Proposals for development in or affecting Conservation Areas. Firstly, Proposal HE.4 is objected to on the grounds that it should include the requirements of paragraph 5.19, which refers to the tendency of development land to be subdivided as suburban plots rather than in a form more in keeping with the traditional layout of historic towns and villages. However I agree with the Council that paragraph 5.19 and proviso (i) of Proposal HE.5, which refer to the need for new buildings to respond sympathetically to the historic settlement pattern, deal with the issue adequately and that there is no need to alter Proposal HE.4.
- 5.4.3. Another objection is to references to distant / higher vantage points within Proposal HE.4 and it is considered that the Plan should encourage development which is consistent with maintaining the overall character of Conservation Areas. However given that there is a specific reference to views into or out of conservation areas in paragraph 4.14 of PPG15 and that the topography of the City of Winchester and some of settlements in the District is such as to afford long distant views, I consider that the objection is unfounded.
- 5.4.4. Proposal HE.5, which is the main policy for guiding development in Conservation Areas, has been criticised by different objectors as being both too prescriptive and too weak. As regards the former, an objector is critical that the policy equates the use of modern materials with the erosion of character and points out that non-traditional materials are often more appropriate for modern buildings in conservation areas. However I am satisfied that the alteration in the Revised Deposit to refer to the preclusion of an 'unsympathetic' use of non-traditional materials wholly addresses the merit of the objection.
- 5.4.5. The main concern with Proposal HE.5 is with its perceived omissions. The first of these is that the policy should address the issue of the potential for high density development to threaten the

character of Conservation Areas. The second concern is that the policy should refer to traffic, parking, noise and other issues causing detriment to the environment. The third point is that the policy fails to mention landscape or environmental features, while finally, it is considered that the policy should be strengthened by referring to the role of Supplementary Planning Guidance and the use of Article 4 Directions to control unsympathetic development.

- 5.4.6. On the first point, a number of the objectors consider that the words 'A design-led approach takes precedence over density' should be inserted into the policy. I understand the concerns of the objectors that an unsympathetic and rigid adherence to high densities could pose a threat to Conservation Areas, as is illustrated by my comments in relation to the Council's housing strategy in Chapter 6. However paragraph 5.20 does provide some comfort to the thrust of the objectors' arguments, whilst the policy itself not only reflects the statutory duty for development proposals to preserve or enhance the character or appearance of a Conservation Area but in proviso (i) also requires development to respond sympathetically to that character and appearance. In my view this wording is adequate to preclude developments of a density which is too high for any particular area in terms of the physical effect that it would have on the local environment.
- 5.4.7. For essentially the same reasoning I resist the suggestions by two of the objectors that the St Giles Hill and Twyford Conservation Areas should have special treatment in the Plan. Conservation Areas can and should, where resources permit, be the subject of published Statements which describe their character and appearance. These documents are invaluable not only for public information on the heritage of the area but also as a reference point for the interpretation of the policies of the Plan. I consider that this is far preferable to introducing policies which effectively prioritise some Conservation Areas over others and in my view when used in conjunction with these, the policies of the Plan provide adequate safeguards.
- 5.4.8. On the second point, namely the requirement by an objector for Proposal HE.5 to include reference to particular threats to the environment, I agree with the Council's view that this is adequately covered by Proposal DP.14, which applies to the whole District. The inclusion of these threats, such as traffic, in Proposal HE.5 would be inappropriate and repetitious.
- 5.4.9. The third point raised is that HE.5 omits any mention of landscape or environmental features where they make an important contribution to the character of a Conservation Area. However, I find that the combination of proviso (i) of the policy with Proposals HE.6 and HE.8 represents wholly adequate guidance for developers on this issue and would provide adequate grounds for the refusal of schemes which pay insufficient regard to the contribution of landscape or environmental features.
- 5.4.10. The final concern in respect of Proposal HE.5 is that it fails to consider references to the Council's Supplementary Planning Guidance and Article 4 Directions. However I consider that paragraph 5.6 (as proposed to be amended by Pre-Inquiry Change PIC 05.01) is the appropriate place for reference to Supplementary Planning Guidance. Whilst Article 4 Directions may prove a useful tool in the Council's armoury, it would not be correct to refer to this somewhat exceptional measure in the context of a general policy.
- 5.4.11. Turning now to Proposal HE.6, an objector is concerned that the policy omits any references both to landscape or environmental features and to proposed tree planting where this is important to maintain the character of the area following the removal of existing mature trees. The Council has picked this point up in the Revised Deposit by now referring to 'important local features and hedges' and 'measures to protect existing landscape and built features' within the policy. In my opinion this, together with the requirements of Proposal DP.5, adequately addresses the objector's concerns. In particular, paragraphs 3.28 to 3.32 deal with the point raised in connection with the need for new tree planting. Although the Kingfisher Housing Association consider that the revised proposal HE.6 is unnecessary, I share the Council's view that site assessments for individual proposals are a reasonable requirement, notwithstanding any information already published within Conservation Area Statements.
- 5.4.12. In respect of Proposal HE.7, GOSE express concern that criterion (iii) appears to oppose the demolition of all unlisted buildings, irrespective of whether they make a positive contribution to the conservation area. However criterion (ii) would allow such buildings to be demolished if they do not

make such a contribution and the policy when read as a whole is not therefore contrary to the guidance in PPG15. A further objector expresses the view that the requirement of Proposal HE.7 to require planning permission for redevelopment at the same time as consent for the demolition of a building would lead to long delays in coming to a decision. I recognise that this could happen in some cases but the advice in paragraph 4.27 of PPG15 that consent for demolition of a building should only be given when there are acceptable and detailed plans for its replacement is very clear and I view this part of the policy as essential to safeguard the character and appearance of Conservation Areas.

5.4.13. Proposal HE.8 has attracted two main objections: firstly that the policy should include more detail in respect of the relationship between trees and landscaping and density calculations, and secondly, that the policy would preclude the development of sites identified in the Urban Capacity Study which would affect the overall supply of housing land availability.

5.4.14. On the first point, although Proposal HE.8 is a general policy, its simplicity and clarity is fundamental to its use as an effective means of resisting development that would not preserve or enhance the character or appearance of the Conservation Area within which the site lies. I therefore consider it inappropriate to add detail in respect of natural features which in any event are covered by Proposal HE.6 and the policies and text of Chapter 3: 'Design & Development Principles'. The point made by the objectors as to density calculations excluding important natural features is covered by Annex C to PPG3 and would therefore have to be applied in the interpretation of all relevant policies. On the second point, as regards Urban Capacity Sites, I deal with the relationship between the character of potential development sites and housing supply in my comments on objections to the Housing Chapter.

RECOMMENDATION

5.4.15 That the Plan be modified in accordance with Pre-Inquiry Change PIC 05.01.

5.5. Shop Fronts (paragraphs 5.30 - 5.32, Proposals HE.9 & HE.10)

OBJECTIONS TO DEPOSIT PLAN

Proposal/ Paragraph	Rep Number	NAME
HE.9	374/3	Hawthorne Kamm Ltd

ISSUE

Whether Proposal HE.9 should be simplified (374/3).

INSPECTORS CONSIDERATION AND CONCLUSIONS

5.5.1 The Council has accepted that the wording of Proposal HE.9 is unnecessarily complicated and accepts the revised wording suggested by the objector. This appears in the Revised Deposit Plan and I agree that it is an improvement and easier to understand.

RECOMMENDATION

5.5.2 That no modification be made to the Plan.

5.6. Blinds and Shutters (paragraphs 5.35 - 5.37, Proposal HE.12)

OBJECTIONS TO DEPOSIT PLAN

Proposal/ Paragraph	Rep Number	NAME
HE.12	374/4	Hawthorne Kamm Ltd

ISSUE

Whether Proposal HE.12 and / or the supporting text should be expanded to clarify what is appropriate and the level of advertising permitted. (374/4)

INSPECTORS CONSIDERATION AND CONCLUSIONS

5.6.1. The Council has expanded Proposal HE.12 in the Revised Deposit to make it clear that proposals for blinds and shutters will be expected to accord with the Council's Supplementary Planning Guidance 'Design Guidance for the Control of Shopfronts and Signs' (1998). I consider that this is a useful addition in response to the objection, but as policies should not contain reference to SPG, it would be more appropriate to insert such mention within the explanatory text.

RECOMMENDATION

5.6.2. That the Plan be modified by removing the reference to *Design Guidance for the Control of Shopfronts and Signs* from the policy and inserting it in the text.

5.7. Historic Buildings - Changes of Use (paragraphs 5.39 - 5.43, Proposal HE.13)

OBJECTIONS TO DEPOSIT PLAN

Proposal/ Paragraph	Rep Number	NAME
HE.13	374/5	Hawthorne Kamm Ltd

OBJECTIONS TO REVISED DEPOSIT PLAN

Proposal/ Paragraph	Rep Number	NAME
RD0511	373/9	Bryan Jezeph Consultancy

ISSUE

Whether Proposal HE.13 adequately deals with uses for Listed Buildings. (374/5, 379/9).

INSPECTOR'S CONSIDERATION AND CONCLUSIONS

5.7.1 In this issue, an objector complains that Proposal HE.13 does not specify what is considered to be 'inappropriate use of cellars' compared to their traditional use and that in any event many of the uses to which cellars have historically been put are no longer commonplace. In addition the policy should be revised to encourage, where appropriate, the use of cellars as a potential source of housing capacity. However in the Revised Deposit the Council has deleted the reference of a comparison to their traditional uses and this in part meets the objector's point, while paragraphs 5.42 and 5.43 provide some further elaboration of the Council's intentions.

5.7.2 Another objector considers that the policy does not make it clear that it relates to shops and buildings in the City of Winchester and that the use of upper floors for storage can often be appropriate. At the Inquiry it was argued that the reference in Proposal HE13 (ii) to the preclusion

of proposals which would result in the under-use of upper floors of historic buildings or the 'inappropriate' use of cellars is too restrictive and should be deleted. Essentially I consider the principle on which the policy is based, namely the full, effective and appropriate use of Listed Buildings rather than their unsuitable and partial use as a short term expedient, to be sound. Nonetheless the objectors may have a point were the policy to be interpreted too rigidly by the Council, for example the refusal of a ground floor retail use in a shopping centre simply because the upper floors would be needed for storage. The fact is however there are substantial financial incentives for the residential use of buildings in the historic parts of the City of Winchester and other settlements and these will no doubt secure a residential use of the buildings, or parts of buildings including upper floors and cellars, where possible. In this context I note that paragraph 5.44 of the Plan refers to the potential for the relaxation of policies and standards. Thus, if notwithstanding the economic forces, storage is proposed for part of a building as ancillary to a shop use, in all probability it will be essential to that use and cannot thereby be reasonably regarded as an under-use of the premises.

- 5.7.3 In order to reflect this, I consider that although the Proposal HE.13 itself should remain unaltered, the first sentence of paragraph 5.41 should be revised as indicated in the recommendation below. This would not reduce the strength of the policy but it would provide some clarity reflecting the practicalities of potential changes of use. As regards the objector's point as to the geographical extent of the policy, unless site-specific, all of the Plan's Proposals are District-wide and I see no reason to refer in particular to the City of Winchester, albeit that this is mainly where the policy will apply.

RECOMMENDATION

- 5.7.4 That the Plan be modified by amending the first sentence of paragraph 5.41 to read: 'Unless necessary as ancillary for the efficient and viable use of the ground floor, the use of upper floors solely for shop storage purposes will not be permitted where the existing building is capable of use as residential or commercial accommodation without detriment to its architectural or historic character'.

5.8 Re-Use and Conversion of Rural and Industrial Buildings (paragraphs 5.53 - 5.64, Proposal HE.17)

OBJECTIONS TO DEPOSIT PLAN

Proposal/ Paragraph	Rep Number	NAME
5.53	1434/24	Hampshire County Council
HE.17	356/1	Fay and Son Ltd
HE.17	411/9	Venn

ISSUE

Whether Proposal HE.17 should be more flexible in allowing residential conversion or be more explicit in defining alternative uses and in particular whether the 'sequential approach' should be omitted? (356/1, 411/9, 1434/24).

INSPECTOR'S CONSIDERATION AND CONCLUSIONS

- 5.8.1 The thrust of the objections to Proposal HE.17 is that both it and the supporting text are far too biased against residential conversions. There is also a query as to why the policy only refers to employment and storage uses rather than other uses or mixed uses that may be appropriate.
- 5.8.2 As I understand it, the primary objective of the policy is to ensure that a new use would retain the architectural or historic merit of the building and I therefore see no logic in the wording of the policy referring only to employment and storage uses as being permissible as there may be other uses that prove equally acceptable.

- 5.8.3 I thus have some sympathy with the point of view of the objectors that if the overriding requirement is to maintain the integrity of the building then all uses should be treated equally for assessment under the other provisos of the policy, particularly as restrictions on residential conversions in the countryside (insofar as the policy applies to this category) are already covered by Proposal C.23. That said, I accept that some bias is in fact necessary and indeed consistent with national guidance in PPS7. The fact is that in many parts of the country, including the District of Winchester, the economic pressures for a residential conversion are normally so advantageous that without a normal presumption against them, in the great majority of cases it is that use which will be the only one seriously considered. Although there are exceptions, as pointed out to me with photographic evidence at the Inquiry, I generally agree with the Council's premise that alterations to meet the requirements for modern living standards, combined with the inevitable domestic paraphernalia, are potentially the most damaging factors to the architectural or historic features of a building.
- 5.8.4 However, the important point remains that under Proposal HE.17, if the favoured alternative uses are inappropriate in terms of either the physical constraints of the building or the environmental effects of the activity, then a residential conversion could still be permissible. At present there is a clear bias against residential conversions both in the wording of the policy and at various points in the text and as with so many policies it is the reasonableness of their interpretation that counts but if the Council are in fact too inflexible on this issue the appeal process remains as an independent assessment. On balance though I conclude that some re-wording of the policy and text would be appropriate to remove the undue bias and to reassign the cross-reference to other policies at criterion (iv) to the text.

RECOMMENDATION

- 5.8.5 That the Plan be modified by:
- (i) re-wording the first sentence of the policy to read: 'The change of use of redundant agricultural and other rural or industrial buildings of historic or architectural interest will be permitted provided that:
 - (ii) consigning criterion (iv) and the final clause of the policy to the accompanying text.
 - (iii) amending the subsequent supporting text to make it clear that employment and storage are examples of appropriate uses rather than the only uses permitted.