

Background paper on Historic Environment

- 1.1 This paper provides the background to the approach taken in the Draft Local Plan in respect of the historic environment within Epping Forest District up until 2033. The Plan includes two policies directly related to the historic environment namely: Policy DM 7 Heritage Assets; and Policy DM 8 Heritage at Risk. In addition, the Draft Local Plan includes the objective *to protect and encourage the enhancement of heritage resources including Scheduled Monuments, statutorily and locally listed buildings, Registered Parks and Gardens, and Conservation Areas.*
- 1.2 The historic environment covers a wide range of buildings, structures, archaeological remains, landscape features and historic spaces, such as village greens, termed “heritage assets”. For the purpose of policy heritage assets are separated into those that are designated, and those considered to be “non-designated”. Designated heritage assets include:
- Listed buildings;
 - Registered parks and gardens;
 - Scheduled monuments;
 - Other archaeological sites; and
 - Conservation areas.
- 1.3 Locally Listed Buildings are non-designated heritage assets, as are heritage assets of archaeological interest that are not designated.

Where we are now?

- 1.4 Epping Forest District benefits from a rich and varied historic environment some of which is afforded national protection in law and others protected by local policy. These heritage assets span thousands of years of history from the Early Iron Age fort of Loughton Camp to the Victorian mill buildings at the Royal Gunpowder Mills in Waltham Abbey, and from the remains of a Roman villa at Hill Farm near Abridge, to the Edwardian orphanage at Great Stoney School in Chipping Ongar.
- 1.5 These assets cover a wide variety of historic uses and ways of life from grand Elizabethan mansions and their extensive parkland to humble vernacular cottages, together with a significant collection of military buildings and sites. The many designations protect aspects of the District’s historic environment including village centres, industrial sites, historic parkland, remote farmsteads, commercial hubs, military structures and residential streets all of which make a vital contribution to the unique character and special interest of the District. The relationship between the historic environment and the landscape is well recognised by local people and the Council. It is acknowledged that the landscape in which settlements evolved, open spaces and forest all contribute to the character of towns and villages.
- 1.6 There are over 1,300 buildings in the District on the National List of Buildings of Architectural or Historical Interest kept by English Heritage. These are graded at I, II* and II. The District houses 15 Grade I listed buildings of exceptional national interest. In addition, there are 34

scheduled monuments and 5 registered parks and gardens (with a further 2 straddling the boundary). Protection is afforded to 25 conservation areas that have been designated by the Council. In addition the District houses over 300 locally listed buildings. Nationally designated heritage assets are afforded protection in law as a result of requiring approval by the Council before changes are made to them, and indeed in some instances such unapproved changes constitute a criminal act.

What the evidence and policies say

- 1.7 Protection of the historic environment relevant to the District comes from (i) the Planning (Listed Buildings and Conservation Areas) Act 1990; (ii) the Ancient Monuments and Archaeological Areas Act 1979; and (iii) policy expressed in the National Planning Policy Framework (paragraphs 126–141, 169-170) that is explained in the Planning Practice Guidance (“Conserving and enhancing the historic environment”).

National Planning Policy requirements

- 1.8 The National Planning Policy Framework (paragraph 17)¹ notes that one of the twelve core principles of the planning system is to “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.”
- 1.9 Paragraph 126² of the NPPF requires that Local Plans set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

“In developing the strategy, the following should be taken into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place”*

- 1.10 To conserve and enhance heritage assets the Council must first identify their historical or architectural significance. Policy relating to development proposals that may affect heritage

¹ <http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/>

² <http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/12-conserving-and-enhancing-the-historic-environment/>

assets, including their settings, then has to support decisions that balance the benefits of proposals for development against the significance of the asset.

- 1.11 Indeed, when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied (paragraph 132). This does not stop development that may affect heritage assets but it enables the importance, or significance, of the asset to be weighed properly in the decision. For example, substantial harm to, or loss of, grade I or II* listed buildings, grade I or II* registered parks and gardens and scheduled monuments should be very rare (wholly exceptional), whilst substantial harm to, or loss of a grade II listed building, or a grade II registered park and garden should be exceptional.
- 1.12 When considering harm to or loss of heritage assets the judgment is balanced as follows. If a development proposal would lead to substantial harm to the significance of a designated heritage asset (or the total loss of its significance) then consent should be refused unless:
- *it can be demonstrated the harm or loss is necessary to achieve **substantial** public benefits that outweigh it; or*
 - *the nature of the heritage asset prevents all reasonable uses of the site and no viable use of the asset can be found in the medium term, conservation by grant funding, charitable or public funding is demonstrably not possible and the harm or loss is outweighed by the benefit of bringing it back into use (paragraph 133).*
- 1.13 Where a development proposal would lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing the best (optimum) viable use. When considering the significance of elements of a conservation area the Council should make this distinction between substantial and less substantial harm (paragraph 138).
- 1.14 The NPPF sets out National Planning Policy in relation to heritage assets and the protection of the historic environment, and this does not need to be repeated in the Local Plan. However, this does not stop authorities seeking through their Local Plan policy to protect historic assets of local importance and this is made clear in the Planning Practice Guidance. The identification of non-designated heritage assets is encouraged, i.e. those that are not designated through national law, including locally listed buildings, and areas of potential archaeological interest. Indeed, non-designated archaeological sites should be treated the same as designated sites if the archaeological interest of a site is of equal importance to designated assets (paragraph 139). In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 135).
- 1.15 Enabling development is development which would otherwise conflict with planning policies, but which would secure the future of a heritage asset. NPPF paragraph 140 (and Paragraph 55) requires that authorities should assess whether the benefits of a proposal for enabling development would outweigh the disbenefits of departing from those policies.

Responses from the Community Choices consultation and stakeholder engagement

- 1.16 The comments made to the Community Choices consultation suggested support for the following options:
- Continue to prepare conservation area appraisals, including monitoring their implementation and effectiveness;
 - Try to ensure that new development respects the setting of conservation areas in terms of design, materials and layout;
 - Monitor the effectiveness of policies which protect locally listed buildings;
 - Establish a regular review of locally listed buildings;
 - Establish a means of monitoring and reviewing the effectiveness of policies in relation to scheduled monuments.
- 1.17 A small majority of respondents agreed with the issues raised in the document, particularly in relation to the importance of conservation areas, but there was a general concern that the potential level of growth in the District might impact negatively on the character of historic towns and villages. It was also felt by some that there needs to be a greater degree of protection for locally important heritage assets. Many respondents considered that the most effective method of protecting built heritage was to limit the amount of development in and around existing settlements and, in particular, to avoid Green Belt locations. Indeed 81% of the 1533 respondents to the relevant question considered the best way to protect heritage assets was to restrict future growth. The five options (para 1.16 above) for protecting and enhancing the District's built heritage were supported, particularly (i) preparing conservation area appraisals and (ii) regularly reviewing the register of locally listed buildings. A number of responses suggested making more use of Village Design Statements when considering options for development.
- 1.18 In addition, the Community Choices consultation identified that many respondents considered that the options for protecting the historic environment had not all been identified. Specifically, a significant number of responses raised concern that the levels of development shown in the options, if built, would harm the character of historic towns and villages, and listed buildings. Many of these responses were from residents of Chigwell and Theydon Bois, as well as other locations, including Loughton and Chipping Ongar. This included concern that any development of surrounding fields would cause irrevocable harm to listed buildings. In addition, some submissions suggested restricting the size of development so that they do not 'swamp' conservation areas or other areas of merit or natural beauty (for example, a limit of 250 dwellings, developing smaller parcels of land rather than large estates, or developing on brownfield land).
- 1.19 Concern was also expressed that locally important assets such as North Weald Airfield and numerous historic buildings were in danger of being lost due to their lack of formal designation and protection (although the North Weald Airfield Control Tower was Grade II listed in 2012). A strategy for the positive conservation of the Airfield was requested.
- 1.20 Other concerns raised in response to the Community Choices consultation included:

- The overall approach of policy should be based on the strength of the connections between heritage assets and the character of the place to which they relate including their landscape setting.
- Protection of the settings (or context) of heritage assets is required in addition to more detailed policy on non-designated heritage assets, i.e. how they should be protected and in what way, including setting clear criteria. The use of Village Design Statements was raised as a tool in this respect, these would be produced by the community and should be reflected in policy.
- Protection of the local list of buildings should be strengthened to prevent further loss.
- Protection of existing conservation areas and treating adjoining areas with sensitivity.
- Recognition of the use of heritage to stimulate development and regeneration, bringing wider benefits to the community.
- Policy should recognise that modern day needs must be met and, wherever possible, development should be permitted to encourage successful businesses to remain in the town centres and protect a town centre's economy as well as its built heritage.
- An enabling policy should be included which permits, in very special circumstances, development to enable investment in the historic environment (including scheduled monuments) and the reuse of designated buildings for alternative uses for the benefit of the community.
- Enforcement of legislation and policy should be improved, as should monitoring of policy, without which policy is ineffective.

Key Evidence sources

- 1.21 As part of the evidence to inform the Draft Local Plan a Heritage Asset Review (2012)³ was undertaken by DPP Heritage & Design that included consultation with a range of local historical societies, action groups and residents' associations in the District as well as Parish and Town Councils.
- 1.22 The Heritage Asset Review identified a series of policy issues:
- A concentration of buildings at risk in four particular conservation areas namely Abridge, Royal Gunpowder Factory, Roydon, and Waltham Abbey, together with some locally listed buildings at risk.
 - The suggestion that some areas of "Local Townscape Merit" could be established and defined.
 - As a result of unsympathetic changes being made, and to halt this, there would be value in the use of Article 4(2) Directions to remove permitted development rights in the following conservation areas: Baldwins Hill; Bell Common; Chipping Ongar; Epping; Waltham Abbey; and York Hill (extension to existing Article 4 (2) Direction).
 - As a result of unsympathetic advertisements being used and to halt this, an area of Special Advert Control which provides a stricter degree of advertisement control at The Maltings, within the Lower Sheering Conservation Area, and adjoining roads would be valuable.

³ <http://eppingforest.consultationonline.co.uk/wp-content/uploads/sites/5/2016/08/Heritage-asset-review-final-report.pdf>

- The review recommended changes to some of the Conservation Area boundaries, namely:
 - minor amendments to Abbess Roding, Abridge, Baldwins Hill, Bell Common, Copped Hall, Epping, Matching, Matching Green, Matching Tye, Roydon, Upshire, Waltham Abbey and York Hill;
 - splitting the existing South Roydon and Nazeing Conservation Area into two new separate conservation areas; and
 - new conservation areas suggested for St John's, Buckhurst Hill and Theydon Bois.
- A number of unlisted buildings were considered suitable for designation as listed buildings.
- A number of buildings suitable for the local list, and conversely some no longer suitable to be on the local list.
- The loss of a number of locally listed buildings either through demolition or alteration, to the extent that they are no longer of value, has occurred under the policy of the current development plan and consideration should be given as to whether it is possible that greater protection may be afforded to them.
- The demolition of buildings in conservation areas and the impact of such demolitions.

1.23 The Historic Characterisation Study was produced by Essex County Council in 2015⁴ and provides valuable context for assessing the significance of heritage assets.

1.24 The Council has produced a number of Conservation Area Character Appraisals, which are available on the website at: <http://www.eppingforestdc.gov.uk/index.php/residents/planning-and-building/conservation-areas-and-listed-buildings/conservation-areas>

1.25 The National Heritage List for England provides an online database of all heritage assets including listed buildings. Further details can be found at: <https://www.historicengland.org.uk/listing/the-list/>

1.26 Further details on the Council's Local List can be found at: <http://www.eppingforestdc.gov.uk/index.php/residents/planning-and-building/conservation-areas-and-listed-buildings/local-list>.

⁴ http://eppingforest.consonline.isready.co.uk/wp-content/uploads/sites/5/2016/08/Chapter-3-2016-08-10-Epping-Forest-Historic-Environment-Characterisation-Report_final_reduced.pdf