



WALTHAM FOREST LOCAL PLAN

DEVELOPMENT MANAGEMENT POLICIES - EXAMINATION

Matters and Issues for Examination in Public:

**Heritage
Policy DM29**

**Hearing Session – 28 May 2013
Agenda Item 9**

1. Policy background/context

- 1.1 The historic environment is a valuable part of Waltham Forest's cultural heritage and contributes significantly to the identity of the borough, adding to the quality of life and well-being of residents and visitors. Whether in the form of individual buildings, conservation areas or other heritage assets, the conservation of this heritage and sustaining it for the benefit of future generations is an important aspect of the role the Council plays on behalf of the community and in fulfilling the Government's core planning principles set out in the National Planning Policy Framework (NPPF).
- 1.2 Whilst the borough has perhaps fewer listed buildings, conservation areas and other heritage assets than other London boroughs, the importance of its historic environment is nevertheless still significant in making a crucial contribution to its local character and distinctiveness. The Council is therefore committed to protecting and where appropriate enhancing this irreplaceable heritage. All designated and other heritage assets that make a positive contribution to the significance of the historic environment will be protected from demolition or inappropriate development that affects the asset or its setting. The Council will seek to work with owners and developers to ensure historic assets are properly managed and cared for and remain in a viable use.
- 1.3 The Council has, and will continue to develop, a positive strategy for the conservation and enjoyment of the historic environment that includes;
- Guidance and advice for owners and developers in relation to the historic environment and how its assets should be conserved
 - Identifying and managing heritage assets at risk through neglect, decay or other threats, and seeking their return to appropriate and sustainable use.
 - A programme of Conservation Area Assessments and management plans
 - Continuing to work closely with heritage organisations such as English Heritage, local amenity societies and other relevant stakeholders in proposals affecting heritage assets within the borough and in promoting and raising awareness of local heritage matters generally.
 - Support for local communities in promoting and valuing their local heritage and in identifying other locally significant historic buildings and heritage assets within the borough.
- 1.4 In accordance with government policy, Policy DM29 recognises the need to conserve heritage assets in a manner appropriate to their significance. Not all of Waltham Forest's heritage is designated. It is therefore important to recognise the value of our undesignated historic environment in planning for

the future. Many buildings are of significance, particularly to the local environment, even though they may not be protected by law.

- 1.5 Waltham Forest has a wide range of Heritage Assets across the borough which includes:

Heritage Assets:

111 Statutorily Listed Buildings;
12 Conservation Areas;

Undesignated Heritage Assets:

Locally Listed Buildings;
Archaeological Remains (in designated zones);
Parks and Gardens of Local Historic Interest;
Highams Area of Special Character; and
Buildings of Importance in Town Centre Areas

- 1.6 In recognition of the government's agenda on heritage requirements and also London Plan requirements, the Council has considered it necessary to give due regard to the matter of heritage requirements in the Development Management Policies Document.
- 1.7 Policy DM29 (Chapter 30) in the document deals with Heritage Assets. This policy is intended to support the implementation of Core Strategy policy CS12 - Protecting and Enhancing Heritage Assets.
- 1.8 This statement explains the Council's position on Policy DM29 with regard to the policy approach taken and the requirements set by the policy.

2. **Main Issues**

- 2.1 The key issues raised through the Inspector's questions relate to the following matters:

Issue 1

- 2.2 Policy DM29 should be compliant with government policy in the NPPF in terms of setting out a positive strategy for the conservation and enjoyment of the historic environment.

Issue 2

- 2.3 A strategy for dealing with heritage assets most at risk through neglect, decay or other threats should be included.

Issue 3

- 2.4 The policy should derive from an understanding of the needs of the heritage

assets of Waltham Forest.

Issue 4

- 2.5 Clarification of how the Council will use article 4 directions in Conservation Areas.

3. The Council's Position

- 3.1 This section sets out the Council's response to the comments and observations made by the Inspector, dealing with each of the above issues in turn.

Issue 1

- 3.2 The Council accepts the Inspector's observations with respect to setting out a positive strategy for the conservation and enjoyment of the historic environment and to that effect has amended both the introductory text to policy DM29 (see new paragraphs 30.1-30.3 below) and the policy text itself as follows:

Introduction

30.1 The historic environment is a valuable part of Waltham Forest's cultural heritage and contributes significantly to the identity of the borough, adding to the quality of life and well-being of residents and visitors. Whether in the form of individual buildings, conservation areas or other heritage assets, the conservation of this heritage and sustaining it for the benefit of future generations is an important aspect of the role the Council plays on behalf of the community and in fulfilling the Government's core planning principles set out in the National Planning Policy Framework (NPPF).

30.2 Whilst the borough has perhaps fewer listed buildings, conservation areas and other heritage assets than other London boroughs, the importance of its historic environment is nevertheless still significant in making a crucial contribution to its local character and distinctiveness. The Council is therefore committed to protecting and where appropriate enhancing this irreplaceable heritage. All designated and other heritage assets that make a positive contribution to the significance of the historic environment will be protected from demolition or inappropriate development that affects the asset or its setting. The Council will seek to work with owners and developers to ensure historic assets are properly managed and cared for and remain in a viable use.

30.3 The Council has, and will continue to develop, a positive strategy for the conservation and enjoyment of the historic environment that includes;

- **Guidance and advice for owners and developers in relation to the historic environment and how its assets should be conserved.**
- **Identifying and managing heritage assets at risk through neglect, decay or other threats, and seeking their return to appropriate and sustainable use.**
- **A programme of Conservation Area Assessments and Management plans**
- **Continuing to work closely with heritage organisations such as English Heritage, local amenity societies and other relevant stakeholders in proposals affecting heritage assets within the borough and in promoting and raising awareness of local heritage matters generally.**
- **Support for local communities in promoting and valuing their local heritage and in identifying other locally significant historic buildings and heritage assets within the borough.**

Conservation Areas

A) In order to preserve or enhance the significance, including character or appearance of the conservation areas (as shown on the proposals map), and their settings, the Council will:

- ~~i) refuse permission for any permit development in these conservation areas which does not preserves or enhances the character or appearance of the area;~~
- ~~ii) refuse permission for only permit the demolition of any building in a conservation area where it is clear that this would not have an adverse effect on the character or appearance of the area. In cases where demolition may be justified in accordance with national policy, consent to demolish will be given only when acceptable plans for redevelopment have been agreed;~~
- ~~iii) use Article 4 directions to raise awareness of good conservation practice and encourage property owners to implement appropriate improvements to properties and other heritage assets which preserve or enhance the character of restrict permitted development rights in conservation areas;~~
- ~~iv) resist the loss of preserve any tree which contributes to the character of the conservation area;~~
- ~~v) seek designation, where appropriate, of conservation areas as areas of special control for advertisements.~~

Statutorily Listed Buildings

- B) The Council will ~~not agree to~~ **only permit** proposals involving the demolition of any building which is on the statutory list of buildings of special architectural and/or historic interest **where exceptional circumstances are shown that outweigh the case for retention.** The fact that a building has become derelict will not in itself be sufficient reason to permit its demolition.
- C) The Council will ~~not~~ permit uses, alterations or extensions that would **not** be detrimental to the significance of the assets including fabric, appearance, historic interest or setting of these buildings: and it will encourage proposals which seek their rehabilitation, maintenance repair and enhancement;
- D) ~~The design of alterations or extensions to a listed building must be sympathetic in all respects to the significance of the asset including its period and style of the original building;~~

Issue 2

- 3.3 The Council accepts the Inspector's observations with respect to a strategy for dealing with heritage assets most at risk through neglect, decay or other threats and to that effect has amended policy DM29 and the justification for policy DM29 as follows:

Heritage at Risk

- K) **The Council will work with property owners/partners to assist with bringing forward proposals to preserve or enhance Heritage Assets at Risk or under threat within the borough to facilitate their successful rehabilitation and seek their viable reuse consistent with their heritage value and special interest.**

Heritage at Risk

30.25 The Council maintains a Heritage at Risk Register in conjunction with English Heritage. Waltham Forest currently has 9 Heritage Assets on the register which do not have a single defined character but are indicative of the diverse heritage of the borough. These include a 20th Century cinema, a 16th Century dovecote, a wall to a church yard and a pumping station. The Heritage at Risk Register is a fluid document which can changes over time.

30.26 The purpose of the register is to monitor and provide the basis for solutions for designated heritage assets that have been recognised as being at risk of losing their significance. The most common risk factors for those heritage assets within the borough include decay through vacancy, lack of maintenance and lack of viable use. The Council will therefore work with owners to facilitate the successful refurbishment and repair of these assets with the objective of putting them back into

viable and sustainable use and ultimately removing them from the at risk register. Appropriate temporary uses will also be considered that could prevent further decay of the asset, provide improved security and allow an increased prospect of sustainable re-use. Subject to resources, the Council may also be able to offer assistance in the form of small grants and can advise on other external grant giving bodies.

30.27 The most viable use for a heritage asset may not be the use for which it was originally intended and the original use has become redundant, such as a pumping station or dovecote. However, there are successful alternative uses to which redundant heritage assets can be put which are consistent with their conservation value and which can also respond to the changing social, cultural, economic or environmental needs of the borough. Successful examples within Waltham Forest have included changes of use of previous commercial premises, such as banks and larger office uses, to residential and/or community uses. The Council will continue to work with landowners and relevant bodies to promote the viable re-use of heritage assets through the preparation of specific guidance such as design and development briefs, regeneration plans, and in the implementation of its planning and conservation policies.

Issue 3

- 3.4 The Council accepts the Inspector's observations with respect to the policy deriving from an understanding of the needs of the heritage assets of Waltham Forest and to that effect has amended the introductory text for policy DM29 as follows:

30.7 The character of the borough as it is today has been shaped largely by the significant residential development and related urban expansion of the mid to late 19th century following the coming of the railways. Prior to the railways, the borough was dominated by farmland with large estates and manor houses. The dominant settlement was Walthamstow, which until 1850 was formed of five separate rural villages.

30.8 The urban expansion and speculative development in the Victorian era still maintains evidence of former field boundaries and many of the former manor houses are dotted throughout the borough amongst this development. Many of these original large houses have survived, having been statutorily or locally listed, and now form an integral part of the built heritage of the borough, despite mostly having changed from their original uses. Chestnuts in Hoe Street and Thorpe Coombe on Forest Road in Walthamstow are two examples of these remnants.

30.9 The borough nowadays is characterised in the south by denser patterns of Victorian and Edwardian terraced housing and to the north by generally lower density later 19th and 20th century development. Waltham Forest historically was made up of three different urban areas of Chingford, Leyton and Walthamstow which each has a distinct

character. As such, there is a varied stock of heritage assets in the borough, with the northern end of the borough being generally more suburban in character and the southern end of the borough more urban in nature.

Statutorily Listed Buildings

30.15 Under section 1 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 the Secretary of State compiles lists for all local authorities of buildings in their areas considered to merit statutory protection because of their special architectural/historic interest. **Waltham Forest currently has 111 Statutory Listed Buildings which include a diverse range of heritage assets from the former Walthamstow Greyhound Stadium, to the former EMD Cinema and Walthamstow Town Hall. All statutory listed buildings are of national significance. The statutory list of such buildings in for** Waltham Forest is published on the Council's website.

Issue 4

- 3.5 The Council accepts the Inspector's observations seeking clarification of how the Council will use article 4 directions in Conservation Areas and to that effect has amended policy DM29 and the justification for policy DM29 as follows:

iii) use Article 4 directions to **raise awareness of good conservation practice and encourage property owners to implement appropriate improvements to properties and other heritage assets which preserve or enhance the character of** restrict permitted development rights in conservation areas;

30.14 Through Environmental improvement schemes, the Council will also ensure that all built heritage assets are protected and enhanced. The Council currently has Article 4 Directions in place for 9 of its 12 Conservation Areas. **The use of Article 4 Directions is in recognition of the harm that can often be caused to the character and appearance of conservation areas by inappropriate changes such as the replacement of traditional timber windows with modern plastic alternatives, natural roofing materials such as clay and slate tiles with concrete and plastic tiles, poorly located satellite dishes, and changes to front gardens with hardstandings for vehicles etc. The Council will therefore use this mechanism to ensure good management of Conservation Areas by encouraging appropriate changes to residential properties so as to preserve or enhance the character of the Conservation Area.**

4. Response to the Representations received

- 4.1 With regard to the representations received on policy DM29, the Council's responses are set out in document "Summary of Representations and the Council's Response" (SD17).

- 4.2 Representations were received from English Heritage, Barts Health NHS Trust, London and Quadrant and a local resident.
- 4.3 With respect to the representation by English Heritage. The following points have been dealt with:
- Showing all the heritage assets on the proposals map (dmpps104).
 - The addition of a paragraph to clarify the Council's approach to settings issues (dmpps 101).
 - The provision of a brief definition of heritage assets and differentiate which assets on the list are 'Designated Heritage Assets' and which are 'Heritage Assets' (dmpps 98).
- 4.4 The Council supports this suggestion in principle, but felt that it would be more practical to identify the Heritage Assets via a GIS layer on the 'Waltham Forest My Place' link on the Council's website.
- 4.5 The Council has added new paragraphs with respect to the setting of Heritage Assets.
- 4.6 The Council has now included a brief description of heritage assets and has identified which are designated and which are not designated.
- 4.7 The inspector has raised no further queries or comments with respect to the above.
- 4.8 English Heritage also raised the following points in their representation:
- It might be useful to set out the requirements and levels of information expected of Listed Building Consent applications in relation to the NPPF (dmpps100).
 - Include reference to the GLAAS charter 'Archaeology and Planning in Greater London 2010 and the recommendation that GLAAS be consulted on all sites over 0.4ha (dmpps102).
 - Welcome the cross reference to tall buildings (dmpps99).
- 4.9 The Council had responded to the above points raised by English Heritage. However, subsequent to the Council's response, the inspector has made further comment. This has resulted in the above changes being removed from the policy.
- 4.10 With respect to representation from the Barts Health and NHS Trust. The following point has been dealt with:
- The trust does not support the suggested policy restriction imposed by policy DM29 with respect to Locally Listed Buildings (dmpps133).
- 4.11 The Council has not made any change to the policy as Local Listing does not confer any additional planning controls and ultimately there is no power for

Local Authorities to prevent demolition of a Locally Listed building unless it is in a Conservation Area.

- 4.12 The inspector has raised no further queries or comments with respect to the above.
- 4.13 With respect to the representation from London and Quadrant (L&Q). The following point has been dealt with:
 - Maintenance of heritage assets that have fallen into disrepair should be more explicitly reference in paragraph 30.17 (dmpps67).
- 4.14 The Inspector has asked the Council to clarify its position regarding Heritage at Risk and this has been dealt with by new paragraphs 30.25-27 in this document (Issue 2, para 3.3).
- 4.15 With respect to the Local Resident's representation. The following points have been dealt with:
 - Cite the NPPF and the Boroughs Conservation Area Appraisals and Management Plan in appendix 3 (dmpps80)
 - At the end of opening sentence (see paragraph 15.14-15.5, Policy CS12 of the Core Strategy has been omitted (dmpps85).
 - 30.7 does not include a reference to Conservation Area leaflets. Although the Council's response in the Development Management Policies preferred options Consultation Report suggests this comment was accepted (dmpps 84).
- 4.16 The Council has not made any further changes in respect to these points which is explained in document "Summary of Representations and the Council's Response" (SD17).
- 4.17 The inspector has raised no further queries or comments with respect to the above.

5. Response to the Inspectors Questions

- 5.1 With regard to matters raised by the Inspector, these have been addressed in the Council's response as set out in the document - "Response to the Inspectors Questions" (KE154). Key points as follows:
- 5.2 Q216 Other than parts E and G and the first sentence of paragraph 30.13, what does this policy require of a developer that is not already required by paragraphs 126 to 141 of NPPF?
- 5.3 In view of the Inspector's comments, four main issues were listed and the Council carefully considered the matters and issues raised in respect of the agenda set out for heritage session. Details are set out in the Council's position section in paragraphs 3.1 - 3.5. The Council is of the view that these matters and issues have now been addressed.

6. Conclusion

- 4.1 The Council is of the view that the further modifications to policy DM29 above would satisfy all outstanding issues with the Heritage Assets chapter of the Development Management Policies DPD.