



IHBC SOUTH WEST BULLETIN AUTUMN 2019

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Alex Marsh
Editor

1. News

IHBC South West Treasurers Brief

As some of you will be aware our chairman, Maureen Pearce, is currently ill and away from work so it has fallen to me to fill this void.

It is great to have a new bulletin editor in place and I trust you will find the time to read what he has produced and to contribute,

My involvement is somewhat timely anyway as it is at this time of the year that I have to gather together the threads of the Branch Finances and complete the returns to Central Office for auditing.

The Branch Returns show we started our financial year on the 1st of October 2018 with a total of £14001.03 a year later we have £14538.07 in our account. It is not quite as simple as that with £692.82 as liabilities for un-cashed cheques for speakers at training events, a catering bill, and a refund, and a further £124 in our account, paid in for a IHBC membership for the year which should have been paid to IHBC Central. This is being sorted at present.

Can I ask that when you are paying directly into an IHBC account you, or your employer, needs to check it is the right IHBC account. IHBC Central and IHBC SW are separate, and we end up fishing money out and passing it on to each other from time to time.

So in reality, on September the 30th 2019, we had £279.78 less than we started the financial year with. On the flip side In that year we provided two training courses, one at a nominal £10 rate and the other at £50 plus booking fee (which didn't come to us).

The amount we hold may appear high, but our business plan allows for a slight fall every year and we use this capital to underwrite the events we are planning. It is important to provide good value training, and our fees for training are intended to cover the costs of the training and for running the committee only.

With that in mind we are a long way towards organizing the next two training days. Both are programmed for next year, in March and in the autumn in Exeter. The March event will be (fingers crossed) on the 20th in Bath.

The working title has been Conference on Damp (not the Damp Conference) and we are working with Historic England to secure some very good speakers. So please put this date in your diary. We are again aiming to keep the fee low, and intend it to be less for IHBC members. We will be advertising this and taking bookings as soon as we can.

Well that is all for now and I trust that next time Maureen's words of wisdom will fill this space.

Greg Venn

Branch Treasurer and Somerset County Representative

National Design Guide 2019.

The Ministry for Housing Communities and Local Government has just published a National Design Guide

The National Planning Policy Framework sets out that achieving high quality places and buildings is fundamental to the planning and development process. It also leads to improvements in the quality of existing environments. The National Planning Policy Framework expands upon the fundamental principles of good design to define what is expected for well-designed places and explain how planning policies and decisions should support this.

The focus of this design guide is on good design in the planning system, so it is primarily for:

- Local authority planning officers, who prepare local planning policy and guidance and assess the quality of planning applications;
- Councillors, who make planning decisions;
- Applicants and their design teams, who prepare applications for planning permission; and
- People in local communities and their representatives.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Design Guide is based around 10 Principles as defined in the guide.

'Well-designed places have individual characteristics which work together to create its physical character. The ten characteristics help to nurture and sustain a sense of community. They work to positively address environmental issues affecting climate. They all contribute towards the crosscutting themes for good design set out in the National Planning Policy Framework. The ten characteristics are considered to be:

Context - enhances the surroundings

Identity - attractive and distinctive

Built form a coherent pattern of development

Movement accessible and easy to move around

Nature - enhanced and optimized

Public Spaces safe social and inclusive

Uses mixed and integrated

Homes and Buildings function healthy and sustainable

Resources efficient and resilient

Lifespan - made to last.

£95m to 'breathe new life' into historic buildings in SW Council Districts

Culture secretary Nicky Morgan has announced that £95 million will split between 69 towns across the country to 'breathe new life' into historic buildings and high streets.

The government intends the funds to be spent on helping high streets to adapt to changing consumer habits, such as competition from online shopping.

The Department for Digital, Culture, Media and Sport's Heritage High Street Fund would contribute £40 million – £52 million comes from the Ministry of Housing, Communities and Local Government's Future High Street Fund, and the National Lottery Heritage Fund would provide £3 million.

The government said the investment is intended to build on Historic England's Heritage Action Zones programme. Empty and underused buildings could be turned into creative spaces, offices, retail outlets and housing to support wider regeneration and attract future commercial investment.

The government said the funding could also be used to:

- Develop education projects and bespoke events to help reposition historic buildings as community hubs at the heart of local towns and villages.
- Help address the nationwide skills shortage of heritage professionals in expert fields like stonemasonry and conservation by providing local property owners, residents and businesses with the opportunity to train in these disciplines.

Duncan Wilson, chief executive at Historic England, added: "Through physical improvements and cultural activities, we will work with partners to find new ways to regenerate our high streets."

The SW has had some success in this round of High Street Heritage Action Zone Awards. The spread of successful bids was also welcome with both urban and rural authorities being recognized and with a relatively even spread across the region. However Wiltshire appears to have missed out this time.

The successful South West Towns:

Keynsham
Midsomer Norton
Weston Super Mae
Tewkesbury
Gloucester
Poole
Chard
Cullompton
Plymouth
Redruth

Gloucester's Successful Bid

High Street Heritage Action Zone for Gloucester

Gloucester City Council has been successful with an application to Historic England for High Street Heritage Action Zone funding. This will support sustainable economic and cultural growth in Westgate Street; restoring and enhancing local historic character, making the area a more attractive, engaging and vibrant place for local people. Proposals include re-use of upper floors as residential units, reinstatement of architectural features such as shopfronts and timber windows, works to the public realm and enhanced interpretation. It will be delivered in partnership with local people, businesses and organisations working in the Westgate area over four years (April 2020 to March 2024).

The total cost of the scheme will be; £3.3 million with £1.9 million (57%) from Historic England. The scheme programme will include a grant scheme for properties on Westgate Street, some initial and first phase works to the Fleece Hotel, improvements to the street scene and a strong community engagement programme including events, activities and training opportunities with particular emphasis on heritage skills training.

For further information contact heritage@gloucester.gov.uk

IHBC SW Private Sector Forum Meeting

The IHBC SW organised a meeting for members in July 2019 at Torre Abbey in Torquay; an inaugural meeting arranged for members of the SW IHBC to act as a forum for concerns, ideas, inspiration, support & education.

The impetus for such a meeting initially came from private sector members of IHBC SW, but it was agreed that such a forum should be open to all. 22 members attended: two of the group were Conservation Officers, 9 members were former conservation officers/Inspectors. It is hoped that in future more current CO's would be able to join the meetings.

The meeting was considered to be a successful way to encourage and promote discussion between all members of IHBC SW where approximately 50% of the membership is in private practice. It was agreed that meetings should move around the area; ideally the second meeting should be in the north of the region, probably Bath or Bristol.

Importance of Statements of Significance.

The purpose of a Heritage Significance Statement is to inform and assess the impact of works and it is the core part of the work of many private sector practices.

Members, both Conservation Officers and those in private practice, are frustrated that Local Planning Authorities accept inadequate statements that are not fit for purpose.

Members have picked up projects that have failed due to poor quality supporting statements while applicants providing a competent submission are considered to assist in achieving a positive outcome through the planning process.

It was agreed that there is an issue with validation of poor quality Heritage Statements, by Local Planning Authorities. This may be down to a number of reasons but include staff who

are not trained sufficiently and probably do not have the time to assess the competence of a Heritage Statement.

There is however the ability for Local Planning Authorities to ask for more information during determination and to refuse applications due to a lack of information in accordance with NPPF paragraph 189, that requires applicants to describe the significance of any affected heritage assets. The group questioned that while Local Planning Authorities had the potential to refuse applications for a lack of suitable information this threat was really used.

The meeting was advised that Historic England were undertaking a consultation on the content of Heritage Significance Statements. It was agreed that a requirement for a basic standard for a statement would be helpful. In this context when the Guidance was agreed the group felt that a discussion with Development Management Team Leaders could be beneficial.

Lack of Conservation Staff in LPAs in the South West

The meeting also agreed that there was a lack of Conservation Officer staff across the South West due to redundancies, re-organisations and amalgamations of Local Planning Authorities.

The Historic England representative advised that there are currently two authorities without Conservation Officers in the South West. However, it was agreed that in some cases officers suffered from a lack of mentoring from more knowledgeable and experienced built heritage conservation staff. This was recognised as a significant weakness in the system that seeks to protect the historic environment of the South West.

Historic England's representative suggested that this lack of experience within Local Planning Authority conservation staff was being bolstered by the experience and knowledge that now lays in the private sector.

However, informal discussions suggested that many in the private sector, often those previously employed as Conservation Officers, are concerned about the inconsistency of heritage advice currently received from such staff, often with surprising and unhelpful consequences.

To compound these concerns some authorities no longer provide pre-application advice, or alternatively require too much information or the responses are so delayed as to make this option unattractive to clients. In addition the fees associated with some Local Planning Authorities pre-application advice could be a deterrent to some and may preclude some less affluent cases.

Conservation Officer Groups and IHBC Members in Private Practice

There was general agreement that there should be better links between that in private practice and with the regions Local Authority Conservation Officers. It was suggested that this could be achieved through County Conservation Officer Groups. This should be considered further with the COGs and it was considered that closer working would be beneficial as it would help to improve the care of the historic environment and potentially encouraged COs to join the IHBC.

Torre Abbey

The undoubted star of the day was Torre Abbey itself, where guided walks by Hal Bishop, archaeologist and recently Torbay Conservation Officer and Paul Richold of Architecton provided illuminating talks concerning the ancient and modern funded by HLF grants. If you have not visited the Abbey I can recommend that you do.



The IBC SW Private Sector Forum Meeting viewing Torre Abbey.

2. Conservation Law and Practice Update

Changes in the historic environment – implications of the amended Planning Practice Guidance (PPG).

Much of the focus of the revised PPG has been on green belt, housing and the effective use of land yet there has also been a raft of updates which have implications for the historic environment.

Non-Designated Heritage Assets

The PPG previously recognised that there was no requirement for Local Planning Authorities to prepare a list of non-designated heritage assets, though encouraged them to do so. The revised wording is much stronger. Plan-making bodies, it says:

"should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets".

Local Planning Authorities' can still also identify non-designated heritage assets through the decision-making process, though rather being encouraged (as it was previously), this should now only be done "in some cases". The focus instead is now on LPA's identifying their non-designated heritage assets in advance, rather than at application stage.

The PPG also now confirms that *"only a minority [of buildings] have enough heritage significance to merit identification as non-designated heritage assets"*.

This is much stronger than the wording in the previous version and indicates a shift away from non-designated heritage assets sweeping up everything that is old and traditional to a much more selective category.

Realistically it will not be possible for Local Planning Authorities to capture all non-designated heritage assets within a list. There will always be buildings or structures which, on detailed consideration, appear to be more significant than previously thought.

Local Planning Authorities resources are also stretched and lists of assets will require both time and resource. That said, a list of non-designated heritage assets within each authority would help land owners, developers and decision-makers to identify at an early stage whether there are heritage assets which need to be considered as proposals for development and change progress.

Optimum Viable Use

The National Planning Policy Framework (NPPF) says that harm to a heritage asset which is categorised as "less than substantial" should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Demonstrating that a proposal represents the optimum viable use of a heritage asset is tricky, but the Government has provided some clarification on the issue through its amendments to PPG.

The revised version clarifies that, where there are a range of alternative uses, the optimum viable use is the use which is both “economically viable” and likely to cause the least harm to the significance of the asset.

We now have clarity though that this option must stack up financially and not simply be an option which is physically capable of being achieved, which is useful. That said, while the wording has shifted, it still confirms that the optimum viable use may not be the use that brings the greatest financial return.

The evidence required to demonstrate that a heritage asset has no viable use has also been updated, though PPG still doesn’t explain how this should then be dealt with in the planning balance.

There is no longer a need to demonstrate that the heritage asset is redundant, it no longer needs to be marketed to “all” potential buyers and the prospective purchaser must also now be willing to find a “viable” use for the site, rather than simply finding a new use.

Inspectors are often concerned that insufficient evidence has been provided that the use proposed is in fact the optimum viable use. Often, they feel that alternative uses exist which would represent the optimum viable use of the building but have not been identified or considered by the applicant. Unfortunately, there is still no clarification on how to demonstrate that alternative uses have been considered.

Assessing impact

Decision-makers have grappled with the concepts of “substantial harm” and “less than substantial harm” since they were first introduced.

Heritage Consultants are often using a methodology for environmental impact assessment to quantify the effect of proposals on the significance of heritage assets. Consideration is given to the nature (e.g. adverse) and degree (e.g. minor) of the effect. Once this has been established, the harm is then given a category (e.g. less than substantial harm).

Where this intermediate step to quantify harm is not undertaken in the decision-making process, and harm is simply categorised as ‘substantial’ or ‘less than substantial’, it is difficult for a decision-maker to weigh this in the planning balance or carry out their statutory duty.

How can a decision-maker know if the benefits outweigh the harm if they don’t know whether that the effect is so slight that it’s almost neutral or so harmful that it’s almost substantial?

Much-needed clarification on this has now been provided by government. The revised PPG is clear that ‘less than substantial harm’ and ‘substantial harm’ are simply categories of harm. It confirms that it is no longer enough to simply identify the category of harm; further articulation about where the proposal sits within that category will now also be required.

Some other notable changes

- Where relevant, applicants must now explain how understanding significance and setting has informed the development of the proposals
- Reflecting and enhancing local character and distinctiveness (with regard given to the prevailing styles of design and use of materials in a local area) is now identified as a means of conserving/enhancing heritage assets
- Works to a private dwelling which secure its future are recognised as a public benefit
- Detailed definitions of archaeological, architectural, artistic and historic interest are provided, drawing on those set out in the draft Conservation Principles document published for consultation by Historic England in 2017, though this has not yet been re-issued following consultation and could be subject to change.
- The section on the setting of heritage assets has been updated to reflect case law which has emerged over the last few years

Recent Legal Cases

In *Warren Farm (Wokingham) Limited v Wokingham Borough Council* [2019] EWHC 2007 (Admin), CMG Ockelton found yesterday that applications for prior approval under Schedule 2, Part 3, Class Q (agricultural buildings to dwellinghouses) must be determined within 56 days, or else the applicant enjoys a deemed grant of planning permission to carry out works in accordance with Class Q and the terms of their application, even if an extension has been agreed.

Warren Farm sought to change the use of a grain barn on its land into a dwellinghouse and on 12 November 2018 applied for a determination as to whether prior approval was required. On 8 January 2019, the Council sought an extension to determine the application which Warren Farm agreed to, pointing out that it did not consider the Council had the power to extend time. On 30 January 2019, the Council refused prior approval. Warren Farm challenged that decision by way of judicial review.

The claim turned on the interplay between Article 7(c) of the GPDO (which contemplates an extension of time) and Schedule 2, Part 3, Class V, paragraph W(11) GPDO, which makes no provision for an extension.

The Deputy Judge found at [34] that Article 7(c) is only available as an alternative to Article 7(b) (i.e. where the GPDO gives no set timeframe in which to determine prior approval applications). It followed that the decision to refuse prior approval was made too late and would be quashed at [35].

Why is the case relevant?

The judgment is essential reading for all those involved with prior approval applications. Where the GPDO prescribes a period of time in which a decision as to whether prior approval is required, the council must make their determination within that timescale or else the applicant will have gained a deemed grant of planning permission.

3. Buildings

Contemporary Extensions

New London Architects run a yearly competition Don't Move Improve which gives awards to mostly new and young architects practices for London Extension its always provides a good variety and indicator of latest approaches in Architectural Extension including some to Listed Buildings. The 2020 Awards submissions close in October 2019 and will be decided early in 2020.

I recommend the yearly magazine for £10.

See <https://www.newlondonarchitecture.org/whats-on/dont-move-improve/dont-move-improve/>



Kings Grove, Peckham London – Architects Al-Jawad Pike 2019 finalists 'Don't Move Improve'

4. People

New President

The IHBC AGM took place at the Nottingham Summer School, in mid-September. At the meeting Mike Brown, formerly IHBC Vice President, was elected as the IHBC's new President.

I would direct those interested in IHBC National News to view the IHBC Member E letter: Issue 35, September 2019.

5. Misc

Book Review



Curated Decay: Heritage Beyond Saving 14th Feb 2017
by Caitlin DeSilvey
Paperback

Transporting readers from derelict homesteads to imperiled harbours, post-industrial ruins to Cold War test sites, *Curated Decay* presents an unparalleled provocation to conventional thinking on the conservation of cultural heritage. Caitlin DeSilvey proposes rethinking the care of certain vulnerable sites in terms of ecology and entropy, and explains how we must adopt an ethical stance that allows us to collaborate with-rather than defend against-natural processes. *Curated Decay* chronicles DeSilvey's travels to places where experiments in curated ruination and creative collapse are under way, or under consideration.

It uses case studies from the United States, Europe, and elsewhere to explore how objects and structures produce meaning not only in their preservation and persistence, but also in their decay and disintegration. Through accessible and engaging discussion of specific places and their stories, it traces how cultural memory is generated in encounters with ephemeral artifacts and architectures. An interdisciplinary reframing of the concept of the ruin that combines historical and philosophical depth with attentive storytelling, *Curated Decay* represents the first attempt to apply new theories of materiality and ecology to the concerns of critical heritage studies.

IHBC Volunteering & Governance: An update

A cover note from our Chair David McDonald:

The IHBC is a charitable trust with a Board of Trustees - called the Council - responsible for its management. It comprises the nationally elected officers, including officers that chair our national committees, and the members nominated by the Branches. Any full member wishing to become a trustee needs to be well acquainted with the Institute's policies and ways of working. This can be achieved by any, or all, of the ways mentioned below, and by reference to our Yearbook and our website links from ihbc.org.uk.

As we all know, the strength of the IHBC lies in the willingness of its members to contribute to its activities. The Institute is always pleased to hear from members willing to contribute their skills, time and experience, either at local or national level.

It is easy to become informed about the IHBC and involved in its processes through our NewsBlogs, Membership Eletter and our in-house publications, *Context* and our Yearbook all of which offer opportunities for comment and feedback.

A starting point for active involvement for IHBC members of all classes of membership may be at national and regional Branch levels, where we offer programmes of meetings and CPD that many will wish to attend, participate in and advise. There are opportunities, also, to contribute to the governance of our Branches. Details may be obtained from Branch contacts and secretaries listed at <https://www.ihbc.org.uk/branches/index.html>

Our Annual School gives members the opportunity to meet members from other regions as well as the Institute's national officers, who use this event to help keep in contact with the wider membership.

Those with particular expertise or interest in aspects of conservation or development of policy might like to consider joining one of the national panels or committees. Participation in a committee or panel can lead to further responsibility in that area or in the general governance of the Institute.

The IHBC has reviewed its corporate structure and introduced a mechanism to extend interest in and engagement with the governance of the Institute. Operating under the title 'IHBC+', this establishes a process of 'experimental evolution' in our governance, as our Past President Trefor Thorpe titled the process. It includes an expanded half-yearly meeting called 'Council+' that widens access and representation. Participation in Council+ is one way of tasting the responsibilities of the Institute's Body of Trustees, our constitutional Council.

In line with our current Corporate Plan, our planned new constitution will embed the lessons learned from these and other aspects of the IHBC+ programme. That evolution will take its next substantial step at the 2020 AGM when we hope to implement our new constitution.

Details of the legal duties and obligations of trustees and the various roles of the Institute's officers may be obtained from the IHBC Secretary, Jo Evans, at ihbcsecretary@ihbc.org.uk.

Bulletin Editors Comment

This is the first of hopefully quarterly Bulletin for the SW Branch. It will look to highlight the relevant news and best practice in the South West and things of interest from elsewhere.

I would only add that from my experience of editing the Bulletin few years ago its that contributions from members in the South West is the best way to make this relevant and worthwhile so I look forward to receive contributions on any topic, be it buildings, people or anything else members feel might be relevant and of interest. Please attach relevant photographs with contribution as these help make the Bulletin of visual interest and saves a lot of words!

Please note that Bulletin is made up from a variety of Contributor's and the Editor holds no responsibility for the viewpoints expressed or information provided.