

Areas of Townscape Character

Addendum to Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

SUMMARY OF CONSULTATION RESPONSES

Introduction

1. On 1st December 2004, the Department issued for consultation a Draft Addendum to Planning Policy Statement (PPS) 6 'Planning, Archaeology and the Built Heritage', specifically addressing Areas of Townscape Character. The Addendum sets out the Department's planning policies for the control of development in Areas of Townscape Character (ATCs) and is designed to be read in conjunction with the policies contained within PPS 6.
2. The Department sent out copies of the Draft Addendum to approximately 320 interested parties, including District Councils, a wide range of public bodies, MPs, MLAs, non-governmental organisations, professional bodies, and business interests. Notices advertising consultation and inviting responses were posted in the Belfast Telegraph, the Irish News and the Newsletter, on 3rd and 10th December 2004. The document was also made available on the Planning Service website. Consultation responses were requested by 31st March 2005, but a number of responses were received after the closing date. All the responses received were taken into account.
3. This report provides an overview of the findings of the consultation process. It is not intended to be a comprehensive report on every comment received, but rather a summary of the key issues raised in the responses. A copy of the responses has been retained on file with the Department and is available by appointment for public inspection.

Overview of Consultation

4. The Department received a total of 17 responses to the Draft Addendum from a range of interested parties, which can be categorised as follows:

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| Voluntary Organisations and Professional Bodies | 6 |
| Government Departments and other Statutory Agencies | 6 |
| District Councils and Political Parties | 3 |
| Individual Responses | 2 |

Most of the responses covered a number of issues and several were detailed. Some of the comments referred to matters outside the scope of the consultation exercise, for example, suggesting changes to legislation. Three responses

registered support for the Addendum only and contained no additional comment. A full list of the respondents is provided in Annex 1.

Key Issues Emerging from Responses

5. The proposals in the Draft Addendum were largely supported as progress in the protection of townscape heritage in Northern Ireland. In particular, recognition of the importance of ATCs by the extension of demolition control for unlisted buildings in such areas was welcomed, as was the proposal to operate a presumption in favour of retaining any building which makes a positive contribution to the character of an ATC.

Distinction between ATCs and Conservation Areas

6. A number of respondents raised concerns over the distinction between ATCs and Conservation Areas, with some requesting a more explicit definition of an ATC and an expression of the criteria the Department employs in designating an ATC in order to make this distinction clearer.

Response: The Department acknowledges that the distinction between ATCs and Conservation Areas may be difficult to discern. The explanation of ATCs given in the Draft Addendum is taken from PPS 6 and is based on the Department's opinion that whilst both ATCs and Conservation Areas exhibit a distinct character, Conservation Areas merit statutory designation by nature of their 'special' architectural or historic interest. How the Department determines whether or not an area is special is based on a detailed assessment of the character, intrinsic qualities and history of the area, in consultation with the Historic Buildings Council, the relevant local district council and others with an interest in built heritage conservation. The Department is confident that its approach to protection of areas of distinctive townscape character is appropriate, and that to date decisions made in determining what merits designation as a Conservation Area and what should be designated an ATC have been generally correct. This is supported by recent research undertaken at The Queens University of Belfast.¹ Finally, the Department would point out that ATCs are now designated through the development plan process and therefore this affords interested parties the opportunity to object or comment on the appropriateness of such designations.

Order and Emphasis of Policies

7. A number of respondents were of the opinion that the way in which the policies were listed in the Draft Addendum implied that encouragement was being given to new build over the retention of existing townscape and that the document should give greater emphasis to the retention and reuse of buildings in ATCs.

¹ 'Conservation Areas in Northern Ireland: Has the Coinage been Debased?' (Unpublished MSc Thesis QUB, Neil D Galway, 2004)

Response: The Department recognises the way in which the policies were listed in the Draft Addendum could be taken to imply encouragement of new build as suggested and notes the additional comments in relation to retention and reuse of buildings in ATCs. The Department has amended the document to take account of these comments.

Application of Policies

8. Some concern was expressed over the circumstances in which the Department's key consideration to ensure that the distinctive character of ATCs is maintained or enhanced could be overridden in exceptional circumstances (Draft Addendum paragraph 1.8). One respondent also expressed concern over the statement, in Draft Addendum paragraph 1.3, that the provision of the policies in the Addendum will prevail unless there are other overriding policy or material considerations which outweigh them and justify a contrary decision, and requested examples of the circumstances where this might occur.

Response: The Department would point out that, while the policies in the Addendum set out the main planning considerations that will be taken into account in assessing proposals within ATCs, as with all planning policy publications, they should not be read as the only tests of acceptability for development proposals in ATCs. In making its decisions the Department will assess proposals against all planning policies and other material considerations that are relevant to it. The Department considers that it isn't appropriate to give examples of situations where other policy or material considerations would outweigh the policies of the Addendum or where the key considerations would be overridden. This is because such policies provide a general guideline but can not be an absolute bar to a decision beneficial to the citizen. As such, each individual case must be considered on its merits to see whether an exception would be justified.

Cumulative Loss of Building Features

9. The issue was raised that the Draft Addendum did not adequately address control over the cumulative loss of building features which contribute to the character of ATCs.

Response: The Department recognises the contribution of building features to the distinct character of an ATC but would point out that, under planning legislation, certain alteration works to buildings in ATCs may not constitute development, or may be permitted development, and can therefore be carried out without the need for a planning application. The issue of the alteration of buildings in areas of distinctive townscape character has however been raised and will be considered within the context of the current review of the Planning (General Development) Order (Northern Ireland) 1993.

Use of Traditional and Sustainable Materials

10. It was commented that the Draft Addendum did not make specific reference to the use of traditional and sustainable building materials in ATCs.

Response: The Department would point out that the Draft Addendum highlighted that new development in ATCs should seek to reinforce local identity. In seeking to achieve this the Department would have regard to the broad criteria outlined for Conservation Areas (set out in PPS 6 and included as Annex A of the Addendum) in assessing the acceptability of proposals and, additionally, would apply Policy QD 1 of PPS 7 'Quality Residential Developments' in the case of residential development. Notwithstanding this however, the Department notes the comments and has amended the document to take account of them.

Enforcement

11. Several respondents requested that the Addendum refer to enforcement control in ATCs.

Response: The Department would point out that PPS 9 'The Enforcement of Planning Control' sets out the position relevant to enforcement in ATCs, and that the Department considers that this matter is adequately covered in PPS 9.

Specific Issues

Draft Addendum Policy ATC 1: New Development in an ATC

12. There was one suggestion to amplify Policy ATC 1, to include reference to 'historic landscape and archaeological features'.

Response: The Department has amended the document to take account of the suggestion.

13. Comments suggested that the reference to supplementary planning guidance for individual ATCs was ambiguous (Draft Addendum paragraph 2.6).

Response: The Department has amended the document to take account of the comments.

14. It was suggested in one response that the reference from PPS 7 Policy QD 1 be reworded (Draft Addendum paragraph 2.5).

Response: The Department would point out that the reference to Policy QD 1 in paragraph 2.5 is taken directly from PPS 7, and that revision of PPS 7 is beyond the scope of this consultation exercise.

15. One respondent suggested that the general criteria for Conservation Areas (set out in PPS 6 and included in the Draft Addendum as Annex 1) should 'emphatically apply' in assessing proposals for new development in ATCs rather than the Department having regard to them (Draft Addendum paragraph 2.3).

Response: The Department notes the comment but considers that the approach taken in the Draft Addendum is appropriate given the distinction between ATCs and Conservation Areas.

16. A number of respondents suggested that the Department refer to other conservation guidance/codes as further guidance in assessing proposals for new development in ATCs, including, for example, British Standards (BS) 7913: 'The Principles of the Conservation of Historic Buildings' (1998).

Response: The Department has amended the document to have regard to these comments.

17. It was suggested that the Addendum set out standards for open space provision in ATCs.

Response: The Department considers that the issue of open space is adequately dealt with under PPS 8 'Open Space, Sport and Outdoor Recreation', as well as also being addressed in the main PPS 6 and in PPS 7.

Draft Addendum Policy ATC 2: Control of Advertisements in an ATC

18. There was general welcome for Policy ATC 2.
19. There were a number of suggestions to extend control, such as to exclude 'large advertising frontages by grocery chains and other outlets' from ATCs and to require consent for display of advertisements in 'shop windows/shop frontages'.

Response: The Department notes the comments made but considers that Policy ATC 2 is suitably robust to prevent detrimental advertising in ATCs. With regard to advertisements displayed in shop windows/frontages in particular, the Department would point out that, under the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992, such advertisements may be displayed without the need for a planning application, provided they conform to certain standard criteria. Extending control to include advertisements in shop windows/frontages is therefore beyond the scope of this consultation exercise.

20. It was suggested that the Addendum make reference to the special consideration given to the display of tourist/visitor advertisements.

Response: Under the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992, tourist and visitor information signage may be

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displayed with 'deemed consent', provided they conform to certain standard criteria. The Department considers it inappropriate to refer to the special consideration given to tourist/visitor information signage in the Addendum, and that this is adequately dealt with in the legislation and in PPS 17 'Control of Outdoor Advertisements'.

21. It was suggested that the Addendum make reference to flexibility in the length of time for the display of advertisements for 'short term events'.

Response: Under the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992, certain advertisements displayed for events of a 'short term' nature may be displayed without planning consent or with 'deemed consent', provided they conform to certain standard criteria. The Department considers that the legislation and PPS 17 deal adequately with the matter of 'temporary' advertisements.

22. It was suggested that Policy ATC 2 be amplified to include that the Department will only grant consent for the display of an advertisement in an ATC where it "does not detract from the distinctive characteristics and amenity of the area". It was further suggested that the policy include a reference to PPS 17.

Response: The Department would point out that the suggested additional statement is, in the Department's view, essentially what is meant by the statement made in point (a) of the policy. In regard to reference to PPS 17, the Department considers it inappropriate to make this reference in the policy statement itself but has amended the 'justification and amplification' for the policy to take account of the suggestion.

23. The point was raised that Policy ATC 2 didn't adequately address road safety concerns in respect of 'variable messaging advertising'.

Response: The Department would stress that it is concerned that matters of public safety, including road safety, are safeguarded in all cases, and that it considers that Policy ATC 2 is suitably robust in this regard. The Department would also point out that PPS 17 addresses the matter of variable message advertisements.

Draft Addendum Policy ATC 3: Demolition in an ATC

24. There was general support for the extension of demolition control to ATCs and, in particular, for the presumption in favour of retention in the case of buildings that make a positive contribution to the distinctive character of an ATC.
25. A number of respondents expressed concern that demolition consent may be granted without prior agreement for the redevelopment of the site. One respondent suggested that in such cases the permission for demolition should be conditional on redevelopment within a stated time and to the imposition of a fine if this doesn't happen.

Response: The Department notes the concerns of the respondents but would point out that in Policy ATC 3 it is stated that where permission for demolition is granted “this will normally be conditional on prior agreement for the redevelopment of the site”. In effect therefore, the Department will only permit demolition without prior approval for redevelopment of the site in exceptional circumstances. The weight to be given by the Department to securing agreement for a proposal for redevelopment prior to demolition of an existing building is set out in the ‘justification and amplification’ for the policy. The Department would however acknowledge that there may be occasions where prior agreement on redevelopment will be unnecessary, although the onus will be on the developer to justify this course of action. The key issue in all such cases will be the impact this would have on the character and appearance of the ATC.

26. A number of respondents made the point that where demolition is permitted the replacement building should contribute more to the character of the area than the building to be demolished.

Response: The Department would point out that Draft Addendum paragraph 2.13 makes clear that, as well as the contribution of the existing building to the ATC, and the effects of demolition on the distinctive character of the area, a key consideration in assessing proposals for demolition of an unlisted building will be the quality of the proposals for redevelopment of the site. Where demolition in an ATC is considered acceptable in principle, the Department will seek to ensure quality design in redevelopment proposals that will respect or enhance the distinctive character and appearance of the particular ATC.

27. One respondent expressed concern that the Draft Addendum did not give greater prominence to presumption in favour of retaining any building in an ATC.

Response: The Department considers that to operate a presumption in favour of retaining all buildings in an ATC is inappropriate. For example, it would not allow for the replacement of buildings that do not make a positive contribution to the character and which detract from the ATC.

28. One respondent expressed concern that Policy ATC 3 was too stringent and suggested that the statement ‘where the building makes no material contribution to the distinctive character of the area’ be replaced with “where its replacement makes a positive contribution to the distinctive character of the area”.

Response: As highlighted above, the Department considers that the appropriate test in the case of demolition of an unlisted building in an ATC is one which assesses the merits of the existing building, and the contribution it makes to the distinctive character of the area, as well as the quality of the proposals for the redevelopment of the site. The Department further considers that the wording of Policy ATC 3, and particularly paragraph 2.13 in the ‘justification and amplification’ to the policy, sufficiently acknowledges this.

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29. It was suggested that the benefits associated with the reuse of buildings in ATCs should be made in the 'justification and amplification' to Policy ATC 3.

Response: The Department notes this and other comments in relation to the reuse of buildings in ATCs and has amended the document to take account of the comments.

30. One respondent suggested that the statement made in bullet point (b) of Draft Addendum paragraph 2.13 is too vague.

Response: The Department notes the comment and has amended the document to take account of it.

ANNEX 1: RESPONDENTS

Department for Regional Development (DRD) - Roads Service

Department of Enterprise, Trade and Investment (DETI) - Northern Ireland Tourist Board

Department of Health, Social Services and Public Safety (DHSPPS) - Health Estates Agency

Historic Buildings Council

Historic Monuments Council

Eastern Health and Social Services Board

Ulster Unionists (Policy Unit)

Lisburn City Council

Down District Council

Institute of Historic Building Conservation

Landscape Institute (NI Branch)

Kingdom of Mourne Revolt Against Destruction of the Environment

Mourne Heritage Trust

Ulster Architectural Heritage Service

Ulster Society for the Protection of the Countryside

Mr Andrew McClelland

Mr Roy McKinstry

Other responses received which contained no specific comment on the content of the Draft Addendum

Civil Aviation Authority - Aerodrome Standards Department (Safety Regulation Group)

Northern Ireland Affairs Committee