“Essential reading” reference documents relating to planning legislation, policy and guidance for Conservation Areas and Listed Buildings  April 2015

This “signposting” document lists the titles of the most important reference documents and policies relating to heritage assets and includes links to where they can be found on the internet.

1. Statutory Legislation


This Act sets out statutory duties and responsibilities in relation to designated heritage assets, their listing and protection. It also outlines the procedures for the designation and management of conservation areas. Part I deals with listed buildings and Part II deals with conservation areas.

1.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 was amended by the Enterprise and Regulatory Reform Act 2013 http://www.legislation.gov.uk/ukpga/2013/24/contents/enacted

The main changes affecting heritage assets are:

- New Listed Building Heritage Partnership Agreements
- Introduction of a system of Local and National Listed Building Consent Orders
- Introduction of Certificates of Lawfulness of Works to Listed Buildings
- Conservation Area Consent replaced by the requirement for planning permission
- More precise listed building entries
- Certificates of Immunity from listing can be sought at any time
- Reduction in the requirement for design and access statements

2. Historic England – Key Guidance

As of 1 April 2015, the section of English Heritage carrying out heritage protection functions was hived off and renamed – Historic England. What remains of English Heritage will continue under that same name as a registered charity with responsibility for the care of the English National Heritage Collection consisting of over 400 properties, sites and monuments, amassed by English Heritage (formerly the Historic Buildings and Monuments Commission) since 1913 and held in trust on behalf of the UK.


Issued by Historic England (formerly English Heritage) in April 2008, this document sets out the underlying principles of heritage listing and the management of change, and introduces and explains new key heritage terminology.
2.2 Understanding Place: Conservation Area Designation, Appraisal and Management
http://www.english-heritage.org.uk/publications/understanding-place-conservation-area/

2.3 Principles of Selection for Listing Buildings
http://www.english-heritage.org.uk/content/imported-docs/p-t/principles-of-selection-for-listing-buildings-2010.pdf

2.4 Good Practice Guide for Local Heritage Listing

2.5 A Guide to Heritage Protection
http://www.english-heritage.org.uk/professional/advice/hpg/

2.6 In addition to these documents, Historic England’s website offers online guidance on a wide variety of heritage topics.
http://www.english-heritage.org.uk/professional/advice/advice-by-topic/

3. National Policy

3.1 National Planning Policy Framework (NPPF)

Issued by the Department for Communities and Local Government (DCLG) in March 2012, the NPPF sets out in a single document the government’s planning policies and how they are expected to be applied. The NPPF says that “the purpose of planning is to help achieve sustainable development”. The central theme of the NPPF is a presumption in favour of sustainable development.

The NPPF has 12 “core planning principles” which should underpin both plan-making and decision-taking. In particular, the policy says that planning should:

“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.”

Chapter 12 (paragraphs 126 to 141) of the NPPF deals with conserving and enhancing the historic environment. Paragraph 126 says that:

“Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment ...”

Paragraph 127 of the NPPF says that:

“When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.”
Paragraphs 128 to 136 of the NPPF set out guidance on how local planning authorities should assess the effects of planning applications upon heritage assets and their settings.

The NPPF glossary contains the following definitions:

**Designated heritage asset**: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

**Heritage asset**: Any building, monument, site, place, area or landscape identified as having a degree of historic significance meriting consideration in planning decisions.

Some heritage assets have already been identified and assessed as important or rare enough to be designated through statute i.e. they are designated heritage assets. However, there are many others which have local significance but are either not of a standard considered to be worthy of statutory protection or have not yet been assessed and they are referred to as non-designated heritage assets. Some non-designated heritage assets are considered significant enough to the local community and/or environment that they are formally identified by the Local Planning Authority. In L.B.Ealing these non-designated assets, and what is considered special about them, are recorded within the lists in the Local Heritage Register and within Conservation Area Appraisals (non-designated heritage assets are presently referred to as locally listed buildings and key non-listed buildings).

3.2 Planning Practice Guidance
http://planningguidance.planningportal.gov.uk/
This online official guidance on planning policy, which supports the NPPF, was issued by DCLG in March 2014 and will be updated regularly.

3.3 Planning for the Historic Environment

3.4 Historic England Planning Practice Guidance

3.5 National Planning Policy Framework and Heritage Assets
http://www.historicengland.org.uk/advice/hpg/decisionmaking/nppf/
This section of Historic England’s website explains how the NPPF applies specifically to heritage assets.

4. Regional Policy

4.1 The London Plan
http://www.london.gov.uk/priorities/planning/publications/the-london-plan
This document, issued in 2011, is the Mayor of London’s spatial development strategy for Greater London. It sets out London-wide policies which derive from the approach laid out in the NPPF.
The revised London Plan was issued on 10 March 2015. It has superseded the July 2011 version of the London Plan and now incorporates both the Revised Early Minor Alterations to the London Plan (REMA), required following the publication of the NPPF, and the Further Alterations to the London Plan (FALP) which include changes to the Mayor’s housing targets amongst other matters.

Chapter 7 - London’s Living Places and Spaces -
includes the following policies which are particularly relevant to the determination of planning applications affecting both designated and non-designated heritage assets:

- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage-led Regeneration

4.2 Supplementary Planning Guidance
https://www.london.gov.uk/priorities/planning/supplementary-planning-guidance

Shaping Neighbourhoods: Character and Context, issued in June 2014, is of particular relevance:
https://www.london.gov.uk/priorities/planning/publications/shaping-neighbourhoods-character-and-context

4.3 Revised Early Minor Alterations to the London Plan (REMA)
These minor alterations to the London Plan (REMA), mainly intended to reflect changes to the London Plan which were required following the publication of the NPPF, were issued in October 2013 and can be accessed from the London Plan homepage:
https://www.london.gov.uk/priorities/planning/london-plan

4.4 Further Alterations to the London Plan (FALP)
Further alterations to the London Plan (FALP) were issued in draft for consultation in January 2014. The draft document, which includes proposed changes to the Mayor’s housing targets amongst other matters, can be accessed from the London Plan homepage mentioned above. At the time of writing, no date has been set for the issue of this document in its final form.

5. Local Policy

5.1 Development Strategy
http://www.ealing.gov.uk/info/200923/development_core_strategy

Ealing Council’s Local Plan (Issued in April 2012), vision for the future development of the borough up to 2026.
Policy 1.1(h) - “To care for the borough’s historic character and enhance the significance of heritage assets in regeneration proposals, ensure excellence in urban design and design out crime to make Ealing’s environment safe, attractive and accessible for all.”

Policy 1.2(g). - “To support the proactive conservation and enjoyment of Ealing’s heritage assets and their significance. In this regard the Council will continue to update and revise its evidence relating to the Borough’s designated and undesignated heritage assets. In particular, we will regularly review our Conservation Area Appraisals and Management Plans and review and update our Local List of heritage assets to ensure that local assets are identified and their significance properly understood during the planning process. In addition to promote heritage-led regeneration, ensure a balanced approach to climate change measures, encourage greater understanding and access to heritage assets and reduce the number of assets at risk.”

5.2 Development Management Development Plan Document (DPD)
http://www.ealing.gov.uk/info/200921/local_plans/1511/development_management

The Development Management DPD (Dec 2013) follows the chapter sequence and layout of the London Plan. It supplements the London Plan in two ways, by adding

- local variations of London Plan policies, and
- new local policies where there is an identified local need or where the London Plan does not provide enough detailed guidance.

Policy 7C  Ealing Local Policy - Heritage

A  “Development of heritage assets and their settings should

a) be based on an analysis of their significance and the impact of proposals upon that significance;
b) conserve the significance of the asset in question;
c) protect and where appropriate restore original or historic fabric;
d) enhance or better reveal the significance of assets.”

B  “Development within or affecting the setting of Conservation Areas should

a) retain and enhance characteristic features and detailing and avoid the introduction of design and materials that undermine the significance of the Conservation Area;
b) retain elements identified as contributing positively and seek to improve or replace elements identified as detracting from the Conservation Area.”

C  “The significance of heritage assets should be understood and conserved when applying sustainable and inclusive design principles and measures.”

D  “Harm to any heritage asset should be avoided. Proposals that seek to cause harm should be exceptional in relation to the significance of the asset, and be clearly and convincingly justified in line with national policy.”
Policy 7.4  Ealing Local Variation - Local Character

“Development in Ealing’s existing built areas should complement their

a) street sequence;
b) building pattern;
c) scale;
d) materials;
e) detailing.”

Policy 7B  Ealing Local Policy - Design Amenity

A  “New development must achieve a high standard of amenity for users and for adjacent uses by ensuring

a) high quality architecture;
b) good levels of daylight and sunlight;
c) good levels of privacy;
d) coherent development of the site

e) appropriate levels of development on site;
f) positive visual impact;
g) legibility and accessibility.

B  “External treatments, fittings and materials must complement the building and context and must not impair the visual amenity of surrounding uses.

C  “Extensions to existing development should ensure that the resulting development as a whole meets design standards.”

5.3  Development Sites Development Plan Document (DPD)
http://www.ealing.gov.uk/info/200921/local_plans/1491/development_sites

Issued in December 2013, this document sets out the planning requirements for key sites in the borough with significant development potential.

5.4  Adopted Policies Map Booklet - Schedules and Map Sheets
http://www.ealing.gov.uk/info/200921/local_plans/1513/policies_map

Issued in December 2013, this booklet illustrates all site-specific policies in all the Local Plan documents in map form and gives lists of all the sites and areas to which the policies apply. Heritage assets are presently omitted from the paper documents, as these are maintained outside of the development plan process, although will be included on the interactive Policies Map.

5.5  Supplementary Planning Documents (SPDs)
http://www.ealing.gov.uk/info/200921/local_plans/602/supplementary_planning_guidance_and_documents

Supplementary planning documents (SPDs) provide further guidance and assist in the interpretation and application of planning policies.
Ealing Council is producing a number of new SPDs to supplement Local Plan policies. As a temporary measure, some of the SPDs which related to the Council’s now-superseded Unitary Development Plan (UDP) [withdrawn in December 2013] have been retained as interim guidance until replacement SPDs can be prepared.

The SPDs retained as interim guidance are listed at: http://www.ealing.gov.uk/info/200921/local_plans/602/supplementary_planning_guidance_and_documents/2

5.6 SPD 4 (Residential Extensions)
http://www.ealing.gov.uk/downloads/download/2760/interim_guidance

This SPD lists criteria to be considered in any proposal for a residential extension of any kind.

6. Other Local Guidance

6.1 Conservation Area Character Appraisals and Management Plans
http://www.ealing.gov.uk/info/511/conservation_areas

There are 29 conservation areas in Ealing. Each conservation area has a character appraisal, which describes the history and main characteristics of the conservation area, and a management plan which sets out guidance in relation to planning applications and development proposals.

6.2 Local Heritage Register

Ealing Council’s Local Heritage Register (previously known as the “Local List”) was revised comprehensively in 2013/14. The updated version was issued in July 2014 and will be reviewed annually.

All the entries on the Local Heritage Register are classified as non-designated heritage assets and have a local significance which should be considered when assessing planning applications affecting the asset (their historic interest is considered a ‘material consideration’ in planning terms).

The Local Heritage Register currently comprises three separate lists:

- the Local Heritage List – individual assets with local historic, cultural or architectural significance
- the List of Buildings of Façade or Group Value – buildings with facades or group interest
- the List of ‘Positive Contributors’ to Conservation Areas - buildings of special note within conservation areas.

Lists approved by Cabinet July 2014:
http://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/772/Committee/3/Default.aspx
December 2014