

Extracts Policies and Questions Chapter 7 - Historic Environment [Read Full Text Here.](#)

Policy HE1: The Conservation, Protection and Enhancement of the Historic Environment

Development proposals affecting the historic environment will be required to demonstrate how they:

- a) Make a positive contribution to the character and distinctiveness of the historic environment of the local area by respecting historic plan form and reinforcing, conserving and/or enhancing special character taking into account factors including setting, historical context, urban grain and layout, plot sizes, the public realm, boundary treatment, building lines, roofscapes, trees, hedges, green space, landscaping, the mix of building types and uses, siting, scale, height, massing, appearance, traditional vernacular materials and finishes, and historic architectural detailing including windows and shop fronts;
- b) Ensure the significance of the heritage asset and its setting is understood and used at an early stage to inform development proposals in order to avoid or minimise harm, ensuring that heritage is at the heart of place-making;
- c) Have considered, and positively addressed the cumulative impact of incremental change from development on the significance of heritage assets;
- d) Preserve, and ensure clear legibility of and hierarchy of, locally distinctive vernacular building forms / groups of traditional vernacular buildings and their settings, features, fabric and materials whether within urban or rural areas or within historic farmstead complexes;
- e) Have identified and fully incorporated opportunities to better reveal the significance of the historic environment, through protecting the setting of settlements, important views between historic settlements and across the landscape;
- f) Ensure that the impact of traffic, parking or other environmental matters such as lighting and noise are considered at an early stage to avoid harm to the historic environment;
- g) Reflect the current good practice advice and research produced by Historic England; and
- h) Ensure that appropriate archaeological research and investigation (including above ground archaeology, such as buildings) is undertaken at an early stage to understand significance and inform the design process.

Comment and Notes

Question 35

Consultation Questions

- a Do you agree with draft policy HE1: The Conservation, Protection and Enhancement of the Historic Environment?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Policy HE2: Heritage Assets

- 1 Proposals that seek to safeguard, conserve and enhance the significance of heritage assets (including non-designated heritage assets), their historic function and their setting, making a positive contribution to local character and distinctiveness will be supported.

Heritage Statement

- 2 Any development affecting a heritage asset (both designated and non-designated) and / or its setting must demonstrate sufficient understanding of the significance of the heritage asset and / or its setting through the provision of a heritage statement which provides detail proportionate to the importance of the heritage asset.
- 3 The heritage statement must demonstrate how this understanding of significance has informed the principles of the proposal and the potential impact of the proposal on the heritage asset and why the works proposed are desirable or necessary. As a minimum, the historic environment record should be consulted in order to inform the heritage statement and the heritage assets assessed using the appropriate expertise where necessary.

Setting and views to and from Heritage Assets

- 4 Setting and views to and from heritage assets can form an important and integral part of their significance and development must be informed by an understanding of setting in accordance with current Historic England good practice advice including a consideration of where change may better reveal significance and where views are important and should be respected and protected.
- 5 The Council will support proposals that retain and enhance the setting of heritage assets subject to other policies in the Local Plan. Development that would demonstrably harm the significance of the heritage asset through development within its setting will normally be resisted.

Change of use of Heritage Assets

- 6 The change of use of heritage assets, including buildings in Conservation Areas, will only be permitted where the proposed use is considered to be the optimum viable use that is compatible with the significance of the heritage asset, its features and setting and will secure the long-term sustainable future of the heritage asset as well as its conservation and enhancement. Development affecting a heritage asset should not compromise future restoration opportunities.

Energy efficiency & Sustainability of Heritage Assets

- 7 Proposals affecting heritage assets that seek to install energy efficiency improvements or improve environmental sustainability will be supported where it can be demonstrated that the proposed measures take a 'whole building approach' and are suitable for the asset, and informed by an understanding of their specific performance, including construction and materials. The suitability of improvements will need to be weighed against the significance of the asset and / or its setting, or any features of special architectural / heritage interest that may be impacted.

Loss of Heritage Assets

- 8 There is a general presumption in favour of the preservation of heritage assets. Where the loss of a heritage asset is proposed, for example partial or complete demolition of a Listed Building or key unlisted buildings within a Conservation Area (either as identified in the Conservation Area Appraisal or as arises in the planning process), or an identified non-designated heritage asset, consent or permission will only be granted where:
 - a) There is clear justification and evidence that all reasonable efforts have been made to sustain the existing use and find alternative uses. Evidence must include (as applicable) a structural report, evidence of redundancy, attempts to market the building to a new user over an 18 month period and a viability report.
 - b) Any replacement buildings are of a sufficient quality to make the same or an enhanced contribution to the character or appearance of the area;
 - c) There is robust evidence that the development will be progressed in a timely manner following demolition. This may be subject to a legal agreement.
- 8 The Council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the heritage asset affected.
- 9 Where a proposal would result in the partial or total loss of a heritage asset or its setting, the applicant will be required to secure a programme of recording and analysis of that asset and archaeological excavation where relevant and ensure that the information is recorded to an appropriate standard and submitted to the East Sussex Historic Environment Record.

Designated Heritage Assets

- 10 Proposals that result in any harm to, or loss of significance of a designated heritage asset or its setting will require clear and convincing justification to demonstrate that the harm or loss proposed will be outweighed by the public benefits of the proposal.

- 11 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, it will only be supported where it can be demonstrated that there are heritage benefits and that the harm can be weighed

against the public benefits including securing the optimum viable use of the heritage asset.

- 12 Substantial harm to, or loss of significance of a designated heritage asset will only be permitted in exceptional circumstances. Where substantial harm to a designated heritage asset or its setting cannot be avoided, consent or permission will only be granted where it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm and:

- a) The applicant has made every effort to avoid and mitigate the extent of harm to the significance of the designated heritage asset or its setting;
- b) That the works proposed are the minimum required to secure the designated heritage asset in the long-term and represent the optimum viable use;
- c) The asset features that contribute to its heritage significance and interest are retained; and
- d) Materials used for alterations, replacement features and repairs are consistent with those originally used or typical of the character of the local area and are compatible with/ in the interests of the long-term preservation of the heritage asset.

Non-designated heritage assets

- 13 Proposals will be supported where a positive commitment is made to retain a non-designated heritage asset and its architectural and design features are considered positively and retained. Due regard will be required to the developments impact on the asset's significance and its conservation.

Question 36

Consultation Questions

- a Do you agree with draft policy HE2: Heritage Assets?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comment

Policy HE3: Conservation Areas

- 1 Proposals within or adjoining a Conservation Area will be supported where they:
 - a) preserve or enhance the existing architectural, historic character, townscape appearance, quality and setting of a designated Conservation Area;
 - b) take account of and respond to the relevant Conservation Area Character Appraisal and future management strategy when considering the design, scale, positioning, grouping, density and detailing of the development;
 - c) involve restoring original details, historic fabric or preserving or enhancing specific features of interest including landscaping features such as trees, walls, fences, green infrastructure and other special features that make a positive contribution to the character and appearance of a Conservation Area; and
 - d) use building materials and finishes that respect the area.
- 2 Subject to other policies in the Local Plan, buildings that make a negative or neutral contribution to a Conservation Area may be replaced or refurbished where this will result in a high-quality design and an enhancement to the character and appearance of the Conservation Area including replacement of shopfronts of inappropriate/poor design.
- 3 Inappropriate alterations to unlisted buildings that make a positive contribution to a Conservation Area, will be resisted.

Question 37

Consultation Questions

- a Do you agree with draft policy HE3 Conservation Areas?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comment

Policy HE4: Enabling Development

Enabling development that would ordinarily conflict with other planning policies, but which would secure the long-term future conservation of a heritage asset, and, where applicable, its continued use for a sympathetic purpose, will be supported only where the public benefit of securing the future of the heritage asset through such enabling development would decisively outweigh the harm of departing from the development plan or from national planning policies. Proposals for enabling development must demonstrate that:

- a) There is clear justification and evidence that there are no alternative ways of achieving the same outcome for the heritage asset including through sources of public and private investment;
- b) The enabling development would not materially harm the significance of the heritage asset or its setting;
- c) The enabling development is required to solve the conservation requirements of the heritage asset and is proportionate to the 'conservation deficit', the amount of enabling development being the minimum necessary to secure the future of the heritage asset; and
- d) The enabling development meets the requirements set out in Historic England Good Practice Advice and is accompanied by a costed conservation management plan, the conservation benefits to be secured under a S106 Planning Obligation.

Question 38

Consultation Questions

- a Do you agree with draft policy HE4 Enabling Development?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comment

Policy HE5: Historic Parks and Gardens

- 1 Development proposals affecting Historic Parks and Gardens on the national register or of local significance will be supported where they:
 - a) Maintain, conserve or enhance the special historic interest, significance, character and appearance and design and layout of these landscapes;
 - b) Conserve and enhance the setting of these landscapes including significant views to and from the park or garden;
 - c) Take opportunities to restore original features and increase public access where appropriate;
- 2 Proposals affecting Registered Parks and Gardens, must be able to demonstrate that any harm can be outweighed by public benefits commensurate to the level of harm arising.
- 3 Where proposals affect non designated Historic Parks and Gardens consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposal.

Question 39

Consultation Questions

- a Do you agree with draft policy HE5: Historic Parks and Gardens?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comments

Policy HE6: Archaeology

- 1 Development proposals that would result in substantial harm to Scheduled Monuments and other important archaeological sites, including their setting, will not be permitted unless there are exceptional circumstances.
- 2 Where it is considered that a development could either directly or indirectly impact on a heritage asset with archaeological interest, development will only be permitted where it can be demonstrated that the proposal will not be harmful to the archaeological interest (significance) of the heritage asset or its setting. This includes direct impacts on designated sites e.g. Scheduled Monuments, indirect impacts on the setting of designated sites and impacts on sites of archaeological interest.
- 3 In some cases, where there is potential for impacts to heritage assets with archaeological interest, permission may be granted subject to a condition that no development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation. The Written Scheme of Investigation will be subject to approval by the local planning authority and should follow the Sussex Archaeological Standards, ESCC 2019, (or subsequent replacement).
- 4 Subject to other policies in the Local Plan, development proposals will be considered favourably where they:
 - a) Preserve, protect and / or enhance archaeological sites or remnants of such sites in situ, unless the Written Scheme of Investigation shows that the preservation of archaeological remains in situ is not justified.
 - b) Maximise opportunities to conserve, enhance and improve the accessibility and interpretation of archaeological sites, remains or features.
- 5 Where this is not possible or justified to preserve in situ, developers will be required to record any heritage assets to be lost (wholly or in part) by a suitable and approved archaeological body and in a manner proportionate to their importance and possible impact. This information must be submitted to the East Sussex Historic Environment Record including making this evidence (and any archive generated) publicly accessible. Developers will also be required to make satisfactory provision for the conservation and storage of any artefacts. Planning conditions/ a planning obligation may be used in order to secure these requirements.

Question 40

Consultation Questions

- a Do you agree or disagree with draft policy HE6 Archaeology?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comments