

CHESTER ARCHAEOLOGICAL SOCIETY

REPRESENTATIONS ON CHESHIRE WEST AND CHESTER LOCAL PLAN (PART TWO) LAND ALLOCATIONS AND DETAILED POLICIES

The National Planning Policy Framework recognises the importance of conserving and enhancing the historic environment as an irreplaceable asset and gives local authorities clear guidance as to how this should be done. This is echoed in the aspirations of the CWaC Local Plan Part One. The detailed policies and their justifications/explanations below are suggestions as to how CWaC should give effect to these aspirations and to national planning requirements.

1.0 Preamble

- 1.1 Detailed policies are required to support the strategic policies on the Historic Environment and the accompanying explanation in Part One of the Local Plan, policy ENV 5 and paragraphs 8.41–.46. These will replace [Chester District Local Plan](#) policies ENV 31–48, [Ellesmere Port and Neston Borough Local Plan](#) policies ENV 15–17 and [Vale Royal Borough Local Plan](#) policies BE5–15. The new policies need to be consistent with National Planning Policy Framework (NPPF) section 12 and paras 156, bullet point 5, and 157 bullet points 7 and 8.
- 1.2 In accordance with NPPF, CWaC’s policies for the historic environment need to take into account not only designated heritage assets, ie scheduled ancient monuments and listed buildings, registered parks and gardens and battlefields, and non-designated heritage assets (eg the Buildings of Townscape Merit listed in the [Chester City Centre and Approaches Characterisation Study](#), but also their settings as well as conservation areas and historic landscapes. They also need to mesh with policies on the ‘natural’ environment in Local Plan Part One, Policy ENV3 and NPPF section 11; on design in Local Plan Part One, Policy ENV 6 and NPPF section 7, especially paras 58–9; and with the CWaC [Sustainable Community Strategy 2010–2026](#), especially 4.3.4
- 1.3 The policies need to address the following topics:
- Preservation/Conservation/Enhancement
 - Understanding of the values of heritage assets (evidential, historical associations, aesthetic, communal)
 - Enjoyment
- 1.4 The relevant policies of the constituent districts contained lists of many relevant sites and monuments. This is clearly no longer practical, and instead the new detailed policies need to be supported by documents such as the [Cheshire Historic Environment Record](#) (incorporating the Chester Urban Archaeological Database), the [Chester Urban Archaeological Plan](#), the [Historic Towns Archaeological Assessments and Strategies](#), [Conservation Area Appraisals](#), the [Chester City Centre and Approaches Characterisation Study](#), the [Cheshire Historic Landscapes Characterisation Final Report](#) and the more general [Cheshire Landscape Character Assessment](#) (cf NPPF, paras 169–170).
- 1.5 In order to provide a reasonably consistent level of information across the borough to inform both Neighbourhood Plans and individual development proposals, architectural

characterisation studies similar to that for Chester should be prepared for the other towns, ie Ellesmere Port, Neston, Northwich and Winsford.

2.0 Suggested Policies

2.1.1 *Policy identifying Chester's historic core as a zone of national/international significance*

The Council has identified the centre of Chester and parts of its environs as an area of particular historical significance, containing a varied assembly of heritage assets of national and international importance, of individual and group value. Development should preserve and enhance these heritage assets and their settings.

Proposals that could potentially have a significant adverse impact on these assets and their settings will not be permitted.

Development proposals affecting the setting of heritage assets will be carefully controlled in terms of their siting, mass, layout, materials and design, together with the preservation of trees and complementary landscape features in order to ensure that the character and setting of the assets are properly and sensitively conserved.

National and international significance extends not only to period-specific remains such as Roman walls and the medieval Rows, but also to areas of deep, well preserved, multi-period stratigraphy (eg from Roman through to the Industrial period).

This protection extends not only to designated heritage assets but also to non-designated assets that are demonstrably of equivalent significance.

Development proposals that would result in the loss of any historic routes in Chester city centre will not be permitted. Conversely, development schemes that would result in the reinstatement of any historic routes in the city centre will be looked on favourably.

2.1.2 *Justification/Explanation*

The relevant area is the Primary Archaeological Character Zone as shown in the [Chester Archaeological Plan](#), page 15, Figure 7 and page 16, Guidance Note 2. Local Plan Part One Publication Draft Policy ENV 5 states that 'development in Chester should ensure that the city's unique archaeological record and historic character should be protected'. This policy is consistent with NPPF para 157, bullet point 7: 'Local plans should ... identify land where development would be inappropriate, for instance because of its environmental or historic significance'.

Policy ENV 5 also states: 'Where development is likely to have a significant adverse impact on designated heritage assets and their settings and [the impact] cannot be avoided or [the asset] preserved *in situ* it will not be permitted'; cf NPPF para 132. The setting of heritage assets is specifically included in para 132: 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

The appropriate protection of non-designated heritage assets is mentioned in Policy ENV 5: 'Development should respect and respond proportionately to non-designated heritage assets and their settings avoiding loss or damage wherever possible' and in NPPF para 139: 'Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'.

Chester's street plan is evidence for its Roman and medieval past and is as much a part of its historical significance as its buildings and archaeological remains.

2.2.1 *Policy protecting other remains of national/international significance*

Proposals that could potentially have a significant adverse impact on heritage assets of international and national significance and their settings will normally not be permitted unless that impact can be avoided and the heritage assets preserved *in situ*. Approval of proposals having a significant adverse impact will be wholly exceptional.

Development proposals affecting the setting of heritage assets will be carefully controlled in terms of their siting, mass, layout, materials and design, together with the preservation of trees and complementary landscape features in order to ensure that the character and setting of the assets are properly and sensitively conserved.

This protection extends not only to designated heritage assets but also to non-designated assets that are demonstrably of equivalent significance.

In considering developments which would result in less than substantial harm, great weight shall still be given to the conservation of heritage assets.

Included within the scope of this policy are below-ground archaeological remains and deposits, above ground monuments and historic landscape features.

2.2.2 *Justification/Explanation*

Local Plan Part One Publication Draft Policy ENV 5 states: 'Where development is likely to have a significant adverse impact on designated heritage assets and their settings and [the impact] cannot be avoided or [the asset] preserved *in situ* it will not be permitted'; 'Development should respect and respond proportionately to non-designated heritage assets and their settings avoiding loss or damage wherever possible'; cf NPPF paras 132 and 139. 'Heritage assets' may include not just buried archaeological remains and standing buildings but also landscapes (NPPF, para 156: 'Conservation and enhancement of the natural and historic environment, including landscape').

2.3 *Policy for remains of regional and local significance*

2.3.1 **For developments that would affect heritage assets of regional or local significance, the impacts should be avoided or minimised. Decisions should**

take into account the significance of the archaeology and the scale of harm or loss.

2.3.2 *Justification/Explanation*

This policy gives effect to NPPF paras 129 and 135. Assets of regional or local significance in their settings (including the Secondary Archaeological Character Zone as shown in the [Chester Archaeological Plan](#), page 15, Figure 7 and page 17, Guidance Note 3) may be valued for their contribution to the local scene or as good examples of local architectural styles or for their historical associations. Their retention may frequently be achieved through sympathetic layout and design, and they should be regarded as an inspiration for new development (see 2.8.1 below). Some heritage assets that fall into this category may not always be immediately appreciated as such (see the [Chester Archaeological Plan](#), page 17, Guidance Note 3, para 35).

2.4 *Policy for archaeological assessment and field evaluation*

2.4.1 For sites of known or potential archaeological interest, planning applications must be accompanied by an appropriate desk-based assessment of the impact of the proposed development on the heritage asset and its setting. A field evaluation before determination may also be required.

2.4.2 *Justification/Explanation*

This policy gives effect to NPPF para 128. Heritage assets are an important resource which, once destroyed, cannot be replaced. Desk-based assessment and, where appropriate, field evaluation, provide essential information on the extent, nature and significance of a heritage asset and allow the impact of a proposed development to be properly evaluated and minimised.

2.5 *Policy for archaeological protection/mitigation*

2.5.1 Where necessary to secure appropriate protection of heritage assets from development or mitigation of its impact, conditions will be attached to permissions. These may include conditions to avoid premature loss of the whole or part of a heritage asset (eg the existence of an approved scheme for redevelopment and a contract for the carrying out of such redevelopment works) and requirements for detailed agreement on ground disturbance, as well for appropriate programmes of archaeological investigation, recording, reporting/publication and archiving.

2.5.2 *Justification/Explanation*

This policy gives effect to NPPF paras 136, 141, 203 and 205. Where development may affect a heritage asset, the preferred option is to preserve it unaltered, *in situ*. This can often be achieved through careful design and mitigation measures in the light of the information gained from assessment and field evaluation. Where preservation *in situ* is not justified, and development will result in the destruction or partial destruction of the heritage asset, the developer must ensure that satisfactory provision is made excavation and recording. This must be carried out prior to the commencement of development.

2.5 *Policy for conservation areas*

2.5.1 **Planning applications involving the substantial or total demolition of a building or structure in a conservation area will not be permitted unless the demolition and any proposed replacement building would preserve or enhance the character or appearance of the area**

Proposals for development on sites which lie outside conservation areas but which would affect their setting or views in or out of the area, will be allowed provided they preserve or enhance the character or appearance of the area.

2.5.2 *Justification/Explanation*

This policy gives effect to NPPF paras 58, bullet points 4 and 6, 137 and 138. In particular, all new development within the Chester City Conservation Area will be required to show a very high quality of design, reflected in all its component parts, which will contribute positively to the townscape of an historic city of international importance. New buildings should have integrity and contribute positively to the townscape on their own merits. Despite the strong historic nature of the city centre there is room for new, modern design, providing it is of a high quality and relates well to its context.

2.6 *Policy for historic parks and gardens and historic battlefields*

2.6.1 **Development adversely affecting the appearance, historic characteristics, integrity and setting of historic parks and gardens and historic battlefields on the national register will be refused. New development should not fragment or erode these areas, and where development is considered acceptable in or on the perimeter of these areas, it should be discrete in its form, massing and visibility.**

2.6.2 *Justification/Explanation*

This policy is consistent with NPPF para 132.

2.7 *Policy for high-quality design*

2.7.1 **New developments should respond to local character and history and reflect the identity of local surroundings and materials; they should establish a strong sense of place, using buildings, streetscapes and public and private spaces to create attractive and comfortable places to live, work and visit.**

2.7.2 *Justification/Explanation*

This policy gives effect to Local Plan Part One Policy ENV 6 and NPPF paras 57–9.

More specifically, new developments should demonstrate consideration of neighbouring buildings and the local area more generally in the following respects:

- height, scale and orientation;
- the bulk, massing, density and layout in relation to any building line and the surrounding plan form;

- proposed points of access, both pedestrian and vehicular and their relationship to the surrounding plan form;
- the quality and type of materials used in the construction and any boundary treatments and landscaping;
- the design and detailing;
- the retention of ancient and historic thoroughfares;
- the effect on the skyline.

2.8 *Policy for landscapes*

2.8.1 **Landscapes may contain irreplaceable information about past environments and human activities as well as making a major contribution to the present-day character of the borough, biodiversity, etc. They should be managed in accordance with the recommendations in [Managing Historic Landscapes](#).**

2.8.2 *Justification/Explanation*

Landscapes are recognised as part of the historic environment in NPPF para 156 and on page 52, sv 'heritage asset'.

2.9 *Policy for public enjoyment of the historic environment*

2.9.1 **The Council's archaeological services will promote active engagement with the historic environment by taking a lead role in coordinating local societies that wish to engage in monitoring, recording and otherwise investigating the borough's historic environment and by initiating and supporting appropriate projects.**

2.9.2 *Justification/Explanation*

NPPF para 126 and Local Plan Part One, para 8.44 require the preparation of positive strategies for the enjoyment of the historic environment. The [Sustainable Community Strategy 2010–2026](#), section 4.3.3 recognises the opportunity for the borough's heritage to make a significant contribution to people's quality of life. The borough has a large number of relevant voluntary societies, and archaeological fieldwork is extremely popular with the public. However, the historic environment is an irreplaceable resource, not to be investigated destructively without good reason, and the planning, execution and reporting of fieldwork needs to be carried out under professional supervision.

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