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Townscape Today--Challenges and Opportunities of 'Townscape in Trouble' 16 years On

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Thank you Sam

It's good to be back with the Forum again and to see old friends. (SLIDE-HEADING)

My role this morning is the warm up act, to set the scene, to provide some context and history and to throw in some arguments to get you going and pose some questions that I hope will be discussed during the conference.

I'd like to start by asking.... what is the image and status of heritage and the conservation of historic townscape in the planning system today? I've been away from the Forum for 12 years, being a Chief Planning Officer, focusing, sadly, not on townscape, but targets, budgets and staffing—on process not substance, on quantity not quality. This is a sad reflection on Planning today. (SLIDE--CUTTINGS) Never before have we seen so much reform and culture change in planning, much of it good. Am I wrong to feel a bit optimistic, that, despite all this emphasis on performance and procedural change, the Government are saying (at the bottom of the slide) that the important thing these days is “place making and space shaping”. Is this “spatial planning” a return to the importance of good old physical planning and a new concern for townscape?

Hazel Blears said at a CABE conference recently that Planning is about creating “beautiful public realm” which is great, yet, Simon Jenkins has said that our planning of public space and townscape is “not worthy of a banana republic.” Is townscape, heritage, and conservation just a minority interest lost in a corner within the growing number of Council “Departments of Economic Regeneration” where many planners now find themselves?

The journalist Marcus Binney has said that, in recent years, “heritage has taken a back seat to Cool Britannia,” meaning it's not a priority, compared with trendy redevelopment and modernism and certainly, when heritage is discussed, whether by Government, or the media, the emphasis is on the top end of heritage, on listed buildings, archaeology and ancient monuments, yet place shaping surely, in historic towns, is all about the whole town (SLIDE--CHEPSTOW), not just the elite listed buildings, it's about unlisted buildings too----it's about conservation areas which cover vast stretches of the best looking parts of our most attractive and economically successful towns. Most of this country's heritage is within 9000 conservation areas and these are the areas, the “heritage assets”, that the community value and actually identify with, yet, argueably, they have taken a back seat to the posh end of heritage.

So, for me, the challenge of townscape is not the great cathedrals and monuments, but the everyday scene (SLIDE-CORNWALL) market towns, or attractive Victorian streets. Townscape is about a sense of place. It is the visible expression of a community.

These next pictures are all unlisted buildings in conservation areas (5 SLIDES---TILES) (at least they were 16 years ago when I got all the pictures!) These pictures are the essence of England's heritage. Therefore such scenes are carefully and legally protected aren't they? Or are they?

In 1992, the Forum published "Townscape in Trouble" (SLIDE—COVER) It created a bit of a storm which continues today. It looked at conservation areas and concluded that they were a sham, an illusion, because permitted development rights allowed the wholesale alteration of houses. The very architecture, features and materials that caused these areas to be designated, could be removed or altered without planning permission. As a result, conservation areas were going downhill rapidly.

The Forum has asked me today, to ask you..... 16years on, is townscape still in trouble? The question for this conference is..... are conservation areas improving or continuing to decline in appearance? Are they adequately protected by legislation and do we have the resources and skills to enhance these areas?

When the conservation area was created by a private members Bill in 1967, it was rushed and produced a weak piece of law mainly because MP's were worried about giving Councils too much control. Today, 40 years on, the legislation, and attitudes haven't really changed very much.

Townscape in Trouble surprised the media (SLIDE—CUTTINGS) while residents of conservation areas became alarmed because they thought they had bought into a nice area which would be protected. They were wrong. These pictures show what was happening and its all permitted development. (8 SLIDES---SKETCH OF PD)

At the time, some eminent people, in and out of Government, were calling for a ban on more conservation areas and the de-designation of those that were damaged. What a dreadful admission of failure!

In addition to the permitted development problem, the planning rules were different for houses and flats and no one knew the definition of what was demolition and what was an alteration, and therefore, at the end of the day, planners, enforcement officers, Councillors and Inspectors could not exercise strong and consistent control, leading to the decline of these areas.

When I met the Minister for Planning in the early 90's, there was no sympathy or understanding. He said residents should not be asked to pay for the extra costs of restoring houses properly—cheap plastic windows and removing rusty railings were a good thing! Government said that if PD was removed, Councils would face a mountain of new planning applications for minor changes.

But, in 1994, the Government did a big U- turn and created the Article 4(2) Direction which Councils could overlay on top of conservation areas where permitted development rights needed to be withdrawn. (SLIDE---CONGRATS) I will take some of the credit for the new power, but I believe a couple of MP's swung it, behind the scenes, because they had a bad personal experience of PD in their area! This is how planning law is created! (See the note from a friend on the slide and reference to the deregulatory times)

Was this "a result"? No, because the Government kept in a compensation clause which required Councils to pay residents if, say, permission was refused to install plastic windows. Only in England would the state pay you if you apply to ruin your home in a designated heritage area! People could make a fortune! But of course, the Government intent was to limit the number of Directions— i.e. to limit control.

The take up of Directions in the 1990's was low, because of compensation fears; they were time consuming and created a confusing range of consents. On top of all that, in the late 90's, a series of court cases and appeal decisions (e.g. Shimizu, South

Lakeland and Burrows) weakened and confused planning control. Some major alterations to houses were deemed not to be demolition or capable of control, even with a Direction.

So, as we sit here today, the protection given to these "special" areas is worse than 16 years ago and therefore, townscape is definitely still in trouble.

I don't know if this conference will inspire you or depress you, but certainly we will hear today and tomorrow, how Councils are working hard to overcome these challenges, principally through the proactive and corporate approach known as "Conservation Area Management," (SLIDE---COVERS) but, as resources shrink and are diverted to doing appraisals and LDF's, the day to day care of and development control and enforcement in conservation areas suffers. What's the point in fancy appraisals and policies, if you don't have the control over the appearance of houses?

Why should we spend so much effort on A4(2) Directions when a simple answer is to remove PD in conservation areas. My experience in Hove 15years ago was, when you remove PD, residents know they not going to get permission to replace, say, the pantiled roof, so they just restore their houses properly. It's that simple! Government have never understood that giving extra control is actually deregulatory and less bureaucratic.

Moving to a close now.....will the Heritage Bill fix this? No. (SLIDE—THE BILL ETC) The Bill will fix the Shimizu and South Lakeland problems. That's good, but it doesn't address the definition of an alteration. The clauses on conservation areas were late and the House of Commons Committee have been disappointed that conservation areas are being rushed (1967 all over again?) and there is little join up between DCMS (on heritage) and DCLG (on development control.) The Bill does not remove the compensation provision in A4(2) Directions.

In their response to the Bill, (SLIDE---RTPI ETC) the RTPI, Planning Officers Society and IHBC say the Bill is OK, but actually, the big heritage issue is not big castles and cathedrals, but conservation areas and they say that PD rights must go, "as a matter of course."

So, in light of the Bill, is townscape still in trouble..... yes and all these bodies on the slide say so. But where do we go for the solution? The General Permitted Development Order needs to change rather than the Bill. Concessions in conservation areas for solar panels, wind turbines and satellite dishes have been made over the years, after lobbying, so why not changes to doors, painting, walls, roofs and windows, which have a much bigger impact.

The Government's review of Householder Consents should address this, but I'm not sure it will, because it has a deregulatory aim. Will Government listen to EHTF and the 6 professional bodies? I don't know, because the history of caring for historic townscape has been an uphill struggle. I hope you can rise to the challenge and learn from all ideas about proactive management of townscape that you will hear about over the next two days.

Whatever you do, remember (SLIDE---CARTOON)...the Englishman's home is his castle, but I'm a Scot and I don't believe that!

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