

# CABINET

## Adoption of the Local List Criteria 1<sup>st</sup> December 2015

### Report of Chief Officer (Regeneration and Planning)

<b>PURPOSE OF REPORT</b>			
To seek the Cabinet's approval for the adoption of the council's Local List Selection Criteria document and to put in place arrangements for decision making.			
<b>Key Decision</b>	<input type="checkbox"/>	<b>Non-Key Decision</b>	<input checked="" type="checkbox"/> <b>Referral from Cabinet Member</b>
<b>Date of notice of forthcoming key decision</b>	N/A		
<b>This report is public</b>			

#### RECOMMENDATIONS OF CLLR HANSON:

- (1) That the adoption of the local list selection criteria document, appended to this report, which will be used for the compilation of a list of non-designated heritage assets (Local List) in the Lancaster district, be approved.
- (2) That delegated powers be granted to the Chief Officer (Regeneration and Planning) to use the adopted criteria to make decisions on whether to add buildings or structures to the local list.
- (3) That provision be made to enable owners of buildings or structures added to the Local List to appeal against their designation to the Appeals Committee.

#### 1.0 Introduction

- 1.1 Heritage assets not designated under statutory regimes, such as listed buildings and conservation areas, may still merit consideration in planning decisions due to their architectural and/or historic interest.
- 1.2 Accordingly, it is proposed that a list of local heritage assets is formulated to inform planning decisions and record the nature of the local historic environment more accurately.
- 1.3 The Regeneration and Planning Service's Conservation Team has made progress with the development of the local list and this report seeks approval of the selection criteria.

## **2.0 Proposal Details**

- 2.1 The proposed selection criteria includes a tier system for selection. The first tier requires the asset to have retained its authenticity and the second tier relates to the asset's historic and architectural interest; whether it has architectural significance, historic significance, is a positive contribution, part of a designed landscape or meets all criteria.
- 2.2 It is proposed that the selection criteria document (Appendix 1) will be used in the process of compiling a local list for the Lancaster District on a parish-by-parish basis.
- 2.3 Adding to the local list will be a continual process. Members of the public and council will be able to nominate buildings or structures. It is suggested that the Chief Officer (Regeneration and Planning) be given delegated powers to use the criteria to determine whether they be added to the local list. A further democratic safeguard should be the right of any owner of a nominated building to appeal against a decision to include it on the local list to the Appeals Committee (similar to the right to appeal against a provisional Tree Preservation Order).
- 2.4 The selection criteria can also be used by Development Management to identify assets to be added to the list during a pre-application discussion or an application stage.
- 2.5 As mentioned in the selection criteria document (Appendix 1), the local list may help the council identify 'exceptional assets' which have a high retention of the original historic fabric. These may later be added to a separate list that will introduce Article 4(2) Directions to protect and retain their authenticity. This will be done as a separate process to the local listing.

## **3.0 Details of Consultation**

- 3.1 The draft local list criteria document was sent to parish councils, local heritage groups, local architectural practices and Historic England to provide comments and nominations. It is still currently available on the Council's website:
- 3.2 <http://www.lancaster.gov.uk/planning/conservation/local-heritage-assets/>
- 3.3 For members of the public, a nomination form was available on the website which, along with comments on the selection criteria could be sent to the conservation team. The deadline to provide comments and nominations on Lancaster District's Local List was the 6<sup>th</sup> June 2014.
- 3.4 Of the district's 38 parishes, only 7 offered comments during the consultation period. Even though this is a relatively low response level, the criteria were generally deemed suitable by parish councils.
- 3.5 Some parishes were concerned whether it would only extend to individual properties, when the building may have a collective identity. However, it was suggested by the Conservation Team that not all collective properties may have retained their authenticity and significance.
- 3.6 Detailed comments were received from the AONB team, with concerns for what constituted a 'building or structure' that would be added to the local list.
- 3.7 Amendments were, subsequently, made to the selection criteria for the inclusion on the list to include the tier system for selection discussed above and include a glossary of heritage terminology.

#### 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> To approve the adoption of the Local List Selection Criteria document	<b>Option 2:</b> To not approve the adoption of the Local List Selection Criteria document
Advantages	The adoption of the Local List Selection Criteria document complies with guidance set out by Historic England in <i>Good Practice Guide For Local Heritage Listing</i> , which states that local planning authorities should identify heritage assets valued by the local community. The local list will inform Development Management in their day-to-day work. It will also have wider informative value of the importance and role of locally distinctive heritage assets to the public.	There are no advantages to not approving the Local List Selection Criteria.
Disadvantages	There are no disadvantages to the local list selection criteria document as the process is designed to act as an informative measure for the council and the public.	This would have significant consequences of the future management of non-designated heritage assets as it would mean that an opportunity to recognise the locally significant heritage value of individual assets by means of their inclusion on a local list is not realised. When determining planning proposals reference can be made to the inclusion on this local list. This can assist in ensuring that they are preserved and enhanced for future generations.
Risks	There are no risks associated with this option.	There is the potential risk that if not locally listed the development of assets with historic interest will not contribute positively to its identity and character through good design.

#### 5.0 Officer Preferred Option (and comments)

5.1 Option 1 is the preferred option for the reasons given above.

#### 6.0 Conclusion

6.1 The compilation of a list of local heritage assets will be beneficial to the council and community as it will identify historic assets which crucially contribute to the local identity of the district which are worth preserving for future generations.

6.2 Officers have responded to comments made during the public consultation period and have, subsequently, clarified the proposed selection criteria for assets to be added to the local list. This has led to the development of a tier

system for selection, which needs to be adopted to facilitate the establishment of the list.

- 6.3 The adoption of the local list complies with guidance in the NPPF because the local list will identify the significance of heritage assets and enable a balanced judgment to be made by Development Management in the scale of harm or loss to the significance of non-designated heritage assets.
- 6.4 The local list will assist Development Management in their day-to-day applications, inform the local community on their local heritage and positively contribute to the sustainability of the district's built heritage.

#### **RELATIONSHIP TO POLICY FRAMEWORK**

The national policy framework relating to the historic environment is *National Planning Policy Framework* (NPPF). This sets out Government guidance on designated and non-designated heritage assets and their management. At the District level, the *Development Management DPD* sets out the Council's strategy for conservation and the policy which relates to non-designated heritage assets is DM33.

#### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

The adoption of the local list criteria could increase community involvement in the identification of distinctive local historic buildings or structures, thus lead to an increased awareness of heritage assets, their role in planning decisions and the contribution they make to the built environment. This could lead to the increased re-use of buildings as they are recognised as historically important and, therefore, make a contribution to the sustainable development of communities.

#### **LEGAL IMPLICATIONS**

The creation of the local list could result in the introduction of Article 4(2) Directions for the best examples, which would involve assistance from legal services in making the Directions, confirming them, advertising them and regulating them.

#### **FINANCIAL IMPLICATIONS**

The use of the local list selection criteria and local listing process will be done through existing staff resources within Planning, Housing and Policy Team and will not provide extra work for Development Management for this aspect. It is not expected, therefore, that the local list selection criteria will have any additional financial and resource implications for the Council, although there is some risk of future cost or resource implications arising linked to future property matters, should any of the Council's own property portfolio be included on the local list. Any subsequent Article 4(2) Directions made as a result of this process could have some resource implications for Development Management, however, but they are aware of this process and consider this to be manageable as it is unlikely to be substantial.

#### **OTHER RESOURCE IMPLICATIONS**

##### **Human Resources:**

There are no resource implications for human resources.

**ICT:**

There are some resource implications as there will be a requirement to publish the final Local List Selection Criteria document on the Council's website. However, the resource implications will not be substantial.

**Property:**

There could be property implications arising at some point in future, should any of the Council's portfolio be included on the local list (and depending on what the intentions are for any redevelopment etc. of such property).

**Open Spaces:**

There are no resource implications for open space services.

**SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and her comments are incorporated in the report.

**BACKGROUND PAPERS**

*Good Practice Guide for Local Heritage Listing*  
*National Planning Policy Framework 2012*

**Contact Officer:** Megan Atkinson

**Telephone:** 01524 582338

**E-mail:** [matkinson@lancaster.gov.uk](mailto:matkinson@lancaster.gov.uk)