

Local List of Heritage Assets EG0000

Meeting:	Cabinet
Date:	12th November 2019
Cabinet portfolio:	Economic Growth
Report by:	Development Management & Conservation Manager

For publication

1.0 Purpose of report

- 1.1 The report deals with the progress of the compilation of a Local List of Heritage Assets following consultation with stakeholders and property owners to a point where the revised list can now be adopted by the Council.

2.0 Recommendations

- 2.1 That Cabinet agree the report as a basis for adoption of a Local List of Heritage Assets (attached at Appendix 1).
- 2.2 That the Council do not introduce an Article 4 Direction removing permitted development rights at the present time.

2.3 That the Council continue to monitor and assess the content of the Local List via the established Local List Assessment Panel.

3.0 Background

3.1 A Local List of Heritage Assets is a non-statutory designation recognising elements of the Borough's historic environment. Designations would normally cover buildings of some historic or architectural merit (though it can also include monuments, sites or structures of particular value or interest). Historic England estimates that around half of local planning authorities in England and Wales currently have some form of Local List. Whilst such a list is not of national importance (this is provided by statutory listing), sites, structures or buildings on the Local List are defined as of local significance to local communities and which contribute to the distinctiveness of the Borough.

3.2 The initial nomination list criteria were developed following the guidance set out in the English Heritage document, 'Good Practice Guide for Local Heritage Listing' and also by working closely with the Chesterfield and District Civic Society. The use of the nomination criteria provide a fair and consistent means of assessing all nominations received by the Council following its call for nomination to be included on the Local List.

3.3 Following adoption of the Local Plan Core Strategy 2011 - 2031, Policy CS19 required the Council to identify and, where appropriate, protect a building on the Local List. The policy states that the Council has a presumption in favour of retaining heritage assets on this list. Development that involves substantial harm or loss of a non-designated heritage asset will not normally be acceptable unless it can be demonstrated that:

- The asset is structurally unsound and poses a safety risk.

- It is unviable to repair or maintain the asset.
- Alternative uses have been fully explored.
- It would have wider social, economic or environmental benefits as part of a master planned regeneration scheme.

If a proposal meets such criteria, the Council will seek a replacement development of a similar quality and, where possible, retain the features of the heritage asset.

- 3.4 This policy is carried forward into the new emerging Chesterfield Borough Local Plan Policy LP22 (submission version 2019) which is currently under examination.
- 3.5 It is clear that inclusion of a property on the local list will mean that its contribution to the local street-scene or character of the area will be a material planning consideration in the determination of any applications which seek to remove such buildings.
- 3.6 On 23rd April 2014 the Deputy Leader and Executive Member for Planning agreed the criteria and process for inclusion of buildings and structures on a local list, the assessment panel representatives and that following the assessments and stakeholder consultation, officers report back on the results of the nomination process to Cabinet for adoption.

4.0 Consultation

- 4.1 The call for nominations for a Local List was initially advertised in the local press (Derbyshire Times) and on the Council website, and the public were invited to nominate buildings to be added to the list in line with the agreed selection criteria set out in a 'Developing a Local List of Heritage Assets' leaflet. The former Community Forums were also asked to nominate buildings within their areas.

4.2 A total of 289 nominations were added to the list arising from the initial consultation exercise. The list has evolved from three methods:

- Through public and amenity body consultation.
- A review of the old local interest list formed as part of buildings which were not statutorily listed during the 1977 Borough survey.
- Officers' surveys across the Borough since 2007 to identify heritage assets in order to establish a local list.

4.3 Further work was carried out by the Conservation Officer to prepare a final Draft Local List for stakeholder consultation, including a site visit to assess each property on the list. Some nominations were removed from the initial list where it was considered by the Conservation officer that they did not meet the criteria set out in the Historic England guidance. A Local List Assessment Panel was established to provide a forum to discuss, assess and monitor all the nominations. The panel included local councillors, representatives from the Chesterfield Civic Society, Council Officers. Representatives from the local Chamber of Commerce were invited but did not attend.

The final Draft Local List was presented to the Panel Local List Assessment Panel for approval in January 2019.

4.4 The Draft List included 197 nominations and a description and reason for listing for each nomination. Nominations are in ward order and there is an overview of what local listing means at the beginning of the document. The Draft Local List is attached at Appendix 1.

4.4 The final stage comprised consultation with property owners. Whilst there are no legal or statutory requirements to carry out public consultation regarding local listing, it is considered best practice. All addresses on the Draft Local List were written to and property owners were asked whether they supported the

nomination or not. An overview of Local Listing was provided as well as a website link to the Draft Local List (which contains the aforementioned assessment of each property and why it was included on the list).

- 4.5 The consultation ran for 6 weeks (5th August - 16th September 2019) and resulted in 28 responses (14% response rate). Notwithstanding some concerns raised, the vast majority of comments received were supportive of local listing and an overview of the responses received is provided at Appendix 2.

5.0 Article 4 Direction

- 5.1 The Council has the opportunity to introduce an Article 4 Direction to remove permitted development rights on some or all of the residential properties on an adopted Local List (commercial properties normally have no permitted development rights). If introduced, residential property owners would be required to submit a planning application for proposed changes which would impact on the appearance or character of the property (and which otherwise would be permitted development) such as a window replacement.
- 5.2 Whilst this would give the Council more control over building on the Local List, the disadvantage would be the extra resources and time required for an Article 4 Direction (which includes consultation with the Secretary of State). Property owners may also perceive their property rights as being eroded and thus object to Local Listing.
- 5.3 Other local planning authorities that have introduced Local Lists have tended not to introduce Article 4 Directions, instead relying on Local Listing as a 'material consideration' when assessing proposals or negotiating with property owners when they are proposing changes.

- 5.4 Chesterfield Borough Council’s emerging Local Plan has a presumption to retain local listed heritage assets.
- 5.5 It should also be acknowledged that significant proportion of properties on the Local List are located within the Chesterfield Town Centre Conservation Area so are already protected from demolition under conservation area status and legislation.
- 5.6 Given all of the above, it is not considered desirable at the present time to introduce an Article 4 Direction to remove permitted development rights from owners of Local List properties.
- 5.7 Should it be demonstrated that extra powers are required to protect and preserve Local List properties then the Council can at any time further consider the need for an Article 4 Direction.

6.0 Chesterfield Borough Council properties

- 6.1 The vast majority of the nominations are privately owned, but some are in public ownership, including some properties owned by Chesterfield Borough Council. These can be seen at Appendix 3.
- 6.2 Given the local historic and architectural significance of these heritage assets, as well as their community value, it is considered appropriate to include them on the final Draft Local List.

7.0 Risk

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Property owner’s property	M	L	Do not remove permitted development	M	M

rights affected or removed.			rights via an Article 4 Direction but monitor the situation.		
Reputational damage to the Council as a result of removing property owner's rights.	L	L	As the public consultation demonstrated, Local Listing is generally supported by property owners.	H	H

8.0 Financial considerations

- 8.1 It is not currently proposed to introduce additional planning controls to remove permitted development rights relating to buildings on the Local List. On that basis it is not considered that property owners, including Chesterfield Borough Council, will be impacted financially by the adoption of a Local List.

9.0 Recommendations

- 9.1 That Cabinet agree the report as a basis for adoption of a Local List of Heritage Assets (attached at Appendix 1).
- 9.2 That the Council do not introduce an Article 4 Direction removing permitted development rights at the present time.
- 9.3 That the Council continue to monitor and assess the content of the Local List via the established Local List Assessment Panel.

10.0 Reasons for recommendations

10.1 To identify and protect the borough's non-statutory local heritage assets and be consistent with adopted and emerging Local Plan policy.

Decision information

Key decision number	Non-key 156
Wards affected	All
Links to Council Plan priorities	The adoption of a Local List of Heritage Assets would be consistent with both adopted and emerging Local Plan policy.

Document information

Report author	Contact number/email
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Background documents	
Local Heritage Listing (Historic England guidance) https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/	
Appendices to the report	
Appendix 1	<i>Draft Local List of Heritage Assets</i>
Appendix 2	<i>Public consultation response</i>
Appendix 3	<i>Local List properties owned by Chesterfield Borough Council</i>