

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

19th JUNE 2008

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION/CABINET DECISION/KEY DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Cook

**SPD4: THE CONSERVATION AREAS AND HISTORIC ENVIRONMENT FOLDER
SUPPLEMENTARY PLANNING DOCUMENT, LOCAL LIST**

1. Summary

- 1.1 The report seeks Cabinet approval for the provisional list of Buildings of Local Architectural and Historic Interest (Local List) to be adopted into the Conservation and Historic Environment Folder, Supplementary Planning Guidance Document 4(CaHEF SPD 4).
- 1.2 As a Supplementary Planning Document (SPD) the Conservation Areas and Historic Environment Folder will sit within the Council's Local Development Framework.
- 1.3 The report advises Cabinet that Planning Committee approved the provisional list on the 18th of April 2008.

2. Recommendations

- i) Consider and approve the content of the first round of the local List so that it may be added to the Conservation Areas and Historic Environment Folder (Supplementary Planning Document 4) so that it may become a material planning consideration in determining planning applications.

3. Reasons for the Recommendations/Decision(s)

- 3.1 The Borough's rich history of the built environment is brought together for the first time in the Conservation Areas and Historic Environment Folder. The Folder is divided into sections covering all aspects of historic sites, buildings and monuments in the area, and seeks to simplify the legislation surrounding them, the role they play within the Borough, and what may be done to maintain them for future generations to enjoy.
- 3.2 The local list forms a chapter in this document, which celebrates local buildings of interest which would otherwise be unprotected. Cabinet approved the creation of a Local List

through adoption of the CaHEF in January 2007 and this report seeks approval for the buildings considered through the first round of nominations to be adopted into the final Local List.

4. Members

- 4.1 Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.
- 4.2 Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).
- 4.3 A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -
- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
 - in any other case, whenever it becomes apparent that the business is being considered at the meeting;
- 4.4 and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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Regeneration and Transport – Lead Cabinet Member – Councillor Cook

**SPD4: THE CONSERVATION AREAS AND HISTORIC ENVIRONMENT FOLDER
SUPPLEMENTARY PLANNING DOCUMENT**

1. SUMMARY

- 1.1 To seek Cabinet approval for the provisional list of Buildings of Local Architectural and Historic Interest (Local List) to be adopted into the Conservation and Historic Environment Folder, Supplementary Planning Guidance Document (CaHEF SPD).
- 1.2 As a Supplementary Planning Document (SPD) the Conservation Areas and Historic Environment Folder will sit within the Council's Local Development Framework.
- 1.3 The list has been compiled through public nominations which have been judged by an independent expert panel under set criteria.
- 1.4 Due to the number of nominations received these will be reviewed in manageable batches until a final list is produced. **Appendix 1** attached is the first round of buildings considered by the panel which will go forward as the initial Local List.
- 1.5 This report seeks Cabinet endorsement for this list to go forward as the initial draft of the Local List.

2.0 RECOMMENDATIONS

2.1 Recommendation to Cabinet: -

- 1) Consider and approve the content of the first round of the local List so that it may be added to the Conservation Areas and Historic Environment Folder (Supplementary Planning Document 4) so that it may become a material planning consideration in determining planning applications.

3.0 POLICY CONTEXT

- 3.1 The concept of 'Local Listing' is endorsed in paragraph 6.16 of 'Planning Policy Guidance Note 15: Planning and the Historic Environment which recognises that in addition to statutory listing and conservation area designation:

- 3.2 It is open to local planning authorities to draw up lists of locally important buildings and to formulate local plan policies for their protection, through normal development control procedures. But such buildings included in a list do not enjoy the full protection of statutory listing.
- 3.3 This is further developed in the Draft Regional Spatial Strategy (RSS) Policy 34, section (g) which states:
- “...Local Authorities should:
 ...(g) consider preparing, and regularly maintaining, lists of locally important buildings for their areas, and set out policies in LDFs which seek, as far as possible, their protection against inappropriate change;”*
- 3.4 At present, there is no Local Plan Policy to develop the Local List as Supplementary Planning Document (SPD), and therefore it may only be a Material Consideration. However, as the LDF progresses, the Council will pursue a suite of new Policies to offer protection for all historic assets, including the Local List.
- 3.5 Notwithstanding the above, the RSS will form part of the Local Development Framework and therefore Policy 34 (g) may be used as the basis for Adopting this chapter as Supplementary Planning Document, giving it greater weight in decision-making. It is likely that the RSS will be Adopted before the Council is able to prepare local policies, and therefore the RSS Policy will give the chapter some weight. Therefore, as soon as the RSS is Adopted, the Council will consider this chapter to be given SPD status.

4.0 BACKGROUND

- 4.1 Public consultation took place in accordance with the council's statement of community involvement and the local authority invited representations for buildings/structures that were considered to warrant inclusion on a Local List. Currently the local authority has received over 130 nominations.
- 4.2 There is no statutory guidance produced on how a Local list should be compiled. Following good practice established by other local authorities, it was agreed that all nominations of buildings for inclusion in the local list would be reviewed by an independent panel of experts. This would ensure transparency in the process and ensure that all buildings/structures added to the list were as a consequence of their merits, to ensure a robust unchallengeable list.
- 4.3 All nominations received that were subject to an existing means of protection, through statutory listing or situated in a conservation area were not considered for inclusion on the list and nominators have been advised accordingly.
- 4.4 To ensure a manageable number of buildings for consideration by the panel the nominations have been divided into batches. Each batch will be reviewed until all nominations have been considered by the panel.
- 4.5 The appointed panel have specific local knowledge and experience, all working in and around the Stockton area. The panel consists of:

David Carruthers- Conservation Architect/Conservation Officer Middlesbrough Council
 Peter Graves- Townscape Heritage Initiative Manager, Hartlepool Council
 Linda Polley - University Of Teesside
 Jeremy Kendall – HLP Architects, Stockton (Conservation Architect)
 Anthony Richardson- Mathew Trotter and Miller (RIBA Architect)

- 4.6 The panel considered the first round of nominations on the 18th of April. The list consisted of 37 properties; predominantly domestic properties situated in the Yarm, Norton and Eggescliffe areas.
- 4.7 The list of buildings considered by the panel are included at **Appendix 1**, this sets out those for inclusion, exclusion and those for which further information if required for full consideration.

5.0 NOMINATION CRITERIA

- 5.1 The panel considered nominations under the following criteria, this is based heavily on the listed building criteria set out in the 1990 Planning Listed Building and Conservation Act and the panel were asked to apply this in a local context, as set out in chapter 11 of the CaHEF.
- Features of a definite and recognisable architectural interest (including design and rarity);
 - Features relating to traditional or historic industrial processes in a reasonable state of preservation;
 - Features of character acting as landmarks in the townscape or landscape;
 - Features associated with unusual or significant events or personalities, or containing features of definite antiquity
 - Good quality examples of architecture
- 5.2 To be included on the list the building had to satisfy one or more criteria.

6.0 CONSULTATION

- 6.1 Following consideration of the first round of nominations all nominators and owners of those buildings considered were advised of the outcome by letter and provided with a copy of the initial list.
- 6.2 All ward members/parish councils have been consulted on the buildings that have been added to the list in their wards.
- 6.3 All parties have been invited to comment on the list and any comments received will be referred to the panel at the next sitting for information.
- 6.4 The panel will have an opportunity to review their decision based on any comments received. However, unless additional information comes to light in regards to the architectural or historical interest of a property the panel's decision will be final and there is no formal right of appeal. This will ensure that any building added to or excluded from the list is done so purely on its own architectural and/or historic merit.
- 6.5 In the meantime all buildings added to our excluded from the list will be considered as such for planning purposes. Cabinet will consider the final list again, prior to formal adoption of the final list by the Council. On completion the list will be subject to review every two years.

7.0 IMPACT OF INCLUSION ON THE LIST

- 7.1 The list confers no additional legal protection on a building and there are no changes to Permitted Development rights. However, when a planning application for works to a building included on the Local List is submitted, appropriate care and sensitivity to the building, its fabric and its location will be expected. Planning permission will only be granted for alterations and/or extensions provided they do not adversely affect the architectural character or their settings.

7.2 The impact of inclusion on the list does not prohibit development it merely means any development must be sympathetic and not be inappropriate. We have to balance the view of owners with the protection of the buildings/areas and the rights of others to enjoy the surroundings/area where they live and protect the character of the Borough.

8.0 PROCEDURE

8.1 As the List forms part of the LDF process it will be referred to Planning Committee and Cabinet through each stage of consideration for adoption. As with any LDF document, planning committee can make comments and suggest changes for Cabinet to consider.

8.2 The first round of the list was considered by Planning Committee on the 30th of April at which time they endorsed the list to go forward to Cabinet.

8.3 Planning Committee made the following comments:

1) They were unhappy with the make up of the panel, which they considered was full of experts and residents/lay persons were not invited to be part of panel.

2) Planning Committee asked that Cabinet consider including 18 Leven Road on the local List

8.4 An expert panel was appointed to ensure competent decisions based on strong architectural and historical justification to ensure a robust final list. All panel members chosen have relevant professional qualifications, with specific local knowledge and are therefore suitably qualified and competent to form sound decisions. An independent panel ensures any building added to or excluded from the list is done so based on its merits in line with the established criteria and ensures arms length decision making.

8.5 Planning committee comments are noted however the public have been involved throughout the process in terms of nominating buildings for inclusion on the list. All owners and nominators will be contacted in relation to their buildings and provided the opportunity to comment wider public consultation will also take place through the means of press releases and the council website for information purposes. Local people and residents of the borough have therefore been involved throughout the compilation process of the Local List.

8.6 Planning committee raised the issue that number 18 Leven Road (Wainstones) was nominated for inclusion on the local list, was considered by the panel and found to have insufficient merit for inclusion on the list. Planning committee asked that Cabinet consider adding this building to the List.

8.7 The Independent panel unanimously voted that the building had insufficient merit to warrant inclusion on the list and therefore was not locally listed.

8.8 Following Planning Committees comments of the 30th of April regarding the local list, at the subsequent planning committee Meeting of the 22nd of May Planning Committee considered revised proposals for the demolition and redevelopment of Wainstones and its grounds.

8.9 Approval was granted for redevelopment of the site for the erection of 5 dwellings which included the demolition of Wainstones.

8.10 Members were advised in the committee report that:

“Wainstones has now been considered for the Local List and the fully independent panel of conservation experts considered that ‘Wainstones’ should not be added to the Local List.

Whilst Members have asked for this issue to be re-assessed the building is not on the local list and in any case this would not offer any statutory protection.”

- 8.11 In accordance with Class A Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995 (demolition of buildings) and Circular 10/95, the demolition of the majority of residential properties is classed as permitted development.
- 8.12 Cabinet therefore should be advised that planning committee have accepted the principle of demolition of Wainstones. Local listing would confer no additional protection to the building and would not revoke the permitted development rights. Planning committees earlier comments that Wainstones therefore be added to the list would serve no purpose as the building can be demolished at any time.
- 8.13 Following the earlier comments and subsequent decision by Planning Committee, Cabinet are advised that their options are to:
- 1) Approve list as recommended by panel without amendment
 - 2) Approve list but refer 18 Leven Road back to panel
 - 3) Approve list but include 18 Leven Road
- 8.14 It is recommended that Cabinet approve the list as recommended by the panel without amendment. Wainstones has been considered by the panel and was found to be of insufficient merit to warrant inclusion. If Cabinet wish that Wainstones be reconsidered it is recommended that this judgment be referred back to the panel in order to retain the arms length decision making process. This would ensure that the panel is made aware of the opinions of Planning Committee and Cabinet but their decision is final, based on the building merits.
- 8.15 It is however recommended to Cabinet that as redevelopment of the site has been approved by planning committee and this will involve the demolition of Wainstones, that it would serve no purpose adding this building to the list and the Local List should be endorsed as it stands.

9.0 FUTURE STEPS

- 9.1 All nominations received will be reviewed in batches at approximately 2 monthly intervals and nominators, owners, councillors notified as appropriate.
- 9.2 Once all nominations have been considered the final list will be published as the councils Local List. In the meantime all buildings added to our excluded from the list by the panel will be considered as such for planning purposes.
- 9.3 The Cabinet will consider the properties identified in the list again, prior to formal adoption of the final list by the Council. On completion the list will be subject to review every two years.
- 9.4 The buildings intended for inclusion are attached as **Appendix 1** to this report.

10.0 FINANCIAL AND LEGAL IMPLICATIONS

N/A

11.0 RISK ASSESSMENT

- 11.1 It is considered that there is no significant risk with the adoption of the local list as the CaHEF has already gone through the formal adoption propose and was not challenged. The

current proposal only deals with the buildings to be included on the list, which have been considered by an independent panel.

12.0 SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

- 12.1 Within the Stockton Community Plan, the following specific actions are identified which are germane to the preparation of the Local List : -
- Involving the Community in local land use planning
 - Improve the quality of the built environment.

13.0 EQUALITIES IMPACT ASSESSMENT

- This report has been subject to an Equality Impact Assessment and has been judged to have a neutral impact on the delivery of diversity aims and objectives. No remedial actions are required.

14.0 CONSULTATION INCLUDING WARD/COUNCILLORS

- 14.1 English Heritage and Tees Archaeology were involved in the preparation of the Conservation Areas and Historic Environment Folder. Full consultation for 6 weeks took place from 22 May to 3 July 2006.
- 14.2 Public Consultation on the local list took place from mid May 2006, with nominations still being received.
- 14.3 All owners and nominators have been consulted on the list where their properties are involved.
- 14.4 All ward councillors have been notified, as have parish councils where the list relates to a building in their ward.

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Background Papers

Planning Policy Guidance Note 15: Planning and the Historic Environment
Stockton-on-Tees Local Plan 1997
Tees Valley Structure Plan
Planning Applications; 05/2866/OUT & 07/2442/FUL
Planning Appeal decisions; APP/H0738/A/07/2036383 & APP/ H0738/A/07/2057838
Class A Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995 (demolition of buildings).
Circular 10/95 – Planning Controls over Demolition

Planning Committee item of 15th November 2006 (Minute Number 712)
Cabinet Item of 4th January 2007 (Minute Number 867)

Ward(s) and Ward Councillors:

ALL

List of Annexes

Appendix 1 –List of buildings considered