

Report to Cabinet

Subject: Non-Designated Heritage Assets Selection Criteria

Date: 31st January 2019

Author: Service Manager Planning Policy

Wards Affected

Borough-wide

Purpose

The purpose of this report is to seek Cabinet's approval of the document 'Non-Designated Heritage Assets: Selection Criteria' attached as Appendix A which sets out the process for identifying Non-Designated Heritage Assets in Gedling Borough, including specific selection criteria.

Key Decision

This is not a key decision.

Recommendation(s)

THAT:

- 1) Cabinet approves the document 'Non-Designated Heritage Assets: Selection Criteria' attached as Appendix A which establishes the selection criteria for identifying a local list of non-designated heritage assets in Gedling Borough.**
- 2) Cabinet authorises the Planning Policy Service Manager to publicise the document and undertake an on-going public call for asset nominations.**

- 3) Cabinet authorises the Planning Policy Service Manager to approve the outcome of assessments made against the selection criteria and to update and publish the local list of non-designated heritage assets as appropriate.**
- 4) Cabinet authorises the Planning Policy Service Manager to update the document 'Non-Designated Heritage Assets: Selection Criteria' to make minor presentational/ typographical/ factual corrections if required.**
- 5) Cabinet authorises the Chief Executive to determine any appeals made against the outcome of the assessment to include/ not include an asset on the local list.**

1 Background

- 1.1 The National Planning Policy Framework (NPPF) (2018) makes a distinction between designated and non-designated heritage assets and gives specific protections to both of these. Designated heritage assets are generally designated at the national level and are given certain statutory and planning policy protections. Non-designated heritage assets are optionally identified by the local planning authority and are given certain planning policy protections. The Gedling Borough Local Planning Document (Part 2 Local Plan) (LPD) Policy LPD 31 refers to 'locally important heritage assets' which as a point of clarification is an interchangeable terms for referring to non-designated heritage assets.
- 1.2 Paragraph 9.7.3 of the LPD proposes that the Council will undertake a process to identify non-designated heritage assets on a local list following the adoption of the LPD. Identified non-designated heritage assets would then be given planning policy protection under Policy LPD 31 (Locally Important Heritage Assets) and other relevant heritage policies. The Council previously updated its local list in 2005 when the Gedling Borough Replacement Local Plan was adopted, which was superseded by the LPD. The LPD includes the previously identified local list at Appendix E.
- 1.3 The proposal to take a selection criteria approach to identifying non-designated heritage assets enables the Council to monitor and update the local list on an on-going basis reflecting new sources of information. The previous approach to adopt the list through the Local Plan was less flexible and less transparent and resulted in a local list that became out of date and was therefore less robust.

- 1.4 There is no requirement for the Council to prepare a local list of non-designated heritage assets. However, doing so is good practice and ensures that the Council is taking a proactive approach towards protecting locally significant buildings and structures in the Borough.
- 1.5 In planning terms, the identification of non-designated heritage assets does not change any of the planning controls affecting the alteration or demolition of assets where planning permission is not required. Permitted development rights would still apply to an asset identified on the local list, unlike in the case of designated assets such as Listed Building or Conservation Areas where certain permitted development rights are removed as a result of designation. However, where planning permission is required for development proposals affecting a non-designated heritage asset, proposals would be expected to demonstrate that they conserve and/or enhance the significance of the asset and that alterations are carried out in a sympathetic manner using high quality design. The key distinction to make is that whilst local listing gives certain protection to identified assets, the level of protection is not as high as is given for nationally designated assets which are given statutory protection. It is however intended that identifying non-designated heritage assets will raise general awareness of the importance of these assets amongst landowners even in cases where proposed alterations do not require planning permission.
- 1.6 The document 'Non-Designated Heritage Assets: Selection Criteria' attached at **Appendix A** sets out the selection criteria against which it is proposed the Council will determine whether or not an asset should be identified on the local list. The criteria, set out in section 3.0 of the document, are based on Historic England Advice Note 7 (Local Heritage Listing) and examples of good practice present in similar criteria adopted by other local authorities. It is not proposed to consult on the selection criteria given that they are based on established advice and practice, however Officers have undertaken a pilot exercise to test the appropriateness of the criteria and to inform their preparation.
- 1.7 Section 5.0 of the document establishes the following sources from which assets will be nominated for assessment against the selection criteria:-
- Assets on the previously identified local list in the Replacement Local Plan (2005) (now included at Appendix E of the LPD);
 - Assets nominated for assessment in adopted neighbourhood plans;
 - Assets referred to in the Council's Conservation Area

Appraisals;

- Assets rejected by Historic England for national designation;
- Assets identified through public nomination (providing an engagement opportunity for individuals and interest groups such as parish councils, heritage organisations and the Gedling Borough Heritage Forum);
- Assets identified through the Development Management process.

1.8 Nominated assets will be assessed against the selection criteria and should meet at least one element of 'interest/significance' and one element of 'values that articulate interest/significance' in order to be identified on the local list as a non-designated heritage asset. Harm or benefit to the significance of identified assets will then be a material consideration in determining planning applications. The local list will be published on the Council's website and updated and monitored on an ongoing basis to take account of new sources of information. It is proposed that any changes to the local list are reported annually in the Authority Monitoring Report (i.e. as new assets are identified or existing assets are removed). Landowners will be notified in writing that their building or structure has been added to the local list.

1.9 Landowners will have the opportunity to appeal the Council's decision to identify (or not identify) their asset on the local list. Appeals must be made in writing within 28 days of the decision and demonstrate why the asset does not (or does) meet the selection criteria. It is proposed that appeals are determined by the Chief Executive. Given that non-designated heritage assets are not given statutory protections and are not identified on the Local Plan Policies Map, they will not be identified through land charges searches. However it is the case that the current local list has never been identified through land charges searches. The local list is a planning tool and will be published on the Council's website in a similar manner with which other non-statutory planning tools such as landscape zones and supplementary planning documents are publicised. After the 28 day appeal period landowners will be able to challenge the merits of local listing of the asset as part of the formal planning application process (see paragraph 1.5 of this report).

1.10 As outlined above, one of the sources of asset nomination is through public nomination. Subject to Cabinet approval of the selection criteria document, Planning Policy intends to undertake a public call for nominated assets. The call for nominations will in particular include members of the Gedling Borough Heritage Forum and Parish Councils to ensure these specialist interest groups are aware of the project, and will be publicised on the Council's website. The nomination process will

not be time limited and the Council will welcome nominations on an on-going basis.

2 Proposal

- 2.1 It is proposed that Cabinet approve the document 'Non-Designated Heritage Assets: Selection Criteria' attached at **Appendix A** which establishes the selection criteria for identifying a local list of non-designated heritage assets in Gedling Borough.
- 2.2 The document will then be published and an on-going public call for asset nominations will be publicised. Nominations received from all sources will be assessed against the selection criteria in order to prepare a local list of non-designated heritage assets. This list will be updated reflecting new evidence on an ongoing basis.

3 Alternative Options

- 3.1 An alternative option is for the Council not to approve the document 'Non-Designated Heritage Assets: Selection Criteria'. Whilst the identification of Non-Designated Heritage Assets is an optional activity, not approving the document would result in the Council having less control for conserving and/or enhancing elements of the historic environment that are not already nationally designated, where planning applications relate to such assets. The local list previously published in the superseded Replacement Local Plan (2005) is now considered to be out-of-date.
- 3.2 Another alternative option is for the Council to adopt different selection criteria or process. The selection criteria have been developed to be consistent with Historic England advice and have also been influenced by examples taken from wider practice and are therefore considered to be appropriate and to reflect good practice. The process has been written to enable pragmatic and efficient working whilst maintaining a robust local list.

4 Financial Implications

- 4.1 Costs associated with the process of identifying Non-Designated Heritage Assets and using the resulting local list to determine planning applications can be met from existing budgets. Officer time will be required to undertake the project, which can be met from existing budgets. Additional officer time may be required when determining planning applications involving non-designated heritage assets in order

to consider the relevant policies, which can be met from existing budgets.

5 Appendices

5.1 Appendix A: 'Non-Designated Heritage Assets: Selection Criteria'

6 Background Papers

6.1 Historic England (May 2016), Local Heritage Listing: Historic England Advice Note 7. <https://content.historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/heag018-local-heritage-listing.pdf/>

7 Reasons for Recommendations

7.1 In order to give greater planning control for the identification and conservation/ enhancement of heritage assets in Gedling Borough that are not already nationally designated.