

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	8 MARCH 2017	4
LOCAL LISTS OF BUILDINGS			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Council's Built Heritage Strategy was formally approved in November 2015. It contains a complete review of the nature and scope of the built heritage assets of the Borough, the appropriate legislative framework and an action plan that lists a series of projects that are to be undertaken during the life of the Strategy. An important priority was considered to be the compilation of a local list of buildings.

The compilation of a local list was authorised by the Planning Committee and to assist in the broader understanding of the issue a member briefing was held in September 2016.

This item reports on progress to date, explaining how the project has evolved and concludes with recommendations in respect of heritage protection issues relating to the first study area to be completed, namely the Fairhaven Heritage Zone. However, officers are able to report that progress has moved on quite quickly and to date an assessment of the majority of Lytham and St. Annes has been 'completed'. Recommendations in respect of built heritage protection in relation to subsequent Heritage Zones will be reported to Committee in sequence over the forthcoming months.

RECOMMENDATIONS

1. That the Heritage Protocol as set out at Appendix 1 be adopted as the approved methodology for the compilation of local lists of buildings.
2. That the concept of designating buildings, collectively, as Groups of High Townscape Value where they meet the appropriate criteria for subsequent and due consideration by Committee be agreed. The Groups of buildings as shown within the Schedule 2 be agreed.
3. That the local list of buildings as set out within Schedule 1 (Appendix 5) contained within the Fairhaven Heritage Zone be approved and adopted.
4. That officers are authorised to undertake further research to inform whether the principle of conservation area designation, within the area as delineated on the plan, shown at Appendix 7, is appropriate.
5. That authority be delegated to officers to consider the necessity for the introduction of Article 4 Directions, as may be relevant, to each locally listed building and thereafter, and following appropriate consultation, introduce such directions.
6. That Committee nominate an additional Planning Committee member to serve on the Built Heritage Project Board.

SUMMARY OF PREVIOUS DECISIONS

On **26 March 2014**, in line with the recommendation of the Policy Development Scrutiny Committee of **6 March 2014**, Cabinet resolved to:

1. Approve the consultation exercise as undertaken in respect of the [Heritage] Strategy and responses thereto be noted and the incorporation of these into the final Strategy.
2. Recommend to Cabinet that the Strategy as presented be approved and thereafter be adopted as official Council Policy.
3. Recommend to the Cabinet that the Task and Finish group to remain in operation, for a period of no more than 12 months, to oversee the initial implementation of the Strategy, Action Plan and Work Plan and the setting up of the Heritage Forum.

A series of task and finish groups were held culminating in the adoption of the Built Heritage Strategy for Fylde 2015 – 2032 in **November 2015**.

On **20 January 2016**, the Development Management Committee was invited to appoint members to a working group, to be known as the Project Board in the delivery of the local listing of heritage assets. Following consideration of this matter the Committee RESOLVED: to appoint Vice-Chairman, Councillor Richard Redcliffe, Councillors Maxine Chew and Peter Collins to the working group.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. Introduction and Background

The Councils Built Heritage Strategy (2015 – 2032) was adopted in November 2015 following an extensive programme of research and consultation. It involved the setting up of a task and finish group of members, who helped guide its progress. The Strategy has had the full endorsement of Historic England (HE). Local Listing is viewed by HE as an important aspect of heritage protection and the National Planning Policy Framework encourages planning authorities to recognise and designate locally important heritage assets to help facilitate their conservation and protection.

The Strategy is based around four themes, which seek to promote, protect and conserve the rich built heritage of the Borough. Attached and integral to the Strategy is the extensive Action Plan that seeks to deliver specific projects that will be undertaken during the lifetime of the Strategy. Theme 1 : Conserving the Built Heritage, specifies a number of projects which includes the compilation of a 'Local List of Buildings', and a review of Conservation Areas including the scope for boundary reviews, new designations and the preparation of appraisals and management plans. The latter are required by statute and are an important part of the development management process. The Strategy is fully aligned with the Local Plan as it moves towards adoption.

Following the adoption of the Strategy, Committee authorised officers to commence a programme of local listing. To assist the process it was further agreed that three councillors would be appointed to form a small Project Board (Committee resolution dating from 20th January 2016 – Appendix 3 attaches the report). This was aimed at overseeing the process and act as a sounding body for the relevant officers, as the project proceeded. This was seen as particularly important as there is no prescribed process for the undertaking of local listing, apart from some advisory material from Historic England. The specific methodology has emerged as the project has proceeded.

2. Methodology Applied : Initial Selection Process

As outlined in the foregoing section, there is no prescribed method of compiling local lists of buildings. However, Historic England have produced some guidance and in-house research has revealed that a number of local authorities have produced their own lists. Having regard to the material available, the methodology being used takes into account the advice and practice available elsewhere. However, the approach being applied in Fylde is somewhat bespoke, influenced by local circumstances, as the project has emerged. The approach being undertaken, has been discussed with advisors from Historic England who are in support the method being used.

In compiling a methodology four significant questions arose, which can be summarised as follows:

- How buildings can be identified?
- What is the threshold for their inclusion i.e. what measure of quality is appropriate?
- What is the method for final selection?
- What are the implications of local listing?

To answer these questions a 'Protocol' has been prepared and this is included as Appendix 1 to this report. In essence, local listed buildings are to be selected, firstly by the creation of a series of Heritage Zones, which are definable areas of character dating from the pre 1939 era, which automatically excludes some areas of town. The zone is then surveyed on foot to characterise properties acting as an initial sieving exercise. This would in turn then discount properties that are deemed as commonplace or, those that have been altered unsympathetically. The Zone is then surveyed again with greater scrutiny and by applying the selection criteria contained within the Protocol, particularly interesting buildings can be identified. These properties, having been identified, are then the subject of detailed architectural and historical research so that it can be determined whether they meet the criteria required for selection, which includes - age, architectural merit, style, rarity, historical interest, association with notable persons or having archaeological interest.

3. Methodology : Expert Panel

The ultimate decision as to whether a building becomes locally listed rests with the Council's Planning Committee. However, in order to ensure that the buildings recommended for local listing are suitable, it was deemed appropriate to draw together an Expert Panel who would act in an impartial and objective way to ensure that the buildings being recommended for local listing meet the criteria. As outlined in the Protocol (Appendix 1), the Panel draws together individuals with widespread experience in architecture, local history, conservation and urban design, and an elected councillor (member of the Project Board). The officers who have undertaken the survey and analysis, whilst offering advice do not have a 'vote' at panel meetings. To date, there have been four Panel meetings, the first of which considered the buildings within the Fairhaven Heritage Zone, which is considered within this particular report.

At the meetings of the Panel, a written description (Data Sheet) of the particular building is provided explaining its significance along with photographs. A discussion ensues following which

a vote is taken as to whether the building is to be recommended for local listing. The minutes of the Forum meetings are available for inspection. An example of a data sheet is included at Appendix 2)

4. Broadening of the scope of the Review : Quality Bar

One of the initial questions to be considered during the early stages of the project was the issue of the 'quality bar' i.e. how significant a building needed to be before it would warrant the designation of local listing. The Borough is very fortunate in that it contains significant numbers of quality buildings. Therefore, the quality bar has been set at a high level and looks to identify buildings that are readily recognisable in the locality as having special qualities. However, it also became apparent that there are significant numbers of buildings that have specific qualities, particularly in the context of neighbouring buildings, thereby forming attractive groupings.

Such buildings, when they form an attractive group, are considered to be important to the overall character of the area and have been identified as Groups of High Townscape Value. In addition, through the survey methods adopted, the groupings of such buildings, where they are concentrated and extensive, may well suggest the potential scope for designation as conservation areas.

For the purposes of the review, the following heritage assets are identified.

- Buildings considered suitable for local listing.
- Groups of buildings identified as being of High Townscape Value.
- Potential conservation areas or alteration to boundaries to include additional groups.

The purposes of identifying the Groups of High Townscape Value is one of recognising their importance and this 'designation' can be used for development management purposes in consideration of planning applications. The broadening of the scope of the project to add to local listed buildings was agreed with the Project Board.

5. Fairhaven Heritage Zone

In the undertaking of the project, Committee is reminded that the local listing of buildings is to be applied across the Borough. However, given the financial contribution made by the Lytham St. Anne's Civic Society which provided additional officer resources, it was agreed to commence the exercise in St Annes and Lytham. The benefit would be that the groundwork involved in drawing together the Protocol, and being a major part of the initial phase of the project, could then be applied in the context of the Borough as a whole.

The Fairhaven Heritage Zone was the first locality to be considered and the methodology applied. This has now been completed and the recommendations made to Committee within the report relates directly to this area.

The application of the methodology to this zone has been fully applied including the draft list being placed before the expert panel. This results in the following conclusions.

- The proposal to locally list some 11 sites (Buildings/Assets.) The building owners have been notified.
- The proposal to identify some 15 Groups of High Townscape Value (GHTV -The Panel does not consider GHTV)
- The proposal to undertake further research and consideration into the potential for the establishment of a designated conservation area in the environs of Fairhaven Lake. This would be reported back to Committee.

It should be noted that not all of the buildings presented to the Expert Panel were agreed for inclusion on the local list.

6. Notification to building owners and other interested parties

Following consideration by the Panel, the owners of the buildings affected are then notified. This has been undertaken by letter and includes an explanation of the local listing process, a question and answer sheet which identifies commonly asked questions (Appendix 4), a data sheet explaining the significance of the building and links to the Council's web site, where further information is displayed. It is further explained that the process has an in built appeals process, that can be used in cases where Council officers cannot deal with any initial concerns of owners. The appeal process has a separate Panel, which will consider the appeal, with a recommendation subsequently being made to Planning Committee. It should be noted that appeals can only be lodged on the grounds that the particular building does not meet the criteria attributed to it.

Committee are asked to consider the recommendations in this report that include local listing (including any appeal issues) as well as the designation of GHTV and any relevant conservation area matters referred to.

7. Implications of Local Listing and Article 4 Directions

As a result of local listing, there is no additional legislative protection of the building conveyed. The 'designation' could therefore be seen as a means of giving a building recognition or status. As Committee will be aware, various building types/uses have varying amounts of permitted development (works that can be undertaken without the need to apply for planning permission). It follows that potentially at least, the inappropriate use of permitted development rights could result in unsympathetic alterations to buildings. It also follows that in many cases, demolition could take place - of locally listed buildings - outside conservation areas – without the necessary safeguards in place.

In some of the designated conservation areas of the Borough, Article 4 Directions are in force. An article 4 direction withdraws the permitted development rights specified in the direction. This gives the local planning authority the ability to consider whether or not to grant planning permission for those kinds of development. The issue therefore, is whether Committee takes the view that these additional controls should accompany local listing. A complication arises in that the various building types and uses have varying amounts of permitted development rights. As a result, each building would need to be considered individually. The principle of introducing Article 4 Directions would be based on the premise that the removal of permitted development rights would be the minimum amount necessary to remove the prospect of the potential harm that could be caused to the particular building, for example, alterations to the rear of a property might be far less important than alterations to the front façade.

A further issue arises with respect to the potential demolition of buildings outside conservation areas. Although notification is required for the demolition of buildings of a particular size, the local authority can only consider the method of demolition and the means of remediating the site. The way to prevent demolition, or bring it within control, is by way of an Article 4 Direction either brought into force proactively, or served on an 'emergency basis' where notice of proposed demolition is given.

As a result of the buildings types that are to be recommended for local listing at this time and in the future, it is recommended that the principle of introducing Article 4 Directions be approved and that officers be authorised to consider, in detail, the particular classes of development that are appropriate on a case by case basis. The issuing of a Direction would be the subject of consultation with the building owner and any problematical cases would be referred back to the Planning Committee for deliberation.

It has also come to light that some of the buildings that have been identified may well be candidates for national listing. Such potential candidates would be the subject of further review and if appropriate, the justification can be forwarded to Historic England for consideration.

8. Public Nomination

The Council's Built Heritage Strategy seeks to raise public awareness and interest in conservation issues. There are specific projects contained within the Action Plan in this regard. In respect of local lists of buildings, it is proposed that the public be asked to nominate particular buildings that are considered to be of local architectural and historic interest. A procedure for public nomination is set out on the Council's web site and other publicity will promote the initiative. As the programme rolls out, town and parish council's will also be asked to participate. A short non-technical guide will be used and it will be for each of 'applicant' to set out why a nominated building is of important using the selection criteria contained within the Protocol.

9. Project Board : Vacancy for additional position

The idea to create a project board to oversee the production of the Protocol and other matters, in respect of undertaking the local listing project, was established by Committee on 20th January 2016. It was resolved that three elected members be appointed to the Built Heritage Project Board, two of which were Development Management members. Since that time, a number of meetings have been held and the input of committee members into the development of the project has been valuable.

A vacancy has arisen due to one of the members standing down. It is recommended that the involvement of three councillors is appropriate given the scale and complexity of the project. As a consequence, Committee is invited to appoint a third member to serve on the Project Board.

10. Conclusion

This extensive report seeks to outline the process involved in the local listing project. The accompanying Protocol (Appendix 1) and the example Data Sheet (Appendix 2) give further information. Additional information, explanation and illustration will be provided at Committee.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report
Legal	None specific outside normal planning considerations
Community Safety	None
Human Rights and Equalities	None specific
Sustainability and Environmental Impact	Project seeks to sustain the built heritage of the Borough
Health & Safety and Risk Management	None

LEAD AUTHOR	TEL	DATE	DOC ID
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LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Built Heritage Strategy for Fylde 2015 – 32	November 2015	Town Hall or Web site www.fylde.gov.uk
Report to Development Management Committee	20 th January 2016	

Attached Documents : Appendices

1. Copy of the local listing Protocol
2. Example of a Data Sheet
3. Report to Committee dated 20th January 2016
4. Question and Answer Sheet forwarded to property owners
5. Schedule of buildings 1. recommended for local listing within the Fairhaven Heritage Zone
6. Schedule of Groups of High Townscape Value 2 for designation within the Fairhaven HZ.
7. Plan of the Fairhaven Heritage Zone with heritage assets indicated.