

REPORT FOR: **CABINET**

Date of Meeting:	12 December 2013
Subject:	Locally Listed Buildings Supplementary Planning Document
Key Decision:	Yes
Responsible Officer:	Caroline Bruce, Corporate Director of Environment and Enterprise
Portfolio Holder:	Councillor Stephen Greek, Portfolio Holder for Planning, Development and Regeneration
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	<p>Appendix 1: Schedule of Consultation Responses to the draft Locally Listed Buildings Supplementary Planning Document</p> <p>Appendix 2 – Recommendation from the LDF Panel</p> <p><i>Appendix 3: Locally Listed Buildings Supplementary Planning Document for adoption – Due to the size of the appendix, it has been circulated in hard copy to Cabinet Members and Key Officers only. The appendix is available for viewing on the website and a hard copy has been placed in the Members' Library</i></p>

Section 1 – Summary and Recommendations

This report proposes the adoption of the Locally Listed Buildings Supplementary Planning Document (SPD) to aid owners and occupiers of these buildings to conserve these important heritage assets to Harrow.

Recommendations:

Cabinet is requested to:

- a) Note the representations received to public consultation on the draft Locally Listed Buildings SPD, provided at Appendix 1, and Council's response to the individual comments made.
- b) Note the LDF Panel recommendations at Appendix 2 and the amendments made to the SPD in response to the recommendations as set out in the body of this report.
- c) Adopt the Locally Listed Buildings SPD attached as Appendix 3.

Reason: (For recommendation)

1. To afford weight to the SPD as a material planning consideration.
2. To set out best practice guidance and advice to the owners and occupiers of locally listed buildings to acknowledge the contribution these buildings make to Harrow's character and to promote the continue preservation of these significant local heritage assets.

Section 2 – Report

A. Introduction

1. At the request of the Local Development Framework Panel, at its meeting of 15 March 2011, a supplementary planning document (SPD) on locally listed buildings was prepared and subsequently published for public consultation. Following the close of consultation, the SPD has been the subject of further revision to take account of the comments received and the recommendations of the Local Development Framework Panel of its meeting of 3rd October 2013. It is recommended that Cabinet now proceed to adopt the revised Locally Listed Buildings SPD for use as a material consideration when determining planning applications affecting locally listed buildings.

Options considered

2. The option of taking no action was considered as an alternative. However, it was recognised that not providing the guidance note on good practice for the conservation and maintenance of locally listed buildings may put these heritage assets at risk. To ensure that the guidance note carries status as a 'material consideration' in planning decisions it is considered necessary to adopt it as a supplementary planning document, so publication of the guide as an informal document can also be discounted.

B. Locally Listed Buildings

3. A Locally Listed Building is a building, structure or feature which is important in the local context due to its architectural or historic interest or its townscape/group value. Harrow's current Local List has over 700 entries. However, there is currently little local advice to owners of locally listed buildings about what this means for their property and the Council's expectations of any planning application for extensions or alterations, yet the Council receives many enquiries from the owners and occupiers of such buildings. Following the LDF Panel meeting on 15th March 2011, officers have therefore prepared a draft SPD on locally listed buildings which has been out to 4 weeks of public consultation. The SPD will supplement the development plan policies relating to locally listed buildings.

4. The purpose of the SPD is to provide good practice advice for owners and occupiers of locally listed buildings for their maintenance and conservation when making decisions that affect their future, and also on the relevant planning controls. This is important as the purpose of locally listed buildings is to ensure that their special local heritage interest is recognised, and therefore taken into account, in decisions affecting their future wherever possible.

C. Consultation Undertaken

5. In accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 the SPD was subject to public consultation. The period for consultation commenced 18th July 2013 and closed on 22nd August 2013.

6. The consultation was undertaken in accordance with Council Statement of Community Involvement and included:

- A public notice in the Harrow Observer newspaper;
- Letters to English Heritage and local groups;
- Letters to all owners of Locally Listed Buildings within Harrow;
- The draft SPD was published electronically on the Council's website and on the Council's consultation portal; and
- A paper copy was placed on deposit at each of the Borough's libraries and at the Civic Centre.

D. Outcome of the Consultation

7. There were a total of **13** responses to the consultation. These are reproduced in full, alongside the Council's response, in the Schedule of Consultation Responses at Appendix 1 to this report. The main issues raised are summarised below.

8. Of those who commented, two raised objections to the draft SPD, whilst six respondents outlined their support for the document, with a number of these offering comments on areas for improvement and corrections. Three respondents requested their locally listed building be removed from the local list. The remaining two respondents sought further details on the consultation being undertaken but did not offer further views on the draft.

9. The main objection to the draft SPD was that it was perceived to elevate the status of a locally listed building to that of statutorily protected heritage assets. The introduction to SPD has therefore been amended to clearly distinguish between the legal and planning status of a locally listed building, compared with that of a Listed Building, and the main body of the text has been amended to remove reference to national policy primarily applicable to the conservation of statutory heritage assets.

10. A further objection was that the guidance provided was bias towards the preservation of the traditional/original fabric of locally listed buildings at the expense of the health and wellbeing of occupants. The SPD is intentionally written this way given the contribution these buildings make to local character and distinctiveness and their importance to Harrow's built heritage. However, in light of the comments received, the SPD was amended to acknowledge that it is a balance and, where necessary for the habitability of the dwelling, to ensure the guidance aids owners and occupiers to make informed decisions as to the suitability of proposed replacements and alterations.

11. A number of respondents helpfully pointed out factual errors and the incorrect labeling of photographs, which have now be amended. One of respondents queried the purpose of the SPD. In response, the introduction to the SPD now includes a clear statement of the purpose and aims of the SPD. One further respondent, who supported the SPD, felt a clear statement was required to clarify that, although a building is locally listed, this does not necessarily mean that all of the building is of architectural or historical interest. This is factually correct and therefore a statement to this effect has been added.

12. One requested reference to the use of solar panels on front elevations of locally listed buildings as being unlikely to be acceptable. It is considered that on occasion solar panels might be acceptable even on front elevations of locally listed buildings and therefore the section on energy efficiency has been amended to include support for the use of microgeneration equipment where it will not harm special interest.

Requests to de-list three properties

13. Two residents requested that 24 Uxbridge Road, Stanmore, HA7 3LG be removed from the local list, another resident requested 66 Hutton Lane be removed from the local list and another response requested 40 Belmont Lane be removed from the local list. However, since the public consultation did not specifically request recommendations for amendments to the local list, since this was carried out during November and December last year and January this year, it is not possible to recommend that the local list be amended at this stage. The Council will therefore carry out consultation with local and national conservation groups and the owner/occupiers on the proposal to remove these buildings from the local list.

E. LDF Panel 3rd October, 2013

14. At the Local Development Framework panel meeting of 3rd October an officer recommended the SPD was improved by a clear statement in the introduction on the legal implications of locally listed buildings; a list of aims and objectives of the SPD; and that a list of locally listed buildings within the borough should be contained as an appendix to the SPD to ensure it can be given material consideration. Panel members supported the proposal to include the list of locally listed buildings as an appendix and emphasised the importance of making the guidance clear and not adversarial to the public in relation to locally listed buildings, where Council's control is limited. Panel members also supported a deputation from the owner of a Locally Listed Building which requested that the document makes clear that just because a building is locally listed does not mean that all of it is necessarily of architectural interest. The document has now been amended accordingly.

F. Summary and Conclusion

15. The guidance document will be valuable in providing good practice advice for the maintenance and conservation of locally listed buildings to owners and occupiers and in explaining relevant planning controls. This is important as the purpose of locally listing is to encourage the preservation of their special interest, which residents cherish and value. All comments received in response to public consultation have been taken into account, resulting in clearer, more streamlined and helpful planning tool and guidance.

G. Legal Implications

16. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

17. Although the proposed SPD is not a development plan document it will, upon adoption, be a material consideration in the determination of planning applications affecting locally listed buildings.

18. The Council is required under the Town and Country Planning (Local Planning) (England) Regulations 2012 to consult on the SPD and to take into account all consultation responses received before adopting the SPD. Upon adoption, the Locally Listed Buildings Supplementary Planning Document will form part of Harrow's formal planning policy.

H. Financial Implications

19. The costs of adopting the SPD, and publishing it online is a relatively minor cost which can be adequately contained within the existing LDF budget. The most resource intensive part of the work (preparation and consultation) has already been undertaken.

I. Performance Issues

20. There are no national or local performance indicators measuring or affected by the adoption of the SPD. Nevertheless, the adoption of the SPD will be monitored as part of the annual monitoring of the Local Plan. The effectiveness of the SPD will be measured against the retention of existing locally listed buildings on the list year upon year. However, the greatest benefit of adopting the SPD is that it does ensure the Local Planning Authority can consider buildings on the local list as a material consideration when determining a planning application affecting them.

J. Environmental Impact

Does the proposal comply with all relevant environmental legislation? Yes

21. The policy that the SPD supplements has been the subject of a comprehensive Sustainability Appraisal, incorporating the requirements of Strategic Environmental Assessment, in compliance with the regulatory requirements for preparing local plan documents. The government has confirmed that, where the parent policy has been appraised, it is not necessary to appraise any guidance that simply seeks to give effect to the policy.

K. Risk Management Implications

22. Risk included on Directorate risk register? No

Separate risk register in place? No

L. Equalities implications

23. Was an Equality Impact Assessment carried out? No

24. By definition, supplementary planning documents cannot introduce new policies nor modify adopted policies and do not form a part of the development plan. Rather, their role is to supplement a 'parent' policy in a development plan document. The SPD supplements Policy DM7 of the Local Plan, which has already been the subject of a full equalities impact assessment at each formal stage in the policy's preparation.

M. Corporate Priorities

25. The adoption of the Locally Listed Buildings SPD contributes to the corporate priority of a fairer Harrow, by ensuring that the owners or occupiers of locally listed buildings better understand the legal and planning status of the local listing and know where to get advice should they be uncertain whether proposed works require planning permission or not.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 12 November 2013		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 15 November 2013		

Section 4 – Performance Officer Clearance

Name: Martin Randall	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Strategic Commissioning
Date: 12 November 2013		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Corporate Director (Environment & Enterprise)
Date: 11 November 2013		

Section 6 - Contact Details and Background Papers

Contact: Matthew Paterson, Senior Professional Policy Planning, Development and Enterprise

Tel: 020 8736 6082

Email: matthew.paterson@harrow.gov.uk

Background Papers: Development Management Policies Local Plan
http://www.harrow.gov.uk/info/856/local_plan/609/development_management_policies
Cabinet Report of 14 March 2013 on the Local List
<http://www.harrow.gov.uk/www2/documents/s104738/Local%20Listing%20-%20Main%20Report.pdf>

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]