

Updating the City of Derby Local List

Draft working arrangements - Discussion paper

- 1 Following a review of the work programme of the Environmental Sustainability Unit's Built Environment Team, the City Council is updating the Local List.
- 2 The value of publishing a Local List is that a watching brief can be kept on listed features and they can be taken into account in town planning processes. Inclusion in the Local List does not bring with it any additional statutory protection or grant aid, but it is the intention that every effort is made to conserve those buildings and structures contained within the listing in order to safeguard as much of our heritage as reasonably practicable to the benefit of the City as a whole.
- 3 The Local List as it stands is available on the Council's web site, at this address:
<http://www.derby.gov.uk/Environment/Planning/builtheritage/LocalList.htm>
In the introduction to that document it is acknowledged that inevitably, as time passes, additional buildings and features of interest will be discovered or become interesting because of changes in taste, increasing rarity or because a particular building type is threatened by redevelopment. It is expected, therefore, that the Local List will be kept under review and further inclusions will be made as appropriate.
- 4 The City of Derby Local Plan Review (Adopted January 2006) contains policies about the Local List. They are set out in the Appendix to this paper.

Objectives

- 5 The objective of the exercise is to assist the implementation of Policy E19 of the City of Derby Local Plan to:
 - protect from all forms of harmful alteration or loss controllable under Town and Country Planning legislation buildings of architectural or historic importance which form a vital part of the City's heritage but which do not enjoy protection through statutory listing;
 - protect from harmful alteration or loss such buildings within the ownership or control of the City Council.

Draft criteria for local listing

- 6 There are no criteria set out in the established List. The draft criteria put forward here are adapted from the principles for the selection of listed buildings set out in PPG15: Planning and the Historic Environment.
- 7 They may need to be reviewed in light of the Government's Heritage Protection Review, which proposes a local section within a unified Register of Historic Sites and Buildings of England (RHSBE). The local section will include details of locally originated designations compiled against criteria and guidance prepared by English Heritage. The new single designation system for the RBSBE will include all types of asset requiring designation and protection, from historic landscapes through to single mileposts.

The draft criteria are:

- statutorily listed buildings and buildings within conservation areas are not to be included, as they already enjoy suitable levels of protection
 - buildings and structures (e.g. telephone box or statue) can be included
 - they must be at least 30 years old
 - they must be of demonstrable local historic and/or architectural interest (e.g. designed by an important architect, associated with an important historic figure, or displaying local vernacular)
 - buildings or structures that are a rare representative of technological innovation can be included
 - fine or rare examples of buildings that illustrate social or economic history, including good examples of town planning can be included.
- 8 The Local List as it stands at present will be subject to review as part of this exercise.

Local List Panel

- 9 It is proposed to establish a Local List Panel to assist in assessing the merits of nominations for the new list as well as reassessing all entries on the established list against the agreed new criteria. The objective is to establish a membership that will ensure that the Panel has sufficient knowledge and understanding to reach sound and supportable conclusions based on established criteria.
- 10 The task of the Panel is to
 - consider all nominations for local listing
 - make a recommendation about what should be listed and what does not merit listing, with reasons in every case
 - guide and oversee public consultation on the exercise.
- 11 Proposed membership of the Panel

- Cabinet Member for Housing Management and the Built Heritage Environment
 - Team Leader – Built Environment Team
 - A Conservation Officer from Built Environment Team
 - Two representatives from Conservation Area Advisory Committee (nominated by CAAC)
 - Member of Planning Control Committee.
- 12 It is recommended that after the initial listing exercise is complete, subject to the amount of business arising any further nominations for local listing should be considered by the same nominees.

Establishing the Local List

- 13 On completion of the re-listing exercise, consultation will be needed on the list as a whole. This is likely to generate more nominations and to lead to objections. Once this is done, a report will be compiled for consideration by the Council at Member level. The report will set out in the form of schedules all nominations made and the reasons for accepting or not accepting them, plus the Panels recommendations in relation to any objections.

Publicity and consultation

- 14 Involving local people is an integral part of this exercise. In addition, consultation and publicity will be needed to give the List suitable status for Town Planning purposes.
- 15 This could cover:
- publication of a summary leaflet about the exercise, plus nomination forms and guidance about how buildings and other features will be selected for the List
 - consultation with CAAC and the full range of formal and informal, national and local heritage groups
 - possible use of the Council's 'Living Derby' publication, delivered to all residential addresses
 - a role for the Telegraph – possibly in assembling submissions for consideration by the Local List Panel
 - setting up an interactive web page for those with www access – maintaining this as the source of up to date information for all interested parties
 - a mini-display and 'contact point' in the reception area at Roman House, maintained over (say) a six-month period
 - consultation with property owners of all properties to be included in the list
 - direct feedback to everyone making nominations
 - before the final Council approval to the new List, a formal advert in the DET to announce that the revised List is open to public inspection.

Resources and timescale

- 16 From a Council perspective, the key resource for this exercise is staff time from within Built Environment Team. The Team's new heritage environment work programme is a broad one, and the demands of this exercise will need to be balanced against those from other important tasks. Having regard to the availability of resources other than staff time, the guiding principle has to be that the exercise will be run on as low-cost a basis as possible.
- 17 It is important that steady progress is made in preparing the new List, but it is not possible to know in advance how many and what type of nominations for listing that will be made by the public and consultees. For this reason, no completion date is put forward for the exercise at this stage.

PM / 12.10.06

Appendix

Extract from the City of Derby Local Plan Review (Adopted January 2006)

Note - Policies are in **bold**. Text in standard weight typeface and numbered paragraphs is supporting text from the Plan

E19 Listed Buildings and Buildings of Local Importance

Proposals for development, and applications for Listed Building Consent, will not be approved where they would result in the demolition of statutory listed buildings. Proposals will also not be approved where they would have a detrimental effect on the special architectural or historic interest of a statutory listed building, its character or setting. Exceptions will only be made where there is a convincing case for demolition or alteration.

The City Council will also seek to ensure the conservation of locally important buildings and structures, including those on its Local List, by encouraging their retention, maintenance, appropriate use and restoration. The Council will therefore not normally approve development proposals that would have a detrimental effect on locally important buildings or structures as a result of:

- a. demolition or part demolition,**
- b. inappropriate alteration or extension,**
- c. impact on its setting or context.**

In the case of buildings of local importance, applicants will be expected to demonstrate that all reasonable alternatives to demolition have been considered and found to be unrealistic.

Where proposals for alteration, extension or demolition would affect a listed building, or a locally important building or structure, and could involve a significant impact on the historic plan form or significant loss of historic fabric, applicants will be required to undertake an impact assessment before the application is determined. This should clarify the impact of the proposals on the building's historic fabric, character, appearance and setting as well as inform the design process.

Where development proposals are approved that would involve the demolition or alteration of a listed building, or locally important building or structure, which would result in the loss of historic

fabric, the Council will ensure that provision is made for an appropriate level of building recording to take place prior to the commencement of works.

- 9.42 About 370 buildings in the City are statutorily listed as being of special architectural or historical interest. Listed building consent is needed for the demolition of listed buildings, or to carry out any internal and external alterations that affect the character of a listed building. Once historic features and other characteristics of listed buildings are lost, they cannot be replaced. The City Council, therefore, has a duty to pay special regard to the preservation or enhancement of the building, its setting, or any features of special architectural or historical interest which it possesses. PPG15 (Planning and the Historic Environment) advises that there should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out for alteration or demolition. The criteria set out in PPG15 will be used to assess any such proposals. Permission will only be granted for demolition or significant alterations where the scheme would result in substantial benefits to the community significantly outweighing the loss and where there is clear evidence that all reasonable efforts have been made to sustain existing uses or find viable new ones and that preservation in some form of charitable or community ownership is not possible or suitable. The City Council will expect applications for planning permission and listed building consent to be submitted simultaneously. In considering applications affecting listed buildings, the Council will consider the advice of statutory and local consultees.
- 9.43 There are also many unlisted buildings of architectural or historic importance in Derby which form a vital part of the City's heritage and which the City Council will seek to protect from harmful alterations or loss. Although the highest level of protection will be for buildings which are statutorily listed, an appropriate degree of protection will also be given to other buildings which, because of their age or other special qualities, form part of the City's heritage. Many of these buildings have been identified on the City Council's 'Local List' of buildings of local architectural or historical importance.

E20 Uses Within Buildings of Architectural or Historic Importance

Applicants for change of use of listed buildings, and locally important buildings and structures, will be expected to demonstrate that their proposals will contribute to its conservation in a manner which preserves or enhances its architectural or historic interest. In considering such applications, the City Council will seek to secure the retention, restoration, maintenance and continued use of the buildings or structures. In achieving this, the

City Council will consider the original use as a first option for the building. If it is demonstrated that the original use is not viable or no longer appropriate, alternative uses that are compatible with the building will be considered.

- 9.44 The need to secure the retention, restoration and long-term viability of historic buildings will be an important factor in assessing planning applications. PPG15 acknowledges that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use, particularly the use for which the building was designed. However, the City Council recognises that the upkeep of historic buildings will depend very much on the continued economic viability of their use. This viability may depend on securing a new use for the building. It may also mean taking a flexible approach to other issues. Consideration may, for example, be given to varying normal development control criteria, e.g. parking standards, in the interests of achieving conservation objectives. It is, however, important that new uses do not themselves prejudice or undermine other policies of the Plan, conservation objectives or adversely affect the surrounding area.
- 9.45 The City Council will, within the resources available, give sympathetic consideration to applications for grants to repair listed buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990. It will also exercise its statutory powers to enforce the proper maintenance of listed buildings in the interests of the community as a whole.