

## Bath & North East Somerset Council

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| DECISION MAKER: | <b>Cllr Tim Ball, Cabinet Member for Housing, Planning, and Economic Development.</b> |                                   |
| DECISION DATE:  | <b>On or after 3<sup>rd</sup> July 2021</b>   | EXECUTIVE FORWARD PLAN REFERENCE: |
|                 |   | E3302                             |
| TITLE:          | Adoption of Locally Listed Heritage Assets Supplementary Planning Document            |                                   |
| WARD:           | All   |                                   |

### AN OPEN PUBLIC ITEM

#### List of attachments to this report:

1. Appendix 1: Locally Listed Heritage Assets Supplementary Planning Document May 2021
2. Appendix 2a: Nomination form
3. Appendix 2b: Checklist
4. Appendix 3: Equality Impact Assessment/Equality Analysis
5. Appendix 4: Risk Assessment
6. Appendix 5: Consultation statement

## 1 THE ISSUE

- 1.1 In determination of planning applications, Paragraph 197 of the National Planning Policy Framework (NPPF) requires local authorities to take into account the effect on the significance of non-designated heritage assets. A draft supplementary planning document was prepared in 2017 in relation to non-designated heritage assets (also referred to as locally listed heritage assets) located within the area of Bath and North East Somerset. It was agreed through a Single Members Decision agreed on 22 February 2018, to take this document forward for public consultation during April, May and early June 2018.
- 1.2 As a result of the consultation and from designing a procedure for the management of nominations within the existing development management

system, a revised supplementary planning document has been produced and is included as Appendix 1, together with a revised nomination form (as referenced in the document) Appendix 2a and associated checklist Appendix 2b.

- 1.3 Once adopted, the supplementary planning document will enable better informed development management decisions regarding the conservation and enhancement of local character, as well as informing current and future Council strategies. The document also aims to raise the profile and encourage recognition of the contribution that non-designated heritage assets make to the special character of Bath and North East Somerset. Retention and reuse of locally listed assets will contribute towards saving energy and off- setting climate change as replacing a building has significant energy, carbon implications.

## **2 RECOMMENDATION**

**The Cabinet Members are asked to;**

- 2.1 Adopt the Locally Listed Heritage Assets Supplementary Planning Document.

## **3 THE REPORT**

- 3.1 There are a large number of buildings, structures, monuments and other features in Bath and North East Somerset which, while not statutory listed, are of architectural and historic interest or make a significant contribution to the character and appearance of an area. The locally listed heritage assets supplementary planning document provides selection criteria for designating these as locally listed heritage assets by defining core areas of potential interest and their contribution to the positive characteristics of the locality. It provides an opportunity to identify such assets in a number of situations, for example, by direct nomination by anyone, as part of the assessment of potential development sites and through development management or other planning processes including conservation area character appraisals or preparation of neighbourhood plans.
- 3.2 The consultation exercise in relation to the draft supplementary planning document and the draft supplementary planning document itself have already raised the profile of locally important heritage assets. Officers and local communities have been actively identifying potential assets of local interest, including being highlighted in some Development Management cases. This contributes towards maintaining the character that gives areas of Bath and North East Somerset their local distinctiveness and special qualities.
- 3.3 It is intended that the supplementary planning document itself will not contain a list of locally listed assets but be aimed at providing a clear framework for identification, designation and future management of the assets. The supplementary planning document sets out the formal criteria for and process, through which the assets are to be nominated, assessed and recorded.
- 3.4 If adopted, the launch of the scheme, as set out in the SPD, will take place following a number of administrative actions including amendment of the planning scheme of delegation.

## **4 STATUTORY CONSIDERATIONS**

- 4.1 The identification and conservation of local heritage as part of the planning process is an integral element of the Government's current policy towards the historic environment. Within the National Planning Policy Framework (July 2018), paragraph 185 states that local planning authorities; "Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats". It is considered that non-designated heritage assets are often found to be at higher risk due to lesser statutory protection and ongoing development pressures that threaten their features of special interest or lead to complete loss of these assets.
- 4.2 In determination of planning applications Paragraph 197 of the National Planning Policy Framework (NPPF) requires local authorities to take into account the effect on the significance of non-designated heritage assets. Also, paragraph 187 of NPPF states that Local Planning Authority's should either maintain or have access to a historic environment record (HER) and have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to the environment.
- 4.3 National Planning Practice Guidance (NPPG) , updated July 2019, reinforces the requirement for local planning authorities to consider making clear and up to date information on their identified non-designated heritage assets, both in terms of the criteria used to identify assets and information about the location of existing assets, accessible to the public via the historic environment record.
- 4.4 The Council's Core Strategy policy CP6 and Placemaking Plan policy HE1 reflect the above government policy and advice. There is increasing awareness of the need to raise the profile of local architecture and archaeology and to encourage their sustainable reuse. This supplementary planning document provides the necessary guidance to ensure that this can be achieved in relation to local heritage assets.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 5.1 The cost of preparing the supplementary planning document and developing the process is within existing Development Management budgets.
- 5.2 There will be an ongoing cost in the processing and assessment of nominations. It is proposed to introduce a fee of £50.00 for all nominations relating to privately owned assets capable of beneficial reuse. There will be no charge in respect of other assets such as assets within the public realm, street furniture or buildings and structures without any viable use. The fee is intended to cover administrative costs.

## **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.
- 6.2 There is a risk of challenge to the Council associated with not introducing a formal system that enables the identification and recording of locally listed

heritage assets given the guidance set out in the NPPF and NPPG. No other risks have been identified at this stage. See Risk Assessment Appendix 4

## **7 CLIMATE CHANGE**

- 7.1 The objectives within the supplementary planning document are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. Around 10% of UK emissions are associated with the manufacture and transport of construction materials, and the construction process together with refurbishment projects make up a significant percentage of activities in the built environment. The UK is committed to reducing carbon emissions by 80% by 2050 and carbon neutrality by 2030; savings linked to refurbishment will have an important part to play in meeting these targets.
- 7.2 Following a seminar with the Building Research Establishment it was evidenced that pre 1900 buildings are more energy efficient than those of the rest of the 20th century including buildings constructed post 1990. In addition, these buildings can also be retrofitted to make them even more energy efficient.
- 7.3 Replacing a building has significant energy and carbon implications. The retention of the existing building stock is, therefore, better than replacing, where energy performance is good or can be improved to appropriate levels. Retaining existing buildings and seeking to enhance their energy performance in sensitive ways is in keeping with building conservation, sustainability and progress towards a low carbon society.

## **8 OTHER OPTIONS CONSIDERED**

- 8.1 No other options have been considered as this approach is national best practice.

## **9 CONSULTATION**

- 9.1 A consultation statement is included at Appendix 5. Key aspects are summarised below.
- 9.2 Formal public consultation on the draft Locally Listed Heritage Assets supplementary planning document took place between 23 April and 4 June 2018 whereby the draft supplementary planning document was advertised locally and sent out to the Town and Parish Councils, Historic England, local amenity societies, local planning agents and architects and the local communities. The relevant services within Bath and North East Somerset Council were also consulted at that time. A copy of the draft supplementary planning document was made available on the council's website together with hard copies deposited for viewing at local libraries and council offices.
- 9.3 All responses to the consultation are set out in the table in Appendix 5 together with the Council's comments and how the responses where appropriate have been addressed and the supplementary planning document amended.
- 9.4 Respondents indicated support for the initiative and the document. There were 24 respondents, including Historic England, Bath Preservation Trust, Bath Heritage Watch Dog, and a number of parish/town councils as well as individuals. In summary the main matters raised are noted below.

- General support for the introduction of the supplementary planning document and a nomination process.
- Support for the selection criteria and suggestions for more detail.
- Requests to simplify the nomination process.
- Requests for more pictorial examples and to omit others.
- Suggested changes to the decision-making process.
- 9 respondents sought to nominate assets rather than comment on the draft SPD itself.

9.5 Involvement and advice from relevant organisations such as Historic England and local amenity societies at the consultation stage has ensured that their experience and knowledge has been drawn upon and that up-to-date guidance is followed. This should also aid the later process of identification of potentially suitable assets in collaboration with these organisations.

9.6 External and internal consultation has also resulted in changes to the originally proposed processes, particularly:

- Ward councillors, town and parish councils in the rural area and Bath Preservation Trust and the Chair of the World Heritage Advisory Committee in Bath will be notified of nominations, allowing them an opportunity to comment as part of the decision making process and the decision will be delegated to professional officers, (rather than the decision taking place in consultation with the Heritage Champion and Chairman of Development Management Committee). This will give an opportunity for wider involvement of interested bodies.
- The responsibility for notifying the owner of a nomination will be the responsibility of the nominator.
- A fee of £50 will be charged for nomination of assets capable of beneficial use.

## 10 EQUALITIES IMPACT ASSESSMENT

10.1 The supplementary planning document is considered to be neutral in terms of equalities. It seeks to provide greater certainty and consistency of decisions by providing publicly available information and guidance that will inform the designation process and decision-making in relation to development proposals that affect local heritage assets.

10.2 The supplementary planning document will support the objective of a clear and consistent approach by the Council when dealing with these matters.

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| <b>Contact person</b>    | <i>Caroline Power 01225 477642</i>  |
| <b>Background papers</b> | <ol style="list-style-type: none"> <li>1. Appendix 1: Locally Listed Heritage Assets Supplementary Planning Document (May 2021).</li> <li>2. Appendix 2a: Nomination form</li> <li>3. Appendix 2b: Checklist</li> <li>4. Appendix 3: Equality Impact Assessment/Equality Analysis</li> <li>5. Appendix 4: Risk Assessment</li> <li>6. Appendix 5: Consultation statement</li> </ol> |

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|  | <i>The draft document is available on the Council's website.</i> |
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| <b>Please contact the report author if you need to access this report in an alternative format</b> |
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