

North Tyneside Council

Report to Cabinet

Date: 13 November 2017

ITEM 6(g)

Title: Draft Register of Buildings and Parks of Local Historic and Architectural Interest (Local Register) Supplementary Planning Document

Portfolio(s): Housing and Transport

Cabinet Member(s): Councillor John Harrison

Report from Service Area: Environment, Housing and Leisure

Responsible Officer: Phil Scott – Head of Environment, Housing and Leisure
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Wards affected: All Wards

PART 1

1.1 Executive Summary:

Cabinet in November 2008 adopted the Register of Buildings and Parks of Local Architectural and Historic Interest Supplementary Planning Document (“the Local Register SPD”). The Local Register SPD identifies the buildings, parks and gardens of local architectural and historic interest and enables their notable features to be identified during the course of the design process when development is proposed.

A revised version is now required to reflect up-to-date local and national planning policy, to consider that new entries may be eligible, and to address changes that have occurred meaning some assets should be removed from the Local Register.

Using information gathered since 2007, including input from the community and the advice of local historic environment experts, a recommended revised Local Register has been prepared, along with a revised accompanying SPD.

It is proposed that the Draft Local Register SPD now be subject to its statutory consultation, for a six week period, with stakeholders including statutory consultees and the owners/occupiers of those assets that are recommended to be added to, remain on, or removed from the Local Register.

1.2 Recommendation(s):

It is recommended that Cabinet approve publication of the Draft Local Register SPD for public consultation.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 16th October 2017.

1.4 Council Plan and Policy Framework

This report links to 'Our North Tyneside' Council Plan, Priority 1 – Our People - Be listened to, and involved by responsive, enabling services and Priority 2 – Our Places – Be great places to live, and attract others to visit or work here.

The Local Register SPD would contribute to adopted Local Plan policies S6.5 *Heritage Assets* and DM6.6 *Protection, Preservation and Enhancement of Heritage Assets*. These policies commit the Authority to keep the Borough's heritage asset evidence base and guidance up-to-date, and to be proactive in conserving heritage assets. This is in line with national planning policy as set out in chapter 12 of the National Planning Policy Framework (NPPF).

The revision of the Local Register SPD is included in the Authority's adopted Local Development Scheme 2016.

1.5 Information:

The Local Register SPD

- 1.5.1 The Draft Local Register SPD continues to celebrate our rich historic environment and is designed to identify the buildings, parks and gardens of local architectural and historic interest and enable their notable features to be identified and considered during the course of the design process when development is proposed. The Draft Local Register SPD consists of two parts: the Register of buildings and parks, and the SPD that provides relevant information on the implications of being included on the Local Register.
- 1.5.2 The Local Register was originally prepared to fulfil Unitary Development Plan 2002 (UDP) policies E17/5 (relating to buildings) and E18 (relating to parks and gardens). It was adopted on 13th February 2007, where it was agreed that 146 buildings and parks within the Local Register were worthy of recognition through their local architectural and historic interest.
- 1.5.3 An accompanying Local Register SPD was prepared and adopted by the Authority's Cabinet on 10th November 2008. The SPD supplemented UDP policies E17/5 and 18, providing stakeholders with an explanation of policies and objectives with regard to the Local Register, outlining the process of establishing and maintaining the Local Register, providing information on the implications of property being included on the Local Register, and giving guidance on works to property on the Local Register.
- 1.5.4 The 2008 SPD indicated that there would be future revisions. A revised version has now been prepared. A revision is required now for two main reasons:
 1. Since the Local Register was developed in 2007, information has been compiled relating to other buildings and parks that could be added to the register. In addition, some changes have occurred that mean some buildings and parks should be removed.

2. National and local planning policy has changed since the adoption of the 2008 SPD. A revised SPD is required to supplement the most up-to-date planning policy position.

Recommended amendments to the Local Register

- 1.5.5 Nominations for additions to the Local Register were invited from local residents during summer 2017. An article was provided to local press and posters were distributed to Borough libraries in the week commencing 5th June 2017. An article was included in the summer 2017 edition of Our North Tyneside magazine, which is delivered to every home in the Borough. The consultation ended on 21st July 2017.
- 1.5.6 The public consultation provided a small number of nominations that were considered for inclusion on the Local Register as part of 70 potential new entries that have been gathered since 2007, many of which arose from ad hoc public nomination. Additionally, the 146 existing Local Register entries, all of which nominated by the public, were reviewed. Entries were considered by a panel of three local historic environment experts, using the criteria included on page 7 of the Draft SPD (included at Appendix 1), which are based on national criteria.
- 1.5.7 The recommendations from the expert review is that 47 nominated buildings and parks should be added to the Local Register, three new nominations should be combined with existing entries, and 16 existing entries should be removed from the Local Register. 23 nominated buildings were not recommended for inclusion. This results in a recommended revised Local Register with 177 entries.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Approve publication of the Draft Local Register SPD for public consultation.

Option 2

Request changes to the publication of the Draft Local Register SPD before public consultation.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

It is a statutory requirement that SPDs are subject to consultation with relevant stakeholders. It is important that the relevant owners and occupiers have the opportunity to consider the potential for their assets to be included on the Local Register and the subsequent implications, and given the opportunity to input accordingly.

The consultation would be a step towards adopting a revised Local Register SPD. A revised Local Register SPD will allow the Authority to fulfil the requirements of local and national planning policy, ensuring that buildings, structures, parks and gardens locally identified as having architectural and historic interest are given an appropriate degree of recognition.

1.8 Appendices:

Appendix 1: Draft Register of Buildings and Parks of Local Architectural and Historic Interest Supplementary Planning Document, October 2017

Appendix 2: Review of Buildings and Parks of Local Architectural or Historic Interest - Existing entries, September 2017

Appendix 3: Review of Buildings and Parks of Local Architectural or Historic Interest - New Nominations, September 2017

1.9 Contact officers:

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1.10 Background information:

The following background information has been used in the compilation of this report and is available at the office of the author:

1. [Localism Act 2011](#)
2. [Town & Country Planning \(Local Planning\)\(England\) Regulations 2012.](#)
3. [The National Planning Policy Framework 2012](#)
4. [The North Tyneside Local Development Scheme Cabinet Report \(October 2016\)](#)
5. [North Tyneside Local Plan 2017](#)
6. [North Tyneside Statement of Community Involvement 2013](#)
7. [Register of Buildings and Parks of Local Architectural and Historic Interest Supplementary Planning Document 2008](#)
8. [Register of Buildings and Parks of Local Architectural and Historic Interest Supplementary Planning Document 2008 – Appendix 1](#)
9. [Register of Buildings and Parks of Local Architectural and Historic Interest Supplementary Planning Document 2008 – Appendix 2](#)
10. [Local Heritage Listing: Historic England Advice Note 7](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The staff, printing and other costs to consult on the Draft Local Register SPD will be met from within the existing Authority budgets.

There is the possibility that inclusion on the Local Register could be subject of judicial review by a landowner who is aggrieved by the inclusion. It is unknown how significant any costs arising from a judicial review would be. In the unlikely event that a judicial review might be required, the matter would be considered by Cabinet. The proposed consultation on the Draft Local Register will lower the risk of any judicial review as it provides the authority with an opportunity to understand and address any concerns landowners may have.

2.2 Legal

The Local Register SPD is an issue to be considered during the planning process. Although there is no Authority procedure for appeal against inclusion on the Local Register, any person who is aggrieved by the Authority's actions and who has sufficient interest in the decision may seek to judicially review that decision. In the event that a judicial review was likely, the matter would be considered by Cabinet and a decision made with respect to whether the particular inclusion in the Local Register will be maintained.

Section 9D of the Local Government Act 2000 is clear that all functions of the Authority should be discharged by Cabinet unless there is a contrary indication in legislation. In accordance with the 2000 Act and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 there is nothing to indicate that this matter cannot be taken by Cabinet.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The matter has been subject to dialogue with the Local Plan Steering Group (which includes the Deputy Mayor, Cabinet Member for Finance and Cabinet Member for Housing and Transport). The Communications team were involved in the preparation of consultation materials for the summer 2017 public consultation.

The existing Local Register SPD set out the intention for a future revision and was considered and adopted by Cabinet in November 2008. The intention to prepare a revised SPD has been subject to Cabinet consideration through the adoption of subsequent revised Local Development Schemes, the most recent of which was in October 2016.

2.3.2 External Consultation/Engagement

Nominations for additions to the Local Register were invited from local residents in summer 2017, as per the details set out under 1.5.5 of this report. Four nominations were made. These were considered as part of 70 nominations, compiled since 2007, including from public nomination. The Council engaged with a panel of three local historic environment experts in compiling the recommended revised Local Register.

A Strategic Environmental Assessment Screening Report on the emerging Draft Local Register SPD has been subject to a six week consultation with the statutory consultees Historic England, Natural England and the Environment Agency.

SPDs must be subject to statutory consultation. If agreed with Cabinet, the Authority will begin a six week consultation on the Draft Local Register SPD. The Authority will directly notify statutory consultees via email and will send letters directly to the owner/occupiers of those assets that are recommended to be added to the Local Register, remain on the Local Register or be removed from the Local Register. The consultation will be advertised in the local press and posters provided to all borough libraries.

The consultation methods will comply with both the statutory consultation requirements and the requirements of the Authority's adopted Statement of Community Involvement. Further details of this process and the feedback received will be included within a Consultation Statement.

It is proposed to present the feedback to Cabinet at a future meeting, with a recommendation relating to the adoption of the Local Register SPD.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

There are no direct implications arising from this report.

2.6 Risk management

The Cabinet Member has been involved in dialogue relating to the Local Register and is aware of the risks identified. The risks associated with the preparation and engagement on the Local Register have previously been assessed. The risks identified have been added to the relevant risk register. They are being managed using the Authority's risk management process.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Deputy Chief Executive
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy