


Cabinet 2 April 2014	
Report of: Aman Dalvi – Corporate Director, Development & Renewal	Classification: Unrestricted
Review of and Additions to the Local List	

Lead Member	Councillor Rabina Khan, Cabinet Member for Housing
Originating Officer(s)	Andrew Hargreaves, Borough Conservation Officer
Wards affected	All wards
Community Plan Theme	A Great Place To Live
Key Decision?	Yes

Executive Summary

Tower Hamlets is a Borough which is particularly rich in heritage assets. It is a diverse Borough with historical assets that fully reflect that diversity.

The Council's Local List is a list of heritage assets considered to be of local interest. It is largely composed of those buildings considered for statutory listing in 1973, but felt to be of less than national importance. Since this time a number of buildings have been added but the list has not been comprehensively reviewed.

The report recommends, in light of the forthcoming Centenary of the outbreak of World War I, and in light of the consultation responses received that the Council proceed with the addition of War Memorials to the List and also proceeds with the removal of selected entries from the Local List.

The Local List put before Cabinet (Appendix 1) comprises that put before Cabinet on 6 November 2013 plus six additional War Memorials identified through the consultation process.

The list of Local List entries proposed for removal (Appendix 2) remains as put before Cabinet on 6 November 2013.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Agree to add War Memorials set out in Appendix A to the Local List and;
2. Agree to remove selected entries set out in Appendix B from the Local List

1. REASONS FOR THE DECISION

- 1.1 The selected course is considered to be a sensible and achievable means of (i) contributing towards the aims of the Council's Community Plan by helping the Borough achieve its aim of being a great place to live, (ii) move forward the Council's Conservation Strategy which seeks to 'Increase the protection available to locally important heritage resources and (iii) be a positive step towards complying with the National Planning Policy Framework which advises Local Planning Authorities to set out a 'positive strategy for the conservation and enjoyment of the historic environment'.

2. ALTERNATIVE OPTIONS

- 2.1 Several alternative courses of action have been considered ranging from keeping the existing local list to a full survey of the Borough.
- 2.2 Relying on the existing local list is not considered an appropriate option as there are a number of buildings which may no longer exist or which may have been added to the Statutory List. Not updating the list would therefore create uncertainty for the local community, building owners and applicants for planning permission.
- 2.3 A full survey of the borough is not considered necessary at this stage given the strength of the Council's Conservation Strategy, the extent of the borough's Conservation Areas and the detailed records of statutory heritage assets. War Memorials are a notable omission from the local list and therefore are being proposed for inclusion.
- 2.4 The proposed course of action is considered to be a sensible and achievable means of the Borough meeting national, regional and local policy objectives.

3. DETAILS OF REPORT

- 3.1 The Local List is a list of assets considered to be of special local interest; buildings which contribute to locally distinctive character and add value to the townscape.

Policy Context

- 3.2 The contents of this report are consistent with the Council's policy framework and relevant national and regional policy:

National Planning Policy Framework (NPPF) and Heritage Assets

- 3.3 The NPPF advises Local Planning Authorities (LPAs) to set out 'a positive strategy for the conservation and enjoyment of the historic environment' in their Local Plan. Emphasis is placed on 'sustaining and enhancing the significance of heritage assets' and recognising that heritage assets are an 'irreplaceable resource' and should be conserved 'in a manner appropriate to their significance'.

- 3.4 Heritage assets are defined in the NPPF as a building, monument, and site “having a degree of significance meriting consideration in planning decisions, because of its heritage interest”. This definition includes undesignated assets identified by the local planning authority (including locally listed buildings). It notes that they merit consideration in planning matters and notes that the LPA should take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset concerned.

Local Policy

- 3.5 Relevant Council Policy includes:

- Policy SP12 (b) of Council’s Core Strategy states that the Council will ‘Improve, enhance and develop a network of sustainable, connected and well designed spaces through: (b) Retaining and respecting the features that contribute to each places’ heritage, character and local distinctiveness.’
- Policy SP10 of the Council’s Core Strategy (Creating distinct and durable places): Part 2 seeks to protect and enhance the boroughs heritage assets and their setting and Part 3 seeks to enable the creation of locally distinctive neighbourhoods.
- Policy DM27 of the Council’s Managing Development Document (Heritage and the historic environment) provides further detail to ensure that the borough’s historic assets are protected and enhanced and ensures their setting contributes to a sense of place.
- The Conservation Strategy, the Councils Strategic Vision for the Boroughs heritage, takes a proactive approach to protect and enhance Tower Hamlets’ heritage to ensure that it can be appreciated and enjoyed by current and future generations. Specifically Objective 6.3 of the Council’s adopted Conservation Strategy aims to increase the protection available to locally important heritage resources.

National Guidance with regards to Local Lists

- 3.6 The English Heritage Good Practice Guide for Local Heritage Listing states that local listing is “a means for a community and a local authority to jointly identify heritage assets that are valued as distinctive elements of the local historic environment. It provides clarity on the location of assets and what it is about them that is significant, guaranteeing that strategic local planning properly takes account of the desirability of their conservation.”

The effects of Local Listing

- 3.7 With regard to the level of protection afforded by local listing, the English Heritage Good Practice Guide states that “Locally listing a heritage asset does not bring additional consent requirements over and above those required for planning permission. It can, however, help to influence planning

decisions in a way that conserves and enhances local character. Under the NPPF the conservation and contribution of locally listed heritage assets will be a material consideration in planning decisions that directly affect them or their setting. Local heritage assets within conservation areas also benefit from the general control over demolition afforded by the Planning (Listed Buildings and Conservation Areas) Act 1990.”

- 3.8 Placing a building on the Local List places no statutory responsibility on the property owner, in terms of maintenance, repair or re-instatement of features.

War Memorials

- 3.9 This year marks the centenary of the start of World War I and will focus public interest on the ‘War to end all wars’. It is a good opportunity for the Borough to assess, catalogue and where necessary protect this war related heritage. The Borough contains many War Memorials within its open spaces, public buildings, churches, schools and other buildings. They range in size from the magnificent Mercantile Marine Memorial at Tower Hill (Grade II listed) to the surviving street corner war memorial plaques which were once an evocative feature of the East End. Some of the memorials are very well known, others within private buildings are much less well known. Most were built to commemorate the fallen of World War I, many subsequently altered to incorporate inscriptions relating to World War II but there are monuments to other wars including that to the Falklands War at Tower Hill. There are also monuments to specific events such as that to The Last V2 Attack, the Bethnal Green Underground Station Disaster along with those to individual war heroes such as that to Private SF Godley VC at Godley VC House.
- 3.10 Several War Memorials within the Borough are protected by their statutorily listed status including that within the graveyard of St Anne’s Limehouse and the monument in Poplar Recreation Ground to the Children of North Street School killed when a bomb fell on the school in WWI. Freestanding memorials within Conservation Areas are also protected against demolition. Many significant memorials however have no statutory designation in the planning system and there is a risk they could be lost.
- 3.11 The list of War Memorials proposed as additions to the Local List omits those fixed to listed buildings which are part of the listed fabric of the building concerned. These are not recommended for local listing as they are already afforded protection by virtue of the listed status of the host building.
- 3.12 It should be noted that local listing would, in the case of War Memorials fixed to buildings or other structures, apply only to the monument and not the host building. The aim being to ensure that, should the host building be demolished the plaque or monument would be accommodated within the new building or be moved to a replacement facility should that be considered a more suitable option.

The Existing Local List and the Need for Review

- 3.13 The Council’s existing Local List is comprised largely of buildings which were considered for listing in 1973, when the Borough’s Statutory List was

prepared. This has been added to over the years but no comprehensive review has been undertaken since adoption and it contains a limited number of buildings which have been demolished or added to the statutory list. The existing Local List entries proposed for removal are set out in Appendix 2.

Consultation

- 3.14 Officers have written to over seventy individuals and organizations including residents, building owners, amenity societies and relevant national bodies.
- 3.15 Further publicity with regard to the proposal has included articles in East End Life and the East End Advertiser along with publicity on the Council's website. A consultation report which will fully set out the results of public consultation is at Appendix 3. Positive responses have been received from, amongst others, the Rep. Deputy Lieutenant for Tower Hamlets, The Royal British Legion, The War Memorials Trust and Ancient Monuments Society. English Heritage were also broadly positive.
- The Rep. Deputy Lieutenant states that he generally welcomes the initiative and looks forward to being involved in the conservation of the memorials.
 - The Royal British Legion 'have no comments except to thank you for your work in protecting the War Memorials within you Borough.'
 - The War Memorials Trust Welcome the move to locally list memorials as it 'not only raises awareness but provides some protection.' They request that the Council update the War Memorials Online database once a decision is made with regard to Local Listing. They also suggest that the Council consider putting forward putting eligible examples forward for statutory listing.
 - The Ancient Monuments Society is supportive of Local Listing designation, and is satisfied with the removal of buildings/structures from the local list where they have been added to the statutory list.
 - English Heritage 'supports the Borough's intention to maintain an up-to-date local list, including the addition of monuments which have local historic interest as memorials to local people and events related to the First World War and other conflicts.'

English Heritage state that 'As set out in the Good Practice Guide for Local Listing we promote the development of local lists which are consistent with the definitions set out in NPPF, and which have been selected against publicly available selection criteria. This ensures that the list can be understood to be robust in planning terms, and that any structures identified on it can be effectively managed through the planning process.'

They further state that 'the published additions contain several examples which may not meet the definition of heritage assets set out

within the NPPF, for example, items within and affixed to buildings which would not merit consideration within the planning process. We would therefore encourage the Council to refine the list in line with our best practice guidance.'

- English Heritage have further clarified their position to state that they are 'happy that Monuments affixed to the interiors of buildings could be considered as heritage assets, though we would encourage the borough to ensure that suitable local policies are in place to ensure that they are managed appropriately should development proposals come forward which could affect their historic significance.'

3.16 As part of the consultation process, the Council requested details of any War Memorials which had been omitted. Forty three further suggestions were received for consideration as further additions to the Local List.

Investigation has revealed that:

- (i) Four of the suggested War Memorials are already statutorily listed in their own right and thus have sufficient protection.
- (ii) Seventeen of the suggested War Memorials are within or attached to listed buildings and thus have sufficient protection.
- (iii) One of the suggested War Memorials is already included on the draft Local List.
- (iv) Two of the suggested War Memorials are located outside the Borough.
- (v) One suggestion is a building (WWI related clothing factory) not a War Memorial and thus not relevant to the current consultation process.
- (vi) One suggestion relates to paper memorials housed within the Local Studies Library which are not considered as suitable additions to the Local List but are protected as archives.
- (vii) Eleven of the suggested War Memorials cannot be located or have been lost since 1918.
- (viii) Six of the suggested War Memorials are eligible for Local Listing and are proposed as further additions to the Local List previously considered at Cabinet.

3.17 The six War Memorials, identified as further additions to the Local List are as follows:

- (i) The Blitz Memorial situated on west bank of Grand Union Canal (Regents Canal) between Tramway Court and Coalstore Court, London E1

- (ii) Memorial to Victims of Poplar Air Raids with Tower Hamlets Cemetery Park, London E3
- (iii) Memorial within The Highway Club (Broad Street and Ravensdale Clubs), 2 Lowood Street, London E1
- (iv) WWI Memorial within St James's Gardens, Butcher Row, London E14
- (v) WWII Memorial fixed to exterior of Ink Court, 419 Wick Lane, London E3
- (vi) WWI Memorial at All Hallows Church, 1 Blackthorn St, London E3

3.19 The matter has been considered at Asset Management Working Group. There is to be a separate discussion to consider options with regard to national grant schemes for War Memorial restoration. Whilst War Memorials owned by the Council are the responsibility of the Council in terms of maintenance – placing a building or other structure on the Local List places neither statutory responsibility on the property owner, in terms of maintenance, repair or reinstatement of features, nor a responsibility on the Council.

3.20 The War Memorials record will be made available online and placed with The Royal British Legion, The War Memorials Trust and Imperial War Museum and in the Council's Local History Library.

3.21 The review of the local list is consistent with the Council's Core Strategy which was subject to a full Equalities Analysis.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 Following the Cabinet decision of 6 November 2013, this report updates Members on the results of the public consultation into the addition of War Memorials to the Local List and seeks consideration of the responses with a view to adding or removing memorials as necessary.

4.2 There are no specific financial implications arising directly from this report. All officer time involved in reviewing and updating the Local List is being financed from within existing budgetary provision, as were the costs of consultation.

4.3 As outlined in previous reports, placing a building or memorial on the Local List does not place any statutory responsibility on the property owner in terms of maintenance, repair or reinstatement of features. The listing does ensure however that the plaque or monument be accommodated or moved to a replacement location if redevelopment of the existing site takes place. This will apply equally to monuments and memorials located on council owned sites or buildings and therefore plans for the retention of these memorials will need to be included within any future development proposals for any affected council sites.

5. LEGAL COMMENTS

- 5.1 A (local) heritage asset is defined within the National Planning Policy Framework (NPPF) (2012) as a ‘building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)’. The NPPF advises Local Authorities to set out a ‘positive strategy for the conservation and enjoyment of the historic environment’ in their Local Plan. Local Heritage listing is one of the mechanisms to deliver this requirement.
- 5.2 The NPPF states that, “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”. Further, the Council’s Development Plan contains policies relevant to the protection of local heritage assets. Whilst locally listing a heritage asset does not bring additional consent requirements over and above those required for planning permission, it can, however, help to influence planning decisions in a way that conserves and enhances local character and strengthens the role of local heritage assets as a material consideration in deciding the outcome of planning decisions. Identification on a list also provides clarity for owners and developers on the location of assets and what it is about them that is significant.
- 5.3 This report seeks consideration of the results of the public consultation proposing the addition of war memorials to the Council’s Local List and removal of selected existing entries. There are no legal or statutory requirements to carry out publication in respect of the proposed local listings, however, changes to the Local List and consultation on the Local List should be informed by best practice including the English Heritage Good Practice Guide for Local Heritage Listing which makes it clear that a full and inclusive consultation should be carried out. A consultation report is being prepared and will form part of the Cabinet Report. It is considered that a thorough consultation exercise has been undertaken that meets the principles within the Council’s Statement of Community Involvement.
- 5.4 The Local List informs the Council’s Local Plan and its planning decision making, and to this extent it is considered appropriate to follow the same decision making process in respect of Supplementary Planning Documents, which is to seek approval from Cabinet for adoption.
- 5.5 Before approving the Local List, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don’t. This report confirms that no equalities issues arise from the review of the List.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 In considering the review of the local list a wide and inclusive consultation to gain the views of Tower Hamlets' many communities has been undertaken. This included details of the consultation on the website, notices within East End Life, the offer of a translation service, and the consultation of Tower Hamlets Equalities Forums. Care was also taken to consult owners of those buildings and structures to be locally listed.
- 6.2 The consultation process also allowed residents to consider the War Memorials proposed for local listing and to possibly identify other Memorials which are not presently known about. The process has sought the views of people from a wide range of groups.
- 6.3 Locally listed status is dependent upon the character of the historic environment rather than upon the communities that inhabit it. It is dependent upon whether the structure or building identified is locally distinctive and of special local townscape interest.
- 6.4 The Council's Conservation Strategy notes that Tower Hamlets' heritage is an irreplaceable legacy and that it is the foundation of Tower Hamlets' distinctive character. It makes a significant contribution to the Borough's sense of place and contributes to economic regeneration and sustainability, social inclusion and community development, recreation and quality of life. The overall aim of the Conservation Strategy is to protect and enhance Tower Hamlets' heritage, and to ensure it can be appreciated and enjoyed by everyone, current and future generations.
- 6.5 The review of the local list has offered the potential to ensure the boroughs heritage is protected for all to enjoy, and is in line with the aims of this Strategy.
- 6.6 Protecting and enhancing the borough's heritage contributes to building a sense of place and history which can be shared by the borough's diverse communities, therefore strengthening good relations between people from different backgrounds.
- 6.7 The review of the local list is consistent with the objectives of the Council's Core Strategy which was subject to a full Equalities Analysis and no equalities considerations are understood to arise.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 The proposal to amend the Local List aligns with the Core Strategy Strategic Objective 22 that seeks to protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of the Big Spatial Vision of 'reinventing the hamlets'. This is one of a number of objectives under the 'Designing a high quality city' chapter which together seek to improve the built and natural environment of the borough.

7.2 The Core Strategy Spatial Policies have been informed and shaped by a Sustainability Appraisal and Strategic Environmental Assessment.

8. RISK MANAGEMENT IMPLICATIONS

8.1 The review of the Local List is included within the Planning & Building Control Service Plan. This sets out the work programme of the Planning & Building Control service and is subject to the Council's risk management procedures.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

9.1 The review of the Local List complements the Core Strategy Strategic Objective of 'Creating safe and attractive streets and places'.

10. EFFICIENCY STATEMENT

10.1 The review of the Local List will provide greater certainty for the local community, building owners and applicants for planning permission. It will contribute to the efficiency of the planning application process.

Linked Reports, Appendices and Background Documents

Linked Report

NONE

Appendices

1. Draft List of War Memorials.
2. List of existing entries proposed to be removed.
3. Consultation Report

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

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- Background Documents: None.