

<p>Cabinet</p> <p>19 September 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Anne Sutcliffe, Acting Corporate Director, Place</p>	<p>Classification: Unrestricted</p>
<p>Updated Conservation Strategy and Local List Nomination and Selection Process</p>	

Lead Member	Councillor Rachel Blake, Cabinet Member for Strategic Development & Waste
Originating Officer(s)	Michael Ritchie, Place Shaping Team Leader
Wards affected	All wards
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

Executive Summary

The Conservation Strategy provides guidance on the management of Tower Hamlets' heritage for a period of five to ten years. The current strategy was adopted in 2010 and is aligned with the current Local Plan. A new Local Plan is currently being developed and an updated Conservation Strategy has been prepared to support it. The updated strategy was developed with key stakeholders and was the subject of public consultation alongside the emerging Local Plan. No adverse comments were received during the consultation and the updated strategy has received the support of Historic England. The Mayor in Cabinet is asked to approve the updated Conservation Strategy.

The Tower Hamlets Local List identifies buildings and structures that, whilst not statutorily listed for their national importance, are considered to be of local importance due to their architectural, historical and townscape significance. National Planning Policy Guidance recognises local listing as a way that local authorities can identify non-designated heritage assets, the significance of which must be taken into account when making planning decisions. The Council does not currently have a formal process for adding buildings to the Local List on an ad hoc basis making it difficult to respond to requests from residents and other stakeholders to add

buildings to the list. In light of this, in January 2016, Council resolved to establish a process whereby local residents can make additions to the Local List easily. The preparation and adoption of such a process is also an objective of the draft updated Conservation Strategy. A draft nomination and selection process was prepared in accordance with Historic England guidance on local listing, and was the subject of public consultation between November 2016 and January 2017. No adverse comments were received during the consultation. The Mayor in Cabinet is asked to approve the Nomination and Selection Process.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Adopt the updated Conservation Strategy (Appendix 1)
2. Adopt the Local List Nomination and Selection Process (Appendix 2).
3. Note the next steps for updating the Local List.

1. REASONS FOR THE DECISIONS

- 1.1 The National Planning Policy Framework (NPPF) requires local authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. It also sets out a number of criteria that should be taken into account when preparing a strategy. Whilst the current Conservation Strategy is considered to comply with the requirements of the NPPF, the new Local Plan should be informed by a strategy that is based on the most up-to-date information and that responds to any changes that have taken place in the Borough over the past six years.
- 1.2 The updated Conservation Strategy is based on the latest legislation and provides an up-to-date picture of the historic environment in Tower Hamlets. It has been prepared in consultation with key stakeholders, has been the subject of public consultation and is supported by Historic England. The adoption of the document will provide guidance for the management of heritage in the Borough and supports the emerging Local Plan.
- 1.3 The process of identifying buildings and structures as non-designated heritage assets by adding them to the Local List is recognised by National Planning Policy Guidance (NPPG). The Council does not currently have a process for adding to the Local List on an ad hoc basis. The adoption of a formal process is supported by a resolution of Council and is an objective in the updated Conservation Strategy. The process for making additions to the list will enable the Council to respond to requests from residents and other stakeholders to recognise appropriate buildings and structures as non-

designated heritage assets.

- 1.4 The Local List Nomination and Selection Process is based on Historic England guidance and received no adverse comments during public consultation.

2. ALTERNATIVE OPTIONS

To not adopt the Conservation Strategy

- 2.1 The Council may choose not to adopt the updated Conservation Strategy. This option is not recommended. Whilst the un-adopted strategy would remain part of the Local Plan evidence base, and would provide informal guidance on the management of the heritage in the borough its effectiveness would be limited.

To not adopt the Local List Nomination and Selection Process

- 2.2 The Council may choose not to adopt the Local List Nomination and Selection Process. This option is not recommended as the Council would a formal process for responding to requests from members of the public and other stakeholders to add buildings to the Local List.

3. DETAILS OF REPORT

The Conservation Strategy

- 3.1 The current Conservation Strategy, adopted in October 2010, provides guidance on the management of Tower Hamlets' heritage for a period of 5-10 years. It does so by setting out a long term vision for heritage in the Borough and a set of strategy goals that will help to deliver that vision. Each strategy goal is supported by a set of work plan objectives. The Conservation Strategy is aligned with the Local Plan and key elements of it have been integrated into the Core Strategy 2010 and the Managing Development Document DPD 2013.

Need for an updated Conservation Strategy

- 3.2 The NPPF, introduced in March 2012, requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. The NPPF sets out a number of criteria that local planning authorities should take into account when preparing a strategy. The current Conservation Strategy was adopted before the introduction of the NPPF, and it is considered to be compliant with these requirements. It is important that the new Local Plan is based on the most up-to-date information and responds to any changes that have taken place in the Borough over the past six years. The update of the strategy will also provide

an opportunity to identify new ways to improve the management of heritage in the Borough.

Preparation of the updated Conservation Strategy

- 3.3 Following a competitive tender process, heritage consultants Chris Blandford Associates were appointed to review and update the Conservation Strategy. Chris Blandford Associates, who were also the authors of the original strategy, were asked to review the relevant legislation and policy changes since the adoption of the existing strategy, examine changes to heritage assets in the borough and consider the emerging development context in Tower Hamlets and the implications that this has for conservation.
- 3.4 The above baseline information was discussed at workshop attended by key stakeholders including representatives of Historic England, amenity societies and the Tower Hamlets Local History Library and Archive. Workshop attendees discussed the relevance of the long-term vision of the current strategy and the effectiveness of the current strategy goals. The outcomes of the workshop were taken into account in the preparation of the consultation draft of the updated Conservation Strategy (Appendix 1).

Consultation on updated Conservation Strategy

- 3.5 The draft updated Conservation Strategy was published as part of the evidence base supporting the new Local Plan Regulation 18 consultation. Along with the new Local Plan the updated strategy was the subject of public consultation between 11 November 2016 and 2 January 2017.
- 3.6 The majority of consultation comments received related to the Local Plan, with only Historic England commenting directly on the strategy itself.
- 3.7 Historic England supported the draft strategy, stating:

“The Strategy provides an invaluable resource in which to inform the review of the local plan. It comprehensively provides clear understanding of the issues facing Tower Hamlets historic environment, and sets out clear objectives to address them. The question is whether this evidence is being effectively used to inform other related evidence such as tall buildings and site allocations, and the policies of LP31. Our concern is that it is not, and that the Strategy although good, appears to sit in isolation and its findings and objectives have not been clearly integrated into these other key documents.”

The Local List

- 3.8 The Tower Hamlets Local List identifies buildings and structures that, whilst not statutorily listed for their national importance, are considered to be of local

importance due to their architectural, historical and townscape significance. Inclusion on the Local List does not result in additional consent requirements over and above those required for planning permission. However, local listing is a way of identifying a building or structure as a non-designated heritage asset and, as such, its significance will be a material consideration in planning decisions. The NPPF requires local authorities to consider the impact of development on the significance of non-designated heritage assets when determining planning applications, balancing the scale of any harm or loss and the significance of the asset.

- 3.9 Tower Hamlets has had a Local List in some form since the early 1980s. It initially included many of what were at one time referred to as Grade III Buildings, which were those that were considered for statutory listing but did not make the final selection. Other buildings have been added on a piecemeal basis. For example, a number of buildings were added to the list at the time that the Limehouse Cut Conservation Area was designated. More recently, 44 war memorials were added as part of a thematic review marking the centenary of the start of World War I.

Need for a Local List Nomination and Selection Process

- 3.10 The Council receives requests to add buildings to the Local List from residents, Members and other stakeholders. Such requests are often made in response to development interest (actual or anticipated) that may affect a non-designated building or structure. At present, the Council does not have a formal process for adding buildings to the Local List, nor are there any defined criteria to determine which buildings are considered appropriate for local listing, making it difficult to respond to these ad hoc requests. Officers have been collated a list of buildings that have previously been put forward for inclusion on the Local List. In light of these requests, it is considered necessary to adopt a formal process for considering additions to the Local List.
- 3.11 In addition to the above, the need to review and add to the Local List was raised in a motion at the meeting of Council on 20 January 2016, where it was resolved:
- To establish a process whereby local residents can make additions to the Local List easily.
 - To revise the Local List in its entirety as soon as possible, to include all non-designated heritage assets and historic public houses.
 - To create a local 'Heritage at Risk Register' incorporating all at risk buildings on the Local List.

- To take a proactive stance on monitoring the condition of historic local buildings on the local 'Heritage at Risk Register' through the use of notices issued by the Planning Enforcement Team.
- To protect community assets under threat from change of use by 'Article 4 Directions'.
- To implement a specific pub protection policy to be incorporated into the Local Plan as well as a separate policy to enhance community infrastructure.

3.12 Finally, the need for a Local List review is also reflected in objective 2.7 of the draft updated Conservation Strategy. This states that the Council will keep the Local List under review, including adopting a nomination and selection process for adding to the list. The adoption of a Nomination and Selection Process is an important first step in the review the Tower Hamlets Local List, enabling the Council to add further buildings and structures through a clearly defined and transparent process.

Preparation of the draft Local List Nomination and Selection Process

3.13 The draft Local List Nomination and Selection Process was prepared with reference to the publication *Local Heritage Listing: Historic England Advice Note 7* (Historic England, 2016), which provides guidance on local heritage listing in accordance with relevant policy contained in the NPPF. Examples of how other local authorities approach the nomination and selection of locally listed buildings and structures were also considered.

3.14 Appendix 2 sets out the proposed process for nominating and selecting additions to the Local List. It provides a standard form which guides residents and other stakeholders to provide relevant information to support the nomination of buildings to be added to the Local List. This includes location details, information relating to the buildings local significance and photographs. The document also sets out the criteria for local listing. It states that to be considered for inclusion on the Local List nominations should satisfy criterion one and a minimum of two other criteria:

- Local character and distinctiveness (mandatory).
- Architectural significance.
- Historical significance.
- Artistic significance.
- Age, rarity and integrity.
- Social significance.

3.15 Appendix 2 states that, following an initial officer review, the nominations will be considered by a selection panel, comprising members of the Council's Conservation and Design Advisory Panel (CADAP) and a representative from

Historic England. The panel will prepare a shortlist of local list nominations for public consultation. Comments received during the consultation will be considered by officers and, where appropriate, new additions to the list will be adopted by Cabinet on an annual basis as necessary.

- 3.16 Nominations for additions to the local list will be collated by officers and considered by the selection panel on an annual basis. This timeframe allows for adequate numbers of nominations to be submitted, reviewed and considered for inclusion on the Local List by the selection panel.

Consultation the draft Local List Nomination and Selection Process

- 3.17 The draft nomination and selection process was published on the Council's website during the Local Plan Regulation 18 consultation. Comments on the document were invited from 11 November 2016 to 31 January 2017. Awareness of the consultation was also raised via an article in the Tower Hamlets Local History Library and Archives monthly newsletter, which is sent to around 2,500 individuals and organisations with an interest in Tower Hamlets historic environment. The consultation was also featured on the influential Spitalfields Life blog and Twitter feed, which has almost 19,000 followers.
- 3.18 One resident, a local heritage activist who has previously put forward a number of buildings for local listing, offered support for the proposed selection criteria. No other comments were received in respect of the draft nomination and selection process. A number of nominations using the proposed criteria were submitted during the consultation period.
- 3.19 As noted above, the updated Conservation Strategy complies with the requirements of the NPPF and has received clear support from Historic England. No adverse comments have arisen through its inclusion in the Local Plan Regulation 18 consultation. In view of this, it is not proposed to make any significant changes to the draft updated strategy with only minor adjustments to the consultation document will be made prior to adoption. For example, some minor changes to terminology and the presentation of diagrams, and changes to address some minor errors.
- 3.20 It is also proposed to proceed with the adoption of the Local List Nomination and Selection Process. The document follows Historic England guidance and has not attracted any adverse comments through consultation.

Next steps

- 3.21 Following the adoption of the Local List Nomination and Selection Process, the selection panel will be convened in October 2017 to shortlist all current nominations. The selection panel will also consider some historic public

houses for shortlisting. Officers are currently reviewing historic public houses in the borough to identify those that may be suitable for inclusion on the Local List. All shortlisted nominations will be subject to public consultation in November and December 2017. The outcomes of this consultation and recommendations for new additions to the local list will be presented to Cabinet in March 2018.

- 3.22 In addition to the above, officers are also currently reviewing 169 of the current entries on the Local List (which excludes the 44 war memorials added in 2014), and will prepare updated descriptions of the significance of these structures. These updated descriptions will be presented to Cabinet in March 2018 for adoption along with the proposed new additions. The updated descriptions will reinforce the status of these structures as non-designated heritage assets, and will help the Council to ensure their continued preservation.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report seeks the approval of the updated Conservation Strategy and Local List Nomination and Selection Process, two documents which complement each other and form part of the supporting evidence included within the Council's Local Plan.
- 4.2 The suite of documents that support the Local Plan will provide information that will underpin key decisions in relation to the allocation of the limited resources available within the borough, and will influence the shaping of the Council's Medium Term Financial Strategy and Capital Strategy. Information contained within the Conservation Strategy and the Local List will be used to support bids to third party funding providers to secure future funding streams to maintain heritage assets.
- 4.3 The costs associated with the development of the Local Plan are mainly staffing related and are financed from within existing resources. In the case of the Conservation Strategy, external heritage consultants were commissioned to review the existing strategy and to provide specialist support to staff. The consultation process that was undertaken incurred expenditure on items such as advertising, printing, hiring venues and facilitating public meetings for which there is existing budgetary provision.
- 4.4 Local heritage listing is intended to highlight assets which are of local interest in order to ensure that they are given due consideration when change is being proposed. Including 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, however local listing does indicate that

these buildings have a degree of significance which merits consideration in planning decisions. This will apply equally to Council owned sites or buildings and will need to be assessed as part of any future development proposals for affected Council assets.

5. LEGAL COMMENTS

- 5.1 As explained earlier in this report, the proposed updated Conservation Strategy and the Local List Nomination and Selection Process documents are part of the evidence base for the forthcoming Local Plan.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that decision makers are to apply the relevant policies in the Local Plan in determining planning applications, absent any overriding material considerations to the contrary. Therefore it should be noted that the applicable policies in the prospective Local Plan which are based on the evidence contemplated by these two documents could have primacy in future relevant Council development control decisions.
- 5.3 If adopted by the Council, the updated Conservation Strategy will not have the same status as a statutory planning policy document itself, but it may nonetheless have some weight as a material consideration in the planning process; given its aims and objectives in relation to heritage conservation in the Borough during the Strategy's timespan.
- 5.4 Similarly, should the Local List Nomination and Selection Process document be adopted then the local listing of any buildings designated in accordance with it shall also be a material consideration in any planning decisions relating to the same.
- 5.5 Legal Services are satisfied that the two documents have been prepared in accordance with the relevant sections of the National Planning Policy Framework and related guidance (including that produced Historic England in connection with non-statutory listing).
- 5.6 When considering whether to adopt the two documents, 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 (the public sector equality duty). An equality analysis is required which is proportionate to the functions in question and the potential impacts and to this end an Equality Analysis Quality Assurance Checklist has been completed and is attached at Appendix 3.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Separate Equalities Assessments have been prepared for the updated Conservation Strategy and the Local List Nomination and Selection Process. Officers will continue to work with the Council's Equalities team to ensure actions are undertaken to mitigate the likely impacts on the equality profile of those affected.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 Work on the updated Conservation Strategy has been carried out by heritage consultants with additional input from officers.
- 7.2 Public consultation has been carried out on both the updated Conservation Strategy and Local List Nomination and Selection Process.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no specific best value implications arising from this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Progress of the updated Conservation Strategy and Local List Nomination and Selection Process has been reported to DMT on 19 June 2017 and CLT on 19 July 2017, which considers risk management and mitigation.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no specific crime and disorder implications arising from this report.

11. SAFEGUARDING IMPLICATIONS

- 11.1 There are no specific safeguarding implications arising from this report.

Linked Reports, Appendices and Background Documents

- Appendix 1 Draft Updated Conservation Strategy
- Appendix 2 Draft Local List Nomination Process and Selection Process
- Appendix 3 Equality Analysis Quality Assurance Checklists

Linked Report

- None

Appendices

- Appendix 1 – Updated Conservation Strategy
- Appendix 2 – Local List Nominations and Selection Process
- Appendix 3 – Equalities Analysis

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

- None

Officer contact details for documents:

Or state N/A