

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 27th May 2009
Report of: John Knight, Head of Planning and Policy
Title: List of Buildings of Local Interest

1.0 Purpose of Report

- 1.1 To consider the procedures for adding to and reviewing the List of Buildings of Local Interest in the new authority.

2.0 Decision Required

- 2.1 To agree to adopt the procedures as detailed in the report.

3.0 Background And Legislative Framework

- 3.1 There are many buildings or structures of special architectural or historic interest which appear as Listed Buildings in the national register of buildings of special architectural or historic interest compiled by the Secretary of State and these buildings are afforded significant layers of protection from demolition or harmful change, by the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.2 There are other buildings or structures which are of distinct historical or architectural interest at the local level which are not on the national register and which can become threatened by potentially damaging change or demolition.
- 3.3 Government Guidance in Planning Policy Statement 1 stresses the importance of local distinctiveness in respect of design. Locally important buildings make an important contribution to preserving local distinctiveness, which is a principle which has been supported by Inspectors at Appeal.
- 3.4 Therefore it is appropriate that Planning Authorities should draw up lists of such locally important buildings and structures and formulate policies in the local plan to assist in protecting their character, through normal development control procedures, but they will not enjoy the full protection of those identified on the statutory national register of Listed Buildings compiled by the Secretary of State.
- 3.5 Their protection is limited in that the local planning authority will only be able to consider proposals to alter or demolish such buildings or structures if such proposals need or are associated with proposals which need planning permission.

4.0 Current Practice

- 4.1 All three of the former Borough Councils which comprise Cheshire East either maintained or were in the process of compiling a Local List. However, there were variations in the practices for inclusion of buildings on the list between the former authorities and the new procedure is therefore necessary in order to promote a consistent and transparent approach across the new authority.
- 4.2 The genesis of the Crewe & Nantwich Borough Council Local List goes back to Policy BE.25 of the draft Local Plan published in 1993. In 1996 Planning Committee approved criteria for compiling the list which are set out in Appendix B of this report. A number of buildings or structures were subsequently identified by officers, parish councils and by local architects, local amenity and local history groups. Reports on their eligibility were then put to Planning Committee for consideration on 21st August 1997, the 13th November 1997, 2nd April 1998, 10th December 1998 and on the 3rd on February 2000, using the approved criteria.
- 4.3 The Planning Committee approved such buildings and structures for inclusion on the local list, and so they now appear in Appendix 5.3 of the adopted Replacement Local Plan 2011 and are afforded some degree of protection against inappropriate development proposals by Policy BE13 of that plan.
- 4.4 Since then 9 buildings/structures have been added, on an ad hoc basis, to the list by the Development Control Committee of the former Crewe & Nantwich Borough Council on 29th June 2006 and 6th March 2008. However, no mechanism existed for the periodic general review of the list.
- 4.5 The Macclesfield Borough Local Plan also includes, at Appendix 11 a List of Locally Important Buildings. This has been kept under constant review since adoption of the Plan in January 2004 and further inclusions have been made as appropriate. The Council's Cabinet formally approved the most recent version of the local list at its meeting on 6 February 2008. It was previously subject to a six-week period of public consultation, between 17 October and 28 November 2007. Buildings were assessed on the basis of the criteria set out in Appendix A of this report.
- 4.6 Work commenced in 2008 on formulating a Local List for the Congleton Borough Council area. A number of nominations were received from Officers, Members and the Local Community and basic descriptions of the buildings were provided. Congleton Borough Council Members granted delegated powers to officers to include buildings on the Local List. A consultant is progressing the preparation of the List for the former Congleton area, assessing the buildings against the same criteria as used by Macclesfield Borough Council and is making good progress. It should be completed by the end of July. Consequently, at

present, there is no adopted Local List in place for the former Congleton Borough.

5.0 Proposals and Recommendations

- 5.1 The Cheshire East Local Development scheme makes provision for a Local List Supplementary Planning Document which identifies locally important buildings (non-listed buildings and other structures of architectural or historic interest, which do not enjoy the full protection of statutory listing) deemed worthy of retention. It will also set out a single set of criteria for assessing buildings for inclusion across Cheshire East.
- 5.2 This document is intended to supersede the existing Locally Important Buildings SPD for Macclesfield and Appendix 5.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and to continue the work commenced by Congleton in drawing up a local list.
- 5.3 The Annual Monitoring Report (AMR) will assess the extent to which the SPD is being implemented successfully. The document will be reviewed as and when required as highlighted by the AMR, including, where necessary, review of both the content of the list and the criteria for inclusion.
- 5.4 However, periodically buildings of interest, which are not on the Local List, but are worthy of inclusion, will come to light as a result of a redevelopment proposal, which may pose an immediate threat to the building or its setting. It is therefore considered necessary to provide a mechanism for such buildings to be offered immediate protection by means of inclusion on the Local List, without a full review of the list or SPD needing to be undertaken.
- 5.5 Such an addition should only be made in exceptional circumstances, however, where there is evidence to suggest that the building is under imminent threat from development proposals. Furthermore, it should not be made where there is a “live” planning application or appeal under consideration, as this is likely to be seen as prejudicing consideration of the application. An examination of previous Appeal Decisions has revealed that where the listing has been made during the course of the planning application process, Inspectors have attached limited weight to it as a material consideration.
- 5.6 In cases where an immediate addition to the Local List is considered to be appropriate, it is recommended that a report be presented to Strategic Planning Board for consideration. The report shall set out why, in the opinion of the Head of Planning and Policy, the building is worthy of Local Listing, when assessed against the relevant adopted Local Listing Criteria, as set out in the SPD, as well as development plan policies and current central government and English Heritage guidance and best practice.

- 5.7 Until the new Cheshire East wide Local Listing Criteria are adopted as part of the forthcoming SPD. It is recommended that the existing criteria, as set out in Appendix A and B of this report should be applied in the former Crewe and Nantwich, Congleton and Macclesfield Borough Council areas as appropriate.

6.0 Financial Implications

- 6.1 The cost of producing the new SPD, and its monitoring and review, have been accounted for within the Local Development Framework budget.
- 6.2 The preparation and presentation of reports relating to the Local Listing of individual buildings will only be undertaken in exceptional circumstances and therefore the resource implications will be limited.

7.0 Legal Implications

- 7.1 To provide a fair and transparent decision-making process in accordance with the Constitution and best practice and to reduce the risk of appeals, costs applications and legal challenges.

8.0 Risk Assessment

- 8.1 To mitigate against the potential for appeals, costs and legal challenges.

9.0 Reasons for Recommendation

- 9.1 To ensure consistency and transparency across Cheshire East when adding to and reviewing the List of Buildings of Local Interest in the new authority.
- 9.2 To ensure that there is a mechanism for affording protection to buildings worthy of inclusion on the local list, which are likely to be affected by development proposals between the periodic general reviews of the list.

For further information:

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Background Documents:

- *Adopted Congleton Borough Local Plan First Review*
- *Borough of Crewe and Nantwich Replacement Local Plan 2011*
- *Macclesfield Borough Local Plan*

- *PPG15: Planning and Historic Environment*
- *Macclesfield Borough Council Supplementary Planning Document: Locally Important Buildings*

Documents are available for inspection at:

- *Town Hall, Macclesfield*
- *Municipal Buildings, Crewe*
- *Westfields, Sandbach*

APPENDIX A

MACCLESFIELD / CONGLETON BOROUGH COUNCIL CRITERIA FOR LOCAL LIST.

1. AUTHENTICITY:

Be substantially unaltered and retain the majority of its original features.

2. LOCAL ARCHITECTURAL INTEREST:

Buildings which are good examples of a particular local building type, local craftsmanship, architectural quality, style or detailing, buildings by local architects or builders of esteem.

These represent the best of the non-statutory listed building in the area. They are either unique or typical of the traditional buildings in the locality. Their detailing and decoration, use of quality materials, and their setting are reasons for local listing. They will represent the work of local architects or the local work of designers/ architects of national importance.

3. LOCAL HISTORICAL SIGNIFICANCE:

Buildings or structures, which display physical evidence of periods of local economic, technical or social significance, well known local people or historic events, buildings of local community interest.

These represent buildings that have local historical associations either of events, people, or with local building phases and movements.

4. GROUPS OF BUILDINGS:

Buildings or groups of buildings which contribute significantly to the character and identity of a townscape or a rural area or which enhance their landscape.

These are groups of buildings or spaces that contribute significantly either individually or collectively to the local scene e.g. squares, terraces.

5. AGE & RARITY:

This will be a relevant consideration as the older a building is, and the fewer the surviving examples of its kind, the more likely it is to have historic importance.

APPENDIX B

CREWE & NANTWICH BOROUGH COUNCIL CRITERIA FOR LOCAL LIST.

The first criteria should always be satisfied in conjunction with (a) or (b) as appropriate.

1. **Authenticity:** *Buildings or structures should be substantially unaltered and retain the majority of their original features.*
2.
 - a. **Architectural significance:** *of good architectural quality or time period, a good example of a particular local buildings type or display good innovation or craftsmanship.*
 - b. **Historical:** *display physical evidence of periods of local economic or social significance, well known local historic events, people or designers.*