

# Report to Cabinet

**15 February 2023**

<b>Subject:</b>	Sandwell Local List of Non-Designated Heritage Assets
<b>Cabinet Member:</b>	Cllr Peter Hughes Cabinet Member for Regeneration & Growth
<b>Director:</b>	Tony McGovern Director of Regeneration & Growth
<b>Key Decision:</b>	Yes <b>Type (c)</b> - an executive decision which is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.
<b>Contact Officer:</b>	Mark Stretton, Conservation Officer mark_stretton@sandwell.gov.uk

## 1 Recommendations

- 1.1 That the new and amended Sandwell Local List is adopted and that the extant (2012) Local Lists Supplementary Planning Document is reviewed as part of the local plan process.
- 1.2 That officers be authorised to investigate the merits of introducing an Article 4 Direction covering buildings on the local list which would withdraw (Class B) permitted development rights which allow demolition of buildings.




## 2 Reasons for Recommendations

- 2.1 The adoption of a Local List of Non-Designated Heritage Assets would provide a level of protection through the planning system for buildings with historic or architectural merit that do meet the criteria for national status as Listed Buildings.



- 2.2 The Local list would, once adopted, become a material consideration in determining planning applications and applicants should give regard to this in drawing up proposals.
- 2.2 Local listing would not prevent a building from being demolished under permitted development rights. Therefore, it is recommended that officers should investigate implementing a direction under Article 4 removing the demolition rights under Schedule 2, Part 11 of the GPDO. If pursued, this would require further Cabinet approvals.

### 3 How does this deliver objectives of the Corporate Plan?

	<b>Strong Resilient Communities</b> Local lists allow local people to have their views on local heritage heard and to afford a degree of protection to buildings and places that they care about.
	<b>Quality Homes in Thriving Neighbourhoods</b> Local lists promote the protection of buildings and structures that contribute positively to the character and appearance of neighbourhoods.
	<b>A Strong and Inclusive Economy</b> The conservation, use, and re-use of heritage assets exemplifies the fundamental principles of the circular economy.

### 4 Context and Key Issues

- 4.1 Local listing is a concept that is designed to ensure that the historic and architectural interest of buildings that are of local importance but do not meet the criteria for being nationally listed are taken account of - as a 'material planning consideration' during the planning process. Local lists also play a role in building and reinforcing a sense of local character and distinctiveness in the historic environment. Local lists can be used to identify significant local heritage assets to support the development of Local Plans.
- 4.2 Local listing recognises heritage assets as 'non-designated heritage assets' in terms of the National Planning Policy Framework; local listing is a 'material planning consideration' in determining planning applications.
- 4.3 Sandwell currently has local lists principally covering West Bromwich and Smethwick and a Supplementary Planning Document "Developing and Managing Local Lists" (adopted Jan 2012).



- 4.4 In 2021-2022 a review of the current local lists was undertaken, and nominations were invited from communities and groups, and assessed against agreed criteria for inclusion in an updated and more comprehensive borough-wide Sandwell Local list.
- 4.5 The work followed Historic England's 'best practice' guidance. It was carried out by external consultants on behalf of, and using criteria, set out by the four Black Country authorities.
- 4.6 There are 241 new buildings/assets nominated for the Sandwell Local List of which 186 meet the criteria and 114 existing locally listed buildings have reviewed - of which 90 are considered suitable for retention (11 had been demolished, others have lost significance).
- 4.7 The buildings included in the new Local List, those considered but rejected, and those removed from existing list and not taken forward are set out at Appendix A.
- 4.8 Demolition of (non-statutorily listed buildings) outside of conservation areas is, subject to prior approval, permitted development and therefore express planning permission is not required. If permission were required, the 'non-designated heritage asset' status conferred by inclusion on the local list would be a 'material planning consideration' in determination of the planning application.
- 4.9 Therefore, it is recommended that implementing an Article 4 Direction - requiring planning permission to be obtained prior to demolition - is investigated. This would relate to locally listed buildings outside of conservation areas (those within conservation areas are already afforded similar protection under the Act).
- 4.10 The implementation of such an Article 4 Direction is likely to be a complex process taking many months. Once implemented Article 4 might also have considerable resource implications in terms of officer time particularly the Conservation Officer, Development Management and Planning Enforcement. There may be similar, but lesser implications caused by the adoption of the local list itself.



## 5 Alternative Options

- 5.1 Although locally listed buildings are not afforded the protection under the Planning (Listed Buildings and Conservation Areas) Act, they may be offered some level of protection by the local planning authority identifying them on a formally adopted list of local heritage assets, as such 'non-designated heritage asset' status is recognised by the National Planning Policy Framework. A decision not to proceed with the local list would result in local buildings with an assessed level of local heritage significance being afforded a lower level of protection by the planning system.

## 6 Implications

<b>Resources:</b>	Local listing would be a 'material planning consideration' when planning consent is sought. This applies irrespective of ownership – including Council-owned assets. There is potential for some Development Management staff resource implications as local listing is a 'material planning consideration' at planning application stage.
<b>Legal and Governance:</b>	National Planning Policy Framework - especially Paragraphs 203,190 and 201  Heritage Listing Advice Note, Note 7
<b>Risk:</b>	Loss of heritage assets may lead to reputational damage. The adoption of the list might mitigate this.
<b>Equality:</b>	None
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications arising from the course of action recommended in this report.
<b>Social Value:</b>	There are no social value implications arising from the course of action recommended in this report.
<b>Climate Change:</b>	Although historic buildings are sometimes less energy efficient, their maintenance and retention can result in lower CO2 emission through the retention of 'embodied carbon.'



## 7. Appendices

Appendix A – Properties proposed to be included on the Sandwell Local List of Non-Designated Heritage Assets (Sandwell Local List Nominations November 2022)

Review of Sandwell's extant Local Lists of Non-Designated Heritage Assets (Sandwell Local List Review November 2022)

## 8. Background Papers

Local Heritage Listing; Identifying and Conserving Local Heritage; Historic England Advice Note 7 (2<sup>nd</sup> Edition)

