



Policy and Resources Committee

13th December 2022

Title	Annual Review of the Local List of Buildings of Architectural or Historic merit, including responses to a consultation exercise with owners and other interested parties.
Report of	Chair of the Policy and Resources Committee
Wards	All
Status	Public
Urgent	No
Key	Non-key
Enclosures	Appendix 1 - Responses to consultation Appendix 2 – Recommended additions to the Local Heritage List
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Summary

Local heritage 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 what makes them special and identifies their location in the borough. This ensures that their contribution to the local historic, architectural, design or townscape value is recognised at a local level.

Unlike listing at a national level, local listing does not provide further legislative controls and does not affect when planning permission is required. However, when planning permission is required, the 'special interest' of a locally listed asset will be considered.

Barnet's Local Heritage List was initially created in 1986 but not comprehensively reviewed until an extensive borough-wide exercise took place using local volunteers between 2017-2020. This culminated in the addition of 367 new entries to the List which were approved by

P&R Committee on 6th January 2020. It was agreed at that meeting that an annual review should take place, whereby any new nominations could be considered.

New nominations have been received from a variety of sources as part of the annual review. Those nominations were subsequently considered by a Selection Panel and a finalised list compiled, which is now recommended for inclusion on the Local Heritage List (Appendix 2). Owners and occupiers have been consulted and those responses received are listed at Appendix 1. No heritage assets are proposed to be removed from the Local Heritage List.

Officers Recommendations

- 1. That the Committee consider responses to the consultation with owners and occupiers of nominated entries and to agree the revisions referred to in the Summary of Responses at Appendix 1.**
- 2. That the Committee agree the new nominations being included on the Local Heritage List at Appendix 2.**
- 3. That the Committee agree to undertaking reviews to the Local Heritage List every 3 years. This will include considering new nominations and deletions where the selection criteria are no longer met.**

1. Why this report is needed

- 1.1 Local heritage lists play an important role in celebrating heritage that is valued by the community at a local level. Where they are built on a strong partnership between the local authority and the community they are more likely to reflect the breadth of opinion on the historic environment. The community play an important role in supporting the overall process, especially the development of selection criteria and the nomination of heritage assets.
- 1.2 The fact that a local asset is on a local list means that its conservation as a heritage asset is an objective of the National Planning Policy Framework (NPPF), which sets out the Government's objectives and policies for the historic environment and, is therefore a material consideration when determining the outcome of a planning application. Locally listed assets are considered as non-designated heritage assets.
- 1.3 The process of preparing Barnet's local heritage list has allowed local residents and others to identify heritage they would like recognised and given consideration in the planning process but, has also been an opportunity for the Council and the local community to work in partnership. Creating a local heritage list also helps to improve access to clear, comprehensive and current information about the historic environment at the local level.
- 1.4 Statutory listing is a national designation administered by Historic England (formerly English Heritage) on behalf of the Secretary of State. A statutorily listed building requires listed building consent in order for alterations, additions or demolitions to be carried out which affect its historic and architectural significance. This provides specific protection to both the exterior and interior of the building.

- 1.5 In contrast, including an asset on the local list does not provide any additional statutory protection against loss or alteration. It does not result in any additional legal requirements for owners. As such, repairs, some external alterations and internal alterations can be undertaken without planning permission. In some cases demolition may also be undertaken without permission. The same rules apply as to when planning permission is required, whether the asset is locally listed or not.
- 1.6 Barnet's Development Management Policies indicate that there is a presumption in favour of the retention of its Locally Listed buildings, and where planning applications are received, the impact of any proposed external alterations or new development nearby will be carefully assessed to ensure the character of the building or its setting is not harmed.
- 1.7 Where proposed works require planning permission, the significance of the locally listed asset will be a 'material consideration' in determining the application. This means that greater emphasis will be placed on ensuring the proposed development conserves and/or enhances the special interest of that asset, including its setting.

2. Reasons for recommendations

- 2.1 Barnet's Local List of buildings of architectural or historic merit had not been comprehensively reviewed for many years until 2020 following the production of new selection criteria and the participation of local volunteers who assisted in identifying and surveying local heritage assets across the borough.
- 2.2 This report is the product of the annual review undertaken during 2021-22 of the Local Heritage List, where new nominations were put forward and considered by a selection panel consisting of Councillors, heritage officers, a Historic England Inspector and a representative from a local amenity society. The panel was chaired by the then Heritage and Design Champion.
- 2.3 The new nominations were considered by the panel against adopted selection criteria. Further details of the consultation and selection process are set out in paragraph 5.9 of this report.
- 2.4 The recommended additions to the List will provide up-to-date information on non-designated heritage assets across the borough and will allow an assessment of their significance to be considered when determining planning proposals.

3. Alternative options considered and not recommended

- 3.1 The alternative option of not considering new nominations for inclusion on the List would be to maintain the Local Heritage List in its current form. This would deny the opportunity for new nominations that have been recently identified to be considered against the adopted criteria. The List would then potentially exclude non-designated assets of historic or architectural interest and would not be in line with best practice and guidance on local heritage listing.

4. Post decision implementation

- 4.1 If the committee is minded to approve the new additions to the Local Heritage List, they will be published on-line, including a photograph, a description of the heritage asset and the adopted criteria they are considered to meet. This on-line archive will then form part of the council's Historic Environment Record (HER).
- 4.2 The Local Heritage List will be used by Barnet's Development Management and Strategic Planning Services when determining planning applications and other proposals affecting the borough's Locally Listed heritage assets.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 The Core Strategy specifically refers to a commitment to review the Local List (Paragraph 10.4.6), the need for community engagement and for suggestions for additional assets that make a contribution to Barnet's historic character to come forward. The annual review of the Local List has provided the opportunity for local people and groups to make nominations.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The cost of the Local Heritage List annual review has been borne by Regional Enterprise (Re) as part of the core service requirements agreed with the London Borough of Barnet.
- 5.2.2 The use of IT and the internet was the primary source of contact between the Regional Enterprise and interested parties, although letters were also sent out to owners and occupiers of the nominated buildings. A consultation document containing each of the nominated assets was placed online and letters were sent to the owners/occupiers. The predominant form of response was electronic, via email. The finalised adopted list will be published on the council's website.

5.3 Legal and Constitutional References

- 5.3.1 Government guidance indicates it is important that the decisions to identify any non-designated heritage assets are based on sound evidence. Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets. It can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record. (Para. 40 of Planning Practice Guidance on the Historic Environment, produced by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government).
- 5.3.2 Historic England considers that 'Local lists play an essential 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. Encouraging the use of local lists will strengthen the role of local heritage assets as a material consideration in the planning process.'

5.3.3 Locally listed assets have a degree of heritage significance meriting consideration in planning decisions, but they do not meet the criteria for designated heritage assets. Control over the demolition of a Locally Listed building which lies outside of a conservation area falls outside planning powers.

5.3.4 Included in the Policy and Resources Terms of Reference as set out in Article 7 of the Council's Constitution is responsibility for (i) Strategic Policy and (ii) those matters not specifically allocated to any other Committee affecting the affairs of the Council.

5.4 **Insight**

5.4.1 None in the context of this report.

5.5 **Social Value**

5.5.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits.

5.5.2 Social benefits will be secured through the opportunities given to the local community and residents to be involved in all planning matters, including the volunteers and groups who have participated in the project.

5.5.3 Economic benefits will be delivered through the conservation of local heritage assets by helping to boost our economy and make our local environment a better place to live, work and visit.

5.5.4 Environmental benefits will be delivered through the contribution local heritage makes to local identity and the opportunity it provides in place-making and by acting as a catalyst for improving new development.

5.6 **Risk Management**

5.6.1 Both Government and Historic England support the identification of local heritage assets by Local Planning Authorities, including the preparation of a list of buildings of local historic merit. Without such a list there would be an increased risk in the Local Planning Authority's ability to defend development management decisions and a potentially harmful consequence on the historic environment.

5.6.2 National Policy indicates that the effect of an application on the significance of a locally listed building should be taken into account in determining the application. Consequently, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required, having regard to the scale of any harm or loss and the significance of the heritage asset. It will be for the decision-maker to determine any application to replace a locally listed asset, by considering, amongst other things, the merits of the replacement scheme and the public benefits that might outweigh any loss or

harm.

5.7 Equalities and Diversity

5.7.1 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- a) Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.7.2 Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design policies and the delivery of services.

5.7.3 The updating of the Local List will be of benefit to Barnet's diverse local community by including a wide range of asset types and will contribute to the borough's rich built heritage. The new additions will supplement the existing List and enhance Barnet's reputation as a desirable and pleasant place to work and live.

5.8 Corporate Parenting

5.8.1 In line with the Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no implications for Corporate Parenting in relation to this report.

5.9 Consultation and Engagement

5.9.1 Following adoption of the Local Heritage List in January 2020 by the Policy and Resources Committee, it was agreed that an annual review should take place, whereby new nominations could be considered for inclusion on the List. This exercise is the first such review.

5.9.2 All nominations received during the year to April 2021 were considered by a Selection Panel against the adopted criteria. To be considered eligible for inclusion nominations were required to have either architectural or historic interest, or both. The selection criteria included: age and rarity, aesthetic merits, landmark qualities, intactness, group value and social and communal value. A total of 56 nominations were put forward from a variety of sources, both from individuals and local groups. An assessment of those nominations by the Panel resulted in a total of 38 buildings or structures being considered to have met the selection criteria. Consultation was subsequently carried out with the owners or occupiers of each of those nominations. The responses received are contained in Appendix 1.

5.9.3 The nominations were assessed by a Selection Panel comprised of Council officers, a

Historic England Inspector, local Councillors including the then Design and Heritage Champion, and a representative from a local amenity group, to ensure the heritage assets were properly assessed and complied with the adopted selection criteria.

5.9.4 The recommended additions were subject to a six-week period of consultation, carried out between 25th May and 5th July 2021. Letters were sent out to all owner/occupiers of the nominations considered to meet the selection criteria, providing consultees with the opportunity to comment. The responses received related to 7 of the nominations and are contained in Appendix 1, with officer responses to the comments received. Revisions were also made to the List where relevant historical and other factual information was provided by consultees. The selection panel subsequently met to consider the responses received and concluded that one of the nominations should be omitted as it failed to meet the approved selection criteria i.e. the building was found to be a modern reconstruction of an earlier building. One building which had been nominated was subsequently subject to a 2021 planning application for demolition and replacement with a new building. This application was approved and the nomination omitted. The nomination for the Grand Arcade was supported, although the adjoining building Rex House was not, due to the degree of alteration, particularly the loss of all the original shopfronts. A total of 36 new nominations are therefore now put forward for formal committee approval as additions to the Local Heritage List.

5.9.4 The nominated heritage assets (Appendix 2) cover a range of buildings and structures, including housing of different types, religious and commercial buildings, pubs, street furniture, a shopfront and an air raid patrol (ARP) control post, dating from WW II. The 2021 nominations, including photographs, descriptions and selection criteria can be found in the Background Papers at 6.2.

5.9.5 The new additions to the Local Heritage List will be made publicly accessible on the council website. The List is a material consideration when determining applications for planning permission.

5.10 Environmental Impact

5.10.1 None in the context of this report.

6 Background papers

6.1 The Schedule of Buildings of Local Architectural or Historic Interest (the Local Heritage List) <https://www.barnet.gov.uk/planning-and-building/conservation-and-heritage/locally-listed-buildings>

6.2 Local Heritage List Nominations 2021 <https://www.barnet.gov.uk/planning-and-building-control/conservation-and-heritage/locally-listed-buildings#title-0>

- 6.3 Delegated Powers Report (Local List review, including new criteria) – June 2017
<https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=6622>
- 6.4 Historic England Good Practice Guide for Local Listing – January 2021
<https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>
- 6.5 NPPF (National Planning Policy Framework) – July 2021
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 6.6 Policy and Resources Committee – Local Heritage List
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=10084&Ver=4>