

## READING BOROUGH COUNCIL

### REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES

<b>TO:</b>	<b>PLANNING APPLICATIONS COMMITTEE</b>		
<b>DATE:</b>	<b>1<sup>st</sup> December 2021</b>		
<b>TITLE:</b>	<b>PROCESS FOR LOCAL LISTING OF BUILDINGS AND STRUCTURES</b>		
<b>LEAD COUNCILLOR:</b>	<b>TONY PAGE</b>	<b>PORTFOLIO:</b>	<b>STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT</b>
	<b>KAREN ROWLAND</b>		<b>CULTURE, HERITAGE AND RECREATION</b>
<b>SERVICE:</b>	<b>PLANNING</b>	<b>WARDS:</b>	<b>ALL</b>
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#### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This is an information report advising Committee of the commencement of the new process for considering additions to the List of Locally Important Buildings (known as the Local List). On 2 December 2020, Planning Applications Committee agreed to the principle of a new approach to additions to the Local List that involved PAC making the final decision on nominations. This process was further developed, as summarised in Appendix 2, and has been in place since May 2021.

#### 2. RECOMMENDED ACTION

- 2.1 That Committee note the new process for making additions to the List of Locally Important Buildings and Structures set out in Appendix 2.

#### 3. POLICY CONTEXT

- 3.1 Local listing is a way of recognising the buildings and structures which do not meet the criteria for national listing, but are nonetheless significant to the heritage of the local area. Historic England's website states 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.”...*

*“Local listing provides an opportunity for communities to have their views on local heritage heard. It recognises that the importance we place on the historic environment extends beyond the confines of the planning system to recognise those community-based values that contribute to our sense of place.”*  
(Historic England; Local Listing website, 2020).

- 3.2 The criteria for local listing were first included in the Sites and Detailed Policies Document (SDPD), which was adopted in October 2012, and local listing has operated in Reading since 2013. The criteria were carried forward into the Reading Borough

Local Plan, adopted in November 2019. This sets out Reading Borough's approach to heritage assets including locally listing buildings and structures.

- 3.3 Paragraph 4.2.20 of the Local Plan states that *'The Council has established and maintains a List of Locally Important Buildings. The local significance of assets may become known at any time throughout the duration of this plan and the list will be revised dependent on any new information'*. The criteria against which a local building or structure's significance will be assessed are set out in Appendix 2 of the Local Plan, and paragraph 4.2.20 refers across to these criteria for consideration for inclusion in the list.
- 3.4 Policy EN1 of the Local Plan makes clear that all heritage assets, including assets on the Local List, will be protected and, where possible, enhanced. Policy EN4 then gives more specific guidance on locally-listed buildings and structures, and states that development that causes harm to or loss of a locally-listed building will only be acceptable if the benefits of a development outweigh its significance.
- 3.5 However, appearance on a Local List does not in itself offer any protection against loss or harm. Such protection would generally need to be applied through an Article 4 Direction. An example of this is the Article 4 direction applied to the locally listed building of Dingley House, Craven Road.
- 3.6 There are currently 15 buildings and structures on the local list. The list is available on the Council's website.

## 4. THE PROPOSAL

### Current Position

- 4.1 The previous process for making additions to the list, in place since February 2013, was largely an internal process handled by Council officers. A report to Planning Applications Committee (PAC) on 2<sup>nd</sup> December 2020 recognised the need to improve this process to enable greater community input and democratic scrutiny, and set out a number of options for how a new process should be approached. Committee endorsed Option 2, which involved Committee making a final decision on nominations after a recommendation by the Conservation and Urban Design Officer (Minute 56 refers). Committee also delegated the setting up and running of this process to the Deputy Director for Planning, Transport and Regulatory Services.
- 4.2 Committee also agreed that an information report be submitted to a future Committee meeting giving details of the final local listing process and start date or, if necessary, a further report be submitted to a future Committee meeting for final approval to be given to the new process. This report has been brought to accord with this decision.
- 4.3 The new process for additions to the Local List was finalised in May 2021, and has been in operation since that point, although no new nominations were received until October 2021, and this meeting of PAC is the first point at which decisions are to be made on nominations under the new process. The process is set out in Appendix 2. In line with Option 2 of the report discussed by PAC on 2<sup>nd</sup> December 2020, it involves consultations being sent out upon receipt of the nomination, followed by a recommendation to PAC by the Conservation and Urban Design Officer, with the final decision being made by PAC.
- 4.4 Consultations last for a period of 28 days, and the following are consulted:
  - Landowner
  - Ward councillors
  - Reading Conservation Area Advisory Committee
  - Reading Civic Society

- Any community organisations relevant to the location of the building, or to its historic/cultural significance.
- 4.5 Please note that the process set out in Appendix 2 refers to a variety of forms and templates set out in Appendices. These are not included here for reasons of brevity, but can be provided on request.
- 4.6 The process of working through the list of buildings that had already been nominated for inclusion on the list has now started. Consultations on the following six buildings were sent out on 7<sup>th</sup> and 8<sup>th</sup> October:
- 84 Broad Street;
  - 85-88 Broad Street;
  - Attwell’s Drinking Fountain, Thames Side Promenade;
  - Huntley and Palmers Social Club, Kings Road;
  - Kings Road Garden; and
  - Palmer Park Pavilion and associated building.
- 4.7 Officers will continue to work through the remaining buildings already nominated and will also respond to new requests as they are received.
- 4.8 Associated changes have also been made relating to the Local List information on the Council’s website<sup>1</sup>. On 17<sup>th</sup> March 2021, the webpage was restructured to place the information on each locally-listed building on the page itself (rather than a downloadable document) and include a map, as well as update some out-of-date information. On 4<sup>th</sup> October 2021, a webform was added to allow members of the public and community groups to nominate buildings or structures directly through the website, and upload supporting information, rather than printing and returning a PDF form.
- 4.9 Since the new process for local listing has been put in place, the question has arisen as to whether PAC members should avoid taking part in the decision on local listing if they have (a) made a representation in their capacity as ward councillor or (b) made the nomination for local listing in the first place. In particular, the issue is whether this results in pre-determination of the decision, although it is worth noting that the local listing process differs from decisions on planning applications because it is not a statutory process.
- 4.10 Pre-determination occurs where a Councillor has ‘closed’ their mind to any other possibility with the effect that they are unable to apply their judgment from an objective standpoint and fully and properly consider all factors required in making the decision. The case law on pre-determination indicates there must be ‘clear pointers’ before pre-determination is established. Section 25 of the Localism Act 2011 makes it clear that, just because a councillor has given a view on a matter, this in isolation, does not show a closed mind on the issue. Therefore, the mere fact that a councillor has campaigned on an issue or made public statements about their approach to an item of council business does not prevent that councillor from being able to participate in discussion of that issue and to vote on it.
- 4.11 Therefore, a Councillor who has nominated a building for the Local List, or made representations on a proposed nomination, is not necessarily excluded from the decision, as long as that Councillor has not closed their mind regarding the decision. This will be a matter for Councillors to consider depending on the circumstances of each case.

## 5. CONTRIBUTION TO STRATEGIC AIMS

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<sup>1</sup> [Locally listed buildings - Reading Borough Council](#)

- 5.1 Changes to the local listing process contribute to achieving the Council's priorities set out in the Corporate Plan through the protection and management of heritage assets that will contribute to 'Keeping the town clean, safe, green and active' and 'Providing infrastructure to support the economy'. It ensures that the historical and architectural character is preserved and enhanced. It also ensures that future development, where it does take place, is high quality and that development does not have a detrimental and therefore unsustainable impact.

## **6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

- 6.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers). Local listing of buildings and structures, where it leads to the retention of those buildings or structures, can help to address the climate emergency by negating the need for demolition and new development, which are processes that use significant amounts of energy and result in emissions. However, in the long-term, it can be more difficult to achieve high levels of energy performance in older buildings than in new builds. There are therefore potentially either positive or negative effects, and schemes will need to be assessed at the application stage in terms of their compliance with the Council's policies.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

- 7.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".
- 7.2 The local listing criteria, and the policies setting out the approach to locally listed buildings, have been subject to several stages of public consultation as part of the Local Plan.
- 7.3 The change to the assessment procedure in this report is designed to give the local community an involvement in protecting buildings and items of local significance, through the involvement of the CAAC and other local community groups, and through the ability for members of the public to make nominations for buildings to appear on the local list.

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 It is not expected that there will be any significant adverse impacts on specific groups due to race, gender, disability, sexual orientation, age or religious belief as a result of this report, which deals only with the process of deciding on local listing. An equality scoping assessment is included in Appendix 1 of this report.

## **9. LEGAL IMPLICATIONS**

- 9.1 The local listing process is not a statutory function and there are no particular legal implications of the change to the process.
- 9.2 There may be a need to impose Article 4 Directions on Items added to the Local List to help protect them from demolition and ensure a planning application is required for demolition or identified alterations. This will need to go through separate approvals and legal processes as and when required.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 The amended local listing process is funded from within existing budgets. There are undoubtedly more resource implications in terms of officer time than the existing

process, but with the Conservation and Urban Design Officer in post, and the involvement of the CAAC, this is mitigated to a large extent.

10.2 The government made £700,000 available for Councils in up to 10 areas for a new or updated local list. The Council submitted an Expression of Interest in November, but was not successful. This has not prevented the introduction of the new process

## **11. BACKGROUND PAPERS**

11.1 Reading Borough Local Plan (Adopted November 2019)

11.2 Historic England - Local Heritage Listing (11 May 2016)

## APPENDIX 1: EQUALITY IMPACT ASSESSMENT SCOPING

### Provide basic details

**Name of proposal/activity/policy to be assessed:**

Process for Local Listing

**Directorate:** Economic Growth and Neighbourhood Services

**Service:** Planning

**Name:** Mark Worringham

**Job Title:** Planning Policy Team Leader

**Date of assessment:** 16/11/2021

### Scope your proposal

**What is the aim of your policy or new service?**

To introduce out a new process for local listing of buildings and structures.

**Who will benefit from this proposal and how?**

The Council will benefit from having a process that is more transparent in locally listing buildings. Stakeholders, including members of the public and the development industry, will benefit from more certainty.

**What outcomes will the change achieve and for whom?**

A new process that is fit for purpose in proactively identifying buildings and structures for local listing and which has transparency for stakeholders to understand how decisions have been made.

**Who are the main stakeholders and what do they want?**

Developers/landowners, the public and community groups. All parties want a clear process so as to best protect and enhance the historic environment in the area.

### Assess whether an EIA is Relevant

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc)

Yes  No

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, feedback.

Yes  No

If the answer is **Yes** to any of the above you need to do an Equality Impact Assessment.

If No you **MUST** complete this statement

An Equality Impact Assessment is not relevant because the new process is not expected to have equality impacts on particular groups. The document seeks to amend processes so that there is greater transparency around how decisions are made.

Signed (completing officer)	Mark Worringham	Date: 16 <sup>th</sup> November 2021
Signed (Lead Officer)	Mark Worringham	Date: 16 <sup>th</sup> November 2021

## APPENDIX 2: LOCAL LISTING PROCESS

### Stage 1 - Completion of nomination form

A nomination form can be completed by any of the following:

- Planning officer;
- Councillor;
- Community group;
- Member of the public.

The nomination form will be included as a webform on the [Locally listed buildings page of the website](#).

The basic form is included as Appendix 1, for conversion into a webform. In particular, this seeks information on how the building meets the established criteria for local listing in the Local Plan (adopted 2019). The webform should send the completed nomination form in the first instance to Planning Technical Support.

### Stage 2 - Checking nomination form

The nomination form is checked by the Technical Support Officer to ensure that all relevant information has been provided. Whilst the Conservation and Urban Design Officer may make reasonable independent efforts to source information on the significance of the building, nominations that are supported by no or minimal justification against the defined criteria will not be taken further. If this is the case, the Technical Support Officer will inform the person who has made the nomination that it will not be considered until additional information is provided.

### Stage 3 - Compile basic information

The Technical Support Officer should establish the following basic information if not already known:

- Whether or not the building is nationally listed, a scheduled monument or is within a conservation area and is identified as a Building of Townscape Merit<sup>2</sup> within the relevant Conservation Area Appraisal. If it falls within one of these designations, the Technical Support Officer should write back to the nominator clarifying that the nomination cannot be considered further. In that case, the process ends here.
- The owner of the building, using Land Registry searches if necessary;
- The ward within which the building is situated;
- Produce a map on an Ordnance Survey base, ideally at 1:1250, showing the building with a red-line boundary and at least two road names (for now this will likely need to be produced by the Planning Policy Team Leader or GIS team).

### Stage 4 - Consultations

The Technical Support Officer should send the consultation information to the relevant consultees. The consultation information consists of the following:

- The template letter included as Appendix 2 (for the landowner) or Appendix 3 (for other consultees) with the relevant details filled in;
- The map produced under Stage 3;
- The information provided on the nomination form with personal details of the nominator removed.

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<sup>2</sup> This layer will be added to iShare, but is not yet available



Consultation information should be sent to the following:

- The landowner (letter rather than e-mail likely required if ownership has been sourced from Land Registry) (using template in Appendix 2);
- The Chair of the Reading Conservation Area Advisory Committee (using template in Appendix 3);
- The Reading Civic Society (using template in Appendix 3);
- All ward councillors for the ward in which the building is located (using template in Appendix 3);
- Any relevant community group(s) for the area (using template in Appendix 3) (*see list of groups in Appendix 4 - there will be a separate file in the S Drive Locally Listed Buildings & Structures folder which lists relevant community groups by road name, although other if other relevant community groups are known to exist, they should also be consulted*);
- Any relevant cultural or religious organisations with possible links to the building (using template in Appendix 3) (*a list of voluntary groups can be found at <https://rva.org.uk/directory/> - please check with CUDO or Planning Policy Team Leader if in doubt*).

The consultation period, which will be specified in the letter, will be 28 days from the day that consultation information is sent out.

NB - once the process is agreed, it is proposed to initially write to all of the listed community groups in Appendix 4 and offer the option of opting out of consultations. This process note will be amended to remove any group that wishes to opt out.

#### **Stage 5 - addition to PAC agenda**

Planning Technical Support will notify the Conservation and Urban Design Officer (CUDO) of the nomination. The CUDO will advise Senior Tech Support Officer that the nomination is expected to be considered at a specific Planning Applications Committee meeting for inclusion on Look Forward List.

At this time, the CUDO will also set up a folder in the S Drive (Locally Listed Buildings & Structures folder) for the building and will store all submitted and subsequent documentation in that folder.

#### **Stage 6 - Site visit**

The CUDO will undertake a site visit, through arrangement with the landowner if necessary. Whether or not entering the building is necessary will be decided on a case-by-case basis, but it is expected that an external inspection will suffice in most cases as internal alterations of non-listed buildings are not within the control of the planning system. However, where the building is nominated with a specific note to its internal structures (e.g. an exceptional stairwell or original elements for example), an internal inspection should be undertaken.

#### **Stage 7 - Consultation responses**

The CUDO will receive the consultation responses, and will set out the responses received in the Committee Report.

#### **Stage 8 - Draft committee report**

The CUDO will draft a committee report setting out relevant information and making a recommendation as to whether or not the building should be added to the local list. This will include the following:

- The map of the building

- Responses to the consultation
- The results of the officer's own research from checking available information, site visit etc.
- Relevant photographs or other illustrative material as appropriate
- If the recommendation is to add to the local list, a draft written summary of the significance of the building for inclusion on the list.

A template Committee Report is included in Appendix 5.

### **Stage 9 - Committee report check**

The Planning Policy Team Leader or another appropriate senior officer will check and agree the Committee Report and add it to the Committee Reports folder (Part 1) on the S Drive.

### **Stage 10 - Planning Applications Committee**

The Planning Applications Committee (PAC) will determine whether or not the building should be locally listed.

There will be no public speaking either for or against at PAC unless otherwise directed by the Chair.

If PAC decides that the building is to be added to the Local List, the addition takes effect immediately, and the building is locally listed from that point forward.

### **Stage 11 - Agree reasoning and text for Local List with Chair of PAC**

This stage is only necessary if the PAC decision diverges from the CUDO recommendation.

If PAC has made a decision to add the building to the Local List against the recommendation of the CUDO, the criteria which it is considered to meet will need to be recorded and a description of the building and its significance for inclusion on the Local List will need to be drawn up. The CUDO should draft these in the first instance taking account of the discussion at PAC, and this should then be sent to the Chair of PAC for formal sign-off.

If PAC has made a decision not to add the building to the Local List against the recommendation of the CUDO, the CUDO should identify in draft the reasons for not adding the building to the Local List based on the discussion. This should be sent to the Chair of PAC for formal sign-off.

If the PAC decision wishes to vary the reasons for either adding or not adding the building to the Local List, the CUDO should likewise agree the wording with the Chair of PAC.

### **Stage 12 - Notify landowner of outcome**

The CUDO will write to the landowner notifying them of the outcome of the local listing process (see Appendix 6 for template letter if the building is to be added and Appendix 7 for template letter if the building is not to be added). If the outcome was to add the building to the Local List, this letter will include the formal notice included as Appendix 8, and this includes giving the building a Local List reference (LL + the next sequentially available number). If the building was not added to the Local List, only the letter is required.

### **Stage 13 - Notify other consultees of outcome**

The CUDO will send a brief e-mail to the Conservation Area Advisory Committee, relevant community group consulted at nomination stage and ward councillors notifying them of the outcome. If the outcome of the PAC decision is that the building is not to be locally listed, this represents the end of the process.

The following steps are to be followed if the building has been added to the Local List

#### Stage 14 - Inform internal contacts

The CUDO should notify the following internal contacts:

- Notify Planning Technical Support, who will record the local listing on the Land Charges Register
- Provide a copy of the map to the GIS team for adding to i-Share
- Notify Berkshire Archaeology, who will add the information to the Historic Environment Record

#### Stage 15 - Add information to website

The CUDO should request a change to the RBC website<sup>3</sup> to add the relevant information as an addition to the Local List

- Code (LL + next available sequential number)
- Building name & address
- Map as attachment
- Date of addition to the Local List
- The brief description and summary of significance as set out in the Committee Report or subsequently agreed with the Chair of PAC.

***NB: Appendices to the process (template letters, notices, reports etc) are not included here but can be provided on request.***

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<sup>3</sup> <https://www.reading.gov.uk/planning/conservation-areas-listed-buildings/locally-listed-buildings/>