

SECOND TRANCHE OF LOCAL LIST

Cabinet - 12 July 2018

Report of	Chief Planning Officer
Status	For Consideration
Also considered by	Direct and Trading Advisory Committee - 3 July 2018
Key Decision	Yes

This report supports the Key Aim of ensuring that Sevenoaks District remains a great place to live, work and visit.

Portfolio Holder	Cllr. Robert Piper
Contact Officers	Rebecca Lamb Ext. 7334 Elizabeth Ashworth Ext. 7275

Recommendation to Planning Advisory Committee:

- (a) To support the adoption of the second tranche of the Local List
- (b) To support the consideration of the focused use of Article 4 Directions to remove limited permitted development rights which would result in planning permission being required for;
 - i) Demolition of Locally Listed Buildings outside a conservation area
 - ii) Alteration (including removal) of locally listed boundaries and railings, inside and outside a conservation area.
- (c) To support the communication of the proposed Article 4 Direction if necessary.
- (d) To support the request to grant delegated authority to the Portfolio Holder to consider and approve further additions to the Local List.

Recommendation to Cabinet:

- (a) To adopt of the second tranche of the Local List
 - (b) To agree the consideration of the focused use of Article 4 Directions to remove limited permitted development rights which would result in planning permission being required for;
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- i) Demolition of Locally Listed Buildings outside a conservation area
 - ii) Alteration (including removal) of locally listed boundaries and railings, inside and outside a conservation area.
- (c) To approve the communication of the proposed Article 4 Direction if necessary.
- (d) To grant delegated authority to the Portfolio holder to consider and approve further additions to the Local List in line with the criteria in the SPD.
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Reason for recommendation: This report actions policy EN4 of the Allocations and Development Management Plan (ADMP) by creating a Sevenoaks District Local List Supplementary Planning Document (SPD)

This report follows governmental planning policy set out in The National Planning Policy Framework (NPPF) by recommending limited Article 4 Directions for “the wellbeing of the area” (NPPF, para. 200) An Article 4 Direction brings specified works under planning control, thereby supporting para 135 of the NPPF, “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.”

Introduction and Background

- 1 The Local List is a list of structures and spaces that are valued as being distinctive elements of the local historic environment and are heritage assets. The items on the list have been identified as part of what makes Sevenoaks so special. The List provides clarity on the location of these assets and also describes their significance. This helps to ensure that strategic local planning takes account of the desirability of their conservation and ensures that their significance will be a material consideration when determining planning applications. The information also helps to provide clear and comprehensive information about the historic environment at a local level. It is important to note that the assets on the Local List are already considered heritage assets and therefore do not become a heritage asset through being included on the list.
- 2 Each asset on the list has been researched and assessed against the criteria set out within the SPD. They have been moderated by a panel including a representative from Historic England, Kent County Council’s Heritage Team and SDC’s Conservation Team to ensure that that only the best examples that help to make Sevenoaks so special have been put forward.
- 3 In March 2015 officers reported an update on the progress of the Local List project to the Planning Advisory Committee (formerly the Local Planning and Environment Advisory Committee). This was followed up in a report to PAC and Cabinet in summer 2016 requesting approval on the draft Local List SPD and authority to go out to public consultation on the first tranche.
- 4 The Council, at its Cabinet meeting on 20th April 2017, adopted the Local List Supplementary Planning Document and the first tranche of the Local

List. It also resolved to apply an Article 4 Direction to Locally Listed buildings and boundary treatments not in a Conservation Area and Locally Listed boundary treatments under 1 meter in a Conservation Area to require planning permission to be sought before any demolition or partial demolition. It also gave the authority to go out for Public Consultation for the second tranche.

- 5 The second tranche was surveyed and assessed in the same way as the first tranche and was also subject to moderation by the Selection Panel before going out for Public Consultation.

Existing Policy Context

- 6 The National Planning Policy Framework (NPPF) advises local planning authorities to set out ‘a positive strategy for the conservation and enjoyment of the historic environment’ (para 126) Emphasis is also placed on ‘sustaining and enhancing the significance of heritage assets’ and understanding that heritage assets are an ‘irreplaceable resource’ and should be conserved ‘in a manner appropriate to their significance’.
- 7 The definition of ‘heritage assets’ within the NPPF includes local heritage listing.
- 8 In the SDC Core Strategy 2011, para 5.1.2 it states;

“The Council aims to produce a List of Buildings of Local Architectural or Historic Interest [Local List] during the Core Strategy period, to be adopted as a Supplementary Planning Document”
- 9 The SPD would support Policy SP1;

“The District’s heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced”
- 10 Additionally, paragraph 2.24 of the ADMP states;

“The Council aims to produce a List of Buildings of Local Architectural or Historic Interest during the plan period, to be adopted as a Supplementary Planning Document”
- 11 Policy EN4 - Heritage Assets states;

“Proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset. Applications will be assessed with reference to the following:

a) the historic and/or architectural significance of the asset;b) the prominence of its location and setting; and

- b) the historic and/or architectural significance of any elements to be lost or replaced.

Where the application is located within, or would affect an area or suspected area of archaeological importance an archaeological assessment must be provided to ensure that provision is made for the preservation of important archaeological remains/findings. Preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and deposition of archive is more appropriate.”

- 12 When the Core Strategy and ADMP are replaced by a new Local Plan (adoption anticipated 2019) the SPD will need to be updated to align with new policy.

- 13 In terms of Article 4 Directions, the NPPF states that,

“The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area” (NPPF, para 200)

- 14 The Article 4 Direction would bring the certain proposals under planning control and thus the application of para 135 of the NPPF;

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”

Public consultation

- 15 There are 128 entries on the local list which equates to 298 individual structures. We had 7 comments pertaining to historical inaccuracies or queries over the selection criteria which were returned to the Selection Panel for further consideration and assessment.

- 16 See attached schedule of comments and responses in Appendix A.

- 17 Assets raised at the Selection Panel were subject to further research and discussion before concluding all were to be retained as part of the second tranche (See Appendix C).

- 18 Owners of assets were written to after the Selection Panel informing them of the outcome and provided with a copy of the Selection Panel minutes. They were given a fortnight to respond and provide any further comments.

- 19 Since the public consultation ended on 11 January 2018 Asset No.10826 the K6 red telephone box at junction of Seal Hollow Road and Blackhall Lane has been removed by the Town Council. It will be refurbished to house a defibrillator and relocated to the Vine. As a result this asset has been removed from the second tranche.

- 20 Asset No. 10235 wall at 53 Prospect Road has also been removed from the second tranche as the wall has been demolished and replaced with a picket fence. The case has been referred to Enforcement to investigate.
- 21 Asset No. 10809 the two gasometers on Otford Road have been removed from the second tranche as prior approval for demolition of gasholders and associated structures was granted in December 2017.

Article 4 Directions

- 22 An article 4 Direction can be used to remove specific permitted development rights. It does not conclude that something is unacceptable but instead simply brings actions under the control of the Local Planning Authority by requiring the submission of a planning application ensuring that the impact of the proposal is fully considered.
- 23 Their use has to be carefully justified, both because they limit rights that would otherwise exist to landowners, and because they can generate additional work for the Council through the need to consider applications, which do not command a fee.
- 24 The table below shows the number of buildings and boundary treatments outside a conservation area which would be affected by Article 4 Direction for the demolition of buildings and boundary treatments. For comparison it also shows the number of buildings and boundary treatments within a conservation area.

Some asset entries on the Local List are for more than one building or boundary treatment i.e. a row of terrace houses is one asset entry but 5 buildings.

	Outside a Conservation Area:	Conservation Area:
No of proposed locally listed buildings:	22 asset entries 42 buildings	51 asset entries 96 buildings
No of proposed locally listed boundary treatments identified in own right:	14 asset entries 95 boundary treatments	9 asset entries 17 boundary treatment
No of proposed locally listed boundary treatments identified	3 asset entries 4 boundary treatments	8 asset entries 11 boundary treatments

as part of another asset		
Restriction on demolition:	<p>No restriction</p> <p>Non-residential building requires planning permissions</p>	<p>Requires planning permission to demolish residential building</p> <p>Non-residential building requires planning permissions</p>
Restriction on boundary treatments (gate piers, railings, walls and fencing):	No restriction	Planning permission required for the removal of treatments fronting a highway over 1m.

Reviews and Appeals

- 25 Although there is no right of appeal following inclusion on the Local List should a planning application be refused because it cites the impact on non-designated heritage assets, there is the right of appeal to the Planning Inspectorate who will make an independent judgement on the impact of the proposed development on the heritage asset.
- 26 To make sure that the bar for inclusion on the list has been set at an appropriate height, we will carefully review all appeal decisions that include non-designated heritage assets so as to provide satisfaction to ourselves and others that the practice has not become unintentionally burdensome. The aim is to drive up standards and there is always the presumption in favour of sustainable development as set out in the NPPF.
- 27 In addition to monitoring the impact of the local list, the number of planning applications that result from an Article 4 Direction will also be monitored as part of the Annual Monitoring Report (AMR)

Other options considered and/or rejected

- 28 The Core Strategy and the ADMP are specific about the document necessary to support policy EN.4 of the ADMP as are para. 5.1.2 of the Core Strategy and 2.24 of the ADMP. Not pursuing the adoption of the SPD and the public consultation of the second tranche of properties would not accord with SDC policy.
- 29 The application for the Article 4 Directions to remove the specific development rights to demolish buildings outside conservation areas and the removal of locally listed boundary treatments will bring these works under planning control. Without the article 4 directions in place to protect the

locally listed buildings from potential loss the heritage assets are vulnerable to total loss which would have a harmful impact on the townscape of Sevenoaks.

Future additions to SDC's Local List

- 30 The Local List project began in Sevenoaks town as a geographical survey in partnership with the Sevenoaks Society. For future additions to the Local List across the wider District it is envisaged that buildings and structures can be proposed for local listing if can be demonstrated that they meet the selection criteria set out in the Supplementary Planning Document. It is anticipated the additions to the Local List will be made as part of the Development Management and Conservation Area Appraisal process. It will not be not done through geographical survey unless as part of partnership with a local amenity group.
- 31 It is recommended that the Portfolio Holder will have the authority to consider and approve additions to the Local List as they arise and are subject to meeting the criteria set out in the SPD.

Key Implications

Financial

Additional planning applications that result directly from the application of the proposed specific Article 4 Directions will be accommodated within the departmental budgets.

Compensation is liable to be paid for the removal of permitted development rights through Article 4 Directions. However the availability of compensation is subject to limitations.

Legal Implications and Risk Assessment Statement.

Legal input will be required to consider the use of Article 4s and also in advising of the procedure for making them.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

In supporting the adoption of the second tranche it will see the completion of the Local List project with all the wards of Sevenoaks having been considered. It has been a great example of the working partnership between a local amenity group and the District Council. The Local List will meet SDC ADMP para. 2.24 and the application of the specific Article 4 Directions will have a positive impact on the management of Sevenoaks' heritage assets.

Appendices

Appendix A- Public Consultation responses matrix

Appendix B - Second Tranche

Appendix C- Minutes from Selection Panel

Background Papers

[National Planning Policy Framework](#)

[Sevenoaks District Council Core Strategy, 2011](#)

[Sevenoaks District Council Allocations and
Development Management Plan, 2015](#)

Historic England Practice Guidance on Local
Listing (2012) SUPERSEDED

[Local Heritage Listing, Historic England Advice
Note 7](#)

Local List Supplementary Planning Document

Richard Morris

Chief Planning Officer