

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3936

Author:

Alice Ullathorne

Department:

Development and Growth

Contact:

Alice Ullathorne

(Job Title: Heritage Strategy Officer, Email: alice.ullathorne@nottinghamcity.gov.uk, Phone: 0115 8761993)

Subject:

Nottingham Local List of Heritage Assets Additions - April 2020

Total Value:

Nil (Type: Nil)

Decision Being Taken:

1. Add the heritage assets listed in Part 1 of Appendix 1 to the Local List of Heritage Assets for the reasons set out in the relevant Asset Assessment in Appendix 2;
2. Reject the proposals to add the heritage assets listed in Part 2 of Appendix 1 part 2 to the Local List of Heritage Assets for the reasons set out in the relevant Asset Assessment in appendix 2.15; and
3. That it is not expedient to make an Article 4 Direction prohibiting the demolition of the buildings currently eligible for an Article 4 Direction listed in Appendix 1 Part 1 at this time.

Reasons for the Decision(s)

On 18 September 2018 Executive Board adopted a Local List Criteria and Selection Process (Minute 32). That process has been followed in relation to the assets covered by this decision which were assessed against the relevant approved Selection Criteria by the Selection Panel on the date recorded in Appendix 1 and 2. The recommendations of the Selection Panel are recorded in the lists in Appendix 1 and the Asset Assessments in Appendix 2 to this Decision. The assessments for recommendations to add can also be seen at <https://www.nottinghamcity.gov.uk/locallist>.

The nominations have all been subject to a 28 day consultation with their owner, and relevant Ward Councillors and stakeholders and their responses are listed in Appendix 3.

The Executive Board decision required the Portfolio Holder to consider whether an Article 4 Direction should be made to remove permitted development rights in respect of any building to be listed which is neither in a Conservation Area nor suitable for National Designation. The assets which are potentially eligible for Article 4 Directions to be made are indicated in Appendix 1 Part 1. Should an Article 4 Directions be made prohibiting demolition of the relevant assets then the Council could become liable to pay compensation if an application for permission to demolish is subsequently made and refused or granted subject to conditions other than those previously applied by the development order. Given that it is not believed that any of these assets are at imminent risk of demolition it is recommended that Article 4 Directions are not progressed at this stage but that the matter be reviewed again should the Council become aware of an actual risk of demolition of a specific listed asset.

Other Options Considered:

None - the Executive Board has determined that Local List shall be operated and this decision follows the adopted process. Without a Local List those heritage assets of Local Value would not be identified early in the planning process. A robust process of assessment against the adopted criteria has been conducted by the Selection Panel and therefore the recommendations are made on the best current understanding of the asset.

Background Papers:

Published Works: Nottingham Heritage Strategy, Nottingham Local Plan

Affected Wards:

Aspley, Basford, Berridge, Bilborough, Bulwell Forest, Castle, Dales, Hyson Green and Arboretum, Lenton and Wollaton East, Mapperley, Meadows, Radford, Sherwood, St Ann's, Wollaton West

Colleague / Councillor Interests:

None

Consultations:

Date: 18/12/2019
Other: 28 Consultation with owners, stakeholders and the public

Letter written to each of the owners to offer the opportunity to comment on the recommendation to list their property. Recommendations publicly available on the NCC website throughout the consultation which was shared with other stakeholders and interested parties

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

There are no crime and disorder implications for additions to the Local List. Subsequent heritage-led regeneration should create a better and safer environment in the city.

Equality:

EIA not required. Reasons: EIA not required. Reasons: The report does not contain proposals for new or changing policies, services or functions. All citizens have the same opportunity to nominate candidates to the Local List and it is shared in staff and external BAME and LGBT networks as well as being made publically accessible through the NCC website and press.

Relates to Council Property Assets:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

06/08/2020

Advice Sought:

Legal, Finance, Property

Legal Advice:

Executive Board adopted a Local List Criteria and Selection Process by minute 32 of its meeting of 18 September 2018. The issues contained within decision are primarily ones of planning and heritage judgement having followed the relevant process and addressing the relevant criteria. It is within the Portfolio Holder's powers to make decisions whether or not to add the relevant heritage assets to the Local List bearing in mind the recommendations. The Portfolio Holder is also required to consider whether an Article 4 Direction should be made in respect of any buildings to be listed which are not in Conservation Areas. This is a discretionary power available in exceptional circumstances and should only be used where it is expedient to do so and there is reliable evidence to suggest that the development rights could damage an interest of acknowledged importance. Each case would have to be considered on its own merits. Were a Direction to be made in these circumstances there would be a right to compensation should a planning application for demolition subsequently be refused. It is suggested by the author of this decision that as there is no known imminent risk to the relevant assests that Article 4 Directions should not be made at this time. This does not prevent future consideration of such a course of action should a risk become known at which time the potential financial consequences of such a decision could be more fully and accurately considered. Advice provided by Ann Barrett (Team Leader) on 21/05/2020.

Finance Advice:

There are no immediate financial implications arising from this decision. Should an Article 4 Direction be considered in the future for any of the assets, the potential financial consequences of this will need to be considered as part of that decision. Advice provided by Sarah Baker (Commercial Business Partner - Projects) on 17/07/2020.

Property Advice:

As indicated in the main body of the report Property were given an opportunity to comment and make representations in respect of the City Council owned properties that are proposed to be included in the Local List. It is understood that representations made by Property were taken into account in the decision making process. Advice provided by Rodney Alan Martin (Development Manager) on 10/07/2020.

Signatures

Linda Woodings as Portfolio Holder (PH Housing, Planning and Heritage)
SIGNED and Dated: 27/07/2020
Chris Henning (Corporate Director for Development and Growth)
SIGNED and Dated: 24/07/2020