

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

8 FEBRUARY 2023

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

LISTED BUILDING CONSENT DELEGATION

1. Purpose of report

- 1.1 The purpose of this report is to advise Members of Bridgend County Borough Council's successful application for Listed Building Consent Delegation and to approve necessary changes to the Constitution and Officer Scheme of Delegation to proceed with the determination of applications for listed building consent for Grade II buildings without the need for referral to Welsh Ministers.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

Smarter use of resources – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

- 2.2 The Council has statutory duties in relation to the determination of Listed Building Consent applications as part of its Planning Service.

3. Background

- 3.1 Following agreement by the Development Control Committee on 3 March 2022, Bridgend County Borough Council's Conservation and Design Team applied to Cadw for Listed Building Consent delegation to determine all grade II listed building consent applications (with the exception of applications for total demolition).
- 3.2 At a subsequent meeting of Development Control Committee on 9th January 2023, at the request of Cadw, Members of the Development Control Committee were advised that notification had been received from Cadw that it was minded to grant Listed Building Consent Delegation subject to acceptance of a number of requirements. The requirements are set out in full in the report to Development Control Committee attached as **Appendix A**. The report included a

recommendation that the report be referred to Council for agreement to amend the Constitution as described in paragraph 4.4 of the report along with any other necessary amendments.

4. Current situation/proposal

- 4.1 On 17th January date 2023, Bridgend County Borough Council received confirmation from Cadw of its intention to award delegation from 1st February 2023 in the form of a signed Direction enclosed as **Appendix B**.
- 4.2 The Development Control Committee currently has delegated to it by Council the power to discharge the Council's functions under the Planning (Listed Buildings and Conservation Areas) Act 1990 which are detailed in the Constitution. The delegated power includes the power to determine application for Listed Building Consent but subject to the requirement to notify Welsh Ministers in line with Section 13 of the Act. The Constitution will require a change to the delegation to add that the Committee can determine applications for Listed Building Consent for Grade II buildings without the need for referral to Welsh Ministers, if it has on any application for Listed Building Consent received and adhered to the advice of the Senior Conservation and Design Officer Moira Lucas.
- 4.3 Similarly the existing Scheme of Officer Delegation also includes powers for Officers, where appropriate, to determine applications for Listed Building Consent subject to the requirement to notify Welsh Ministers in line with Section 13 of the Act. The scheme of delegation will require a change to add that these Officers can determine applications for Listed Building Consent for Grade II buildings without the need for referral to Welsh Ministers, if it has on any application for Listed Building Consent received and adhered to the advice of the Senior Conservation and Design Officer Moira Lucas.
- 4.4 Section 5 of the Direction in **Appendix B** identifies situations where Section 13 of the 1990 Act will continue to apply to applications submitted to Bridgend County Borough Council for listed building consent and the Constitution and Scheme of Officer Delegation needs to be amended to refer to these exceptions.
- 4.5 The suggested amendment to the Constitution would be to Appendix 1 to Part 14 of the Constitution to add a new Paragraph 6. to the Development Control Committee section in the following terms:-

To determine applications for Listed Building Consent without having to comply with Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") for applications for listed building consent for the carrying out of work affecting the exterior or interior of a grade II (unstarred) listed building but with the following restrictions-

Section 13 of the 1990 Act will continue to apply to applications submitted to the Council for listed building consent:

- i. which involve demolition.
- ii. which the Council is required to submit to the Welsh Ministers in accordance with regulation 9 of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (S.I. 2012/793);
- iii. relating to works affecting the exterior of grade II (unstarred) listed buildings, where the Council wishes to grant consent contrary to the advice or without receiving advice from Ms Moira Lucas the Named Building Conservation Area Officer; or
- iv. which affects either the interior or exterior of a Grade I or II (starred) listed building.

4.6 The Scheme of Delegation contains a delegated power for officers to determine applications for listed building consent except applications falling within any of the categories of excepted applications from time to time prescribed by the Council (paragraph 6.1(b)). Officers are also given (paragraph 6(1)(c)) delegated powers to determine planning applications in accordance with the scheme approved for the time being by the Council. The suggested amendment is to add the words “ and listed building consent applications” into paragraph 6(1)(c) in the Scheme of Delegation. Any amendments required to the current scheme which has been adopted by the Development Control Committee will be reported to the Development Control Committee.

5. Effect upon policy framework and procedure rules

5.1 In order to proceed with this offer of Listed Building Consent Delegation amendments to the Constitution and the Council’s scheme of delegation will be required via this Council.

6. Equality Act 2010 implications

6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 Listed Building Consent Delegation forms part of the Statutory Planning Service and will be progressed in line with the 7 Well-being goals and the 5 ways of working as identified in the Act.

8. Financial implications

8.1 Funding is in place to support the Senior Conservation and Design Officer, the named officer, within the Communities Directorate until December 2023. If delegation is

approved external funding opportunities will be sought to maintain the dedicated staff arrangements beyond this date to deal with listing building consent applications, their subsequent monitoring of proposals on site and enforcement. If external funding opportunities cannot be sourced, there is an intention to submit a budget pressure bid as part of the 2024-25 Medium Term Financial Strategy to support this function. If the budget pressure is unsuccessful, the Directorate will have to identify internal budgets.

9. Recommendations

9.1 It is recommended that Council :-

Approve the proposed changes outlined in para 4.2 - 4.6 of this report to the Constitution and proposed change to the delegation and the Officer Scheme of Delegation to add that the Committee and Specified Officers can approve applications for Listed Building Consent without the need for referral to Welsh Ministers if it has on any application for Listed Building Consent received and adhered to the advice of the Senior Conservation and Design Officer Moira Lucas.

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CORPORATE DIRECTOR COMMUNITIES

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Background documents:

None