

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO DEVELOPMENT CONTROL COMMITTEE

5 JANUARY 2023

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### LISTED BUILDING CONSENT DELEGATION

#### 1. Purpose of report

- 1.1 The purpose of this report is to update Members of the Development Control Committee on Bridgend County Borough Council's application for Listed Building Consent Delegation in terms of feedback from Cadw and next steps.

#### 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 Members are reminded that under Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities are required to notify Welsh Ministers (via Cadw) where they are minded to grant listed building consent (LBC). However, wherever possible, Welsh Ministers are keen for LBC decisions to be taken at a local level and they are able to amend the requirement to notify Cadw. For example Welsh Ministers are able to direct that certain categories of applications for LBC need not be notified to them by a local planning authority. There is currently a general direction in place removing the requirement to notify Cadw of an application for LBC for work affecting the interior only of a grade II (unstarred) listed building.
- 3.2 Following agreement by the Development Control Committee on 3 March 2022, Bridgend County Borough Council's Conservation and Design Team applied to Cadw to extend these arrangements to include all grade II listed buildings (with the

exception of applications for total demolition). In shorthand, we call these extended arrangements Listed Building Consent delegation.

#### **4. Current situation/proposal**

- 4.1 On 15 December 2022 Cadw wrote to Officers to confirm that it is minded to award delegation to the named Officer as specified in the application ( Senior Conservation and Design Officer Mrs Moira Lucas) based on the application and record of experience submitted. This award is subject to this Authority providing the following;
- (i) a corporate commitment to seek and adhere to the advice of the named officer on applications for listed building consent, and
  - (ii) where the advice of the named officer is not available, or the application is proposed to be approved against the advice of the named officer, Cadw will be notified in order to consider call-in.
- 4.2 Members are reminded that the removal of the requirement to notify Cadw takes out a time-consuming and resource intensive part of the Listed Building Consent cycle for both Cadw and the local planning authority. It strengthens local decision-making, makes it timely and efficient, and improves the service available to the public.
- 4.3 If agreed and accepted this delegation will apply to all Grade II Listed buildings within the County Borough (331 of the 375 listed buildings within the County Borough, including those Grade II Listed Buildings within the ownership of Bridgend County Borough Council). The notification process will continue to apply to any application which involves the demolition of a listed building or works to grade I or II\* listed buildings. The feedback from Cadw confirms that in its opinion the right expertise and processes are in place within this Authority to make robust and sound decisions which protect and preserve the historic environment. Listed Building Consent Delegation is given to local authorities that have a robust local policy framework supported by sound processes, practices and decision making informed by specialist conservation officer advice aimed towards the conservation and protection of the historic environment. Cadw will maintain a close working relationship with this authority if it accepts delegation through an annual review process and can continue to provide advice and guidance at the request of the conservation officer.
- 4.4 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 as mentioned in Paragraph 3.1 of this report. If members agree to accept the recommendations in this Report the Constitution will require a change to the delegation to add that the Committee 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.

## **5. Effect upon policy framework and procedure rules**

- 5.1 If this Authority agrees to accept this offer of Listed Building Consent Delegation amendments to the Council's scheme of delegation will be required via full Council approval.

## **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 accepted 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 the Development Control Committee:-
- agree a commitment to seek and adhere to the advice of the named officer (Senior Officer Conservation and Design Mrs Moira Lucas) on applications for listed building consent

- agree that where the advice of the named officer is not available, or the application is proposed to be approved against the advice of the named officer, Cadw will be notified in order to consider call-in
- accept the offer from CADW of Listed Building Consent Delegation on all Grade II Listed Buildings
- agree that this report be referred to Council for agreement to amend the Constitution as described in paragraph 4.4 of this report along with any other necessary amendments

**Janine Nightingale**

**CORPORATE DIRECTOR COMMUNITIES**

5<sup>th</sup> January 2023

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**Background documents:**

None