

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Improving Places Commission
2.	Date:	Wednesday 5 September 2012
3.	Title:	Listed Building Consultation document and response
4.	Directorate:	Environment and Development Services

5. Summary

A consultation document was published by the Government on 27th July 2012 (with a deadline for responses of 23rd August 2012) relating changes to the way planning and heritage assets are dealt with.

The report summarises the consultation and sets out RMBC's response.

6. Recommendations

That members note the response that has been provided to Department for Culture Media and Sport.

7. Proposals and Details

The consultation document "Improving Listed Building Consent" proposes:

The introduction of a system of prior notification leading to deemed consent if the Local Planning Authority (LPA) does not respond within 28 days - Option 1

OR

the introduction of a system of local and national class consents which would enable local planning authorities or the Secretary of State, respectively, to identify works which will not longer require Listed Building Consent (LBC) as they have no impact on special interest. - Option 2

Introduction of Certificates of Lawful Works which will enable the applicant to get a formal view from the LPA **either** that proposed works will not require LBC or that works already carried out did not require LBC;

Introduction of a system of accredited agents who will be able to provide an LPA with an expert report on LBC applications instead of them being considered by the authority's own conservation officer.

The Consultation documents and the response to each of the individual questions have been attached to this report as appendices however in summary:

Option 1 - The system of prior notification could be supported, subject to sufficient information being required for an informed decision to be made.

- Potential issues with the proposal are that it may alienate the public / interest groups who would have no ability to comment on proposals;
- A two stage process has the potential to delay the process and also increase the burden on the Local Planning Authority.

In relation to the current processing of Listed Building Consents we were able to confirm that very few require alterations through the application process due to our strong emphasis on effective pre-application discussions however non standard conditions are often required due to the individual nature of specific listed buildings.

Option 2 - Local and National class consents would require a strong evidence base to be built up before it could be implemented. An issue which would be particular to Rotherham would be the wide range of listed buildings from residential to industrial which could not easily be grouped together.

The preference would be to support Option 1.

In relation to Certificates of Lawful Works either proposed or undertaken, these processes already exist within the planning system but not for LBCs. The certificates would be useful for applicants who require a definitive answer regarding the

requirement for LBC. Again the level of information required would be crucial for an informed decision to be made.

There are high levels of satisfaction with informal and formal pre-application advice already provided at Rotherham.

Accredited Agents – the Government is suggesting an alternative approach due to the reduction in resources for Heritage work within Local Planning Authorities. Although Rotherham’s Conservation Officer retired and was not replaced we do have conservation expertise with the LPA and there are no delays in decision making. It is considered that the suggestion that the agent submitting the application also make the recommendation on the application is flawed due to the distinction between the applicant and the regulatory authority becoming blurred resulting in distrust of the process and its transparency.

Enforcement – LPA work pro-actively with owners in all cases with a fall back position of legal action. The situation that public funds are required to underwrite works carried out in default remains an issue.

8. Finance

No financial implications from consultation document.

10. Policy and Performance Agenda Implications

Protection of Heritage Assets.

11. Background Papers and Consultation

Appendix 1: Improving Listed Building Consent Consultation
<http://www.culture.gov.uk/consultations/9236.aspx>.

Appendix 2: Response to Department for Culture Media and Sport.

Contact name: Bronwen Knight, Planning Manager 01709 823866
Bronwen.knight@rotherham.gov.uk