

Report To: Planning Committee

Date of Meeting: 22nd October 2014

Lead Member / Officer: Cllr David Smith, Public Realm
Angela Loftus, Development Planning and Policy Manager

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Title: Listed Buildings Supplementary Planning Guidance – Consultation draft

1. What is the report about?

- 1.1. This report accompanies a draft Supplementary Planning Guidance (SPG) document on listed buildings which, if adopted, will be used in the determination of listed building consent applications and planning applications affecting the setting of listed buildings.

2. What is the reason for making this report?

- 2.1. Following the adoption of the Denbighshire Local Development Plan (LDP), and the update of national guidance, an updated SPG on listed buildings is required in order to provide further guidance for developers, Officers and Members. A draft SPG for public consultation is attached to this report (Appendix 1).

3. What are the recommendations?

- 3.1. That Members agree the draft SPG on listed buildings as a basis for public consultation.

4. Report details

- 4.1. Following the adoption of the LDP on 4th June 2013, Council agreed to carry forward the existing series of SPGs, including SPG 14 – Listed Buildings. Listed buildings are listed for their special architectural or historic interest. The protection of these building includes any curtilage buildings or structures, and their wider setting. National guidance has been updated since the adoption of the original SPG (in 2003), in particular Cadw's policy document *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales* published 2011 and TAN 12 – Design (2014). English Heritage has also produced guidance on *The Setting of Heritage Assets* (2011). It should be noted that the English Heritage document only relates to England and some of the rules and regulations will differ in Wales but it does contain principles to consider which are generic to all listed buildings. There are also differences between the previous Unitary Development Plan (UDP) and LDP policies, which may have an impact on planning applications affecting listed buildings and curtilage structures, as well as their setting.

- 4.2 The Courts have accepted that there is no statutory requirement to have regard to the provisions of the local development plan for listed building consent, and Section 54A of the Town and Country Planning Act 1990 (superseded by Section 38 (6) of the Planning and Compulsory Purchase Act 2004) does not apply. However it is necessary to produce an updated SPG on this topic. If adopted, the SPG will be a material planning consideration when assessing listed building consent applications and planning applications affecting listed buildings and their setting.
- 4.3. Denbighshire County Council has over 1800 listed buildings. They exist in town centres and rural areas and the type and nature of each listed building and reason for listing is different. Providing positive and clear guidance on changes and uses proposed to listed buildings in an SPG will supplement relevant LDP policies on respecting distinctiveness, sustainable development, promoting a sustainable economy and valuing our environment.
- 4.3. The public consultation period would be a minimum of 8 weeks and is anticipated to start in mid November 2014. The results of the consultation will be reported back to Planning Committee with a final SPG for adoption.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. The SPG provides guidance on listed buildings and what to submit for a listed building consent application. The positive management of listed buildings undertaken through the planning process relates to two corporate policies – ‘Developing the local economy’, and ‘Clean and tidy streets’.
- 5.2 The physical location and number of listed buildings in towns such as Denbigh (235); Llangollen (224), Rhyl (101) and Ruthin (212), and Corwen (79) is a key consideration for ensuring that listed buildings are adapted or changed in a positive way, retaining their character that makes the towns and rural areas of Denbighshire unique. Appropriate management of these buildings are directly relevant to Corporate Priorities – ‘Clean and Tidy Streets’ and ‘Developing the Local Economy’. ‘Clean and Tidy Streets’ states that - "Denbighshire benefits from having an attractive and inviting landscape, as well as a spread of historic and cultural towns and villages. The quality of this public space is key to encouraging people to move into the county, as well as attracting tourists that help to support the local economy."

6. What will it cost and how will it affect other services?

- 6.1. Any costs associated with agreeing the SPG for consultation will be contained within existing budgets and will not affect other services.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

- 7.1 An EqIA is not considered necessary for this decision. The principles of appropriately managing listed buildings in national legislation, and supported through adoption of the LDP. The SPG provides further guidance on this. The LDP underwent a full EqIA in May 2011.

8. What consultations have been carried out with Scrutiny and others?

8.1 No formal consultation has been carried out, but informal consultation has been carried out with officers in Development Management Team.

8.2 Member input on the content of the SPG has also been provided through the LDP Members Steering Group.

9. Chief Finance Officer Statement

9.1 Any costs associated with the guidance should be contained within existing budgets and therefore there are no obvious financial implications contained in the report.

10. What risks are there and is there anything we can do to reduce them?

10.1 In the absence of up-to-date guidance there is a risk the Council will be unable to effectively operate the LDP policies. The listed buildings SPG provides clear and concise guidance based on up-to-date national policy. The submission of information for applications for listed building consent and planning applications affecting listed buildings and their settings will improve decision making in terms of speed and quality outcomes.

11. Power to make the Decision

11.1 The Planning (Listed Buildings and Conservation Areas) Act 1990

11.2 Planning & Compulsory Purchase Act (2004).