

LOCAL AUTHORITY LISTED BUILDING AND CONSERVATION AREA CONSENT APPLICATIONS

A. APPLICATIONS FOR LISTED BUILDING CONSENT - ALTERATIONS OR EXTENSIONS TO BUILDINGS¹

General

A properly documented application should describe the **existing situation** and how the **proposals** will change it. It should have enough clear detail about what is intended to enable for a full understanding by the officer scrutinising the application and those whom he/she must consult. The onus for drawing up the application lies with the person charged with preparing it and where there is uncertainty about requirements it will be best that they consult or employ an architect or surveyor with conservation experience. The Royal Institute of British Architects, for example, will be able to supply lists of suitable architects or practices should local authorities not have the necessary experience 'in-house'.

Paragraph 69 of Welsh Office Circular 61/96² advises:

“Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.”

There is no provision for consent to be granted in outline. Insufficient information to explain and to justify proposals can cause misunderstandings and delays and could well lead to refusal of consent.

Maps and **plans** should be drawn to an appropriate (metric) scale³: for plans, sections and elevations 1:50 is usually adequate (with floor plans at 1:100 in the case of large buildings), but doors, windows and other decorative features such as railings may require 1:20 or 1:10; particularly important details may need to be half or full size. Drawings need to be accurate, and appropriately detailed and annotated according to their subject, so they should be prepared by a qualified building professional who will know how to convey information to someone who has not seen the site. These, and any **perspective drawings** and **reconstructions** which a few proposals may need, must be cross-referenced to maps and plans. Because of their 'mechanical' nature, computer (CAD) generated drawings are seldom appropriate when dealing with historic buildings - measured drawings should be used in conservation work because of the detailed complexity of old buildings .

Well-chosen dated **photographs** can be helpful, but they should supplement rather than replace what can only be properly shown on accurate and detailed drawings.

Written material should describe matters that cannot be covered pictorially, such as the architectural significance of the building, the justification for the proposals, and any conservation method statements.

¹ Where a building is both listed and scheduled as an ancient monument, scheduling takes precedence and scheduled monument consent will be required from the National Assembly for Wales

² Annex D to the Circular sets out general principles to be applied to alterations to listed buildings and more detail is provided in an Appendix to Annex D

³ see BS1192: Part 2: 1987 "Construction drawing practice - recommendations for architectural and engineering drawings" and Royal Commission on the Historic Monuments of England : "Recording Historic Buildings - A descriptive specification" (3rd Edn 1996)

Context

In all planning or listed building applications the basic context needs to be shown by describing:

- the location of the development site or building in relation to the surrounding area (ideally a map at 1:1250 but certainly not less than 1:2500); the site or building should be edged in red and any other neighbouring land in the same ownership in blue
- how the proposal relates to the site and buildings on or near it (plan at 1:200 or 1:500)
- the type of proposed development or works, its general form and characteristics (written statement)

As Existing

‘As existing’ information about historic features affected should cover

- the grade and age of the building
- whether it is in, or adjacent to, a Conservation Area, park or garden of historic significance⁴ or archaeological site⁵
- its particular aspects or elements affected by the proposals - for buildings, shown in drawings of floor plans, elevations and sections as relevant at a scale of 1:50 (floor plans can be 1:100). If only a small part of a building is affected by the proposal, detailed plans of that part should be provided together with a general plan showing its location

It should include:

- for *listed buildings and structures in their curtilages*: their archaeological, architectural and historic interest. In small-scale cases, a recent list description may be sufficient⁶
- for the *settings of listed buildings*; views of and from the listed building; the architectural and historic interest, character and appearance of its context.

B. APPLICATIONS FOR LISTED BUILDING CONSENT - DEMOLITION OF BUILDINGS⁷

As with alterations, an applicant must be able to demonstrate why it is necessary to demolish a listed building.

National policy guidance⁸ makes it clear that:

⁴ Cadw: Welsh Historic Monuments are producing non-statutory registers of historic parks and gardens and landscapes to assist in the development control process

⁵ where a scheduled site is directly affected scheduled monument consent will be required from the National Assembly for Wales

⁶ copies of lists are held by local authorities and the information may be obtained direct from Cadw: Welsh Historic Monuments or the Royal Commission on the Ancient and Historical Monuments of Wales

⁷ see note ¹

⁸ paragraph 5.5.5, Planning Guidance (Wales) Planning Policy: First Revision (April 1999)

“...The demolition of any grade I or II* listed building should be wholly exceptional and should require the strongest justification. The Secretary of State would not expect consent to be given for total or substantial demolition of any listed building without convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition.....”

This guidance is supplemented by paragraphs 91 - 92 of Welsh Office Circular 61/96 which set out the criteria against which applications for demolition should be assessed.

Consultation

Where the demolition (or substantial demolition) of a listed building is proposed, local authorities are required⁹ to consult 5 amenity bodies¹⁰ and the Royal Commission on the Ancient and Historical Monuments of Wales before determining an application. Failure to do so will render the decision liable to successful challenge in the Courts. The National Assembly cannot entertain an application made to it until the local authority has advertised the proposal and undertaken the necessary consultation.

C. APPLICATIONS FOR CONSERVATION AREA CONSENT

Paragraph 33 of Welsh Office Circular 61/96 advises:

“The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings.....”

Although there is, currently, no statutory requirement to do so, the National Assembly would expect local authorities to undertake similar consultation in such cases as they would if the building were listed.

The Courts have ruled that the decision maker is entitled to consider the merits of any proposed development in considering whether consent should be given for the demolition of an unlisted building in a conservation area because of the statutory duty, in S 72 of the 1990 Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Applications for conservation area consent will only be considered where they are accompanied by details of the proposed redevelopment of the site or evidence that the demolition, in itself, preserves or enhances the character or appearance of the conservation area.

D. CHECKLIST FOR SUBMISSIONS TO THE NATIONAL ASSEMBLY FOR WALES

The 1990 Regulations require local authorities to advertise their proposals before submitting them to the National Assembly for determination. Where an application provides for the demolition of a listed building - either wholly or in part - consultation needs to be undertaken with the Amenity Bodies (see Section B above). Applications forwarded to the National Assembly MUST be accompanied by representations received by the authority. The 1990 Regulations, themselves, specify that applications must be made in triplicate together with

⁹ paragraph 10, Welsh Office Circular 1/98

¹⁰ Ancient Monuments Society; Council for British Archaeology; Georgian Group; Society for the Protection of Ancient Buildings; Victorian Society

three copies of any supporting plans and drawings. One set should be retained by the Planning Department and the other two forwarded to the Assembly.

The 1990 Act requires applications to be:

”...made in such form as the authority may require and [that they] shall contain-

- (a) sufficient particulars to identify the building to which it relates, including a plan;
- (b) such other plans and drawings as are necessary to describe the works which are the subject of the application; and
- (c) such other particulars as may be required by the authority.”

there is no prescribed form and so each authority can choose its own version to apply for listed building or conservation area consent. The information listed below is required by the Assembly to enable it to process applications:

Application form and ownership certificate - 2 copies

Accompanying plans, drawings and photographs - 2 sets

Statement of need for works - 2 copies

Press advertisement - 1 copy

Responses to advertisement - 2 copies of each

Consultation responses - 2 copies of each

For demolitions:

- evidence that the building has been marketed or alternative uses sought - (see paragraphs 91 and 92 of Circular 61/96) - or a copy of an ‘independent’ structural report where a building is claimed to be too ‘far gone’ to be economically repaired.
- details (planning permission detailed drawings) of the proposed redevelopment of the site.

Most local authorities send in applications under cover of the form at Annex E to Welsh Office Circular 61/96. **This should only be used for private applications referred to Cadw under the provisions of Section 13 of the 1990 Act; its use to submit local authority applications for determination is inappropriate.**

For the benefit of those local authorities who prefer the use of a form - because of the convenience of a ‘check-list’ - a version has been drawn up for use with local authority applications; a copy is annexed to this guide.