

## CHAPTER 6

### PROCESS OF GETTING LISTED BUILDING CONSENT

#### LISTED BUILDING CONSENT

6.1 Buildings that are Listed are protected by law. This does not mean that they can never be altered or demolished, but carrying out work without the appropriate consent is a criminal offence and may result in the prosecution of anyone involved. Listed Building Consent is required in order to carry out any works which will affect its special character as a building of architectural or historic interest. This will be necessary for any major works, and is likely to be needed for minor alterations and possibly even repairs depending upon the extent and type. Planning permission is likely to be necessary for a change of use of the property.

6.2 Depending upon the nature of the proposal, it is possible that the works may also require Planning permission. Where the proposal adds volume and mass to the building or makes other changes to the exterior Planning permission will also be required.

6.3 Local Planning Authorities must consult English Heritage and the six National Amenity Societies on any application involving works to a Grade I or Grade II\* Listed Building. Additional organisations may be consulted depending upon the nature of the proposal and the site. The six main bodies are:

- Society for the Protection of Ancient Buildings
- Council for British Archaeology
- Georgian Group
- Twentieth Century Society
- Victorian Society
- Ancient Monuments Society

Additional organisations that may also be consulted include:

- Garden History Society
- Natural England

6.4 Once comments have been received from the consultees, the Council is required to forward all of the documentation, including the entire application, to the Government Office for the East of England for a final review. It is GO-East's responsibility to consider if the proposal can be determined under delegated

powers within the Council or if the application must be called in by the Secretary of State to review.

## CONDITIONS ASSOCIATED WITH LISTED BUILDING CONSENT

- 6.5 If Listed Building Consent is approved, it will usually be **conditional** that further information has to be submitted and approved prior to works being undertaken or other requirements met which means **Listed Building Consent alone does not always grant permission to begin work** as conditions may need to be discharged first. It is essential that all of the conditions are formally discharged; if they are not, any works carried out are done so at the owner's own risk and may have to be removed or replaced if they do not meet the required standards. In addition, any works undertaken without formal consent are unauthorised, which constitutes a criminal offence.
- 6.6 Refer to Appendix 1 for detailed information about how to apply for Listed Building Consent and what supportive information is required.

## BUILDING REGULATIONS AND LISTED BUILDINGS

- 6.7 As part of most Listed Building Consents, there may be a requirement to also seek Building Control approval. South Cambridgeshire District Council has an in-house Building Control Service that can provide advice and guidance on Building Regulations. However, any suitably qualified Building Control professional can be used.
- 6.8 Building Regulations were originally created to ensure the health and safety of people in and around buildings and more recently to provide accessible and thermally efficient buildings.
- 6.9 In certain areas, there may be some conflict between the aims of Listed Building legislation and Building Regulations and it is advisable to discuss any plans that may require a Building Regulations submission as early as possible with both parties. If any issues are raised at an early stage there is more flexibility to design a proposal that adequately considers both aspects.
- 6.10 Although the list is not exhaustive, early consideration should be given to any proposals that include means of escape from fire, glazing, thermal insulation, ventilation, alterations to floors, roofs, foundations or reinstatement of elements of an original building. There are three main sections of the Regulations that may differ from Listed Building principles: Part B - Fire Safety, Part L - Conservation of fuel and power and Part M - Access and use of buildings.
- 6.11 Flexible interpretation of the Regulations is needed when works include:
- Retention and upgrading of significant historic fabric.

- Restoration of the historic character of a building that has previously been altered inappropriately.
  - Rebuilding of a former building (e.g. following a fire or filling a gap site in a terrace).
  - Making provision for the historic fabric of the building to breathe to control moisture and potential long-term decay problems.
- 6.12 Historic Building and Building Control officers at the District Council aim to co-ordinate their work (though applicants will need to deal with both services). External Building Control officers, who may be less used to working with the Historic Buildings team, need to contact its officers when they get involved in a project.
- 6.13 Refer to English Heritage's guidance, *Building Regulations and Historic Buildings, 2004*.

#### **Access to and use of buildings (DISABILITY DISCRIMINATION ACT) - PART M**

- 6.14 The Disability Discrimination Act (DDA) was introduced in 1995 and updated in 2005 with the aim to facilitate equal access to services for all. The Act requires the provision to be reasonable and therefore the level of reasonable accessibility would vary according to the specific building and uses involved. Part M of the Building Regulations provides practical guidelines for the implementation of elements of the DDA.
- 6.15 The requirements are more stringent for new buildings, commercial buildings and buildings open to members of the public. In these cases, it is expected that at least the primary functions should be reasonably accessible to disabled people. Some flexibility may be necessary if the most accessible solution would be damaging to the character of a Listed Building, for instance by providing alternative facilities.
- 6.16 Any proposal to adapt a Listed Building to comply with the Regulations will require Listed Building Consent. If the building is Grade II\* or Grade I, the proposal will be sent to the amenity societies and English Heritage. Any alterations will need to be carefully considered and take account of the historic and architectural significance of the building. Full details will therefore be required, including any structural works, signage associated with the access provision and the full extent of potential impact of the proposals on the interest of the Listed building, including to significant historic features such as mouldings, cornices, wall paintings or wall coverings. Employing a professional who understands the DDA and how it will impact on the Listed Building is important to ensure that any reasonable modifications are made sensitively and to minimise the loss of historic fabric.
- 6.17 Refer to English Heritage's guidance, *Easy Access to Historic Buildings, 1999*.

