



ENGLISH HERITAGE

Richard Holland

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19 March 2010

Dear Sirs

Subject

English Heritage welcomes the opportunity to respond to the Planning Inspectorate consultation on model conditions.

English Heritage is an Executive Non-Departmental Public Body sponsored by the Department for Culture, Media and Sport, with our funding agreement signed by CLG and DEFRA. We work in partnership with central government departments, local authorities, voluntary bodies and the private sector to conserve and enhance the historic environment, broaden public access to our cultural heritage, and increase people's understanding and appreciation of the past.

We are the UK Government's statutory advisor and a statutory consultee on all aspects of the historic environment and its heritage assets. This includes archaeology on land and under water, historic buildings sites and areas, designated landscapes and the historic elements of the wider landscape. *Conservation Principles* <http://www.english-heritage.org.uk/server/show/nav.9181> sets out the guidelines for engagement with the historic environment which have informed the consultation draft of Planning Policy Statement 15 (PPS15).

In general terms we consider that proposals for development should be understood as fully as possible prior to determination and that the outcome of any investigative works and details of methodology and materials should be submitted with the application. In line with the recommendations of the Killian-Pretty Review this also results in greater transparency and efficiency within the planning process: it reduces the number of conditions imposed on planning applications; it speeds up the process for developers; and it reduces the bureaucratic burden on local planning authorities. In addition there are circumstances where conditions are not likely to be effective in securing conservation objectives, for example, where the publication of the results of investigative works is programmed for completion some time after a development has been completed and it is only through a Section 106 agreement that works can be secured. However, we appreciate that the Planning Inspectorate is unable to influence the early stages of the submission of a planning application submission and Inspectors have to determine an appeal on the basis of whether the impacts of a proposal can be mitigated by the imposition of condition.

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We have therefore attached a list of model conditions for Inspectors to consider when determining proposals which affect the historic environment. In principle we consider the distinction between archaeology and Listed Buildings is unhelpful and does not reflect the language and policies within the consultation draft of PPS15 or *Conservation Principles*. We therefore suggest the conditions are listed in a section headed either The Historic Environment or Heritage Assets. The existing model conditions are shown in italics with are proposed changes underneath. In most cases these changes are relatively minor and proposed for consistency of language with the new PPS or to reflect good practice. However we recommend that the Inspectorate change the condition related to investigative works significantly using the same approach as that uses for dealing with contaminated land. This would make it clearer for developers to know what is required; increase transparency for third parties; and make discharge of the condition simpler for local planning authorities. We have also suggested the deletion of some conditions which do not meet the tests of the Circular in that they are imprecise and/or unenforceable or because they duplicate the requirements of other conditions relating to specified designations such as conservation areas or Listed Buildings.

Yours faithfully

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PLANNING INSPECTORATE MODEL CONDITIONS

Historic Environment

Archaeological and Listed Building Access

The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow him to observe the excavations and record items of interest and find.

DELETE (unenforceable and ineffective)

The developer shall give the local planning authority X days advance notice of the start of any works and, for a period of [e.g. 14 days] before any work begins, reasonable access to the building shall be given to [name of person/body or] a person/body nominated by the local planning authority for the purpose of recording the building [or interior] by making measured drawings or taking photographs.

DELETE (unenforceable and ineffective)

Demolition

Before any work hereby authorised begins, steps shall be taken to secure the safety and stability of that part of the building [or architectural feature] which is to be retained in accordance with condition [state number] above. [Such steps shall, where necessary, include measures to strengthen any wall or vertical surface; to support any floor, roof or horizontal surface; and to provide protection for the building against the weather during the progress of the works].

DELETE as duplicate

No development shall take commence until works to secure the safety and stability of that part of the building [or architectural feature] which is to be retained have been undertaken in accordance with a scheme submitted to and approved by the Local Planning Authority in writing.. [Such works shall, where necessary, include measures to strengthen any wall or vertical surface; to support any floor, roof or horizontal surface; and to provide protection for the building against the weather during the progress of the works].

Change to

No development shall commence until details of the measures to be taken to secure the safety and stability of the part[s] of the building/structure/architectural feature[s] which is/are to be retained have been submitted to and approved by the local planning authority in writing. [Such measures shall include strengthening any wall or vertical surface; supporting any floor, roof or horizontal surface; protecting against the weather or any accidental loss or damage]. The development shall be carried out in accordance with the approved details.

The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Change to

No demolition [or alteration by way of substantial partial demolition] shall commence until arrangements have been put in place to secure the redevelopment of the site permitted under

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[planning permission ref/implementation of the development approved under this permission] and these arrangements have been agreed in writing by the local planning authority. The arrangements shall include details of the time scale for carrying out the redevelopment approved under [planning permission ref/the development approved under this permission].

The demolition of [specify] shall be carried out by hand [or by hand-held tools] only and the materials stored for re-use [specify].

Change to

No demolition within the area/part of the building hatched black on drawing no ... shall be carried out other than by using hand held tools [which are not power-driven].

Detailed Design

The [specify features] included in the works/alterations hereby approved shall be [specify design and/or materials].

Change to:

No development within the area/part of the building hatched black on drawing no.. shall commence until details of the design of [specify features] including plans/elevations/drawings at scale [specify scale] have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

Enabling development

Before the [(new buildings)(dwellings) hereby permitted are occupied] [new use begins], the listed building [name] shall have been repaired and restored completely in accordance with the submitted plans [drawing Nos] and/or the schedule of works.

Change to

The development hereby permitted shall not be occupied until the listed building hatched black on drawing no... has been repaired and restored in accordance with the approved plans [drawing Nos] and the schedule of works submitted to and approved by the local planning authority in writing.

Investigative Works

No development shall take place within the area indicated until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority

Change to the following 4 conditions

A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and [if indicated by the Desk Top Study submitted with the application]

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording

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4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

D) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local Planning authority in writing within [...] working days. Works shall be halted in the area/part of the building affected until provision has been made for the retention and/or recording in accordance with details submitted to and approved in writing by the local planning authority.

Making Good

Upon completion of the works hereby approved, any damage caused to the building by the works shall be made good within x months in accordance with a scheme submitted to and approved in writing by the local planning authority.

DELETE this is effectively taking enforcement action in advance of any breach

Materials

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Change to

The new facing brickwork/stonework shall match the existing adjacent brickwork/stonework in colour, texture, face bond and pointing, unless otherwise agreed in writing by the local planning authority.

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Change to

No development within the area/part of the building hatched black on drawing no ... shall commence until samples of all external [and internal] facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out



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in accordance with the approved details.

OR

No development within the area/part of the building hatched black on drawing no ... shall commence until sample panels of all new facing brickwork showing the proposed bricks, face-bond and pointing mortar have been [provided on site and] approved in writing by the local planning authority. [The approved sample panels shall be retained on site until the work is completed and] the development shall be carried out in accordance with the approved sample panels.

Preservation of Archaeological Remains *in situ*

A) No development shall commence until details (including a detailed design [of basement, foundations, piling configuration, drainage and services] and method statement relating to carrying out these works) to show the how the surviving archaeological remains which are to remain in situ are to be preserved have been submitted to and approved in writing by the Local Planning Authority.

B) Unless otherwise agreed in writing by the Local Planning Authority, the development/[basement, foundations and piling configuration] shall be carried out in accordance with the details approved under condition A/set out on drawings [xxx] and the approved method statement.

No development shall commence until a method statement for the retention/re-use of [list features] has been submitted to and approved by the local planning authority in writing. The method statement shall include the timing of the removal and re-instatement [specify any other conditions] and measures to be taken to secure and protect the interior features against accidental loss or damage. The work shall thereafter be carried out in accordance with the approved method statement.



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