From: West Midlands ePlanning <
Sent: 19 February 2019 15:29
To: Planning (SMDC)
Subject: RE: External Consultation Letter - App ref SMD/2019/0063 & SMD/2019/0478

Categories:

Dear Sir/Madam

Thank you for your letters of 18 February 2019 regarding the above applications for listed building consent/planning permission. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

Yours faithfully

Victoria Walker
Business Officer, West Midlands
Planning Group
Historic England

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Planning and Listed Building Consent applications requiring consultation with and notification to Historic England (the Historic Buildings and Monuments Commission for England) April 2015 Applications for planning permission Historic England must be consulted or notified (see note 1) of the following planning applications by virtue of the following provisions:
Consultation:
Development which in the opinion of the local planning authority falls within these categories:
P1 Development of land involving the demolition, in whole or in part, or the material alteration of a listed building which is classified as Grade I or II*
P2 Development likely to affect the site of a scheduled monument

P3 Development likely to affect any battlefield or a Grade I or II* park or garden of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953
Basis for this - Town and Country Planning (Development Management Procedure) (England) Order 2015 - article 18 and Schedule 4.
P4 Development likely to affect certain strategically important views in London
Basis for this - Secretary of State for Communities and Local Government Directions relating to Protected Vistas 2012
Notification:
Development which the local authority (or Secretary of State) think would affect:
P5 The setting of a Grade I or II* listed building; or
P6 The character or appearance of a conservation area where
i) the development involves the erection of a new building or the extension of an existing building; and
ii) the area of land in respect of which the application is made is more than 1,000 square metres
Basis for this - Planning (Listed Buildings and Conservation Areas) Regulations 1990 - regulation 5A (as amended by The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015
P7 Local authority/ies own applications for planning permission for relevant demolition in conservation areas. (see note 2)
Basis for this - Town and Country Planning General Regulations 1992 (as amended by the Town and Country Planning General (Amendment) (England) Regulations 2015
Note 1: There is a difference between Consultation and Notification. When LPAs consult on applications, there is a duty to provide a substantive response to the LPA within 21 days. A notification from the LPA is to enable representations to be made if we so wish, and to respond within 21 days. Historic England does not make a distinction in its handling of advice work.

Applications for listed building consent Historic England must be notified of the following applications for listed building consent by virtue of the following provisions:
Notification:
L1 For works in respect of any Grade I or II* listed building; and
L2 For relevant works in respect of any grade II (unstarred) listed building
(relevant works means:
i) works for the demolition of any principal building (see note 3);
ii) works for the alteration of any principal building which comprise or include the demolition of a principal external wall of the principal building; or
iii) works for the alteration of any principal building which comprises or includes the demolition of all or a substantial part of the interior of the principal building.
For the purposes of sub paragraphs ii) and iii) above:
a) a proposal to retain less than 50% of the surface area of that part of a principal building represented on any elevation (ascertained by external measurement on a vertical plan, including the vertical plane of any roof) is treated as a proposal for the demolition of a principal external wall;
b) a proposal to demolish any principal internal element of the structure including any staircase, load bearing wall, floor structure or roof structure is treated as a proposal for the demolition of a substantial part of the interior.)
L3 Decisions taken by the local planning authorities on these applications
Basis for this - Arrangements for handling heritage applications - Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015 - made under section 12, 15 (1) and (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England
15 April 2015

Note 2: Relevant demolition is defined in section 196D of the Town and Country Planning Act 1990 as “demolition of a building that is situated in a conservation area in England and is not a building to which section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply by virtue of s75 of that Act (listed buildings, certain ecclesiastical buildings, scheduled monuments and buildings described in a direction of the Secretary of State under that section.)

Note 3: “principal building” means a building shown on the list compiled under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and includes (unless the list entry indicates otherwise) any object or structure fixed to that building, but does not include any curtilage building.

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-----Original Message-----
From: Planning (SMDC) [mailto:planning@staffsmoorlands.gov.uk]
Sent: 18 February 2019 15:57
To: West Midlands ePlanning
Subject: External Consultation Letter - App ref SMD/2019/0063

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