

Historic England

London Plan Review No.2

Report

Final | September 2016

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It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 247256

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Contents

	Page
Executive Summary	i
1 Introduction	1
1.1 Purpose of the Study	1
1.2 Background	1
1.3 Aims and Objectives	2
1.4 Structure of this Report	3
2 Methodology	4
2.1 Overview of Stages of Work	4
2.2 Compliance Framework	4
2.3 Conservation Officers Survey	5
2.4 Case Studies	6
3 Compliance Framework	8
3.1 Policy 2.10 Central Activities Zone – strategic priorities	8
3.2 Policy 7.4 Local Character	9
3.3 Policy 7.7 Location and design of tall and large buildings	10
3.4 Policy 7.8 Heritage assets and archaeology	12
3.5 Policy 7.9 Heritage led regeneration	15
3.6 Policy 7.10 World Heritage Sites	16
3.7 Policy 7.11 LVMF	16
3.8 Policy 7.12 Implementing the LVMF	17
4 Conservation Officers Survey	19
4.1 Who responded	19
4.2 Relationship with Local Plans	19
4.3 Use of London Plan	19
4.4 Which London Plan policies are used	20
4.5 Weight given to London Plan policies	20
4.6 Benefit of London Plan policies	20
4.7 Suggested improvements	21
5 Case Studies	22
5.1 The Case Studies	22
5.2 Differences between decision makers	29
5.3 Analysis of policies	32
5.4 Weight given to London Plan heritage policies compared to other policies in the Plan	41

6	Findings and Recommendations	46
6.1	Overall Findings	46

Appendices

Appendix A

London Plan Policies

Appendix B

Conservation Officers Questionnaire

Appendix C

Compliance Framework

Appendix D

Case Study Proformas

Appendix E

Use of London Plan Heritage Policies by LPAs

Executive Summary

Background

London is a complex world city with a rich and diverse heritage. It is also a city which is subject to continual change. These changes present themselves as opportunities as well as challenges for the management of the historic environment. Much depends on the nature of the change, its scale, form and geographical location; successful management can be especially challenging when the pace of change is most intense.

The planning system is one of the key ways that the historic environment is protected and enhanced in a way that balances local economic, social and environmental needs and ambitions. The execution of planning functions by Local Planning Authorities (LPA) and the Greater London Authority (GLA) is at the forefront of ensuring due consideration is given to heritage by enabling the successful management of change. The policies in the London Plan, along with national and local policy documents, create the framework within which applications are formulated and determined and are therefore of critical importance.

This report analyses the application of heritage and other relevant policies of the London Plan in the management of the historic environment. It is intended to support Historic England in the approach it wishes to adopt as part of the review of the London Plan.

Methodology

The study was undertaken in four main stages:

1. Compliance Framework – assesses London Plan heritage policies against the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and Historic England Good Practice Guidance;
2. Survey of Conservation Officers - survey of London Conservation Officers to understand their views on the London Plan's heritage policies and their application;
3. Case Study Review - review of 20 case studies for a range of developments across London to understand how the heritage policies in the London Plan were used during the determination of planning applications by the LPA, GLA and at appeal; and
4. Recommendations – draws together the findings of the compliance framework, survey and case studies to make recommendations.

Findings and Recommendations

The study finds that overall there is typically greater awareness, understanding and use of the heritage policies in the NPPF and local planning documents than the London Plan. The study has not found any evidence that this is due to the heritage policies themselves, rather it is a more general issue regarding awareness

and application of the London Plan as a whole, relative to the related policy framework.

The compliance framework finds that overall there is good alignment between the NPPF and London Plan, and the Conservation Officers survey indicates that similarly there is generally good alignment between local policies and the London Plan. It is therefore reasonable to assume that Officers are content to primarily draw on the national and local policies in decision making and only turn to the London Plan where it provides policies not found at the national or local level, for example the London View Management Framework (LVMF), or where it can add strength to a particular argument.

The study's key recommendations relate to awareness of the London Plan and its application as summarised below. In addition a series of policy specific recommendations are made in Section 6.

Awareness and use of London Plan heritage policies

In several of the case studies relevant London Plan heritage policies were not used to their full extent. This study has not found evidence that this occurs because the wording of the London Plan policy is not as good as it could be or the policy is misunderstood. Instead LPAs tend to rely on their own Local Plan policies and the NPPF, and the London Plan features less in consideration. The GLA also do not generally rely on London Plan policies in their Stage 1 and 2 Reports but consider proposals against its broader objectives. However where London Plan heritage policies are used in local and strategic decision making it is common for the policies to be identified as relevant but much less common for the proposal to be clearly and appropriately assessed against the policies. This is particularly noticeable in the lack of consideration given to understanding and assessing impact of proposals upon the significance of heritage assets.

It is therefore recommended that awareness of the London Plan heritage policies and their application in development management is increased through a series of training, illustrative best practices and/or awareness raising events.

Recommendation 1: Improve understanding and use of London Plan heritage policies and their application in pre-application and determination stages. This should be supplemented by provision of training for Borough and GLA Officers that demonstrates the value of applying the London Plan heritage policies when plan-making and determining proposals. To achieve this, consideration should be given to the GLA working with Historic England to develop a training package that ensures better understanding of heritage management. This should include illustrations of best practice for engaging in plan making for both planners and Conservation Officers.

The case studies have also identified that there is an opportunity for Historic England to consistently reference the London Plan as part of the consideration of heritage policies in the submissions it makes on planning applications.

Recommendation 2: Historic England consultation responses to routinely refer to London Plan policies.

Overarching London Heritage Strategy

The NPPF requires local planning authorities to set out a positive strategy for the conservation and enjoyment of the historic environment in their Local Plan. It is recommended that Historic England and GLA consider as part of the London Plan review, producing a London Heritage Strategy which would meet the requirement for a positive strategy.

The Strategy should address the requirements of the NPPF by championing London's heritage as positively contributing to the future regeneration, development and management decisions for the city. The Strategy should provide a clear strategic approach to dealing with London's heritage in the context of significant change, and support the delivery of sustainable growth. Furthermore, the Strategy should not be limited to planning, but be used as baseline for other relevant strategies that deliver the functions of the GLA, such as culture, regeneration, transport and land management.

The Strategy should be informed by a robust evidence base for the historic environment which can be used to provide clear objectives for strategic management of the historic environment in London, that support the London Plan and its heritage policies. The GLA in partnership with Historic England should explore the scope of a Heritage Strategy for London, which would principally inform the development of policies in the London Plan that conserve and enhance its unique heritage in the context of national policy. As evidence the Strategy could then be adapted into SPG and form a complementary part of the suite of topic specific guidance which already exists. In considering the production of a Strategy, the recent recommendations of the Local Plans Expert Group should be monitored to establish which are taken forward. In particular the recommendation that plans should produce a proportionate assessment of environmental capacity consistent with the tests set at Paragraph 14 of the NPPF.

Recommendation 3: The GLA in partnership with Historic England should consider producing a London Heritage Strategy in line with national policy.

Monitoring

The effectiveness of the London Plan is assessed through the London Plan Annual Monitoring Report which uses 24 Key Performance Indicators (KPI), one of which relates to heritage. The existing heritage KPI is a good proxy for the condition of designated heritage assets in the city, however it fails to cover numerous other heritage assets considerations or impacts which are the subject of policies in the Plan. There is an opportunity to develop additional indicators which capture other wider heritage issues. This includes the need for an indicator monitoring cumulative impact on London's heritage, as the NPPF seeks win-wins first and avoidance of harm, as well as an active, positive approach including enhancement of heritage assets. It is therefore recommended that the opportunity is taken for the GLA to review with Historic England the effectiveness of the existing KPI to capture management of the historic environment and to explore the inclusion of additional KPIs, that monitor in the round the impact of London Plan policies upon the historic environment.

Recommendation 4: GLA with Historic England to review the existing heritage KPI and to consider the benefits of additional KPIs that monitor the effectiveness of London Plan policies on the management of the historic environment.

The form, priorities and policies of the future London Plan

A future update to the London Plan will reflect the priorities and preferred approach of the new Mayor. It is highly likely that future versions of the Plan will place a strong emphasis on the delivery of housing and growth. It is also possible that future iterations of the London Plan may take a more flexible form such as an online portal or include an interactive mapping element.

This study and the suite of London Plan studies commissioned alongside it contribute to an evidence base that will inform Historic England's engagement with the new Mayor. It is recommended that Historic England establish a relationship with the Mayor and relevant appointed strategic advisers as soon as possible to understand and inform the direction of the Plan. Historic England should then continue to work with the GLA to develop the heritage policies in the new London Plan, picking up the points raised in this study along with findings from other evidence gathered by Historic England. The updated heritage policies should be finely tuned so that they address the strategic heritage issues facing London. This will involve developing a robust evidence base, identifying the challenges and opportunities, and setting out how the key strategic heritage issues can be managed through the London Plan in respect of development management, Local Plan preparation and implementation.

Recommendation 5: Historic England to establish a relationship with the new Mayor of London and his appointed strategic advisers as soon as possible and to continue to work with the GLA to develop the strategic heritage policies of the London Plan.

In addition to the key recommendations set out above, a series of alterations to existing Policies 7.4, 7.7, 7.8, 7.11 and 7.12, assuming these are retained in the update to the London Plan, are recommended (Recommendations 6-10 and 12). Additionally, it is recommended that the LVMF is kept up to date to take into account the changing skyline and to set out the current understanding and appreciation of the values associated with these strategic views (Recommendation 11) and the potential impact of tall buildings upon London's heritage (Recommendation 7).

Finally, a common area of minor non-alignment between the London Plan heritage policies and the NPPF is the approach to assessing net gains in decisions. This relates to how heritage is considered in decision-taking and plan-making, more typically as an urban design issues rather than as a key environmental issue that contributes to the delivery of sustainable development.

Recommendation 13: Add a clear reference early in the Plan to achieving through the management of change in London the economic, social and environmental dimensions of sustainable development, and net gains across all three, in line with national policy.

1 Introduction

1.1 Purpose of the Study

This report analyses the application of heritage and other relevant policies of the London Plan¹ in the management of the historic environment.

London welcomed a new Mayor in May 2016 and a review of the London Plan will commence with a draft plan potentially being published for consultation in 2017. This report is intended to support Historic England in the approach it wishes to adopt as part of the review.

1.2 Background

London has a rich and diverse heritage which contributes to the status and perception of the city and encourages growth and stimulates the national, London and local economies. The capital's diverse range of designated and non-designated heritage assets contribute to its status as a world class city. The city is always evolving, however it is currently experiencing a period of significant change in response to growth objectives. Whilst Historic England understand the need for economic growth and increased housing supply, the pace of and nature of redevelopment has the potential to have major consequences for London's historic environment.

There are significant pressures on local planning authorities (LPAs) to find sites for development and to grant permission to those schemes coming forward. Local authorities are under pressure to deliver the ambitious plans set out in the London Plan, and all development needs to be determined in the context of the National Planning Policy Framework's (NPPF) 'presumption in favour of sustainable development'.

The planning system is one of the key ways that the historic environment is protected and enhanced in a way that balances local economic, social and environmental needs and ambitions. The execution of planning functions by LPAs and the Greater London Authority (GLA) is at the forefront of ensuring due consideration is given to heritage by enabling the successful management of change. The policies in the London Plan, along with national and local policy documents, create the framework within which applications are formulated and determined and are therefore of critical importance.

The current London Plan includes approximately 120 policies of which the following are closely related to the management of the historic environment:

- Policy 2.10 Central Activities Zone – strategic priorities
- Policy 7.4 Local Character

¹ Greater London Authority, The London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011 (March 2015).

- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage led regeneration
- Policy 7.10 World Heritage Sites
- Policy 7.11 London View Management Framework
- Policy 7.12 Implementing the London View Management Framework

A copy of the full wording of each of these policies can be found in Appendix A.

Post NPPF (published in March 2012) the heritage policies in the London Plan have remained the same throughout the last few iterations of the Plan (namely the full revision of the London Plan 2011, July 2011; the London Plan [Revised Early Minor Alterations], October 2012; and the London Plan [Consolidated with Alterations since March 2011], March 2015). The only changes in respect of heritage in the London Plan since 2011 have been a minor change to the glossary of the definition of heritage assets and minor changes to the supporting text for Policy 7.8 Heritage Assets and Archaeology.

This is therefore a timely opportunity to test whether the policies in the London Plan are fit for purpose at a time when there is a genuine opportunity to influence their updating. The findings of this study are therefore important in contributing to the evidence base Historic England needs to positively influence the new Plan and continue to positively influence the management of the historic environment in London.

1.3 Aims and Objectives

The principal aim of the project is to provide evidence that clarifies how heritage policies in the London Plan are being applied when development proposals are assessed, and how effective they are proving in the management of the historic environment (that effectiveness to be assessed with reference to their compliance with/delivery of the policy set out in the National Planning Policy Framework (NPPF), the guidance in the National Planning Practice Guide (NPPG), and relevant Historic England advice).

The overall objectives are:

- developing a robust framework in which analysis of the performance of heritage policies, and any other relevant planning policies that have direct implications for the management of the historic environment, may be undertaken;
- assessing the heritage policies for their compliance with the NPPF, the NPPG, and relevant Historic England advice, such as the Good Practice Advice notes;
- reviewing the application of existing London Plan heritage policies and any other relevant policies that have a direct impact upon the management of the historic environment, in order to establish in what planning cases they have been used or not used, and should have been considered, assess how they have been used, and considered alongside/weighed against other planning policies;

- to identify key planning cases which illustrate the effectiveness and performance of heritage policies;
- to produce recommendations on how the London Plan heritage policies and any other relevant policies, could be improved so ensuring London's historic environment is appropriately managed.

1.4 Structure of this Report

The remainder of the report is structured as follows:

- Section 2: provides a summary of the methodology used;
- Section 3: summarises the findings of the compliance framework;
- Section 4: reports the findings of the Conservation Officers survey;
- Section 5: summarises the key findings of the case studies; and
- Section 6: provides a summary and recommendations.

For clarity, within this report references to LPA refer to the boroughs and GLA to the Greater London Authority. References to LPA committee reports relate to borough committee reports.

2 Methodology

2.1 Overview of Stages of Work

The study has been undertaken in four main stages as illustrated at Figure 1. In practice there was some overlap between the first three stages, with all three feeding into the fourth stage which drew together key findings from research in order to develop recommendations. Further information about each of the main stages is set out below.



Figure 1: Overview of Stages of Work

2.2 Compliance Framework

A compliance framework was developed to assess the relevant London Plan policies against higher tier policy and Historic England guidance. The framework considers the following London Plan policies:

- Policy 2.10 Central Activities Zone – strategic priorities;
- Policy 7.4 Local Character;
- Policy 7.7 Location and design of tall and large buildings;
- Policy 7.8 Heritage assets and archaeology;
- Policy 7.9 Heritage led regeneration;
- Policy 7.10 World Heritage sites;
- Policy 7.11 London View Management Framework; and
- Policy 7.12 Implementing the London View Management Framework.

These policies have been selected as they are all considered to be of relevance in the management of the historic environment. Some of the policies directly relate to the protection of heritage assets, namely Policies 7.8, 7.9 and 7.10. Others, namely Policies 7.4, 7.11 and 7.12, include references to heritage assets although heritage is not the primary focus.

While Policies 2.10 and 7.7 contain limited reference to heritage it is a consideration within these policies and assessment of impacts on heritage assets is necessary in order to apply them fully. A copy of the London Plan policies considered is contained in Appendix A.

The London Plan policies are compared against the relevant sections of the following policy/guidance documents:

- NPPF;
- NPPG;

- Historic Environment Good Practice Advice in Planning: 1 The Historic Environment in Local Plans (GPA1);
- Historic Environment Good Practice Advice in Planning: 2 Managing Significance in Decision-Taking in the Historic Environment (GPA2); and
- Historic Environment Good Practice Advice in Planning Note 3. The Setting of Heritage Assets (GPA3).

For each policy an assessment on the degree of alignment is provided along with a commentary setting out the reasons for the assessment. Where two policies are not directly comparable, this is recorded as 'N/A' in the compliance framework. Table 1 sets out the assessment criteria used.

The comparison focuses on the London Plan policies themselves since this is what is predominantly used in decision making, however the supporting text is also considered and anything of relevance noted, for example where there might have been a higher degree of conformance if something included in supporting text was included in the policy itself.

Table 1: Compliance Framework Assessment Criteria

	Very aligned	Policies are very consistent. Policies seek to achieve exactly the same ambition using exactly the same approach. The same or similar language is used.
	Aligned	Policies are consistent. Policies seek to achieve similar ambitions using similar approaches. Similar language is used.
	Some non-alignment	Policies are consistent in some areas but inconsistent in others. The policies seek to achieve slightly different ambitions or propose slightly different approaches.
	Not aligned	Policies are in conflict. Policies seek to achieve different ambitions and/or propose different approaches.

2.3 Conservation Officers Survey

The second stage was a survey of London Conservation Officers to understand their views on the London Plan's heritage policies and their application.

A survey included open questions covering the following topics:

- Officers role in determining planning applications and influencing planning policy;
- Familiarity with the concepts in the London Plan and NPPF and when they would be used;
- Consistency between local policies and the London Plan and NPPF;
- How often London Plan policies are used and why;
- Which of the London Plan policies are most helpful;
- Weight given to London Plan policies;
- How the London Plan policies are used; and
- Suggestions for how the London Plan policies could be improved.

A copy of the questionnaire can be found in Appendix B.

The survey was given to all Conservation Officers present at the London Conservation Officer Group Meeting on 25 February 2016. In total 12 surveys were completed. Those who were unable to attend the meeting were given the opportunity to respond by e-mail and two further responses were received this way. Data from the survey is used alongside the Compliance Framework and Case Studies (see below) to inform the recommendations.

2.4 Case Studies

The most substantial stage of work was the review of 20 case studies to understand how the heritage policies in the London Plan were used during the determination of planning applications by the LPA, GLA and at appeal as relevant.

A proforma was completed for each case study covering the following:

- Application details, including reference, location, scheme description, site description, type of application and method of determination;
- Historic environment context identifying all relevant heritage designations and assets;
- How was heritage considered in the application documents, including application documents in which heritage was considered and Historic England advice;
- How London Plan heritage policies were taken into consideration in making the decision, including by the LPA, GLA and at appeal as relevant;
- Weight given to London Plan heritage policies compared to other policies, including by the LPA, GLA and at appeal as relevant;
- Weight given to NPPF heritage policies compared to other policies, including by the LPA, GLA and at appeal as relevant; and
- Key points.

Data to complete the proforma was gathered from publicly available documents including planning application documents, officer reports, planning committee meeting minutes, GLA Stage 1 and 2 reports, consultation responses, LPA and GLA decision notices and appeal decisions. All sources of data are recorded in the proforma.

15 of the 20 case studies were selected by Historic England from those referred to their internal Casework Review Panel. The selection sought to ensure coverage of a broad range of heritage assets, geographically spread across London. The following criteria were considered by Historic England in selecting case studies:

- Applications determined post adoption of the London Plan (July 2011) and NPPF (2012)²;

² In the Seagrave Road case study the NPPF was not in place at the time of determination.

- Applications of strategic relevance, including scale and potential importance;
- Robust geographical spread of casework, covering inner and outer London;
- Cases with overlapping heritage issues; and
- Applications with alignment to the Mayor's growth options for London.

The additional five case studies were selected by the Arup team through their knowledge of recent developments in London. The same criteria were used to select the additional case studies, with the exception that they were not necessarily included in Historic England's Casework Review Panel. The case studies selected by Arup were agreed with Historic England.

3 Compliance Framework

Overall the policies in the London Plan and NPPF, NPPG, and three Historic England Good Practice Advice notes are well aligned, however there are some specific areas where the policies and guidance do not completely align to one another. There are no examples where the policies were assessed to be ‘non-aligned’ using criteria, however there are several examples of London Plan policies having ‘some non-alignment’ with the higher tier policies/guidance and these are discussed below.

This section sets out the findings of the compliance review and is supplemented by the full compliance schedule which compares all the London Plan policies considered in this study with all relevant parts of the other policies/guidance and can be found in Appendix B.

3.1 Policy 2.10 Central Activities Zone – strategic priorities

NPPF

There is some inconsistency between Policy 2.10 of the London Plan and the NPPF due to the focus of Policy 2.10 on the economic dimension of sustainable development, whereas the NPPF presents a more balanced view taking into account the economic, social and environmental dimensions.

Policy 2.10 has some non- alignment with Paragraphs 6, 7 and 14 of the NPPF relating to sustainable development. The overarching focus of the London Plan policy is promoting the CAZ’s economic function, referring to it as “*the global iconic core of one of the world’s most attractive and competitive business locations*”. Whilst the other aspects of sustainable development are referenced in Policy 2.10, for example point d requires boroughs and partners to “*sustain and enhance the distinctive environment and heritage of the CAZ, recognising both its strategic components such as the River Thames, the Royal Parks, World Heritage Sites...*”, the environmental and social functions are not given the same priority as the economic function.

The review identified some non-alignment between Policy 2.10 and Paragraph 152 of the NPPF relating to net gains. Policy 2.10 makes no reference to net gains, whereas Paragraph 152 states: “*Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three.*” Policy 2.10 also makes no reference to mitigation for unavoidable impacts and does not provide guidance on how to resolve conflict between objectives, like the NPPF does. The focus on the business role of the CAZ means that the policy tends to favour these objectives being pursued at the expense of social and environmental objectives.

NPPG

There are limited areas of overlap between Policy 2.10 and the NPPG because the NPPG sections subject to this review provide detailed guidance on how to conserve and enhance the historic environment which is not the focus of Policy 2.10. No areas of non-alignment were identified.

The Historic Environment in Local Plans. Historic Environment GPA1

GPA1 and Policy 2.10 are consistent where they overlap, although Policy 2.10 is a relatively specific policy about the CAZ and therefore has limited direct overlap with the broader guidance on Local Plans in GPA1.

Managing Significance in Decision-Taking in the Historic Environment. Historic Environment GPA2

Again there is limited overlap between Policy 2.10 and GPA2. Some non-alignment was identified between Policy 2.10 and Paragraphs 25, 26 and 27 of GPA2 relating to assessing proposals. As discussed above, Policy 2.10 focusses on the economic dimension of proposals and does not consider environmental aims to the same degree, whereas GPA2 seeks a balance between economic, social and environmental sustainability and refers to achieving "*gains jointly and simultaneously*".

The Setting of Heritage Assets Historic Environment GPA3

Again there is limited overlap between Policy 2.10 and GPA3, no areas of non-alignment were identified.

3.2 Policy 7.4 Local Character**NPPF**

The NPPF and Policy 7.4 are aligned except in respect of Paragraph 152 of the NPPF which covers net gains and mitigating/compensating. Paragraph 152 requires for example "*net gains across all three*" dimensions of sustainable development. Policy 7.4 is partially aligned with bullet 4 of Paragraph 58 of the NPPF which requires schemes to respond to local character and history although this should be made more explicit in part A by including a reference to improving visual or physical relationships with heritage assets, making a positive link between heritage and local character as in the NPPF (paras 58-61).

NPPG

There is limited overlap between Policy 7.4 and NPPG, no areas of non-alignment were identified. Policy 7.4 states that the Mayor, boroughs and relevant partners should "*consider the different characters of their areas to identify landscapes, buildings and places... where that character should be sustained, protected and enhanced through managed change*". This is largely aligned with the NPPG's description of a "*positive strategy for the conservation and enjoyment of the historic environment*" although the NPPG implies a more proactive approach than Policy 7.4. NPPG specifically recognises that delivery of the strategy may require

development of specific policies, Policy 7.4 is a good example of a specific policy.

The Historic Environment in Local Plans. Historic Environment GPA1

Policy 7.4 has some non-alignment with Paragraph 20 of GPA1 relating to cumulative impact. Policy 7.4 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of Paragraph 20 of GPA1.

In all other respects the two are aligned. Policy 7.4 has a specific section on planning decisions which is consistent with GPA1's advice to include specific development management policies for the historic environment. The 'Planning Decision' section of Policy 7.4 provides additional clarity, which is identified in GPA1 as a possible reason for including development management policies.

Managing Significance in Decision-Taking in the Historic Environment. Historic Environment GPA2

There is limited overlap between Policy 7.4 and GPA2, however where there is overlap the two are aligned except in respect of consideration of cumulative impact which is not covered in Policy 7.4 but is a requirement of Paragraph 28 of GPA2.

The Setting of Heritage Assets Historic Environment GPA3

There is limited overlap between Policy 7.4 and GPA3. There is one area of non-alignment between Policy 7.4 and Paragraphs 5-8 GPA3 relating to views and setting. Policy 7.4 only makes reference to views when it states that development should "*improve an area's visual or physical connection with natural features*", whereas the views covered by GPA3 are broader in scope and not limited to visual or physical connections. GPA3 contains detailed guidance on "*views which contribute more to understanding the significance of a heritage asset*" for example "*those between heritage assets and natural or topographic features*"; this is not covered in Policy 7.4.

3.3 Policy 7.7 Location and design of tall and large buildings

NPPF

In some respects Policy 7.7 and the NPPF are very aligned, for example Paragraph 126 the NPPF requires that "*local planning authorities should set out in their Local Plan a positive strategy for... the historic environment*". Policy 7.7 contributes to achieving this by requiring plans to consider which areas are "*appropriate, sensitive or inappropriate for tall or large buildings*" and that these should be consistent with the "*heritage policies of this Plan*". However Policy 7.7 includes a qualification of 'unacceptably' as follows: "*tall and large buildings should not have an unacceptably harmful impact on their surroundings*" implying that some degree of harm is acceptable and therefore is not entirely consistent with a positive strategy, due to this ambiguity.

There are two areas of non-alignment between the NPPF and Policy 7.7 regarding presumption on favour of sustainable development and net gains:

- Policy 7.7 makes no reference to net gains or mitigation for unavoidable impacts which is a requirement in Paragraph 152 of the NPPF; and
- Policy 7.7 also does not provide guidance on how to resolve conflict between objectives as Paragraph 152 of the NPPF does.

NPPG

As with the NPPF there are some aspects of the NPPG and Policy 7.7 which are very aligned, for example Policy 7.7 complies with the NPPG statement that *"delivery of the strategy may require the development of specific policies"*, and is in line with the NPPG requirement for a positive conservation strategy where it states that the impact of proposed tall buildings in sensitive locations *"should be given particular consideration"*. The policy further states that particular consideration should be given to locations and buildings with heritage designations and *"areas designated by boroughs as being sensitive or inappropriate for tall buildings"*.

There is one area of some non-alignment, Policy 7.7 states that *"the impact of tall buildings in sensitive locations should be given particular consideration. Such areas might include conservation areas"*. Paragraph 018 of NPPG covers harm in relation to conservation areas but focuses only on demolition and does not cover the potential for harm from new buildings. Part E of Policy 7.7 could be more explicit in terms of weight attached to avoiding harm.

The Historic Environment in Local Plans. Historic Environment GPA1

There is limited overlap between Policy 7.7 and GPA1, however where there is overlap the two are aligned particularly in respect of identifying inappropriate development which is covered by Paragraph 15 of GPA1. Policy 7.7 requires a plan-led approach to tall buildings which is consistent with GPA1's requirements but the policy identifies three categories of areas *"appropriate, sensitive and inappropriate"* for tall buildings. GPA1 specifically mentions tall buildings within identified view corridors as being potentially inappropriate.

Managing Significance in Decision-Taking in the Historic Environment. Historic Environment GPA2

There is one area of non-alignment between Policy 7.7 and Paragraphs 25, 26 and 27 of GPA2 relating to the assessment of proposals. Policy 7.7 does not recognise economic, social and environmental strands of sustainability and does not reference substantial harm as GPA2 does, however Policy 7.7 does require that tall buildings should *"make a significant contribution to local regeneration"* which would reasonably include consideration of economic, social and environmental strands although this is not explicitly noted within the policy. Policy 7.7 would better align with GPA2 if it included reference to cumulative impact, as set out in Paragraph 28 of GPA2.

Policy 7.7 considers the design of tall and large buildings as part of the application process and indirectly covers significance by identifying different

types of sensitive landscapes. However Policy 7.7 does not specifically cover the assessment of significance as set out in GPA2, although it does refer to the heritage policies in Part E.

The Setting of Heritage Assets Historic Environment GPA3

Policy 7.7 and GPA 3 are aligned in all the areas in which they overlap, although Part E of Policy 7.7 is more limited in its reference to setting, whereas Paragraph 3 of GPA3 sets out how setting should be understood as a wider concept.

3.4 Policy 7.8 Heritage assets and archaeology

NPPF

Of all the heritage policies in the London Plan, Policy 7.8 has the most overlap with the relevant policies in the NPPF. There are several areas in which the two are very aligned but also some areas of non-alignment. Paragraph 126 of the NPPF requires a “*positive strategy for the conservation and enjoyment of the historic environment*” which is broadly achieved by Policy 7.8 although there is scope to improve this, for example Part C could include “...*incorporate heritage assets, as appropriate, taking opportunities to enhance and better reveal significance*” as set out in NPPF Paragraph 137.

Policy 7.8 points to the planning system “*playing an active role in guiding development to sustainable solutions*” and to development enhancing “*the contribution of built, landscaped and buried heritage to London’s environmental quality, cultural identity and economy*”, it is therefore consistent with Paragraphs 8 and 9 of the NPPF which seek to take forward the elements of sustainable development together. Both Policy 7.8 and the NPPF seek positive improvements in the quality of the built and historic environment. Paragraphs 8 and 9 are not specifically about the historic environment, and therefore also place emphasis on improving quality of lives, for example referring to creating jobs and homes, this broader approach to sustainability is not specifically covered in Policy 7.8 although the reference to “*sustainable solutions*” means this is compatible as sustainability is described more broadly elsewhere in the London Plan.

The NPPF and Policy 7.8 are broadly aligned in terms of place making credentials, for example Paragraph 58 of the NPPF refers to developments responding to local character and history, and Paragraph 61 refers to integration of development with natural, built and historic environment. Policy 7.8 requires developments to take account of the positive role heritage assets can play in place shaping and LDFs to include policies for the historic environment which take into account natural landscape character amongst other things.

The areas of some non-alignment relate to areas where the NPPF contains more detailed guidance which is missing from Policy 7.8.

Development that compromises heritage assets is discouraged to a lesser degree in Policy 7.8, for example Paragraph 132 the NPPF refers to attaching “*great weight*” to the assets conservation whereas Policy 7.8 includes a “*where appropriate*” caveat, stating “*development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate*”. Paragraph

132 of the NPPF recognises that *"heritage assets are irreplaceable"* and there is no equivalent statement in Policy 7.8.

The NPPF's Glossary provides the following definition of 'significance' (for heritage policy) *"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."* Policy 7.8 requires development affecting heritage assets and their settings *"conserve their significance"* but the London Plan does not contain a detailed explanation of what is meant by the term. Part D of Policy 7.8 appears to define significance as being only a visual impact whereas the NPPG for example recognises that setting could also be affected where heritage assets have historic special relationships for instance. Policy 7.8 does however emphasise how responses should differ depending on significance, whereas Paragraph 132 of the NPPF states *"the more important the asset, the greater the weight should be"*.

Similarly the NPPF requires consideration of the degree of harm, distinguishing between *"substantial harm"* and *"less than substantial harm"*. This is not covered in Policy 7.8, although the policy's supporting text does refer to *"substantial harm"* and *"less than substantial harm"* and this is sufficient. Exactly the same wording is used in both documents, for example *"Substantial harm to or loss of a designated heritage asset should be exceptional, with substantial harm to or loss of those assets designated of the highest significance being wholly exceptional"* (Paragraph 7.31A of the London Plan and Paragraph 231 of the NPPF).

Policy 7.8 also does not cover the principle of public benefits or provide guidance on the circumstances in which harm might be acceptable in the same way as Paragraph 133, although this is covered in supporting text to Policy 7.8 which directly replicates the wording in Paragraph 134 of the NPPF, for example stating *"where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use"*.

Policy 7.8 makes no reference to evidence of neglect and how this should be considered in determining applications which is a requirement of Paragraph 130 of the NPPF.

There is also some non-alignment with Paragraph 135 of the NPPF because Policy 7.8 does not cover non-designated assets and does not emphasise the importance of significance in the same way the NPPF does.

Finally Policy 7.8 makes no reference to ensuring development proceeds after loss, which is a requirement of Paragraph 136 in the NPPF.

NPPG

There is one area of non-alignment with the NPPG: Policy 7.8 states that *"conservation areas... should be identified... so that the desirability of sustaining and enhancing their significance and utilising their positive role in place shaping can be taken into account"*, Paragraph 018 of the NPPG is entitled *"What about harm in relation to conservation areas?"* but has a much narrower focus with no

reference to the positive role in place shaping. Paragraph 018 focusses on whether or not the demolition of heritage assets in conservation areas constitutes substantial harm based on the relative significance of the building.

Policy 7.8 seeks to ensure that *"development affecting heritage assets and their settings should conserve their significance"* as the NPPG does where it states that *"significance derives not only from a heritage asset's physical presence, but also its setting"*. Policy 7.8 does not state what constitutes substantial harm while the NPPG states that substantial harm is measured by the *"degree of harm to the asset's significance"*. Policy 7.8 could be amended in this respect to increased compliance.

The Historic Environment in Local Plans. Historic Environment GPA1

Both GPA1 and Policy 7.8 promote a strategic approach to managing the historic environment, for example Policy 7.8 requires boroughs to *"maintain and enhance...the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy"* which is in line with GPA1's requirement for a positive approach. There is one area of non-alignment in respect of cumulative impact because Policy 7.8 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of Paragraph 20 of GPA1.

Managing Significance in Decision-Taking in the Historic Environment. Historic Environment GPA2

The majority of Policy 7.8 is in compliance with GPA2, although GPA2 provides more detailed guidance. There are some areas where the policies do not align. Firstly as with other London Plan heritage policies, Policy 7.8 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of Paragraph 28 of GPA2.

Secondly, Policy 7.8 does not contain any requirement for LPAs to make historic environment information publically available. Whereas GPA2 provides detailed information on how this information should be recorded and made available.

Thirdly, Policy 7.8 makes reference to *"consultation with English Heritage [now Historic England], Natural England and other relevant statutory organisations"* but not to public consultation which is the focus of GPA2.

Finally, Policy 7.8 makes no reference to evidence of neglect and how this should be considered in determining applications which is a requirement of GPA2.

The Setting of Heritage Assets Historic Environment GPA3

There are no area of non-alignment between GPA3 and Policy 7.8.

3.5 Policy 7.9 Heritage led regeneration

NPPF

There is a high degree of compliance between the NPPF and Policy 7.9, with the overarching aims of both very much aligned. As an example Policy 7.9 requires LDFs to support the principles of heritage-led regeneration in LDF policies, this is consistent with the "*positive strategy*" suggested by the NPPF, particularly when coupled with Policy 7.9's positive approach to using heritage as a "*catalyst for regeneration*". Policy 7.9 recognises the importance of conservation in the "*establishment and maintenance of sustainable communities and economic vitality*" this is highly aligned with the NPPF requiring LPAs to take into account the "*wider social, economic and environmental benefits that conservation and of the historic environment can bring*". The policies are identical in seeking "*viable uses consistent with their conservation*". Both policies are effective in requiring consideration of the contribution the historic environment can make to character of place. There are no areas of non-alignment.

NPPG

There are no areas of non-alignment between Policy 7.9 and the NPPG.

The Historic Environment in Local Plans. Historic Environment GPA1

There is one area of non-alignment in respect of cumulative impact because Policy 7.9 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of Paragraph 20 of GPA1.

Managing Significance in Decision-Taking in the Historic Environment. Historic Environment GPA2 2

Policy 7.9 and GPA2 are aligned. Policy 7.9 actively promotes "*heritage-led regeneration*" and identifies heritage as a "*catalyst for regeneration*" which is consistent with the GPA2 which promotes "*positive improvements in the quality of the historic environment*", for example "*Most conservation areas, for example, will have sites within them that could add to the character and value of the area through development*". There are no areas of non-alignment between Policy 7.9 and GPA2.

Compliance between Policy 7.9 and GPA2 could be increased by adding reference to design elements of proposals into Policy 7.9. GPA2 provides guidance on design and local distinctiveness affecting heritage assets, whereas Policy 7.9 focusses on the heritage assets themselves.

The Setting of Heritage Assets Historic Environment GPA3

Policy 7.9 and GPA3 are well aligned and there are no areas of non-alignment.

3.6 Policy 7.10 World Heritage Sites

NPPF

Policy 7.10 and the NPPF are compatible with both providing clear guidance on the role of World Heritage Sites (WHS) and how they should be considered in policy making and planning decisions. There are no areas of non-alignment.

NPPG

Policy 7.10 and the NPPG are compatible, for example Policy 7.10 states that "*appropriate weight should be given to implementing the provisions of World Heritage Site Management Plans*". The NPPG provides a description of what these plans are. There are no areas of non-alignment.

The Historic Environment in Local Plans. Historic Environment GPA1

The majority of Policy 7.10 and GPA1 are compatible. Policy 7.10 has a specific section on planning decisions which is consistent with GPA1s advice to include specific development management policies for the historic environment. This part of Policy 7.10 provides additional information in order to address the local circumstances, which is identified in GPA1 as a possible reason for including development management policies.

There is one area in which the two are not compatible: Policy 7.10 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of Paragraph 20 of GPA1, although GPA1 does not specifically refer to WHSs.

Managing Significance in Decision-Taking in the Historic Environment. Historic Environment GPA2

Policy 7.10 and GPA2 are aligned. Policy 7.10 states that development in WHS should "*conserve, promote, make sustainable use of and enhance their authenticity, integrity and significance and Outstanding Universal Value*" which is aligned with GPA2's guidance for development proposals to appreciate the significance of heritage assets.

As with other London Plan policies, Policy 7.10 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of Paragraph 28 of GPA2. There are no other areas of non-alignment.

The Setting of Heritage Assets Historic Environment GPA3

Policy 7.10 and GPA3 are compatible and there are no areas of non-alignment.

3.7 Policy 7.11 LVMF

NPPF

Policy 7.11 covers the London View Management Framework (LVMF). The principle of such a policy is unique to London and as such there are limited direct comparisons with higher tier policies and guidance. Nevertheless the principles of the policy align well with those in the NPPF. For example in promoting strategic

corridors Policy 7.11 is aligned with the NPPF's requirement that *"the planning system should play an active role in guiding development to sustainable solutions."* The strategic viewing corridors provide clear guidance for development which has the potential to create visual impact. There are no areas of non-alignment.

NPPG

Policy 7.11 and NPPG are compatible and there are no areas of non-alignment. Policy 7.11 states that *"the Mayor has designated a list of strategic views (Table 7.1) that he will keep under review... Development will be assessed for its impact on the designated view if it falls within the foreground, middle ground or background of that view"*. The designation of views provides a positive tool for the conservation of the historic environment and is therefore consistent with the NPPG requirement to prepare a *"positive strategy"*.

The Historic Environment in Local Plans. Historic Environment GPA1

Policy 7.11 and GPA1 are compatible and there are no areas of non-alignment. Policy 7.11 sets out LVMF which is highly consistent with GPA1 which suggests Local Plans might need to identify areas where certain types of development might need to be limited. GPA1 specifically mentions tall buildings within identified view corridors as being potentially inappropriate.

Managing Significance in Decision-Taking in the Historic Environment. Historic Environment GPA2

Policy 7.11 does not contain a 'Planning Decisions' section like the other London Plan heritage policies, since GPA2 covers decision-taking there is very limited overlap between the two, however where there is overlap the two are compatible.

The Setting of Heritage Assets Historic Environment GPA3

In referencing the Mayor's guidance on the *"management of the designated views"* Policy 7.11 meets the requirements of GPA3 which recommends *"a formal views analysis"* where *"complex issues involving views comes into play"*. However there is one area of some non-alignment. The two differ in that Paragraph 6 of GPA3 has a broader definition of significance which encompasses non-physical elements, such as where *"relationships between the asset and other historic assets or places or natural features are particularly relevant"*. Policy 7.11 has a much narrower use of the term 'significance', for example Policy 7.11 refers to *"significant buildings"* and *"strategically important landmarks"* but does not directly reference any aspects of significance which do not relate purely to a visual impact.

3.8 Policy 7.12 Implementing the LVMF

NPPF

As with Policy 7.11, there is limited overlap between the NPPF and Policy 7.12, nevertheless where there is overlap the two are aligned. In implementing strategic corridors Policy 7.12 is aligned with the NPPF's requirement that *"the planning*

system should play an active role in guiding development to sustainable solutions."

NPPG

There are limited areas of overlap between Policy 7.12 and NPPG, nevertheless where there is overlap the two are aligned. Policy 7.12 concerns the implementation of a positive strategy: the LVMF. This is consistent with the NPPG requirement for local plans to include *"delivery of development within their settings that will make a positive contribution to, or better reveal the significance of, the heritage asset"*.

The Historic Environment in Local Plans. Historic Environment GPA1

Policy 7.12 and GPA1 are compatible and there are no areas of non-alignment. Policy 7.12 sets out how LVMF should be implemented which is highly consistent with GPA1 which suggests Local Plans might need to identify areas where certain types of development might need to be limited. GPA1 specifically mentions tall buildings within identified view corridors as being potentially inappropriate.

Managing Significance in Decision-Taking in the Historic Environment. Historic Environment GPA2

Policy 7.12 and GPA2 are compatible and there are no areas of non-alignment.

The Setting of Heritage Assets Historic Environment GPA3

Policy 7.12 and GPA3 are compatible and there are no areas of non-alignment.

4 Conservation Officers Survey

4.1 Who responded

The majority of Conservation Officers responding to the survey have a role in advising on the determination of planning applications in their borough, with some also having a role in developing planning policy, managing heritage assets, applying for funding, developing Local Lists and undertaking character studies.

4.2 Relationship with Local Plans

Almost all respondents felt that their Local Plan policies are consistent with the NPPF. The majority also considered their Local Plan to be consistent with the London Plan, with a couple of respondents noting that because of this they do not routinely consider the London Plan policies separately.

Generally respondents felt that their Local Plan policies were more specific to their local area and more rigorous than the London Plan, and as such more helpful in determining applications than the London Plan. One respondent noted that the London Plan is more specific in relation to views.

4.3 Use of London Plan

The majority of respondents were more familiar with the NPPF and their Local Plan policies than the London Plan. The majority of Borough officers also said that they tend to rely on their Local Plans and NPPF to determine applications, and the London Plan features less in consideration.

There was a broad range of comments in response to the question on how often London Plan policies are used in the determination of applications with some using them 'occasionally' and others 'always'. Those that used them less frequently did so because they are "very broad", "Local Planning policy is more detailed" and "they do not usefully supplement or add detail to the strategic decision making scheme provided in the NPPF".

The London Plan policies were considered to be most useful:

- at appeal;
- where Local Plan policies are out of date;
- where equivalent local policies do not exist, for example Policy 2.10 on the CAZ and Policies 7.11 and 7.12 on the LVMF;
- for high profile applications;
- where additional weight is needed to justify a recommendation to refuse;
- where additional weight is needed to require an applicant to revise an inappropriate development; and
- when commenting on an application in an adjoining borough.

4.4 Which London Plan policies are used

Almost all respondents identified Policy 7.8 on heritage assets and archaeology as being the most helpful heritage policy in the London Plan. Within this one respondent identified parts C (development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate) and D (development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail) as being particularly helpful because these directly reference the need to conserve and value heritage buildings.

Policy 7.4 on local character and Policy 7.7 on tall buildings were also identified by several respondents as being helpful.

Policy 7.9 was identified by a few respondents as being helpful, although one respondent noted that this has not really been used in recent assessments of town centre redevelopment in their borough.

Policies 7.11 and 7.12 on the LVMF and Policy 2.10 on the CAZ were also identified as helpful by some of the boroughs to which these apply. Interestingly not all boroughs who fall within these areas identified them as being helpful.

4.5 Weight given to London Plan policies

The amount of weight given to London Plan policies varies, with some respondents saying little weight was attached and others strong weight. One respondent noted that the London Plan's heritage policies are regularly given less weight than London Plan policies on commercial development, regeneration and residential development (specific policies not identified).

A couple of respondents noted that the London Plan policies are not relevant for many of the applications they get involved in, for example Listed Building Consent applications for minor alterations.

One respondent noted that the London Plan heritage policies have been outweighed in the past by the NPPF policy relating to public benefits (Paragraph 134).

One respondent noted that the Planning (Listed Buildings and Conservation Areas) Act 1990 is always used in the first instance when determining applications.

4.6 Benefit of London Plan policies

Most respondents felt that the London Plan's heritage policies do have a positive effect on the management of the historic environment.

The benefit of Policies 7.11 and 7.12 on the LVMF were particularly identified by one respondent who noted that these policies prevent some applicants coming forward with inappropriate proposals.

4.7 Suggested improvements

A number of improvements were suggested and these are reported here as they were provided in the questionnaire responses:

- expand Policy 7.7 part E to explain what is meant by “*the impact of tall buildings proposed in sensitive locations should be given particular consideration;*”
- strengthen Policy 7.7 to prohibit tall buildings in or adjacent to Conservation Areas;
- expand Policy 7.8 part C (development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate), no specific suggestion was provided;
- expand Policy 7.8 part D (development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail) to refer to guidance formerly in the Annex to Planning Policy Statement 15 or to be more explicit about historic fabrics and other finite elements of heritage assets which once lost can never be replaced in their “actual historic integral form”;
- expand Policy 7.8 to require LPAs to prepare lists of locally listed buildings with the local community;
- update Policy 7.11 to make clear that tall buildings are not automatically acceptable outside the viewing corridors;
- strengthen Policies 7.11 and 7.12 in respect of views to St Pauls where the Shard is in the background so that it does not accept that in this view tall buildings are now acceptable;
- identify Conservation Areas of London-wide importance;
- add a policy relating to the protection of locally listed buildings;
- include guidance on the use of Certificates of Lawfulness or proposed works to a Listed Building;
- make more concise;
- provide clarity on how the London Plan links to/works with the NPPF, particularly in relation to public benefits;
- prepare a three dimensional planning model that can be accessible for decisions analysis in respect of tall buildings; and
- require LPAs to champion design reviews.

One respondent also suggested the preparation of a document similar to the Historic England Good Practice Advice Notes which draws together the London Plan ‘priority areas’ (assumed to mean opportunity areas) and gives guidance on their application.

5 Case Studies

A total of 20 case studies have been examined to understand if and how London Plan heritage policies were used in decision making. This includes whether proposals were analysed against the requirements of the policies, the weight given to heritage in decision making and if and how the policies were used by different decision makers. This section provides a commentary of that analysis. A proforma for each case study can be found in Appendix D, and a table setting out whether there is explicit or inferred reference to heritage policies in decision making is provided at Appendix E.

This study examines to what extent heritage policies in the London Plan are used. It does not seek to interpret whether they were ‘used well’ or whether the judgements were correct. Thus, where reference is made to ‘weight’ given this reflects the degree that heritage was considered and not the quality of the assessment.

5.1 The Case Studies

The 20 case studies, set out in Table 2 were selected from a range of development proposals across Greater London: 12 of the proposals are located in inner London and eight are in outer London. Six of the case studies involve proposals in the CAZ. The case study locations are shown on Figure 2.

Table 2: Case Studies

No	Name	No	Name
1	Alpha Square	11	Seagrave Road Car Park
2	Great Eastern Quays	12	30-60 South Lambeth Road
3	Mount Pleasant	13	One Nine Elms
4	Maggie’s Centre, Barts Hospital	14	Wayland House
5	51 College Road	15	Brentford Football Ground
6	Old Post Office, Ashdown Road	16	St Bernard’s Hospital
7	110 Walm Lane	17	9-42 The Broadway
8	Shell Centre	18	Land to the rear of Oaks Shopping Centre
9	Convoy’s Wharf	19	3-17 Whitcombe Street
10	12-14 Lombard Road	20	Panton Street/ Orange Street/ St Martin Street

While the case studies cover a range of development types, the most commonly represented are mixed use schemes accounting for 16 of the analysed case studies. Of the remaining proposals, 110 Walm Lane and Wayland House are for residential schemes, while the Panton Street/Orange Street/St Martin’s Street is a hotel proposal, and the Maggie’s Centre case involves the demolition of a building adjacent to a Grade I listed building for redevelopment as a cancer care facility.

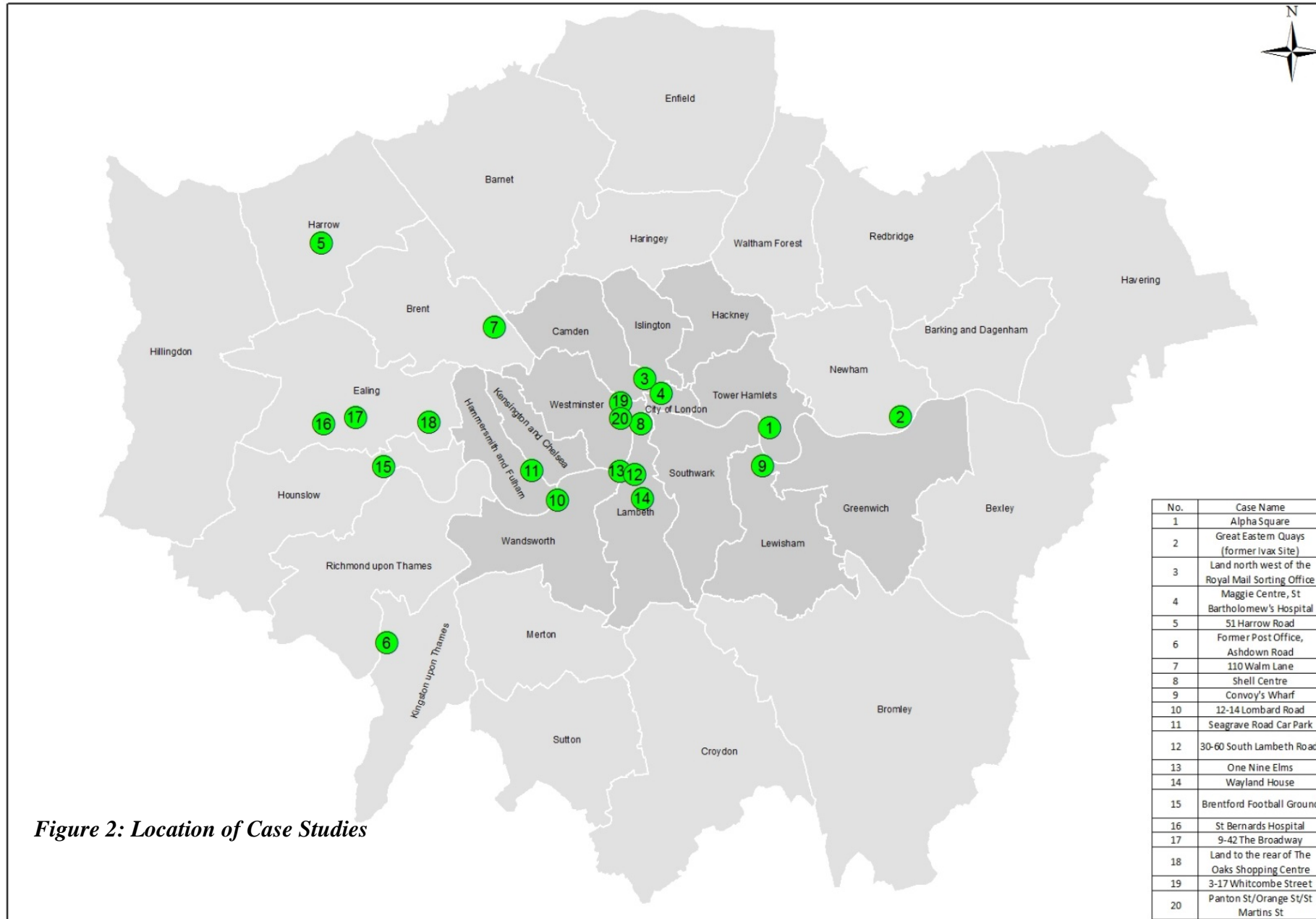


Figure 2: Location of Case Studies

The most frequently considered heritage assets/designations were Setting (10 case studies), Conservation Areas (eight case studies) and Archaeological Priority Areas (eight case studies). Grade I/II/ II* listed buildings were relevant in six case studies, View Management Corridors in five, proximity to World Heritage Sites in three and the following designations were each considered in one case study:

- Areas of Archaeological Interest;
- Non-Designated Heritage Assets;
- Local Viewing Corridors;
- Local Listings.

The case studies were determined by a range of bodies including LPAs, the GLA and Planning Inspectors. All of the case studies were approved except 110 Walm Lane which was refused by the LPA (with the Planning Inspector also dismissing the appeal) and Alpha Square which was called in by the Mayor of London for determination in March 2016 under Article 7 of the Mayor of London Order 2008 and is pending determination. Of the 20 case studies, 15 were determined by the LPA, two by the Planning Inspector (Shell Centre and 110 Walm Lane) and three by the GLA after direction that the Mayor would become the LPA (Alpha Square, Convoy's Wharf and Mount Pleasant). Furthermore, the Mount Pleasant case was subject to an unsuccessful Judicial Review in 2015 after being called-in and approved by the Mayor of London.

A total of 17 case studies met the criteria for referral to the Mayor of London under the Mayor of London Order (2008). 110 Walm Lane, Maggie's Centre and 3-17 Whitcomb Street did not meet the criteria for referral to the GLA.

Table 3 summarises the main attributes of each of the case studies.

Table 3: Overview of Case Studies

Case Study	Borough	Inner/ Outer	CAZ	Summary Scheme Description	Heritage Asset/ Designation	GLA Consultation	Decision Maker
Alpha Square	Tower Hamlets	Inner	No	Demolition to enable redevelopment of three mixed use buildings of 65, 20 and 34 storeys above ground, with the retention of the North Pole public house.	View Management Corridor; Setting (WHS and Listed Buildings); Area of Archaeological Interest	Stage 1 and Stage 2	GLA
Great Eastern Quays	Newham	Outer	No	Demolition and redevelopment for a mixed use scheme including 819 residential units with the retention of the pumphouse, dockside heritage features and flood defence infrastructure.	Archaeological Priority Area; Setting (Listed Building and Conservation Area) Non-Designated Heritage Assets	Stage 1 and Stage 2	LPA
Mount Pleasant	Islington/ Camden	Inner	Yes	Demolition and redevelopment of two adjoining sites for a mixed use scheme ranging from three to 15 storeys.	View Management Corridor; Conservation Area; Setting (Listed Buildings and Conservation Areas); Archaeological Priority Area	Stage 1 and Stage 2	GLA
Maggie's Centre, St Barts Hospital	City of London	Inner	Yes	Demolition of a 1960s finance building within the St Bartholomew's Hospital complex and replacement with a three storey cancer care facility building.	Grade I, II, II* Listed Buildings; Conservation Area	No GLA referral	LPA
51 College Road	Harrow	Outer	No	Demolition of former Harrow Post Office for a mixed use scheme of 20 storeys including 318 flats.	Setting (Listed Buildings, Conservation Area); Local Character Area; Local Viewing Corridor	Stage 1 and Stage 2	LPA
Former post office, Ashdown Road	Kingston	Outer	No	Erection of new buildings of four to 16 storeys in height for a mixed use scheme including 319 residential	Grade II and II* Listed Buildings; Setting (Grade II*)	Stage 1 Report	LPA

Case Study	Borough	Inner/ Outer	CAZ	Summary Scheme Description	Heritage Asset/ Designation	GLA Consultation	Decision Maker
				units. Alterations to listed buildings to accommodate retail/café uses.	Listed Building, Conservation Area and Registered Park)		
110 Walm Lane	Brent	Outer	No	Demolition of an existing public house and Conservative Club and erection of a two to 10 storey residential building with 53 residential units.	Setting (Conservation Area and Listed Buildings); Conservation Area	No GLA referral	Planning Inspector
Shell Centre	Lambeth	Inner	Yes	Part demolition of the Shell Centre to enable the mixed use development of eight buildings ranging from 5 to 37 storeys in height and Conservation Area Consent and Listed Building Consent applications for demolition works and alterations.	View Management Corridor; Setting (WHS, Conservation Area and Listed Buildings); Conservation Area; Local Listing; Archaeological Priority Area	Stage 1 and Stage 2 Report	Planning Inspector
Convoy's Wharf	Lewisham	Inner	No	Demolition of all non-listed buildings on Convoy's Wharf to enable a mixed-use development including 3,500 residential units and refurbished Grade II Listed Olympia Building.	Grade II Listed Building; Setting (WHS, Listed Building): Archaeological Priority Area	Stage 1 and Stage 2 Report	GLA
12-14 Lombard Road	Wandsworth	Inner	No	Demolition of a part-retained building for a mixed use 28 storey building, including 135 residential units and Listed Building Consent for the removal of a boundary wall abutting a Grade II* Listed bridge	Grade II* Listed Bridge; Local Archaeological Site; Setting (Listed Buildings)	Stage 1 and Stage 2 Report	LPA

Case Study	Borough	Inner/ Outer	CAZ	Summary Scheme Description	Heritage Asset/ Designation	GLA Consultation	Decision Maker
Seagrave Road Car Park	Hammersmith and Fulham	Inner	No	Demolition of all existing buildings to enable a mixed use development including 808 residential units.	Setting (Registered Park or Garden, Listed Buildings and Conservation Area)	Stage 1 and Stage 2 Report	LPA
30-60 South Lambeth Road	Lambeth	Inner	Yes	Redevelopment of existing site to provide a 32 storey mixed use building, including 553 units for student residential accommodation.	View Management Corridor; Setting (Listed Buildings and Conservation Area, World Heritage Site); Archaeological Priority Area	Stage 1 and Stage 2 Report	LPA
One Nine Elms	Wandsworth	Inner	No	Demolition of existing buildings and structures to enable the erection of two mixed use buildings of 58 storeys and 43 storeys, including up to 491 residential units.	View Management Corridor; Setting (Listed Buildings, Conservation Areas and World Heritage Site); Archaeological Priority Area	Stage 1 and Stage 2 Report	LPA
Wayland House	Lambeth	Inner	No	Demolition and redevelopment of existing Wayland House with a part 15, part 20 storey residential development for 159 flats.	Setting (Conservation Area)	Stage 1 and Stage 2 Report	LPA
Brentford Football Club	Hounslow	Outer	No	Hybrid application including full planning application for demolition of all existing buildings and the erection of a stadium and outline planning application for erection of mixed use development including 910 residential units.	Setting (WHS, Registered Park or Garden, Conservation Area and Listed Buildings)	Stage 1 and Stage 2 Report	LPA
St Bernard's Hospital	Ealing	Outer	No	Hybrid planning application with an outline element for the demolition of workers accommodation; detailed	Grade II Listed Buildings; Setting (Conservation Area and Listed Buildings);	Stage 1 and Stage 2 Report	LPA

Case Study	Borough	Inner/ Outer	CAZ	Summary Scheme Description	Heritage Asset/ Designation	GLA Consultation	Decision Maker
				elements for the demolition of hospital buildings and erection of three storey residential units and a Listed Building Consent for demolitions and alterations.			
9-42 The Broadway	Ealing	Outer	No	Demolition of existing buildings to enable the erection of eight new mixed use buildings ranging from two to 18 storeys, including 188 residential units.	Conservation Area; Setting (Listed Buildings Grade II* and II, Conservation Area)	Stage 1 and Stage 2 Report	LPA
Land to the rear of The Oaks Shopping Centre	Ealing	Outer	No	Partial refurbishment, demolition and redevelopment of shopping centre and adjacent car park to provide five, eight and nine storey mixed use buildings, including 142 residential units.	Setting (Conservation Area)	Stage 1 and Stage 2 Report	LPA
3-17 Whitcomb Street	Westminster	Inner	Yes	Refurbishment and erection of a two storey extension at part of site and demolition of part of the site to provide a mixed use building of ground and part four/part five upper floors.	Grade II Listed Building; Setting (Conservation Area and Listed Buildings); Conservation Area; Archaeological Priority Area	No GLA referral	LPA
Panton Street/ Orange Street/St Martin's Street	Westminster	Inner	Yes	Demolition of existing buildings on the application site and the construction of a replacement 10 storey building with five basement levels to provide a 360 bedroom hotel.	Conservation Area; Archaeological Priority Area; Setting (Conservation Area, Grade I LB)	GLA Stage 1 and Stage 2 Report	LPA

5.2 Differences between decision makers

The case studies show that London Plan heritage policies are used by LPAs, the GLA and Inspectors in decision making to varying degrees. Historic England, as the Government's adviser on the historic environment is a statutory consultee in the planning process. Key observations from the case studies on how the various decision makers utilise the policies are set out below, with more detailed findings on a policy by policy basis provided in Section 5.3.

5.2.1 Local Planning Authorities

The case studies indicate that generally LPAs reference their local planning policies and the NPPF more heavily than the London Plan. In the majority of cases relevant London Plan heritage policies are identified as being relevant early on in Committee Reports but then subsequent detailed analysis of the proposal's compliance with policy relies on local or national policy and often no further reference is made to London Plan policies. For example in the Old Post Office case the application is considered in some detail against Kingston Core Strategy Policy CS8 on heritage, but not London Plan Policies 7.4, 7.7 and 7.8. While Policy CS8 encapsulates elements of Policies 7.4, 7.7 and 7.8, it does not include all of their requirements.

Typically LPAs do consider heritage issues which are the subject of London Plan Policies 7.4 and 7.8 although often this consideration does not make direct reference to the requirements of the policies themselves. Such examples include 9-42 The Broadway and the Old Post Office which refer to Policies 7.4 and 7.8 (and equivalent local policies) in a list of relevant policies then analyse the proposal without explicitly referencing them again.

Where relevant, London Plan Policies 7.11 and 7.12 are used most by LPAs, probably because there is usually no equivalent policy at the local level. However consideration is often in the context of the LVMF generally rather than these particular London Plan policies. The LVMF is considered in the following cases: Shell Centre, Convoy's Wharf, Alpha Square, Mount Pleasant, 30-60 South Lambeth Road and 12-14 Lombard Road. Further information is provided in Section 5.2.7.

As a general observation greater emphasis is placed on London Plan heritage policies when LPAs are minded to refuse an application, one such example is Alpha Square. Here the LPA uses national, London Plan and local policies to make the case for refusal. For example, London Plan Policies 7.10, 7.11 and 7.12 are used alongside Policy SP10 of the Core Strategy and policies DM26 and DM28 of the Managing Development Document to consider the impact of the development upon regional and locally important views and conclude that there is an unacceptable impact on views to the Maritime Greenwich World Heritage Site.

5.2.2 Greater London Authority

Convoy's Wharf and Mount Pleasant are the only two case studies determined by the GLA. The Alpha Square case is due to be determined by the GLA later this year. In 14 other cases the GLA was a consultee to the process. There was no marked difference in the use of the London Plan heritage (or other) policies when the GLA acted as a consultee or decision maker, although in the Convoy's Wharf case there is more evidence of use of London Plan policies than most other case studies. There is no evidence of heritage issues being considered in more or less detail in these two cases than the cases where GLA acted as a consultee.

The majority of GLA Stage 1 and 2 reports do not provide specific reference to any policies, NPPF, London Plan, local or otherwise. The reports simply set out a general commentary of the proposal which is not compared to policy requirements. Examples of this approach include: Great Eastern Quays, Panton Street/Orange Street/St Martin's Street, Shell Centre, Mount Pleasant, Alpha Square, Old Post Office Ashdown Road and Great Eastern Quay.

Very few of the case studies include a thorough and detailed analysis of the proposal against London Plan policies, heritage or other, by the GLA; instead the focus is on the strategic alignment of the proposal with the London Plan objectives. While the majority of GLA reports do not provide any detailed analysis against any London Plan policies, the majority of GLA reports do identify at least one non-heritage issue (for example density or transport considerations) for consideration which is analysed. Given the focus of the case studies on applications with a significant heritage dimension, this is considered to be an interesting observation.

Two of the more thorough examples where heritage policies are considered are 30-60 South Lambeth Road where Policies 7.4, 7.8, 7.11 and 7.12 are specifically used in their Stage 1 and 2 Reports; and Convoy's Wharf in which Policy 7.10 is specifically analysed and used by the GLA in their determination. In these cases London Plan policies are given more focus than NPPF and local policies.

Typically more analysis of issues is provided by the GLA at Stage 1 than Stage 2. In the second stage the GLA focus on the issues which remain outstanding.

Several of the case studies identified 'urban design' as an area of non-conformance in Stage 1 reports and in some cases this included heritage. One such example is the Land at the Rear of Oaks Shopping Centre where following comments at Stage 1 amendments were made to the height, massing and materials and at Stage 2 it was noted that: *"The scheme now has an overall brick and reconstituted stone appearance. The upper floors will be predominantly glazed to lighten their appearance, provide visual interest whilst minimising the impact on surrounding conservation areas"* (GLA Stage 2 Report).

The GLA did not consider any of the case studies to have outstanding heritage issues at Stage 2, with the exception of Panton Street/Orange Street/St Martin's Street. In this case the GLA still considered there to be serious strategic concerns regarding the demolition of the existing buildings, however due to an extant planning permission which granted permission for the demolition of all buildings on site, they *"regretfully accepted that it would be difficult to justify or sustain a*

direction to refuse planning permission for this proposal on the grounds of the loss of the existing buildings” (GLA Stage 2 Report).

Our case studies did not identify any inconsistencies in how issues were considered between Stage 1 and 2. In all cases where a potential heritage issue was identified at Stage 1 the issue was followed up in Stage 2 and either resolved through the provision of additional information (Convoy’s Wharf and Brentford Football Ground), a design change was made (Land at the Rear of Oaks Shopping Centre and 3-17 Whitcomb Street) or considered to be unresolvable due to an extant permission (Panton Street/Orange Street/St Martin’s Street).

The Alpha Square case provides the most marked example of the GLA having a different view to the LPA in respect of the harm to heritage. For the LPA heritage was a key consideration and the impact of the proposed development upon the setting of the Maritime Greenwich World Heritage Site a reason for refusal. London Plan policy is used strongly in the Committee Report to support this argument, particularly with reference to Policies 7.10, 7.11 and 7.12. The GLA on the other hand considered there to be no strategic concerns in relation to the impact of the development upon setting and/or views and the Stage 2 Report does not include any reference to heritage policy, London Plan or otherwise. It also places greater emphasis on the benefits of housing and employment provision over the potential harm to heritage and other policy areas. The case is currently pending determination by the GLA.

Mount Pleasant is another case where there was a difference in opinion between the LPAs and GLA. The LPAs recommended that the application be refused. The Mayor of London became local planning authority and granted permission.

5.2.3 Planning Inspectors/Secretary of State

110 Walm Lane and Shell Centre were both the subject of appeals. At the Shell Centre appeal there was evidence of the use of the full range of local policies, the London Plan and NPPF. London Plan policies were regularly referred to and used to assess the impacts of the proposed development, with particular reference to Policy 7.8 and the role of the development in relation to listed buildings and conservation areas in the vicinity of the application site. The appeal documents covered a range of topics beyond heritage, including housing, land use, public realm and design. However, it is clear that heritage was given significant weight in decision making. The two main considerations for the suitability of the development noted in the decision notice both relate to heritage, they were: *“the extent to which the proposed development is consistent with Government policies in planning for the conserving and enhancing of the historic environment including the impact on the Palace of Westminster, Westminster World Heritage Site and, the extent to which the proposed development is consistent with Government policies requiring good design were the two main considerations of the Secretary of State and Planning Inspector”*.

This weighting differed to the local level decision making where other strategic issues appeared to have been given equal if not greater weight. In particular, the provision of affordable housing, as well as transport provision generated greater discussion than potential heritage impacts. This is also evidenced by the LPA’s

conclusions in the Committee Report that the wider public benefits of the proposed development (affordable housing, retail, public realm etc.) outweigh any potential heritage impacts.

In the 110 Walm Lane case the Inspector draws heavily on the legislative duties under sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the settings of listed buildings and development affecting conservation areas. London Plan policies are used alongside relevant NPPF and local policies, although the London Plan's heritage policies are applied indirectly. National and local policy documents seem to be relied on more heavily than the London Plan to make heritage related arguments, for example, the NPPF is used to discuss the significance of the impacts of the proposed development upon heritage assets (Paragraph 131-133) and to weigh this against the wider public benefits associated with the scheme (Paragraph 134). Discussion of significance is generally absent from other decision-makers' reporting, and it may require greater clarity in the London Plan policies.

5.2.4 Historic England – as statutory consultee

Historic England, as the Government's adviser on the historic environment, is a consultee for certain categories of applications where there are relevant heritage issues and their comments inform the decision making process. The majority of representations made by Historic England for the case studies focus on NPPF policy rather than London Plan policy, for example the Historic England response on the 3-7 Whitcomb Street case states "*the loss of the Grade II listed 7-13 Whitcomb Street is deeply regrettable and unjustified under the NPPF.*" The loss is also unjustified under London Plan Policy 7.8 but this policy is not mentioned. Similarly the Historic England response to Panton Street/Orange Street/St Martin's Street uses Paragraph 132 of the NPPF to evidence that the loss of existing buildings will cause substantial harm to the Conservation Area, but makes no reference to any London Plan policies.

Historic England consultation responses also typically direct the decision maker to local and national policy to inform decision taking, rather than London Plan policy, for example advice provided for 30-60 South Lambeth Road and Great Eastern Quay both state that "*the application should be determined in accordance with national and local policy guidance*". Although 'local' policy should be seen as including the London Plan as it forms part of the policy hierarchy, there could be benefit in clarifying this within their responses.

5.3 Analysis of policies

5.3.1 Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.10 is applicable to eight (3-17 Whitcomb Street, Panton St/Orange St/St Martins St, One Nine Elms, Maggie's Centre, Shell Centre, Mount Pleasant, Alpha Square and 30-60 South Lambeth Road) case studies, although there is evidence of the policy being actively used in decision making in only five case studies (it was not used in 3-17 Whitcomb Street, Maggie's Centre and Panton

St/Orange St/St Martins St). However the policy was not explicitly analysed against the proposal in respect of heritage in any of the cases.

Within Policy 2.10 there is a requirement to “*sustain and enhance the distinctive environment and heritage of the CAZ, recognising both its strategic components such as the River Thames, the Royal Parks, World Heritage Sites, designated views and more local features including the public realm and historic heritage*”. However there is no evidence of this being used in decision taking in any of the case studies. Whereas the policy’s requirement to promote London as a leading destination is analysed in all the case studies identified above. This perhaps reflects the fact that heritage is an aspect of this policy, rather than its core focus.

5.3.2 Policy 7.4 Local Character

In all case studies there was some consideration of the impact of the proposal on the character of the surrounding area by the LPA, although in all but three cases (Alpha Square, Mount Pleasant and 51 College Road) this was done without specific reference to Policy 7.4 and without going into detail on each of the five points listed under the planning decisions part of the policy. For example in the Land at the Rear of Oaks Shopping Centre the LPA considered the urban design aspects of the development in general terms but did not specifically consider it in relation to the potential impact on the adjoining Conservation Area. Whereas in the GLA Stage 1 Report there is evidence that bullet e of Policy 7.4 (“*requiring a high quality design response that...is informed by the surrounding historic environment*”) was applied where it is stated that “*In terms of the materials proposed, the use of predominately brick is welcomed as it respects the character of the adjacent conservation area and the other surrounding residential area it also reflects the prominent residential use of the development*”.

Policy 7.4 is of relevance to all applications, but is not always directly referenced when the proposal is analysed and is rarely used as a determining factor in decision making. Examples of Policy 7.4 being relevant and implicitly considered include St Bernard’s Hospital where the Officer’s Report stated that “*the proposed parameters and Development Principles set an appropriate framework within which... there is potential to create landmark buildings of exemplary architecture befitting of the heritage value of the wider site*” and Brentford Football Ground where the Committee Report stated that the negative impacts of the development on townscape could be minimised through “*the use of appropriate materials and refinement of the form of the buildings*”. However there are no cases where Policy 7.4 was the overwhelming factor in determination.

One noteworthy finding is that in some cases LPAs consider the local character policy requirements in Policy 7.4 to be achieved through the stepping down of building heights between what is proposed and existing. In the 30 -60 South Lambeth Road case the Committee Report stated that the stepping-down of the scale and massing around Vauxhall Cross towards residential communities would integrate the site into the wider area. While mitigating height and massing is crucial in townscape terms it is important that local character is not reduced to a narrow interpretation of Policy 7.4’s requirement to have regard to “*the form, function, and structure of an area, place or street and the scale, mass and*

orientation of surrounding buildings” and that it is “informed by the surrounding historic environment”.

In two of the case studies where the LPA was minded to refuse the application (110 Walm Lane and Alpha Square) Policy 7.4 is used as one of the reasons for refusal despite not having been explicitly considered in the Committee Report:

- In the 110 Walm Lane case the policy is used to evidence the LPA’s argument that the development would fail to preserve or enhance the character and appearance of the Mapesbury Conservation Area and would adversely impact on the nearby Willesden Green Conservation Area and the setting of the Grade II Listed Willesden Green Station. This case study was the subject of an appeal which was dismissed for similar reasons, namely the application would represent *“a significantly more intensive form of development of the site than seen in the current buildings, and than is typical of the Mapesbury Conservation Area”* (Inspector’s Report), however the Inspector did not reference Policy 7.4 in the reasons for dismissal. Instead the Inspector drew on Table 3.2 (Sustainable residential quality density matrix) and Policy 3.4 (optimising housing potential) to evidence how proposals compromise the existing local context and character.
- In the Alpha Square case the LPA concluded that *“the proposed scale of the building would be out of context within its setting”* and the incompatibility with Policy 7.4 was one of the reasons the application was refused by the LPA.

The LPAs were also minded to refuse in the Mount Pleasant case however Policy 7.4 was not used as a reason in this case.

5.3.3 Policy 7.7 Location and design of tall and large buildings

Policy 7.7 includes criteria against which tall building proposals should be assessed, including consideration of character and heritage in parts Cb, Cc and E. Policy 7.7 is referenced by the LPA in 18 cases and where relevant is often an important consideration in decision making. The two cases where the policy was not used are Panton St/Orange St/St Martins St and Maggie’s Centre where the policy is not applicable. In the majority of cases the use of the policy is implied, however in Alpha Square, Mount Pleasant, 51 College Road and Brentford Football Ground the policy is explicitly referenced and considered against the proposal.

The policy is particularly used where Policy 7.7 is more detailed and/or more up-to-date than the equivalent local policy for example at Brentford Football Ground. As you might expect in case studies where the principle of a tall building is already established, for example in an Opportunity Area Planning Framework as is the case at One Nine Elms and 30-60 South Lambeth Road, there is less detailed consideration of the policy in decision making.

Where there is an area specific document covering tall buildings this was typically given more weight in the decision making process than Policy 7.7. At the Shell Centre, where the principle of a tall building was already established in the

Waterloo Opportunity Area Planning Framework (OAPF), this was referenced and there was less emphasis on consideration of Policy 7.7.

In the Great Eastern Quay case there was some evidence of consideration of London Plan Policy 7.7 however the only explicit reference to this policy was in relation to impacts of the proposed tall buildings upon amenity of neighbours, including overshadowing and wind turbulence. No explicit reference to the policy was included with regard to heritage.

In the Brentford Football Ground and Convoy's Wharf cases more weight appears to have been given to the impact of a tall building on the viewing corridors (in response to Policies 7.11 and 7.12) and views from the WHS (in response to Policy 7.10) than the impact on the local character (as required by Policy 7.7). There is no evidence of explicit consideration of the effect of the tall building on sensitive locations in the vicinity in either of these cases.

Two case studies are of note in using high quality architecture to justify a departure from Policy 7.7. In the Wayland House case it was accepted that the improved architecture meant that there is not greater harm to the Stockwell Park Conservation Area and as such the application could be approved. Similarly high quality architecture was used to justify a minor departure from Policy 7.7 (although it is not specifically referenced) in the 30-60 South Lambeth Road case which is a tall building. The GLA Stage 2 Report recognised that the proposed building “*remains significantly taller than its immediate context making it very prominent and visible particularly from the adjoining park*”. However, the report concluded that the design was of sufficient quality to make the tall buildings acceptable in strategic terms.

Conversely, in the 110 Walm Lane case the Inspector considered that the design was not of sufficient quality to justify a departure, the appeal decision noted: “*The adverse effects...stem from the basic form and massing of the proposed building, and the degree of intensification of development of the appeal site. These may arise from an overambitious brief but, in my view, they are inherent defects in the design. Therefore, I do not agree with the high value placed by the appellants on the quality of the proposed design as justification for departure from policy.*”

In all three cases no specific London Plan policy was referenced and it is not clear the basis on which the decision maker determined that suitably high quality architecture may or may not be sufficient to justify a departure from Policy 7.7.

In the Mount Pleasant case the GLA considered strategic views in some detail but paid less attention to local views. Policy 7.7 states that ‘*Tall buildings should not have an unacceptably harmful impact on their surroundings*’ with ‘*unacceptable*’ being explained as including local and strategic views, conservation areas and the settings of listed buildings policy 7.7, criteria D and E. The consideration of the Mount Pleasant application implies more weight was given by the GLA to consideration of strategic views than other requirements of Policy 7.7.

5.3.4 Policy 7.8 Heritage assets and archaeology

Policy 7.8 is referenced by the LPA in 19 cases, with the exception being Wayland House where the policy is relevant but is not identified at all in the LPA decision making. However the policy explicitly applied and analysed by the LPA in only seven cases (Alpha Square, One Nine Elms, Great Eastern Quays, 51 College Road, Seagrave Road Car Park, Brentford Football Club and Oaks Shopping Centre). In the remainder of cases the policy is typically identified as relevant early on in the committee report but then not directly referred to again. Like Policy 7.4 the case studies indicate that it is usually identified as a relevant policy but is less apparent as an important consideration and a deciding factor. For example in the Officer's Report for the Maggie's Centre case it is stated that *"the proposed architectural approach represents a complimentary contrast to the adjoining building. Any harm to the significance of the heritage assets comprising the North Block and the setting of the East Block arising from the new building and through the obscuring of a blind window would be less than substantial"*. This suggests use of Policy 7.8 although the policy is not directly referenced in the remainder of the Committee Report. In the Panton St/Orange St/St Martins St case study Policy 7.8 is relevant to the application which involves the demolition of existing buildings and construction of a 10-storey hotel however Policy 7.8 is not explicitly referenced in the Committee Report analysis. The Committee Minutes note that the Committee resolved that the proposed development would preserve the character and appearance of the Leicester Square Conservation Area, the setting of the Grade I listed National Gallery, and the character and appearance of neighbouring conservation areas. On the other hand, Policy 7.8 is listed as a reason for refusal in the Committee Minutes for the Alpha Square case study, although no further detail is provided for this non-alignment.

In several of the case studies some harm to heritage assets is identified and therefore detailed consideration of Policy 7.8 is warranted. Policy 7.8 does not make any reference to wider public benefits (although this is covered in the supporting text). However public benefits outweighing harm are commonly used as a justification drawing directly on Paragraph 134³ of the NPPF. A variety of justifications are used to demonstrate public benefits and these do not appear to have a particular London dimension. The cases include:

- 110 Walm Lane: the Committee Report noted that demolition of the existing buildings and the new development signified a departure from policy and would cause harm (although not significant). It concluded, however, that a number of wider benefits arising from the scheme outweighed any harm caused;
- 3-7 Whitcomb Street: although the Committee Report noted that *"proposals are contentious and harmful in urban design and conservation terms, primarily because of the extent of demolition, including that of the listed building"* it recommended approval of the proposed development making explicit reference to Paragraph 134 of the NPPF;

³ Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (Paragraph 134, NPPF).

- One Nine Elms: it was acknowledged that the proposal would have an impact on some of the identified strategic views, but it was considered that in townscape terms and in the interests of public benefit, there was a compelling case for a higher building in this instance;
- Maggie’s Centre, St Bartholomew’s hospital: although the harm to heritage was considered “*less than substantial*” the public benefits of new health and social care facilities were referenced as outweighing the harm;
- Shell Centre: the Committee Report found that the proposed demolition may have some harm upon the South Bank Conservation Area, but this would not be substantial, and was “*outweighed by wider public benefits*”;
- 51 College Road: the Committee Report concluded that “*the proposal would harm the setting of this complex of listed buildings and, by association, the Harrow School Conservation Area*”, as well as the key view out of the Harrow Conservation Area. In coming to this conclusion, the Committee Report noted that the proposals therefore departed from London Plan policy 7.8 and the objective of conserving heritage assets. However, this harm was considered justified in light of a series of public benefits, using paragraphs 128, 132 and 134 of the NPPF;
- 12-14 Lombard Road: the Committee Report concluded that “*in accordance with paragraph 134, there are considered to be significant public benefits from the proposal that outweigh the less than substantial harm to the setting of the Battersea Square and Sands End Conservation Areas, and to the setting of listed buildings in the Battersea area (in views towards the site)*”; and
- The Old Post Office, Ashdown Road: “*less than substantial harm*” was considered to be outweighed by public benefits including bringing “*at-risk*” heritage assets into a viable use and housing and regeneration benefits.

In the Alpha Square case study the public benefits were considered by the LPA who concluded that they did not outweigh the harm caused. The Minutes of the Committee Meeting record consideration of the benefits of the scheme (namely redevelopment of brownfield land and provision of housing) against the potential harm. It was concluded that “*the proposal would fail to be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas*” (Committee Minutes). This, and the refusal of the application, suggest that the Committee utilised NPPF Paragraph 134 to consider the wider public benefits of the scheme, but found the harm to be unjustified in light of these.

There is some evidence of Policy 7.8 being used in respect of archaeology, for example Seagrave Road references the Policy in Reason 10 for the grant of permission, stating that the site is unlikely to have surviving archaeological features and Condition 26 secures the implementation of a programme of archaeological work. Whereas in the Brentford Football Ground case reference is made to Paragraph 128 of the NPPF in requiring a desk based assessment rather than Policy 7.8. In the 3-17 Whitcomb Street and 30-60 Lombard Road examples conditions for archaeological investigation refer to local policies rather than Policy 7.8. The following two cases use Policy 7.8 directly when attaching archaeological conditions:

- St Bernard’s Hospital: Condition 16 of the LPA decision notice states that no development or demolition shall take place until a written scheme of investigation is submitted and agreed by the LPA to ensure that “*heritage assets of archaeological interest may survive on site*” in accordance with “*policy 7.8 of the London Plan 2011*”.
- Convoy’s Wharf: Condition 64 of GLA decision notice on archaeological works – shall be “*carried out by a suitably qualified investigating body acceptable to the Local Planning Authority... In order to safeguard the archaeological assets of the site in accordance with.... Policy 7.8 of the London Plan (consolidated with alterations since 2011)*”.

The ‘significance’ of heritage assets is an aspect of Policy 7.8 which is frequently not covered in detail in analysis by LPAs and the GLA. Part A of Policy 7.8 states: “*London’s heritage assets and historic environment... should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account*”. Several case studies reference ‘significance’ but do not thoroughly analyse what this means in the context of the application. The Walm Lane case is a good example of the Inspector thoroughly considering significance and this influencing the determination, for example the Appeal Decision provides a detailed description of the development and character of the Maplesbury Conservation Area, the specific features of the building and how it has changed over time and the views of others such as those in the Council’s Character Appraisal leading to a conclusion that the “*building makes a positive contribution to the character and appearance of the conservation area*”.

The GLA acknowledged harm to setting in only one of the case studies, Mount Pleasant. The Stage 1 Report for this application stated “*There would be some slight harm to the setting of listed buildings in the view along Guildford Street as the skyline of the existing terraces currently has no modern development visible in their backdrop*”. Nevertheless the GLA granted consent concluding in the third reason for approval that “*Overall the masterplanning principles are well-considered, the design and appearance is of a high quality, with strategic views and the designated and non-designated heritage assets, and their significance remaining unharmed... As such the proposal complies with the design policies contained with chapter seven of the London Plan*”.

In the 51 College Road case the GLA considered there not to be any harm to heritage assets, contrary to the view of the LPA and Historic England. The Stage 2 Report notes: “*Having had special regard to the desirability of preserving the setting of Listed Buildings, GLA officers are of the view that the proposal would not harm the setting of St. Mary’s Church, and would not harm the character/setting of the aforementioned Conservation Areas or the designated heritage assets within them.*” In coming to this conclusion, the GLA Stage 2 Report explicitly referenced London Plan Policy 7.8.

5.3.5 Policy 7.9 Heritage led regeneration

There was very limited evidence of use of this policy by LPAs, it is only used in the following case studies: 12-14 Lombard Road, 9-42 The Broadway, the Old

Post Office Ashdown Road, Convoy's Wharf, 3-17 Whitcombe Street and St Bernard's Hospital. Although the Old Post Office is the only case study which uses this policy explicitly. In all other cases the policy is identified and its use is inferred but the policy itself is not directly analysed in relation to the proposal. In the 110 the Walm Lane and Alpha Square cases the policy is identified in a list of relevant policies but there is no evidence of further consideration. In the Alpha Square case the policy is incorrectly listed as a relevant policy in the Committee Report. In other cases where the policy could be used, for example the Shell Centre, the policy is not used or referred to at all.

In the Convoy's Wharf case the analysis is consistent with some of the requirements of Policy 7.9 although the policy it is not explicitly referenced. The Committee Report fitted the policy's requirement on restoring an asset to a suitable use where it stated: *"Officers are of the view that adaptations of the masterplan can and should be made to accommodate proposals to establish a green link between Sayes Court Gardens and the site of John Evelyn's House and associated gardens, and incorporate a dedicated space to allow for the building of a replica ship on the site as a tangible link to its former use"*.

In the Old Post Office case Policy 7.9 is referred to explicitly, however it could have been better used to justify the approval. The policy was identified as relevant early on in the Committee Report but limited further detail on whether the proposal complies with the policy was provided despite one of the main reasons for approval being stated as: *"the bringing back into use and refurbishing two unused listed buildings which are on the listed buildings at risk register into appropriate and economic uses"*. In this case it was concluded that there would be some harm to the significance of heritage assets but that this harm caused by *"the juxtaposition of the proposed buildings which are significantly taller than the Telephone Exchange building, its visibility from the Market Place and conservation areas and historic parks, including Hampton Court Palace"* would be *"less than substantial"* and outweighed by public benefits including bringing *"at-risk"* heritage assets into a viable use and housing and regeneration benefits.

5.3.6 Policy 7.10 World Heritage sites

Policy 7.10 is used by the LPA in six case studies (One Nine Elms, Brentford Football Ground, Convoy's Wharf, Shell Centre, Alpha Square and 30-60 South Lambeth Road) and its degree of application is varied, with only Brentford Football Ground using it actively to require additional information. The remainder of cases infer use and do not draw on it as much as they could.

An example of Policy 7.10 being used actively is the Brentford Football Ground case where the GLA used the policy to request further information on the visual and townscape concerns including the impact on the World Heritage Site at Kew Gardens. This additional information was considered in some detail in the GLA Stage 2 Report which states for example: *"In terms of the setting of the WHS the development will have less of an impact. The site is located outside the WHS buffer zone as set out in the Kew World Heritage Site Draft Management Plan 2011. Whilst part of the scheme will be visible from the WHS as shown in the application material its impact is considered to be limited on the sites"*

Outstanding Universal Value, due to the relatively limited degree of visibility from the WHS". The Policy was also considered in some detail by the LPA and their Committee Report set out the requirements of the policy, for example stating that *"in particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value (OUV), integrity, authenticity or significance"*. The Committee Report then provided an analysis of the potential harm.

In the case of Convoy's Wharf there is relatively superficial consideration of Policy 7.10 by the LPA; no explicit reference was made to the policy and although the Committee Report noted that the development *"must take account of the wider panorama from Greenwich and the setting of the Maritime Greenwich World Heritage Site"* the subsequent analysis was brief did not cover all aspects of the policy, for example no reference is made to Outstanding Universal Value, integrity, authenticity or significance. Whereas, as in the Shell Centre case, there is more evidence of consideration of this policy by the GLA who requested *"a further assessment explicitly assessing the impact of the development on the World Heritage Site in relation to its outstanding universal value, integrity and authenticity to ensure compliance with London Plan Policies 7.10"* (GLA Stage 1 Report). At Stage 2 the GLA confirmed that the additional information satisfied their initial concerns, although they state that the application is consistent with draft Statement of Outstanding Universal Value and the 'London's World Heritage Sites – Guidance on settings' SPG rather than Policy 7.10.

In the LPA decision making for the Shell Centre the policy was not referenced explicitly, the Committee Report states that development should not cause an adverse impact on World Heritage Sites or their setting (including any buffer zone), in particular their Outstanding Universal Value (OUV), and this is likely to have been drawn from Policy 7.10 although it is not referenced. Although objections were raised in relation to the impacts upon the World Heritage Site and its setting, particularly by Historic England, the Committee Report concluded that there is no significant impact upon the World Heritage Site. Whilst London Plan policy is mentioned in relation to World Heritage Site impacts, greater emphasis is placed on Paragraph 137 of the NPPF regarding the need to make a positive contribution to these assets.

Policy 7.10 requires appropriate weight to be given to implementing the provisions of the WHS Management Plans. In the Alpha Square Case the GLA and LPA/Historic England position appear to conflict regarding the interpretation of the WHS Management Plan and weight that should be accorded to the control of building heights in the wider setting of the WHS. The impact of the proposed development upon the setting of the Maritime Greenwich World Heritage Site and the Grand Axis was identified as one of the reasons for refusal by the LPA. Policy 7.10 is not explicitly considered in the analysis whereas the Committee Report draws explicitly on Policies 7.11 and 7.12 in drawing the following conclusion which is relevant to all three policies: *"height would benefit from a significant reduction to safeguard the integrity and importance of the World Heritage Site, and the proposal is therefore considered contrary to the London View Management Framework SPG."*

The GLA reach a different conclusion in applying the same policy as discussed above.

5.3.7 Policy 7.11 LVMF and Policy 7.12 Implementing the LVMF

Policy 7.11 and Policy 7.12 are used by the LPA in nine case studies, and are typically referred to together and in the context of the LVMF more generally. The policies are used explicitly in three of these cases (Alpha Square, 51 College Road and 12-14 Lombard Road). In the remaining six cases (Mount Pleasant, Shell Centre, 30-60 South Lambeth Road, Convoy's Wharf, One Nine Elms and Panton Street) the LVMF is referenced explicitly but not Policies 7.11 and 7.12 specifically. Where relevant, these policies are normally considered in more detail than the other London Plan heritage policies, possibly because they are tangible policies and LPA's can relatively easily determine whether or not the site falls within a viewing corridor. Additionally, LPAs look to the London Plan for policy guidance on view corridors as typically there is no comparable policy or guidance at the local level. However consideration typically refers to the LVMF generally. In some cases there is reference to the LVMF Supplementary Planning Guidance (SPG) which provides view specific guidance, rather than Policies 7.11 and 7.12 which provide more generic guidance applicable to all views.

In the case of the Shell Centre the LPA considered the proposal against each of the relevant views and concluded that the strategic views in which the proposal was likely to have the most impact were from St James Park (26) and in respect of the Westminster World Heritage Site, Parliament Square (27A.1 and 27A.1). Relatively detailed consideration was given to the impact of the proposal on these views, for example identifying what derives the view's character, distinguishing between foreground and middle ground elements and considering how the proposed development would interact. Specific reference was made to the LVMF SPG, rather than Policies 7.11 and 7.12. The GLA also refer to the SPG rather than Policies 7.11 and 7.12, whereas at appeal the Inspector made reference to the two policies as well as the LVMF more generally.

Similarly, in the One Nine Elms case, relatively detailed consideration was given to the impact of the proposal on views, but this was undertaken in the context of the LVMF SPG rather than Policies 7.11 and 7.12. This is also the case with Mount Pleasant, South Lambeth Road, Panton Street and Convoy's Wharf, which consider the SPG but not Policies 7.11 and 7.12 directly.

In the 30-60 South Lambeth Road, 12-14 Lombard Road and Alpha Square cases Policies 7.11 and 7.12 were explicitly referenced by the GLA, alongside the LVMF SPG.

5.4 Weight given to London Plan heritage policies compared to other policies in the Plan

It is difficult to draw conclusions on the relative weight given to other policies in the London Plan as each application is unique and a policy which might be relevant in one case is not always relevant in the next. Nevertheless there is evidence to suggest that during determination more detailed consideration and weight was often given to area specific documents particularly those set out in OAPF, for example:

- Seagrave Road is within the Earls Court and West Kensington Opportunity Area and detailed consideration was given to how the proposal complied with this, for example whether it met the density ranges;
- Convoy's Wharf is within the Deptford Creek/Greenwich Riverside Opportunity Area which triggered particular consideration of London Plan Policy 2.13 on development proposals optimising residential and non-residential output densities and Policy 3.7 on mixed use developments;
- One Nine Elms and 30-60 South Lambeth Road are within a tall building cluster identified in the Vauxhall and Nine Elms Opportunity. In both cases the decision maker drew heavily on the OAPF to justify the height of the buildings; and
- Shell Centre is within the Waterloo Opportunity Area and the GLA undertook more detailed consideration of the proposal against the OAPF than London Plan heritage policies, placing particular weight on the area's designated as suitable for tall buildings within the OAPF.

A site's location within an Opportunity Areas was given particular consideration in several of the case studies. In these areas there was particular weight given to the need to deliver housing and jobs, and in some cases this is strongly referenced in GLA Stage 1 Reports, for example in the 51 College Road, Convoy's Wharf and Mount Pleasant cases.

In both Convoy's Wharf and Mount Pleasant cases London Plan housing delivery policies were considered at great length in decision making with both the LPA and Mayor noting the scheme's contribution to housing delivery in Convoy's Wharf, while in Mount Pleasant there was disagreement between the LPAs and the Mayor in terms of policy (including the London Plan) and affordable housing viability.

In terms of balancing of issues the need to deliver housing, jobs and regeneration benefits carried significant weight in decision making even where this came at the expense of harm to heritage. The following list provides examples of the reasons used to justify approval of schemes in which some harm in respect of heritage was acknowledged. Some of these examples might have been considered to be public benefits, consistent with Paragraph 134 of the NPPF (see section 5.3.4), although they were not consistently identified as such within the context of Policy 7.8. The inconsistency and lack of transparency in the decisions being made and how harm to the significance of heritage assets is being justified needs to be clarified further. In particular there is an opportunity to develop greater understanding of the relationship between public benefit and harm, in the context of applying regularly and consistently policy 7.8 and national policy.

- Delivering housing (Policies 3.3 to 3.9): One Nine Elms, Brentford Football Ground, St Bernard's Hospital, Shell Centre, Mount Pleasant⁴, Convoy's Wharf and Old Post Office Ashdown Road;

⁴ In this case the application was determined by the Mayor of London who did not consider there to be harm to heritage, whereas the relevant LPAs both considered there to be harm.

- Delivering affordable housing (Policies 3.10, 3.11, 3.12 and 3.13): One Nine Elms, Wayland House, St Bernard's Hospital, Shell Centre, Mount Pleasant, Convoy's Wharf, 51 College Road and 12-14 Lombard Road;
- Providing of student accommodation: 30-60 South Lambeth Road;
- Strategic regeneration benefits and town centre improvements (Policies 2.13 to 2.16): Mount Pleasant, One Nine Elms, Brentford Football Ground, Shell Centre, Convoy's Wharf, 9-42 the Broadway and Old Post Office Ashdown Road;
- Creating employment (Policies 4.1 to 4.12): One Nine Elms, Shell Centre and Convoy's Wharf;
- Creating of community facilities (Policies 3.16 to 3.19): Brentford Football Ground, Maggie's Centre and 51 College Road;
- New public open space and improving public realm (Policy 7.5 and 7.18): Shell Centre, 12-14 Lombard Road and Seagrave Road; and
- Bringing 'at risk' heritage asset back into use: Old Post Office Ashdown Road.

Heritage was not the overwhelming determining factor in the majority of the case studies. Nevertheless some cases provide good examples of careful consideration of heritage issues and a clear weighing of harm to heritage against other issues. Despite this the London Plan heritage policies are not always used to maximum effect in these cases. In almost all cases the NPPF and Local Plan heritage policies are given more emphasis than London Plan policies by the LPA.

In the Maggie's Centre case heritage was considered at length in the LPA decision making however London Plan Policy 7.8 was the only heritage policy considered in the text of the Committee Report and more weight was attached to the heritage sections of the NPPF. This application was not referred to the GLA. The majority of the Committee Report was dedicated to consideration of heritage issues and two of the three key considerations in the Committee's determination and recommendation were related to heritage (impact of the proposal on designated and non-designated heritage assets and the appropriateness of the proposal's design and massing in the context of the area). Despite the Committee Report identifying the importance of the proposal in the context of the area as one of the key considerations there was no consideration of London Plan Policy 7.4 on Local Character. Instead heritage sections of the NPPF heritage policies were given more emphasis, in particular Paragraph 129 on identifying and assessing the particular significance of heritage assets and Paragraphs 132, 133 and 134 on harm to heritage assets.

In the Seagrave Road case the relationship with Brompton Cemetery was considered to be sensitive and to merit a lower provision of private amenity space. An increase in amenity space would have resulted in a corresponding increase in visual impact on the setting of the historic cemetery. In this case the GLA in their role as consultee, agreed this position with the LPA. At Stage 1 the GLA noted that whilst the proposal achieves a high standard of design that generally meets or exceeds the Mayor's emerging housing design guidance they suggested that the provision of private amenity spaces in some blocks should be improved. In

response the applicant stated that other design considerations, especially the need to ensure a sensitive relationship with Brompton Cemetery, favoured the approach proposed. The GLA accepted this position at Stage 2 and therefore allowed the amenity space issue to be overlooked in the context of the heritage issues. Nevertheless it is interesting to note that in this case it was the applicant who used the policies (although not explicitly) to resist changes that would have increased intrusion on a historic park and garden rather than the GLA or LPA. Again in this case, overall, NPPF and local policies were given more weight in decision making than London Plan policies. Policies 7.4, 7.7 and 7.8 were identified as being applicable but were considered relevant as *“it reinforces the policy intentions of the UDP within the national planning policy framework”* rather than as policies which the application should be considered against in their own right.

In the Shell Centre case, heritage was given considerable weight in determination. London Plan Policies 7.11 and 7.12 were particularly referenced by the LPA, GLA and Secretary of State to assess the impacts of the proposed development upon strategic viewpoints, concluding that these would not be significant, and may even be positive. In addition, there are references (both implicit and explicit) to London plan Policies 7.7, 7.8 and 7.10 from all decision makers. While other strategic issues are given equal if not greater weight at the local and London level, at appeal heritage was clearly a determining factor. *“The extent to which the proposed development is consistent with Government policies and planning for conserving and enhancing of the historic environment including the impact on the Palace of Westminster World Heritage Site”* was one of only two main issues to be resolved by the Secretary of State at appeal. The Inspector’s Report provides a detailed analysis of the proposed development against heritage policy at all levels, with strong use of London Plan policies.

Convoy’s Wharf is another example of heritage being given considerable weight in decision making by the LPA but the London Plan heritage policies not being used to explicitly justify decisions. In this case the LPA recommended to the GLA that the application in its current form be refused and set out six matters to be secured prior to determination, two of these related to heritage: first to reduce the scale and massing of selected development parcels to achieve an acceptable urban scale and an appropriate relationship of new buildings with historic buildings and spaces; and secondly to exploring linkages to two historically significant space (Sayes Court Garden and The Lenox). These recommendations seek to achieve the aims of London Plan Policies 7.7 and 7.8 although the policies were not referenced. In this case there was also no explicit use of local or national heritage policies.

In the 3-17 Whitcomb Street case the public benefits of the scheme were not considered to be sufficient to justify the harm to heritage at the January 2015 Committee. Changes were therefore made to increase the area of vaults in public use. In determining whether the benefits were of sufficient significance to justify the harm caused the Committee Report did not directly refer to heritage policies at any level, however it considered the significance of the effects of the proposed development in line with the principles in NPPF Paragraph 131. It also looked at the restoration of the listed building at No 3-5 to house art gallery usage, which implied potential consideration of London Plan Policy 7.9 although this was not

directly referred to. In addition the report considered the proposed buildings heights both in their context as taller than the existing buildings, and in their relationship to the surrounding architecture. Again, whilst not specifically referenced, this suggests use of London Plan Policies 7.4 and 7.7 but these could have been used more directly.

6 Findings and Recommendations

6.1 Overall Findings

The heritage policies of the London Plan have a clear role in identifying the strategic value of London's heritage and are an essential policy platform for more detailed Local Plan policies, and supplementary planning documents. Heritage policies should be a key part of the London Plan and be effectively used. As with all policies in the London Plan, the heritage policies should be formed from a robust evidence base which has been tested through the examination process. The policies should capture London's strategic heritage issues and help define how they should be managed. This study has examined the role of the policies in development management, nevertheless the policies will have a continued and important role in planning policy formulation.

Overall the case studies show that typically there is greater awareness, understanding and use of the heritage policies in the NPPF and local planning documents than the London Plan. In several cases there was limited analysis of London Plan policies in relation to proposals. This study has not found any evidence that this is due to the heritage policies themselves, rather it is a more general issue regarding awareness and application of the London Plan as a whole, relative to the related policy framework.

The compliance framework has found that overall there is a good level of alignment between the NPPF and London Plan policies, and the Conservation Officers survey indicates that similarly there is generally good alignment between local policies and the London Plan. It is therefore reasonable to assume that Officers are content to primarily draw on the national and local policies in decision making and only turn to the London Plan where it provides policies not found at the national or local level, for example the LVMF, or where it can add strength to a particular argument.

Section 6.2 sets out suggestions for minor alterations to policy resulting from the compliance framework, Conservation Officer's survey and case studies. However the key findings from this study relate to awareness of the London Plan and its application, as set out below.

6.1.1 Awareness of London Plan heritage policies

In several of the case studies relevant heritage London Plan policies were not used to their full extent. Even in 'straightforward' cases where there is a direct relationship between the proposal and a policy sometimes no link was made between the proposals and requirements of London Plan heritage policies. This study has not found evidence that this occurs because the wording of the London Plan policy is not as good as it could be or the policy is misunderstood. Instead LPAs tend to rely on their own Local Plan policies and the NPPF in determining applications, and the London Plan features less in consideration. The GLA also do not generally rely on London Plan policies in their Stage 1 and 2 Reports which tend to set out a general commentary of the proposal which is not compared to policy, London Plan, NPPF or otherwise.

The Conservation Officers survey found that officers typically feel that their local policies are the expression of national policy, tailored to meet local circumstances. In some cases the relevant London Plan policy requires local planning policy to include particular requirements. For example Policy 7.7 requires local plans to identify areas appropriate for tall buildings. LB Wandsworth's Core Strategy and Area Spatial Strategy for Nine Elms identify such areas and the One Nine Elms application is considered against this local policy. Nevertheless there are other aspects of Policy 7.7, for example the requirement to give particular consideration to the impact of tall buildings in sensitive locations, which might not necessarily translate into local policy and therefore may be missed unless there is explicit consideration of the London Plan policy.

Where London Plan heritage policies are used in local and strategic decision making it is common for the policies to be identified as relevant but much less common for the proposal to be clearly assessed against the policy.

In some case studies the subtleties of the London Plan heritage policies are not always picked up by both the LPAs and GLA, for example none of the case studies explicitly recognised that significance is not limited to physical assets and Policy 7.4 is often interpreted as managing step-changes in buildings between what exists and what is proposed. It is therefore recommended that awareness of the London Plan heritage policies and their application in development management is increased through a series of training, illustrative best practices and/or awareness raising events. This should be done shortly after the publication of the new version of the Plan. The topics of training could include, for example, how to analyse heritage issues consistently as framed by policy. The heritage policies in the London Plan contain requirements for local plan preparation. Conservation Officers are well placed to inform the preparation of heritage policy at the local level, however the Conservation Officer's survey revealed that many Conservation Officers are not involved in policy making at all. Training could be provided to provide them with the skills and confidence to be more involved in plan making. Training could draw on the experience of the Planning Advisory Service and Planning Officers Society.

Case studies which demonstrated the most positive outcomes in respect of the management of the historic environment often came when the determination of applications was put on hold in order make amendments to the scheme, for example 3-17 Whitcomb Street where the use of vaults was amended. LPAs are under pressure to determine applications within statutory timeframes, nevertheless the training would also provide an opportunity to reiterate that amendments to schemes can be made. Equally this training could explore how the pre-application period can be used to address key (heritage) concerns to facilitate a streamlined determination process.

Recommendation 1: Improve understanding and use of London Plan heritage policies and their application in pre-application and determination stages. This should be supplemented by provision of training for Borough and GLA Officers that demonstrates the value of applying the London Plan heritage policies when plan-making and determining proposals. To achieve this, consideration should be given to the GLA working with Historic England to develop a training package that ensures better understanding of heritage management. This

should include illustrations of best practice for engaging in plan making for both planners and Conservation Officers.

The case studies have also identified that there is an opportunity for Historic England to reference London Plan heritage policies in the submissions it makes on planning applications. In routinely citing London Plan policies in consultation responses, Historic England has the opportunity to raise awareness of the policies and this is likely to trigger officers to give them greater consideration in the deliberation of applications.

Recommendation 2: Historic England consultation responses to routinely refer to London Plan policies.

6.1.2 Overarching London Heritage Strategy

The NPPF requires local planning authorities to set out a positive strategy for the conservation and enjoyment of the historic environment in their Local Plan, including the London Plan. The case studies have shown the heritage policies are not explicitly being used during determination, by the Boroughs or the GLA (e.g. Stages 1 and 2) and in many cases are given relatively little weight in decision making. This study has found that the most tangible policies, and those which are not duplicated at other levels of policy, are most used. This suggests that further work needs to be undertaken to identify the strategic heritage issues which the London Plan and other strategies could help to address.

It is therefore recommended that Historic England and GLA consider producing a London Heritage Strategy which would achieve the requirement in the NPPF for a positive strategy. The Strategy should address the requirements of the NPPF by championing London's heritage and contributing to the future regeneration, development and management decisions for the city. This includes providing a clear strategic approach to dealing with London's heritage in the context of significant change, and supporting the delivery of sustainable growth. Issues which the Strategy should consider, include the cumulative impact of harm to heritage at the strategic level. Fundamentally the Strategy should be informed by a robust evidence base of the historic environment, and set out clear objectives for strategic management of the historic environment in London, that informs the London Plan and its heritage policies. This approach would then support the decision making process undertaken by the GLA and others using the London Plan.

Ultimately the Strategy should be informed by a robust evidence base for the historic environment which can be used to provide clear objectives for strategic management of the historic environment in London. This would send a clear signal that the GLA is taking the conservation and celebration of the city's heritage assets seriously. Furthermore, the Strategy should not be limited to planning, but be used as baseline for other relevant strategies that deliver the functions of the GLA, such as culture, regeneration, transport and land management. This approach could support the Mayor in for instance in managing growth and potentially the regeneration of public land via the London Land Commission.

The GLA in partnership with Historic England should develop the scope of the Heritage Strategy. For example the Strategy could include the following:

- Introduction to the strategy: describing its purpose, introducing the London's rich heritage and describing the heritage themes in the Strategy;
- Vision and objectives: for the celebration, enhancement and protection of London's heritage;
- Policy context: referring to the strategy's own role in meeting the NPPF requirement for a positive strategy and the relationship with the London Plan heritage policies and other parts of the London Plan, as well as local, neighbourhood and national policies;
- Challenges and opportunities: explained in the context of the themes set out in the introduction. Consideration here could be given to both site specific and generic challenges and opportunities;
- Recommendations: to ensure that any future policies and approaches to the city's heritage are based on a clear understanding of the place, its significance and its value. These might provide specific spatial policy guidance and management advice.
- Monitoring: setting out how progress will be measured. This would include the London Plan KPI related to heritage (see Section 6.1.3) and other indicators.

The diagram below illustrates one of the options for how the Heritage Strategy might relate to other London policies and document. The relationship should be discussed by Historic England and GLA in developing the scope of the strategy.

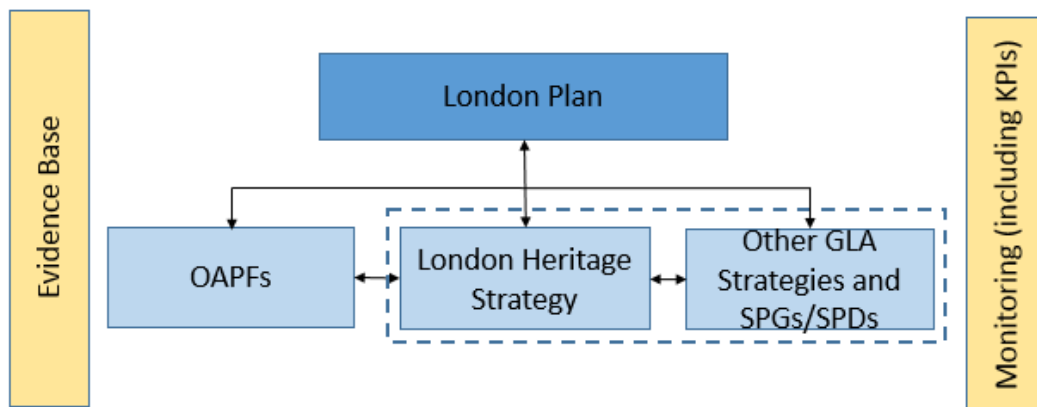


Figure 3: One option for relationship of Heritage Strategy

The Strategy could take the form of a SPG and form part of the suite of topic specific guidance which already exists. This includes for example housing, social infrastructure, town centres and sustainable design and construction, amongst other topics. Key guidance that already exists and which is relevant to heritage issues includes:

- LVMF (March 2012) as already referenced;
- London World Heritage Sites SPG (March 2012); and

- Character and Context SPG (June 2014).

These SPG's are recognised as important to aspects of the management of heritage issues, however they do not cover all relevant issues. The form of a new Strategy would have to bear in mind the existence of these SPGs and consider whether they should be combined or remain as separate documents. This study has demonstrated the value of the LVMF in decision making and it is therefore not recommended that the form of this document is changed.

There are also a few examples across the country of local authorities preparing standalone heritage strategies including Dover District Council, Peak District National Park and Elmbridge Borough Council. In London Merton adopted a heritage strategy in 2015 and Enfield, Wandsworth, and Barking and Dagenham are in the process of preparing their own heritage strategies. The development of a London Heritage Strategy would provide a context for local strategies.

In considering the production of a strategy, the recent recommendations of the Local Plans Expert Group should be monitored to establish which are taken forward. In particular the recommendation that plans should produce a proportionate assessment of environmental capacity consistent with the tests set at Paragraph 14 of the NPPF. If a strategy were prepared it would be worthwhile considering how it might contribute to such an assessment (if required).

Recommendation 3: The GLA in partnership with Historic England should consider producing a London Heritage Strategy in line with national policy.

6.1.3 Monitoring

The effectiveness of the London Plan is assessed through the London Plan Annual Monitoring Report which uses 24 Key Performance Indicators (KPI). The same KPIs have been used for the last five years and the election of a new Mayor in May 2016 presents the opportunity to reconsider them.

Many of the KPIs relate to the topics which were regularly found to outweigh heritage in decision making in the case studies, with five of the indicators relating to housing and five relating to employment/provision of employment space.

The 24th indicator relates to heritage as follows: “*Reduction in proportion of designated heritage assets at risk as a percentage of the total number of designated heritage assets in London*”. This KPI has been assessed as achieved or unchanged for the last five years. Earlier versions of the AMR included a similar KPI: “*Reduction in the proportion of buildings at risk as a percentage of the total number of listed buildings in London*”.

This existing KPI is a good proxy for the protection of designated heritage assets in the city, however it fails to cover numerous other heritage considerations which are the subject of policies in the Plan. There is an opportunity to develop additional indicators which capture other wider heritage issues. This includes an indicator monitoring cumulative impact on London's heritage, as the NPPF seeks win-wins first and avoidance of harm, as well as an active, positive approach including enhancement of heritage assets. It is therefore recommended that the opportunity is taken for the GLA to review with Historic England the effectiveness of existing KPI to capture management of the historic environment

and to explore the inclusion of additional KPIs, that monitor in the round the impact of London Plan policies upon the historic environment. This review could form part of the development of a Heritage Strategy and inform the London Plan review.

Recommendation 4: GLA with Historic England to review the existing heritage KPI and to consider the benefits of additional KPIs that monitor the effectiveness of London Plan policies on the management of the historic environment.

6.1.4 The form and priorities of the future London Plan

The London Plan will be updated when the new Mayor is in place. The updated Plan will reflect the priorities and preferred approach of the new Mayor, and until the Mayor is established it is difficult to predict exactly what priorities it might include. Nevertheless it is highly likely that future versions of the Plan will place a strong emphasis on the delivery of housing and growth, with the two leading candidates both identifying that London should deliver 50,000 new homes per year (a significant increase from an average of 19,400 per year over the last decade). There will continue to be a strong desire for major new transport projects with both leading candidates supporting Crossrail 2 and the Garden Bridge. The pressure for development in London is therefore set to continue.

It is also possible that future iterations of the London Plan may take a more flexible form such as an online portal which can be continuously updated (similar to the NPPG) or include an interactive mapping element.

This study and the suite of London Plan studies commissioned alongside it contribute to an evidence base that will inform Historic England's engagement with the new Mayor. It is recommended that Historic England establish a relationship with the Mayor as soon as possible to understand and inform the direction of the Plan. Historic England should then continue to work with the GLA to develop the heritage policies in the new London Plan, picking up the points raised in this study along with findings from other evidence gathered by Historic England. The updated heritage policies should be finely tuned so that they address the strategic heritage issues facing London. This will involve developing a robust evidence base, identifying the challenges and opportunities, and setting out how the key strategic heritage issues can be managed through the London Plan in respect of development management, Local Plan preparation and implementation.

Recommendation 5: Historic England to establish a relationship with the new Mayor of London and his appointed strategic advisers as soon as possible and to continue to work with the GLA to develop the strategic heritage policies of the London Plan.

6.1.5 Policy 2.10 Central Activities Zone – strategic priorities

There is some minor inconsistency between Policy 2.10 of the London Plan and the NPPF due to the focus of Policy 2.10 on the economic dimension of sustainable development, whereas the NPPF presents a more balanced view taking

into account the economic, social and environmental dimensions. However given the focus of this policy is on the enhancing and promoting the unique international, national and London wide roles of the CAZ, this is not unexpected. It is positive that heritage is explicitly referenced in the policy, although the case studies found limited evidence of this part of the policy being used in determining applications.

No alteration is recommended to Policy 2.10 which should be retained. This study has not identified ways in which the policy could be improved to better protect or enhance the historic environment, rather the requirement to consider heritage under this policy should be promoted through awareness raising in Recommendation 1.

6.1.6 Policy 7.4 Local Character

In the case studies Policy 7.4 was widely used (although often without specific reference) but was rarely a determining factor in decision making. The Conservation Officers did not identify aspects of this policy as requiring change. One area of some non-alignment between Policy 7.4 and the NPPF was identified in respect of net gains and resolving conflicts. Additionally, Policy 7.4 is partially aligned with bullet 4 of Paragraph 58 of the NPPF which requires schemes to respond to local character and history although this should be made more explicit in part A by including a reference to improving visual or physical relationships with heritage assets, making a positive link between heritage and local character as in the NPPF (paras 58-61).

Recommendation 6: Clarify within Policy 7.4 to make a stronger link to the NPPF in respect of improving the positive link between heritage and local character.

6.1.7 Policy 7.7 Location and design of tall and large buildings

Policy 7.7 was an important consideration in decision making in several case studies, this is partly because the NPPF does not provide any specific guidance on tall buildings and local plans do not always have up to date tall buildings policies. The policy was most used where the principle of a tall building had not already been established in another policy document, such as an OAPF or local SPG.

The policy does not make specific reference to heritage, although the requirement that tall and large buildings should “*only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*” is generally interpreted as incorporating any historic environment context. The opportunity to further explain the intention of this part of the policy should be explored to determine the appetite for specific reference to heritage considerations to be added.

Policy 7.7 could also be better aligned to the NPPF if it included more explicit reference in terms of weight attached to avoiding harm. By referring to cumulative impact Policy 7.7 could also better align with GPA2.

There are two areas of some non-alignment between the NPPF and Policy 7.7:

- Policy 7.7 lacks reference to net gains or mitigation for unavoidable impacts; and
- Policy 7.7 lacks guidance on how to resolve conflict between objectives.

However these aspects are not critical to the application of Policy 7.7 and it is not necessary to duplicate the national policy here.

Policy 7.7 should play an important role in the determination of all tall buildings applications and particularly where they are located outside of strategic viewing corridors meaning Policies 7.11 and 7.12 do not apply. This should be clarified in the Plan, particularly given the increased number of proposals for tall buildings across London.

Recommendation 7: Clarify what is meant by Policy 7.7's requirement that tall and large buildings should "only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building" and if necessary add specific reference to the historic environment. Part E could be expanded to include "the impact of tall buildings proposed in or close to sensitive locations". Reference could also be added to cumulative impact and the policy could be more explicit in terms of weight attached to avoiding harm.

Recommendation 8: Clarify the relationship between Policy 7.7 and Policies 7.11 and 7.12.

6.1.8 Policy 7.8 Heritage assets and archaeology

The case studies have shown that Policy 7.8 is the most widely used heritage policy in the London Plan. Nevertheless the case studies found frequent use of the NPPF, rather than Policy 7.8, to frame consideration of impacts on heritage assets and where applicable justify harm.

To some extent development that compromises heritage assets is discouraged to a lesser degree in Policy 7.8 than the NPPF, for example Paragraph 132 the NPPF refers to attaching "great weight" to the assets conservation whereas Policy 7.8 includes a "where appropriate" caveat, stating "development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate". The "where appropriate" caveat should be amended to refer to the significance of the asset and the harm.

Policy 7.8 could also be improved by emphasising that historic assets are an irreplaceable resource. This would better align the policy with Paragraphs 126 and 132 of the NPPF and possibly help give more weight to heritage issues in decision making. Part E of Policy 7.8 could also refer to NPPF Paragraph 137's requirement to "...incorporate heritage assets, as appropriate, taking opportunities to enhance and better reveal their significance".

In several of the case studies some harm to heritage assets was acknowledged, as it currently stands Policy 7.8 provides limited guidance on how to deal with this. Policy 7.8 also appears to define significance as being only a visual impact, however the NPPG for example recognises that setting could also be affected where heritage assets have historic special relationships for instance.

Recommendation 9: Emphasise that historic assets should be conserved in a manner appropriate to their significance and clarify the meaning of significance to better align with the NPPF and NPPG. Replace the “where appropriate” caveat in Policy 7.8’s requirement to “identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate” with a link to the significance of the asset and the harm.

Recommendation 10: Emphasise within the supporting text of Policy 7.8 that historic assets are an irreplaceable asset.

6.1.9 Policy 7.9 Heritage led regeneration

There is a high degree of compliance between the NPPF and Policy 7.9, with the overarching aims of both very much aligned and no areas of non-alignment.

Policy 7.9 was not as well used as it could be. This study has not found evidence that this is due to the wording of the policy or a misunderstanding of it. It is therefore recommended that the policy is retained and promoted through the wider awareness raising in Recommendation 1.

6.1.10 Policy 7.10 World Heritage Sites

The case studies found evidence of Policy 7.10 being frequently used in decision making which implies that the wording of the policy is clear and not open to misinterpretation, although there is some evidence of differing interpretations of what is an impact. In case studies where the policy was less well used, it was due to a lack of weight being attached to the policy as a whole.

Policy 7.10 and the NPPF are compatible and there are no areas of non-alignment.

As with Policy 7.9 it is therefore recommended that the policy is retained and promoted through the wider awareness raising in Recommendation 1.

6.1.11 Policy 7.11 LVMF and Policy 7.12 Implementing the LVMF

Where relevant, Policies 7.11 and 7.12 are normally considered in more detail than the other London Plan heritage policies, possibly because they are tangible policies and LPA’s can easily determine whether or not the policies apply by comparing the site’s location with the viewing corridors. The case studies found evidence of these policies playing an important role in decision making and they should therefore be retained.

There are limited direct comparisons between Policies 7.11 and 7.12 and the NPPF, nevertheless the principles of the policies are aligned.

In the Conservation Officers survey the importance of keeping the LVMF up to date with the changing London skyline was highlighted. In particular one Officer suggested that Policy 7.11 is clarified to state that the view from St Paul’s with the Shard in the background does not accept that in this view tall buildings are now

acceptable. Another suggestion was that Policy 7.11 is updated to clarify that tall buildings are not automatically acceptable outside the viewing corridors.

Recommendation 11: Ensure the LVMF is kept up to date to take into account the changing London skyline and avoid precedent being established by planning decisions which might not have conformed to the LVMF.

Recommendation 12: Update Policy 7.12 to briefly set out the approach which should be followed for tall buildings outside of the viewing corridors, or introduce policy/clarify Policy 7.7 to provide guidance for tall buildings elsewhere.

6.1.12 The rest of the London Plan

One of the common areas of minor non-alignment between London Plan heritage policies and the NPPF is the lack of reference to net gains in any of the London Plan policies. It is therefore recommended that a reference to seeking opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three is added to the London Plan. This is a principle should established early on, possibly as part of the Plan's objectives or supporting text for Policy 1.1 Delivering the Strategic Vision and Objectives for London and then run as a thread throughout the Plan.

Recommendation 13: Add a clear reference early in the Plan to achieving through the management of change in London the economic, social and environmental dimensions of sustainable development, and net gains across all three, in line with national policy.

Appendix A

London Plan Policies

A1 A1 London Plan Policies

The following pages duplicate the relevant pages in the London Plan on which the policies considered as part of this study can be found. The full London Plan can be found at: <https://www.london.gov.uk/what-we-do/planning/londonplan/current-london-plan>

A2 Policy 2.10 Central Activities Zone - strategic priorities

Strategic

A The Mayor will, and boroughs and other relevant strategic partners should:

- a. enhance and promote the unique international, national and Londonwide roles of the Central Activities Zone (CAZ), supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations
- b. in appropriate quarters shown on **Map 2.3**, bring forward development capacity and supporting infrastructure and services to sustain and enhance the CAZ's varied strategic functions without compromising the attractions of residential neighbourhoods where more local uses predominate
- c. sustain and enhance the City of London and, although formally outside the CAZ (see para. 2.55) the Isle of Dogs as strategically important, globally-oriented financial and business services centres
- d. sustain and enhance the distinctive environment and heritage of the CAZ, recognising both its strategic components such as the River Thames, the Royal Parks, World Heritage Sites, designated views and more local features including the public realm and historic heritage, smaller open spaces and distinctive buildings, through high quality design and urban management
- e. in appropriate parts of the CAZ and the related area in the north of the Isle of Dogs, ensure that development of office provision is not strategically constrained and that provision is made for a range of occupiers especially the strategically important financial and business services
- f. support and improve the retail offer of CAZ for residents, workers and visitors, especially Knightsbridge and the West End as global shopping destinations

- g. sustain and manage the attractions of CAZ as the world's leading visitor destination
- h. bring forward and implement development frameworks for CAZ opportunity and intensification areas (see Policy **2.13**) to benefit local communities as well as providing additional high quality, strategic development capacity
- i. enhance the strategically vital linkages between CAZ and labour markets within and beyond London in line with objectives to secure sustainable development of the wider city region
- j. address issues of environmental quality raised by the urban heat island effect and realise the unique potential for district energy networks
- k. co-ordinate management of nearby industrial capacity to meet the distinct needs of CAZ
- l. improve infrastructure for public transport, walking and cycling, and optimise development and regeneration benefits they can support (particularly arising from Crossrail).

B The Mayor will and boroughs should, use the CAZ boundary shown diagrammatically in Map 2.3 as the basis for co-ordinating policy to address the unique issues facing the Zone. The detailed boundary should be defined in DPDs and the Mayor will work closely with boroughs and other stakeholders to prepare Supplementary Planning Guidance to co-ordinate implementation of strategic policy in its unique circumstances.

A3 Policy 7.4 Local character

Strategic

A Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

Planning decisions

B Buildings, streets and open spaces should provide a high quality design response that:

- a. has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass
- b. contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area

- c. is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings
- d. allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area
- e. is informed by the surrounding historic environment.

LDF preparation

C Boroughs should consider the different characters of their areas to identify landscapes, buildings and places, including on the Blue Ribbon Network, where that character should be sustained, protected and enhanced through managed change. Characterisation studies can help in this process.

The social, cultural, environmental and economic relationships between people and their communities are reinforced by the physical character of a place. Based on an understanding of the character of a place, new development should help residents and visitors understand where a place has come from, where it is now and where it is going. It should reflect the function of the place both locally and as part of a complex urban city region, and the physical, economic, environmental and social forces that have shaped it over time and are likely to influence it in the future. Local character does not necessarily recognise borough boundaries. The Mayor therefore encourages cross-borough working to ensure a consistent approach to understanding and enhancing a sense of character. The Mayor has developed supplementary guidance to help Boroughs with this work.

The physical character of a place can help reinforce a sense of meaning and civility – through the layout of buildings and streets, the natural and man-made landscape, the density of development and the mix of land uses. In some cases, the character is well preserved and clear. In others, it is undefined or compromised by unsympathetic development. Through characterisation studies, existing character can be identified and valued, and used to inform a strategy for improving the place. This should help ensure the place evolves to meet the economic and social needs of the community and enhances its relationship with the natural and built landscape. The community should be involved in setting these goals for the future of the area (Policy 7.1).

The Blue Ribbon Network has significant cultural, historic, economic and environmental value to local character. Later in this chapter a range of policies require buildings and spaces to have particular regard to their relationship to waterspaces in their form, scale and orientation. New development should enhance physical and visual access between existing streets and waterfront sites and, incorporate features that make the best functional use of the site's proximity to a water resource. Buildings and spaces should be designed to activate the Blue Ribbon Network in a way that is appropriate to its character, infrastructure value and heritage significance.

A4 Policy 7.7 Location and design of tall and large buildings

Strategic

A Tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings.

Planning decisions

B Applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet the criteria below. This is particularly important if the site is not identified as a location for tall or large buildings in the borough's LDF.

C Tall and large buildings should:

- a. generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport
- b. only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building
- c. relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
- d. individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London
- e. incorporate the highest standards of architecture and materials, including sustainable design and construction practices
- f. have ground floor activities that provide a positive relationship to the surrounding streets
- g. contribute to improving the permeability of the site and wider area, where possible
- h. incorporate publicly accessible areas on the upper floors, where appropriate
- i. make a significant contribution to local regeneration.

D Tall buildings:

- a. should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference

b. should not impact on local or strategic views adversely

E The impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.

LDF preparation

E Boroughs should work with the Mayor to consider which areas are appropriate, sensitive or inappropriate for tall and large buildings and identify them in their Local Development Frameworks. These areas should be consistent with the criteria above and the place shaping and heritage policies of this Plan.

Tall and large buildings are those that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor. Whilst high density does not need to imply high rise, tall and large buildings can form part of a strategic approach to meeting the regeneration and economic development goals laid out in the London Plan, particularly in order to make optimal use of the capacity of sites with high levels of public transport accessibility. However, they can also have a significant detrimental impact on local character. Therefore, they should be resisted in areas that will be particularly sensitive to their impacts and only be considered if they are the most appropriate way to achieve the optimum density in highly accessible locations, are able to enhance the qualities of their immediate and wider settings, or if they make a significant contribution to local regeneration.

Tall and large buildings should always be of the highest architectural quality, (especially prominent features such as roof tops for tall buildings) and should not have a negative impact on the amenity of surrounding uses. Opportunities to offer improved permeability of the site and wider area should be maximised where possible.

The location of a tall or large building, its alignment, spacing, height, bulk, massing and design quality should identify with and emphasise a point of civic or visual significance over the whole area from which it will be visible. Ideally, tall buildings should form part of a cohesive building group that enhances the skyline and improves the legibility of the area, ensuring tall and large buildings are attractive city elements that contribute positively to the image and built environment of London.

The Mayor will work with boroughs to identify locations where tall and large buildings might be appropriate, sensitive or inappropriate. He will help them develop local strategies to help ensure these buildings are delivered in ways that maximise their benefits and minimise negative impacts locally and across borough boundaries as appropriate. It is intended that Mayoral supplementary guidance on characterisation could help set the context for this. In balancing these impacts, unacceptable harm may include criteria in parts D and E of Policy 7.7.

Opportunity area planning frameworks can provide a useful opportunity for carrying out such joint work.

A5 Policy 7.8 Heritage assets and archaeology

Strategic

A London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.

B Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.

Planning decisions

C Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.

D Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

E New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.

LDF preparation

F Boroughs should, in LDF policies, seek to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy as part of managing London's ability to accommodate change and regeneration.

G Boroughs, in consultation with English Heritage, Natural England and other relevant statutory organisations, should include appropriate policies in their LDFs for identifying, protecting, enhancing and improving access to the historic environment and heritage assets and their settings where appropriate, and to archaeological assets, memorials and historic and natural landscape character within their area.

London's built and landscape heritage provides a depth of character that has immeasurable benefit to the city's economy, culture and quality of life. Natural landscapes can help to provide a unique sense of place whilst layers of architectural history provide an environment that is of local, national and world

heritage value. It is to London's benefit that some of the best examples of architecture from the past 2000 years sit side by side to provide a rich texture that makes the city a delight to live, visit, study and do business in. Ensuring the identification and sensitive management of London's heritage assets in tandem with promotion of the highest standards of modern architecture will be key to maintaining the blend of old and new that gives the capital its unique character. Identification and recording heritage through, for example, character appraisals, conservation plans and local lists, which form the Greater London Historic Environmental Record (GLHER) are essential to this process.

London's diverse range of designated and non-designated heritage assets contribute to its status as a World Class City. Designated assets currently include 4 World Heritage Sites, over 1,000 conservation areas, almost 19,000 listed buildings, over 150 registered parks and gardens, more than 150 scheduled monuments and 1 battlefield (Barnet). Those designated assets at risk include 72 conservation areas, 493 listed buildings, 37 scheduled monuments and 14 registered parks and gardens. The distribution of designated assets differs across different parts of London, and is shown in Map 7.1. London's heritage assets range from the Georgian squares of Bloomsbury to Kew Gardens (Victorian) and the Royal Parks, and include ancient places of work like the Inns of Court (medieval in origin), distinctive residential areas like Hampstead Garden Suburb (early twentieth century) and vibrant town centres and shopping areas like Brixton and the West End. This diversity is a product of the way London has grown over the 2000 years of its existence, embracing older settlements and creating new ones, often shaped by the age they were developed. This sheer variety is an important element of London's vibrant economic success, world class status and unique character.

Crucial to the preservation of this character is the careful protection and adaptive re-use of heritage buildings and their settings. Heritage assets such as conservation areas make a significant contribution to local character and should be protected from inappropriate development that is not sympathetic in terms of scale, materials, details and form. Development that affects the setting of heritage assets should be of the highest quality of architecture and design, and respond positively to local context and character outlined in the policies above.

- A. Substantial harm to or loss of a designated heritage asset should be exceptional, with substantial harm to or loss of those assets designated of the highest significance being wholly exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. Enabling development that would otherwise not comply with planning policies, but which would secure the future conservation of a heritage asset should be assessed to see if the benefits of departing from those policies outweigh the disbenefits.
- B. When considering re-use or refurbishment of heritage assets, opportunities should be explored to identify potential modifications to reduce carbon emissions and secure sustainable development. In doing this a balanced approach should be taken, weighing the extent of the mitigation of climate change involved against potential harm to the heritage asset or its setting.

Where there is evidence of deliberate neglect of and/or damage to a heritage asset the deteriorated state of that asset should not be taken into account when making a decision on a development proposal.

London's heritage assets and historic environment also make a significant contribution to the city's culture by providing easy access to the history of the city and its places. For example recognition and enhancement of the multicultural nature of much of London's heritage can help to promote community cohesion. In addition to buildings, people can perceive the story of the city through plaques, monuments, museums, artefacts, photography and literature. Every opportunity to bring the story of London to people and ensure the accessibility and good maintenance of London's heritage should be exploited. In particular, where new development uncovers an archaeological site or memorial, these should be preserved and managed on-site. Where this is not possible provision should be made for the investigation, understanding, dissemination and archiving of that asset.

A6 Policy 7.9 Heritage-led regeneration

Strategic

A Regeneration schemes should identify and make use of heritage assets and reinforce the qualities that make them significant so they can help stimulate environmental, economic and community regeneration. This includes buildings, landscape features, views, Blue Ribbon Network and public realm.

Planning decisions

B The significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.

LDF Preparation

C Boroughs should support the principles of heritage-led regeneration in LDF policies.

Based on an understanding of the value and significance of heritage assets, the sensitive and innovative use of historic assets within local regeneration should be encouraged. Schemes like Townscape Heritage Initiatives, Heritage Lottery Fund, Heritage Economic Regeneration Schemes or Buildings at Risk Grants can play an important role in fostering regeneration of historic areas while also promoting the maintenance and management of heritage assets and developing community appreciation of them.

A7 Policy 7.10 World heritage sites

Strategic

A Development in World Heritage Sites and their settings, including any buffer zones, should conserve, promote, make sustainable use of and enhance their authenticity, integrity and significance and Outstanding Universal Value. The Mayor has published Supplementary Planning Guidance on London's World Heritage Sites – Guidance on Settings to help relevant stakeholders define the setting of World Heritage Sites.

Planning decisions

B Development should not cause adverse impacts on World Heritage Sites or their settings (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. In considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plans.

LDF preparation

C LDFs should contain policies to:

- a. protect, promote, interpret, and conserve, the historic significance of World Heritage Sites and their Outstanding Universal Value, integrity and authenticity
- b. safeguard and, where appropriate, enhance both them and their settings

D Where available, World Heritage Site Management Plans should be used to inform the plan making process.

The World Heritage Sites at Maritime Greenwich, Royal Botanic Gardens Kew, Palace of Westminster and Westminster Abbey including St Margaret's Church and Tower of London are embedded in the constantly evolving urban fabric of London. The surrounding built environment must be carefully managed to find a balance between protecting the elements of the World Heritage Sites that make them of Outstanding Universal Value and allowing the surrounding land to continue to change and evolve as it has for centuries. To help this process, the Mayor will encourage the development and implementation of World Heritage Management Plans.

Darwin's Landscape Laboratory is currently included on UNESCO's Tentative List for designation as a World Heritage Site. Development affecting Tentative List Sites should also be evaluated so that their Outstanding Universal Value is not compromised.

Development in the setting (including buffer zones where appropriate) of these World Heritage Sites should provide opportunities to enhance their setting through the highest quality architecture and contributions to the improvement of

the public realm consistent with the principles of the World Heritage Site Management Plans. Development in the setting of World Heritage Sites must contribute to the provision of an overall amenity and ambience appropriate to their World Heritage status. The Mayor encourages developers, policy makers and other stakeholders to follow the stepped approach set out in his guidance on settings to assess the effects of development proposals and proposals for change through plan-making on the setting of the World Heritage Sites.

A8 Policy 7.11 London view management framework

Strategic

A The Mayor has designated a list of strategic views (Table 7.1) that he will keep under review. These views are seen from places that are publicly accessible and well used. They include significant buildings or urban landscapes that help to define London at a strategic level. These views represent at least one of the following categories: panoramas across substantial parts of London; views from an urban space of a building or group of buildings within a townscape setting (including narrow, linear views to a defined object); or broad prospects along the river Thames. Development will be assessed for its impact on the designated view if it falls within the foreground, middle ground or background of that view.

B Within the designated views the Mayor will identify landmarks that make aesthetic, cultural or other contributions to the view and which assist the viewer's understanding and enjoyment of the view.

C The Mayor will also identify strategically important landmarks in the views that make a very significant contribution to the image of London at the strategic level or provide a significant cultural orientation point. He will seek to protect vistas towards strategically important landmarks by designating landmark viewing corridors and wider setting consultation areas. These elements together form a protected vista. Each element of the vista will require a level of management appropriate to its potential impact on the viewer's ability to recognise and appreciate the strategically important landmark.

D The Mayor will also identify and protect aspects of views that contribute to a viewer's ability to recognise and to appreciate a World Heritage Site's authenticity, integrity, significance and Outstanding Universal Value.

E The Mayor has prepared supplementary planning guidance on the management of the designated views. This supplementary guidance includes plans for the management of views as seen from specific assessment points within the viewing places. The guidance provides advice on the management of the foreground, middle ground and background of each view. The Mayor will, when necessary, review this guidance.

A9 Policy 7.12 Implementing the London view management framework

Strategic

A New development should not harm, and where possible should make a positive contribution to, the characteristics and composition of the strategic views and their landmark elements. It should also preserve or enhance viewers' ability to recognise and to appreciate strategically important landmarks in these views and, where appropriate, protect the silhouette of landmark elements of World Heritage Sites as seen from designated viewing places.

Planning decisions

B Development in the foreground and middle ground of a designated view should not be overly intrusive, unsightly or prominent to the detriment of the view.

C Development proposals in the background of a view should give context to landmarks and not harm the composition of the view as a whole. Where a silhouette of a World Heritage Site is identified by the Mayor as prominent in a Townscape or River Prospect, and well preserved within its setting with clear sky behind it, it should not be altered by new development appearing in its background. Assessment of the impact of development in the foreground, middle ground or background of the view or the setting of a landmark should take into account the effects of distance and atmospheric or seasonal changes.

D In addition to the above, new development in designated views should comply with the following:

- a. London Panoramas – should be managed so that development fits within the prevailing pattern of buildings and spaces and should not detract from the panorama as a whole. The management of views containing strategically important landmarks should afford them an appropriate setting and prevent a canyon effect from new buildings crowding in too close to the strategically important landmark in the foreground, middle ground or background where appropriate.
- b. River Prospects – views should be managed to ensure that the juxtaposition between elements, including the river frontages and key landmarks, can be appreciated within their wider London context.
- c. Townscape and Linear Views – should be managed so that the ability to see specific buildings, or groups of buildings, in conjunction with the surrounding environment, including distant buildings within views, is preserved.

E Viewing places should be accessible and managed so that they enhance people's experience of the view.

F In addition to the above, where there is a protected vista:

- a. development that exceeds the threshold height of a landmark viewing corridor should be refused
- b. development in the wider setting consultation area should form an attractive element in its own right and preserve or enhance the viewer's ability to recognise and to appreciate the strategically important landmark. It should not cause a canyon effect around the landmark viewing corridor
- c. development in the foreground of the wider setting consultation area should not detract from the prominence of the strategically important landmark in this part of the view.

G In complying with the above, new development should not cause negative or undesirable local urban design outcomes.

H The Mayor will identify, in some designated views, situations where the silhouette of a World Heritage Site, or part of a World Heritage Site, should be protected.

LDF preparation

J Boroughs should reflect the principles of this policy and include all designated views, including the protected vistas, into their Local Development Frameworks. Boroughs may also wish to use the principles of this policy for the designation and management of local views.

Protected vistas are designed to preserve the viewer's ability to recognise and appreciate a strategically important landmark from a designated viewing place. Development that exceeds the threshold plane of the landmark viewing corridor will have a negative impact on the viewer's ability to see the strategically important landmark and is therefore contrary to the London Plan. Development in the foreground, middle ground or background of a view can exceed the threshold plane of a wider setting consultation area if it does not damage the viewer's ability to recognise and to appreciate the strategically important landmark and if it does not dominate the strategically important landmark in the foreground or middle ground of the view.

In complying with the requirements of Policies 7.11 and 7.12 development should comply with other policies in this chapter and should not have a negative effect on the surrounding land by way of architecture or relationship with the public realm.

Protected vistas will be developed in consultation with the Secretary of State. The Mayor will seek the Secretary of State's agreement to adopt protected vista directions that are in conformity with the London Plan policies and the London View Management Framework SPG.

Appendix B

Conservation Officers Questionnaire



Survey of London Conservation Officers

As a part of a series of research studies, Historic England is undertaking a review of the application of London Plan policies in the management of the historic environment. The project will enable Historic England to inform the review of the London Plan following the election of the new London Mayor in May 2016.

We are seeking the views of all Conservation Officers in London Boroughs to understand your views on the London Plan’s heritage policies, their application in determining planning applications and if/how they could be improved. We want to hear your first-hand experiences of using the policies to help ensure they are usable and effective in managing the historic environment in the future.

The following policies in the London Plan are being considered as part of this study:

- Policy 2.10 Central Activities Zone – strategic priorities
- Policy 7.4 Local Character
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage led regeneration
- Policy 7.10 World Heritage sites
- Policy 7.11 London View Management Framework
- Policy 7.12 Implementing the London View Management Framework

The full policies can be viewed at: <https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan>

We would therefore be grateful if you would complete this short questionnaire which should take no longer than 15 minutes.

All responses will be kept confidential and the report will not attribute individual comments to an officer or a local authority. If you have any queries or would like to hear more about the study please contact Graham Saunders (Graham.Saunders@HistoricEngland.org.uk).

1. a) Which borough do you represent?.....

b) Do you have a role in advising on planning applications? Please explain.

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c) Do you have a role in influencing local planning policy? Please explain.

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d) Do you have any other roles in the Borough, for example Design Officer or Regeneration adviser? Please explain.

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2. a) Are you familiar with the concepts within the London Plan’s heritage policies and the National Planning Policy Framework? Please explain

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b) When would you expect the London Plan heritage policies to be applied in the determination of planning applications by the borough?

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3. a) Are your borough’s Local Plan heritage policies consistent with those in the London Plan and the National Planning Policy Framework? In what ways do they differ?

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b) In your opinion, are your Local Plan’s heritage policies more or less rigorous or comprehensive than those in the London Plan?

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4. a) How often are London Plan’s heritage policies considered in the determination of relevant planning applications? (circle as applicable)

always / usually / sometimes / occasionally / never

b) If you answered usually, sometimes, occasionally or never, why are they not regularly considered?

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**c) Which of the London Plan policies are most helpful in determining applications?
Tick all that apply**

Policy 2.10: Central Activities Zone – strategic priorities

Policy 7.4: Local Character

Policy 7.7: Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage led regeneration

Policy 7.10 World Heritage sites

Policy 7.11 London View Management Framework

Policy 7.12 Implementing the London View Management Framework

d) From your knowledge, how much weight is usually given to the London Plan’s heritage policies?

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e) Is there anything preventing you from attaching more weight to the London Plan’s heritage policies in the determination of planning applications with heritage implications? If so, what?

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f) Do you consider that the application of the London Plan's heritage policies has a positive effect on the management of the historic environment?

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5. Are there any particular policies or supporting text of the London Plan you find particularly helpful or unhelpful, including or beyond those above?

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6. Do you have any suggestions for how the London Plan's heritage policies could be improved?

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Thank you. Please continue on separate sheets if necessary.

Appendix C

Compliance Framework

		London Plan Policy								
		Policy 2.10 Central Activities Zone – strategic priorities	Policy 7.4 Local Character	Policy 7.7 Location and design of tall and large buildings	Policy 7.8 Heritage assets and archaeology	Policy 7.9 Heritage led regeneration	Policy 7.10 World Heritage sites	Policy 7.11 LVMF	Policy 7.12 Implementing the LVMF	
National Planning Policy Framework	58 to 61 (good design/respond to character)	Assessment								
		Commentary	Policy 2.10 refers to "high quality design and urban management". This is consistent with the overarching design aims of the NPPF.	Policies very consistent in the ambition for good design and how this could be achieved. NPPF makes reference to optimising "the potential of the site to accommodate development" and this is not included in Policy 7.4. The strategic part A, does not include explicit reference to improving visual or physical relationship with heritage assets'	Overall ambitions for design are consistent, for example creating accessible places and good architecture. The focus of Policy 7.4 on tall buildings means that many of the design ambitions are not applicable to general good design principles as enshrined in the NPPF.	Policy 7.8 uses similar language to the NPPF in understanding and maintaining the area's character through design: "Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail". The broader aims referred to in the NPPF are also referenced in Policy 7.8 which states that Boroughs should seek to "maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy as part of managing London's ability to accommodate change and regeneration".	Policy 7.9 does not reference quality of design, however it is consistent with the NPPF in promoting heritage-led regeneration which responds to character, for example stating schemes should "identify and make use of heritage assets".	Policy 7.10 requires World Heritage Management Plans to inform the plan making process; this meet the NPPS requirement to develop robust and comprehensive policies for an area. Policy 7.10 does not explicitly reference design quality, however its requirements such as for LDFs to "protect, promote, interpret" WHS is compatible with NPPF design quality requirements for example to respond to character and create a sense of place.	Policy 7.11 does not directly relate to design quality although its overall ambition to ensure that development does not compromise the strategic viewing corridors is compliant with the NPPF's overarching ambition to ensure high quality design which reflects local character.	Policy 7.12 does not explicitly relate to design quality although its overall ambition to ensure development does not compromise the strategic viewing corridors is compliant with the NPPF's overarching ambition to ensure high quality design which reflects local character. Policy 7.12 states that "new development should not cause negative or undesirable local urban design outcomes" and this is consistent with NPPF design aims.
		Assessment	N/A							
		Commentary	N/A	Although both have the same aims, Policy 7.4 does not emphasise the positive contribution the historic environment can make to the character of place which is identified in the NPPF, rather Policy 7.4 refers to being "informed by the surrounding historic environment".	Policy 7.7 requires plans to consider which areas are "appropriate, sensitive or inappropriate for tall or large buildings" and makes specific reference to the consideration of heritage policies in doing this, as required by the NPPF which states that "local planning authorities should set out in their Local Plan a positive strategy for... the historic environment".	The NPPF requires a "positive strategy for the conservation and enjoyment of the historic environment" and this is consistent with the LDF preparation requirements in Policy 7.8. The NPPF requires conservation of heritage assets "in a manner appropriate to their significance", while Policy 7.8 places less emphasis on significance only noting that "development affecting heritage assets and their settings should conserve their significance". Policy 7.8 states "development should...value, conserve...heritage assets, where appropriate", the use of "where appropriate" implies there will be times when it is not necessary to do so; the NPPF does not include an equivalent caveat instead focusing on the assessment of significance.	Policy 7.9 requires LDFs to support the principles of heritage-led regeneration in LDF policies, this is consistent with the 'positive strategy' suggested by the NPPF, particularly when coupled with Policy 7.9's positive approach to using heritage as a "catalyst for regeneration". Policy 7.9 recognises the importance of conservation in the "establishment and maintenance of sustainable communities and economic vitality" this is highly compliant with the NPPF requiring LPAs to take into account the "wider social, economic and environmental benefits that conservation and of the historic environment can bring". The policies are identical in seeking "viable uses consistent with their conservation". Both policies are effective in requiring consideration of the contribution the historic environment can make to character of place.	Policy 7.10 requires LDFs to contain policies to safeguard and enhance WHSs and their settings and to consider WHS Management Plans - this is highly compatible with the NPPF requirement for Local Plans to set out positive strategies for the conservation and enjoyment of the historic environment. Both policies recognise the wider value of heritage assets/WHS and opportunities to draw on the contribution made by the historic environment/WHSs to the character of a place.	These policies are not directly compatible. However the strategic viewing corridors do help LPAs to meet the NPPF requirement to "create a positive strategy for the conservation and enjoyment of the historic environment" by clearly identifying the corridors which can be taken into account in LDF preparation.	Policy 7.12 requires the viewing corridors to be reflected in LDF policies and is therefore consistent with the NPPF requirement for a positive strategy.
		Assessment	N/A	N/A	N/A					
	Commentary	N/A	N/A	N/A	Paragraph 128 describes the information which should be submitted with planning applications. Although Policy 7.8 does not explicitly identify the information to be submitted with planning applications, in order to meet the aims of Policy 7.8 the information required by Paragraph 128 is likely to be required and the two are therefore not incompatible.	Both policies require information on the significance of heritage assets to be provided. Policy 7.9 does not explicitly require information on setting to be provided, but this is implied through the principle of heritage-led regeneration. Para 128 provides more detail on the use of evidence.	Policy 7.10 does not contain specific requirements for information to be submitted with planning application. The NPPF refers to the proportionality of evidence to be provided with applications; Policy 7.10 makes no reference to proportionality but does make clear the significance of WHS and therefore sets an expectation that a proportionate amount of information should be provided.	N/A	N/A	
	Assessment	N/A	N/A	N/A						
	Commentary	N/A	N/A	N/A	Policy 7.8 makes no reference to evidence of neglect and how this should be considered in determining applications which is a requirement in the NPPF.	Policy 7.9 makes no reference to evidence of deliberate neglect as the NPPF does, although this would not be expected in a heritage-led regeneration policy.	N/A	N/A	N/A	
	126 (local plan preparation positive strategy)	Assessment								
	Commentary									
	128 (applicant requirements/use of evidence)	Assessment								
	Commentary									
	130 (evidence of neglect)	Assessment								
	Commentary									

		London Plan Policy							
		Policy 2.10 Central Activities Zone – strategic priorities	Policy 7.4 Local Character	Policy 7.7 Location and design of tall and large buildings	Policy 7.8 Heritage assets and archaeology	Policy 7.9 Heritage led regeneration	Policy 7.10 World Heritage sites	Policy 7.11 LVMF	Policy 7.12 Implementing the LVMF
152 (net gains/avoid impacts and/or mitigate or compensate)	Assessment							N/A	N/A
	Commentary	Policy 2.10 makes no reference to net gains or mitigation for unavoidable impacts. Policy 2.10 does not provide guidance on how to resolve conflict between objectives, but the focus on the business role of the CAZ may mean that these objectives are pursued at the expense of social and environmental objectives.	Policy 7.4 makes no reference to net gains or mitigation for unavoidable impacts which are both requirements in the NPPF. Policy 7.4 does not provide guidance on how to resolve conflict between objectives as the NPPF does.	Policy 7.7 makes no reference to net gains or mitigation for unavoidable impacts which is a requirement in the NPPF. Policy 7.7 does not provide guidance on how to resolve conflict between objectives as the NPPF does.	Policy 7.8 refers to enhancing "the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy as part of managing London's ability to accommodate change and regeneration" but does not go so far as the NPPF in seeking net gains.	Policy 7.9 recognises heritage regeneration schemes can help stimulate environmental, economic and community benefits which should be recognised in plan making. This is considered to be consistent with the NPPF in seeking net gains.	Policy 7.10 is compatible with the NPPF requirement to avoid "significant adverse impacts on any of these dimensions" in its clear requirement to avoid adverse impacts on WHS. Policy 7.10 does not refer to net gains in all three dimensions of sustainable development, although it is not incompatible with this policy aim in the NPPF.	N/A	N/A
157 (bullet 8)(strategy for enhancing)	Assessment	N/A	N/A					N/A	N/A
	Commentary	N/A	N/A	Policy 7.7 requires tall buildings to be part of a "plan-led approach" and is therefore consistent with having a "clear strategy" however Policy 7.7 makes no reference to "enhancement" rather it focuses on limiting harm.	Policy 7.8 requires LDFs to "maintain and enhance the contribution of heritage...". NPPF wording makes no reference to "maintaining". Policy 7.8 requires LDFs to have "appropriate policies" but does not make reference to a strategy for the historic environment.	Policy 7.9 requires LPAs to "support the principles of heritage-led regeneration in LDF policies" this is broadly consistent with the NPPF requirement of preparing a "clear strategy" for enhancement.	Policy 7.10 requires LDF policies to "protect, promote, interpret and conserve" WHSs and to use WHS Management Plans to inform policies - together these mean Policy 7.10 is compatible with the NPPF requirement for LDFs to "contain a clear strategy for enhancing the natural, built and historic environment".	N/A	N/A
169 & 170 (up to date evidence on significance)	Assessment	N/A		N/A				N/A	N/A
	Commentary	N/A	Policy 7.4 notes characterisation studies can help in considering different characters of boroughs where that character should be sustained, protected and enhanced through managed change. The NPPF has a stronger requirement for these to be used stating: "Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity."	N/A	Policy 7.8 requires Plans to have appropriate policies for identifying and managing the historic environment but makes no reference to up to date evidence like the NPPF does.	N/A	N/A	N/A	N/A

		London Plan Policy											
		Policy 2.10 Central Activities Zone – strategic priorities	Policy 7.4 Local Character	Policy 7.7 Location and design of tall and large buildings	Policy 7.8 Heritage assets and archaeology	Policy 7.9 Heritage led regeneration	Policy 7.10 World Heritage sites	Policy 7.11 LVMF	Policy 7.12 Implementing the LVMF				
Planning Practice Guidance	17 (how to assess if there is substantial harm?)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	Policy 7.7 states that "tall and large buildings should not have an <u>unacceptably harmful impact</u> on their surroundings". The NPPG provides guidance on what is "substantial harm" - whilst the wording varies slightly it is broadly consistent. The NPPG further states that "it is the degree of harm to the asset's significance" that should be considered and that "harm may arise from works to the asset or from development within its setting" which is compatible with the principles in Policy 7.7.	Policy 7.8 seeks to ensure that "development affecting heritage assets and their settings should conserve their significance" as the NPPG does where it states that "significance derives not only from a heritage asset's physical presence, but also its setting". Policy 7.8 does not state what constitutes substantial harm while the NPPG states that substantial harm is measured by the "degree of harm to the asset's significance".	N/A	Policy 7.10 states that development should "not cause adverse impacts on World Heritage Sites or their settings" and this is consistent with the NPPG requirement to avoid substantial harm. The NPPG provides more detailed guidance on how to assess if there is substantial harm.	Policy 7.11 states that the Mayor's designated strategic views include both "significant buildings or urban landscapes that help define London at a strategic level", however it is not stated what constitutes substantial harm. The focus of this section of the NPPG is providing a description of substantial harm.	Policy 7.12 states that new development should "preserve or enhance viewers' ability to recognise and to appreciate strategically important landmarks in these views", however it is not stated what constitutes substantial harm.			
	18 (harm in relation to conservation areas)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	Policy 7.7 states that "the impact of tall buildings in sensitive locations should be given particular consideration. Such areas might include conservation areas". Paragraph 018 of NPPG covers harm in relation to conservation areas but focuses only on demolition and does not cover the potential for harm from new buildings.	Policy 7.8 states that "conservation areas... should be identified... so that the desirability of sustaining and enhancing their significance and utilising their positive role in place shaping can be taken into account", Paragraph 018 of the NPPG is entitled "What about harm in relation to conservation areas?" but has a much narrower focus with no reference to the positive role in place shaping. Paragraph 018 focusses on whether or not the demolition of heritage assets in conservation areas constitutes substantial harm based on the relative significance of the building.	N/A	N/A	N/A	N/A			
	19 (how can proposals avoid or minimise harm to the significance of a heritage asset?)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	Policy 7.7 requires proposals for tall buildings to "include an urban design analysis that demonstrates the proposal is part of a strategy" that meets identified criteria, with particular consideration given to "sensitive locations". This is consistent with the NPPG guidance to develop "early appraisals, a conservation plan or targeted specialist intervention" to identify constraints and opportunities associated with a heritage asset an early stage.	Policy 7.8 states that development should "identify, record, interpret, protect and, where appropriate, present" the site's archaeology and that development proposals should be sympathetic to "form, scale, materials and architectural detail". This reflects the aims of NPPG guidance which states that early appraisals of a heritage asset can reveal alternative development options with "more sensitive designs or different orientations".	N/A	Both policies require an understanding of the significance of a heritage asset. Policy 7.10 does not promote the consideration of options like the NPPG does.	N/A	Policy 7.12 states that development proposals in the foreground and middle ground of a designated view "should not be overly intrusive, unsightly or prominent to the detriment of the view" and those in the background should "give context to landmarks and not harm the composition of the view as a whole". The NPPG also states that an understanding of the "significance of a heritage asset and its setting is necessary to... minimise harm" and that proposals following early appraisals "can reveal development options that minimise harm".			
	24 (what do planning authorities need to consider before designating new conservation areas?)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	25 (do local planning authorities need to review conservation areas?)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
32 (what principles should inform the development of a positive strategy for the conservation and enjoyment of World Heritage Sites?)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Commentary	N/A	N/A	N/A	Policy 7.8 states that World Heritage Sites should be identified so that the "desirability of sustaining and enhancing their significance... and positive role in place shaping can be taken into account" which is reflective of the NPPG's guidance that "appropriate policies for the protection and sustainable use of World Heritage Sites... should be included in relevant plans"; however unlike the NPPG there is no reference to conserving Outstanding Universal Value or establishing buffer zones.	Policy 7.9 focusses on identifying and making use of heritage assets to "reinforce the qualities that make them significant so they can help stimulate environmental, economic and community regeneration" while the NPPG gives weight to both "the protection and sustainable use of World Heritage Sites, including enhancement". The NPPG provides additional detail on the principles to be included in Local Plans specifically related to WHS. Such detail is not provided in Policy 7.9, although the focus of this policy is not on WHSs.	Policy 7.10 states that LDFs should "protect, promote, interpret, and conserve" and "enhance" the significance of WHSs. These aims are reflected in NPPG guidance which states that "appropriate policies for the protection and sustainable use of World Heritage Sites... should be included in relevant plans".	N/A	N/A				
34 (what are World Heritage Site management plans?)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Commentary	N/A	N/A	N/A	N/A	N/A	Policy 7.10 states that "appropriate weight should be given to implementing the provisions of World Heritage Site Management Plans". The NPPG provides a description of what these plans are.	N/A	N/A				

Historic Environment Good Practice Advice in Planning 2. Managing Significance in Decision-Taking in the Historic Environment.

Assessment criteria

Very aligned	Policies are very consistent. Policies seek to achieve exactly the same ambition using exactly the same approach. The same or similar language is used.
Aligned	Policies are consistent. Policies seek to achieve similar ambitions using similar approaches. Similar language is used.
Some non-alignment	Policies are consistent in some areas but inconsistent in others. The policies seek to achieve slightly different ambitions or propose slightly different approaches.
Not aligned	Policies are in conflict. Policies seek to achieve different ambitions and/or propose different approaches.

		London Plan Policy							
		Policy 2.10 Central Activities Zone – strategic priorities	Policy 7.4 Local Character	Policy 7.7 Location and design of tall and large buildings	Policy 7.8 Heritage assets and archaeology	Policy 7.9 Heritage led regeneration	Policy 7.10 World Heritage sites	Policy 7.11 LVMF	Policy 7.12 Implementing the LVMF
4, 5 & 6 (General advice on decision-taking)	Assessment	N/A						N/A	
	Commentary	N/A	GPA2 requires the consideration of significance. Policy 7.4 does not contain as much detail as GPA2 but requires proposals to have a high quality design response that "allows existing buildings and structures to make a positive contribution to the character of a place" and "is informed by the surrounding historic environment" which is compliant.	Policy 7.7 requires tall buildings proposed in sensitive locations to be given particular consideration in heritage "or other areas designated by boroughs as being sensitive or inappropriate for tall buildings" which is compliant with GPA2's guidance for development proposals to appreciate the significance of heritage assets.	Policy 7.8 requires development proposals to "incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology" which is compliant with GPA2's guidance for development proposals to appreciate and understand the significance of heritage assets.	Policy 7.9 requires regeneration schemes to "identify and make use of heritage assets and reinforce the qualities that make them significant" which is compliant with GPA2's guidance for development proposals to appreciate the significance of heritage assets. Both Policy 7.9 and GPA2 promote the positive use of heritage in regeneration, for example GPA 2 states suggests looking "for opportunities to better reveal or enhance significance" and the overarching focus of Policy 7.9 is heritage led regeneration.	Policy 7.10 states that development in WHS should "conserve, promote, make sustainable use of and enhance their authenticity, integrity and significance and Outstanding Universal Value" which is compliant with GPA2's guidance for development proposals to appreciate the significance of heritage assets. Policy 7.9 promotes recognising significance and using heritage "as catalysts for regeneration"(Policy 7.9) which is compliant with GPA2s recommendation to "look for opportunities to better reveal or enhance significance".	N/A	Policy 7.12 states that development proposals should not harm the "composition of strategic views" and "enhance viewers' ability to recognise and appreciate strategically important landmarks" which is compliant with GPA2's guidance for development proposals to appreciate the significance of heritage assets.
7, 8, 9, 10, 11 & 12 (The assessment of significance as part of the application process)	Assessment	N/A						N/A	
	Commentary	N/A		Policy 7.7 considers the design of tall and large buildings as part of the application process, and indirectly covers significance by identifying different types of sensitive landscapes. However Policy 7.7 does not specifically cover the assessment of significance as GPA2 does.	Policy 7.8 states that "development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail" which is consistent with GPA2's guidelines on understanding the nature of significance, although GPA2 provides more detail on how this is achieved.	Both policies require information on the significance of heritage to be provided. The GPA2 provides more detail by covering the nature of significance, extent of significance and level of significance.	Policy 7.10 states that development should "not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance" which is consistent with GPA2's guidelines on understanding the nature of significance, although GPA2 provides more detail on how this is achieved.	N/A	Policy 7.12 states that development in the wider consultation area should "preserve or enhance the viewer's ability to recognise and to appreciate the strategically important landmark" which is consistent with GPA2's guidelines on understanding the nature of significance, although GPA2 provides more detail on how this is achieved.
13 & 14 (Conservation Principles and assessment)	Assessment	N/A						N/A	N/A
	Commentary	N/A						N/A	N/A
15 (Curtilage structures)	Assessment	N/A						N/A	N/A
	Commentary	N/A						N/A	N/A
16 & 17 (Archaeological and historic interest)	Assessment	N/A						N/A	N/A
	Commentary	N/A			GPA2 provides guidance on archaeological interest and Policy 7.8 is compliant with this in stating "New development should make provision for the protection of archaeological resources". Both policies recognise that it will not always be suitable to preserve archaeology; Policy 7.8 states "Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset" and GPA2 states "a proportionate approach should be maintained".				
18, 19 & 20 (Using appropriate expertise)	Assessment	N/A						N/A	N/A
	Commentary	N/A						N/A	N/A
21, 22, 23 & 24 (Finding appropriate information: HERs)	Assessment	N/A						N/A	N/A
	Commentary	N/A			HERS are not covered in the main text of Policy 7.8 however the supporting text states that "Identification and recording heritage through, for example, character appraisals, conservation plans and local lists, which form the Greater London Historic Environmental Record (GLHER) are essential to this process" and this is consistent with the guidance on HERS in GPA2.				
25, 26 and 27 (Assessing the proposals)	Assessment							N/A	
	Commentary	Policy 2.10 focusses on the economic dimension of proposals and does consider environmental aims to the same degree, whereas GPA2 seeks a balance between economic, social and environmental sustainability and refers to achieving "gains jointly and simultaneously". Policy 2.10 does not consider the substantial harm test as GPA2 does.	Policy 7.4 focusses on physical character and the design response to local character, however the supporting text acknowledges that character is influenced by social, cultural and environmental relationships which are "reinforced by the physical character of a place". Policy 7.4 does not consider "gains jointly or simultaneously" or the substantial harm test as GPA2 does.	Policy 7.7 does not recognise economic, social and environmental strands of sustainability and does not reference substantial harm as GPA2 does, however Policy 7.7 does require that tall buildings should "make a significant contribution to local regeneration".	Policy 7.8 focusses on the design of heritage and archaeological assets whereas GPA2 seeks a balance between economic, social, and environmental sustainability. Policy 7.8 does not consider the substantial harm test as GPA2 does.	Policy 7.9 recognises the various aspects of sustainable development and requires regeneration schemes to make use of heritage assets to "help stimulate environmental, economic and community regeneration" but does not go so far as to consider "gains jointly and simultaneously" as GPA2 does. Policy 7.9 does not refer to the substantial harm test as GPA2 does.	Policy 7.10 has similar aims to the substantial harm test in GPA2 although different language is used - it requires proposals to "not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance", however there is no reference to economic, social and environmental sustainability.	N/A	GPA 3 requires the consideration of significance in decision making. Policy 7.12 does not explicitly mention significance but does distinguish between foreground, middle ground and background, and specifically reference WHSs.

		London Plan Policy								
		Policy 2.10 Central Activities Zone – strategic priorities	Policy 7.4 Local Character	Policy 7.7 Location and design of tall and large buildings	Policy 7.8 Heritage assets and archaeology	Policy 7.9 Heritage led regeneration	Policy 7.10 World Heritage sites	Policy 7.11 LVMF	Policy 7.12 Implementing the LVMF	
Historic Environment Good Practice Advice in Planning 2	28 (cumulative impact)	Assessment	N/A		N/A					
		Commentary	N/A	Policy 7.4 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of paragraph 28 of GPA2.	N/A	Policy 7.8 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of paragraph 28 of GPA2.	Policy 7.9 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of paragraph 28 of GPA2.	Policy 7.10 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of paragraph 28 of GPA2.	Policy 7.11 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of paragraph 28 of GPA2; however in identifying viewing corridors this is better considered than if the viewing corridors did not exist.	Policy 7.12 does not recognise the potential cumulative impact of incremental small-scale changes which is the focus of paragraph 20 of GPA1; however in identifying viewing corridors this is better considered than if the viewing corridors did not exist.
	29 (listed building consent regime)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	30 & 31 (Decision-taking for assets with archaeological interest)	Assessment	N/A	N/A	N/A					
		Commentary	N/A	N/A	N/A	Policy 7.8 promotes the protection of archaeological asset and states that "Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology" this is consistent with GPA2's statement that the benefits of conserving archaeological sites are a material considered in the assessment of proposals; although this is not explicitly stated in Policy 7.8.	N/A	N/A	N/A	N/A
	32 & 33 (Recording and furthering understanding)	Assessment	N/A	N/A	N/A					
		Commentary	N/A	N/A	N/A	Policy 7.8 requires the recording the site's archaeology this does not go so far as GPA2 which requires the recording and advancing of our understanding, although in meeting the information requirements of Policy 7.8 it is likely that understanding would be advanced.	Both policies require information on the significance of heritage to be provided. GPA2 provides more detail in how this information should be recorded and made available.	N/A	N/A	N/A
	34 & 35 (Written schemes of investigation)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	36 & 37 (Archaeological conditions and obligations for)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	38, 39 & 40 (Reporting, publication and archiving)	Assessment	N/A	N/A	N/A					
		Commentary	N/A	N/A	N/A	Policy 7.8 does not contain any requirement for LPAs to make historic environment information publically available. GPA2 provides more detail in how this information should be recorded and made available.	N/A	N/A	N/A	N/A
	41 (Human remains)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	42 (Mineral extraction)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	43 (Public engagement)	Assessment	N/A	N/A	N/A					
		Commentary	N/A	N/A	N/A	Policy 7.8 makes reference to "consultation with English Heritage, Natural England and other relevant statutory organisations" but not to public consultation which is the focus of GPA2.	N/A	N/A	N/A	N/A
	44 (Unexpected discoveries during work)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	45 (Scheduled monument consent)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	45 & 46 (Neglect)	Assessment	N/A	N/A	N/A					
		Commentary	N/A	N/A	N/A	Policy 7.4 makes no reference to evidence of neglect and how this should be considered in determining applications which is a requirement in the NPPF.	Policy 7.9 makes no reference to evidence of deliberate neglect as the NPPF does, although this would not be expected in a heritage-led regeneration policy.	N/A	N/A	N/A
	47 & 48 (Unauthorised works, enforcement notices and prosecution)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
49 & 50 (Marketing to demonstrate redundancy)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
51 (Public/charitable interest/support for assets under threat)	Assessment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Commentary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
52 (Opportunities to enhance assets/settings/local distinctiveness)	Assessment									
	Commentary	Policy 2.10 requires the Mayor, boroughs and relevant partners to "sustain and enhance the distinctive environment and heritage of the CAZ... through high quality design and urban management" which is consistent with GPA2's recommendation that sustainable development can involve opportunities to enhance heritage assets.	Policy 7.4 states that "in areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area" which is very consistent with GPA2's recommendation that sustainable development can involve opportunities to enhance heritage assets.	Policy 7.7 requires proposals to seek opportunities to enhance assets, settings and local distinctiveness although slightly different language is used including "enhance the skyline and image of London" and "contribute to improving the permeability of the site and wider area".	Policy 7.8 states that London's heritage assets and archaeology should be identified so that "the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account" however Policy 7.8 does not specifically mention the role of sustainable development.	Policy 7.9 actively promotes "heritage-led regeneration" and identifies heritage as a "catalyst for regeneration" which is consistent with the GPA2 which promotes "positive improvements in the quality of the historic environment", for example "Most conservation areas, for example, will have sites within them that could add to the character and value of the area through development".	Policy 7.10 states that development on WHS should "make sustainable use of and enhance their authenticity, integrity and significance and Outstanding Universal Value" which is consistent with GPA2's recommendation that sustainable development can involve opportunities to enhance heritage assets.	N/A	Policy 7.12 states that new development should "preserve or enhance viewers' ability to recognise and to appreciate strategically important landmarks in these views" which is consistent with GPA2's recommendation that sustainable development can involve opportunities to enhance heritage assets.	

		London Plan Policy							
		Policy 2.10 Central Activities Zone – strategic priorities	Policy 7.4 Local Character	Policy 7.7 Location and design of tall and large buildings	Policy 7.8 Heritage assets and archaeology	Policy 7.9 Heritage led regeneration	Policy 7.10 World Heritage sites	Policy 7.11 LVMF	Policy 7.12 Implementing the LVMF
53 (Design and local distinctiveness)	Assessment								
	Commentary	<p>Policy 2.10 does not cover design in great detail however it does state that the distinctive environment of the CAZ should be sustained and enhanced "through high quality design and urban management".</p>	<p>Policy 7.4 has regard to materials, orientation, scale, character and historic environment in providing "a high quality design response" which is very consistent with good design practice as advocated by GPA2.</p>	<p>Policy 7.7 makes explicit reference to design and heritage including reference to "scale, mass or bulk" and incorporating the highest standard of "architecture and materials" which is consistent with good design practice as advocated by GPA2. The focus of Policy 7.4 on tall buildings means that many of the design ambitions are not applicable to general good design principles as enshrined in the NPPF.</p>	<p>Policy 7.8 requires development proposals affecting heritage assets and their settings to "conserve their significance, by being sympathetic to their form, scale, materials and architectural detail" which is very consistent with good design practice as advocated by GPA2.</p>	<p>Policy 7.9 is consistent with GPA2 in requiring the consideration of character and distinctiveness, for example stating schemes should "identify and make use of heritage assets". Compliance between Policy 7.9 and GPA2 could be increased by adding reference to design elements of proposals into Policy 7.9. GPA2 provides guidance on design and local distinctiveness affecting heritage assets, whereas Policy 7.9 focusses on the heritage assets themselves.</p>	<p>Policy 7.10 does not focus on design elements of proposals affecting WHSs and instead focusses on WHSs themselves. However its requirements such as for LDFs to "protect, promote, interpret" WHS is compatible with GPA2 design quality guidance for example to respond to character and create a sense of place.</p>	<p>Policy 7.11 does not directly relate to design quality although its overall ambition to ensure that development does not compromise the strategic viewing corridors is compliant with GPA2's overarching ambition to consider design. GPA2 also explicitly mentions views which are the topic of Policy 7.11.</p>	<p>Policy 7.10 does not focus on design elements of proposals affecting the LVMF and instead focusses on protecting and enhancing designated views at different scales. GPA2 also explicitly mentions views which are the topic of Policy 7.12.</p>


Appendix D

Case Study Proformas

D1 Alpha Square

Application Details

Application Reference PA/15/02671/R	London Borough Tower Hamlets	Inner or Outer Inner
The Applicant Drakar Limited acting for Far East Consortium International	The Agent Jones Lang LaSalle	CAZ? Yes
Address 50 Marsh Wall, 63-69 And 68-70 Manilla Street, London, E14 9TP		

Scheme Description	
<p>Demolition of all buildings on site at 50 Marsh Wall, 63-69 and 68-70 Manilla Street to enable redevelopment to provide three buildings of 65, 20 and 34 storeys above ground, comprising 634 residential units (Class C3), 231 hotel rooms (Class C1), provision of ancillary amenity space, a new health centre (Class D1), a new school (Class D1), ground floor retail uses (Class A3), provision of a new landscaped piazza, public open space and vehicular access, car parking, cycle storage and plant. The development would include retention of 74 Manilla Street as North Pole public house (Class A4).</p>	

Summary of scheme changes made during determination in response to heritage considerations
<p>There was no evidence of changes taking place during the determination process in relation to heritage. An addendum was added to the THVIA relating to the visibility of the development from within the Maritime Greenwich World Heritage Site.</p> <p><i>Source: Letter from Richard Coleman (City Designer) to Historic England, January 2016</i></p> <p>It is worth noting that a previous application (PA/14/03281) was submitted for a similar scheme which was withdrawn in summer 2015. A number of changes were made in the updated application, in response to comments received by the LPA and GLA. These changes included: the retention of the North Pole public house, higher quality public realm design, changes to housing size mix, and transport related changes. No changes appear to have been made relating to building heights or heritage.</p> <p><i>Source: Chapter 6, Planning Statement</i></p>

Housing		Employment		Mixed Use	✓	Other	
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Date Received	15/10/15	Officer Recommendation	Refusal	Appeal Ref	N/A
Outline		Delegated decision		Appeal allowed	N/A
Full	✓	Committee decision	18/02/16 (refusal)	Appeal dismissed	N/A
Reserved Matters		Mayoral decision	Awaited		
Listed Building Consent		Approved with conditions	Decision Awaited		
Demolition in CA		Approved with conditions & S106			
		Refused			

Site Description
<p>The application site comprised approximately 0.4 hectare of land, located on Marsh Wall, Manilla Street and Byng Street, within the South Quay area, on the Isle of Dogs. It is located in the Canary Wharf Activity Area. The application site was split into two plots, separated by Manilla Street, which cut through the site on a north-south orientation. The western section of the site comprised a parcel of land bound by Manilla Street to the north and east, industrial units to the south, and residential properties to the west. At the time of the application, it comprised low-rise industrial units with an area of parking. This section of the site included a three-storey public house, and a single garage adjacent to the public house, which fell outside of the red line boundary, but formed part of the existing urban block. The eastern section of the site, which at the time comprised low-scale industrial buildings, a single-storey private healthcare centre, and an area of locally designated open space, was bound by Marsh Wall to the north, Manilla Street to the west, Byng Street to the south, and a three-storey office building with hard surface car-parking to east.</p> <p>The site sits within a number of strategic views and river prospects, as identified in the Mayor’s London View Management Framework, including View 1A.1: Alexandra Palace, View 2A.1: Parliament Hill, View 4A.1: Primrose Hill, View 5A.1: Greenwich Park, View 6A.1 Blackheath, View 11B.1: London Bridge, View 11B.2: London Bridge, View 12B.1: Southwark Bridge, and View 15B.1: Waterloo Bridge. The site also falls within the wider setting of the Maritime Greenwich World Heritage Site; of particular relevance is the view from the General Wolfe Statue in Greenwich Park.</p> <p><i>Source: Planning Statement</i></p>

Relevant Planning History
<p>An application was submitted in November 2014 for the demolition of all buildings on site to enable redevelopment to provide three buildings of 63, 20 and 32 storeys above ground comprising 685 residential units (Class C3), 273 hotel rooms (Class C1), provision of ancillary amenity space, a new health centre (Class D1), a new school (Class D1), ground floor retail uses (Class A3), reprovision of open space, provision of a new landscaped piazza and vehicular access, car parking, cycle storage and plant. The proposals received a supportive Stage 1 Report from the GLA. However, during the course of the determination process, a number of technical comments were made by the LPA and GLA officers, and further comments were received from local residents and community stakeholders. The applicant took the decision to withdraw the planning application in June 2015 to allow time to fully address this feedback (PA/14/03281).</p> <p>A series of other applications have been made on parts of the application site, including:</p> <ul style="list-style-type: none"> • a scheme for 63-69 Manilla Street in 2005 for a mixed use development, which was granted permission but never implemented (PA/04/01847); • a refused application for the mixed-use redevelopment of 68-70 Manilla Street in 2009, considered unacceptable due to a lack of community amenity space; • a withdrawn application for demolition of existing building and creation of an 8 storey mixed use development at 74 Manilla Street in 2014; and • a second application for the demolition of the existing building and creation of an eight storey mixed use development comprising public house, for which an appeal was lodged in 2015 for non-determination. <p><i>Source: Planning Statement</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	✓
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor	✓	Local Heritage Asset	✓	Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area		Registered Park/Garden	
Setting (WHS, LBs)	✓			Area of archaeological interest	✓

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement		EIA/ES	✓	Other	

The Planning Statement assessed the proposed scheme in relation to heritage policies. Regarding building heights it confirmed that overall, the townscape of Marsh Wall was characterised by tall buildings, scaling down from City Pride which marks the end of the South Dock, to Landmark Towers and Pan Peninsula. It therefore confirmed that there was “*implicit acceptance for tall buildings*”. It states that the proposed tall buildings were of the highest architectural quality, and had been designed to “*make a careful response to local, mid distance and distant views and make a positive contribution to the qualities of the local townscape.*” The Planning Statement concluded that the tall buildings complied with local policy and London Plan Policy 7.7 forming part of the emerging cluster of tall buildings and making a positive contribution to London’s skyline. It considered that, in line with policy requirements, the proposed tall buildings would have no adverse impact on heritage assets, biodiversity, local trees or open space.

The Planning Statement also assessed the potential impacts of the proposed development upon heritage assets in the vicinity of the application site. It confirmed that “*the application site [was] not within a conservation area. It does not comprise listed buildings or unlisted buildings of merit*”. In assessing the proposed developments’ impact on surrounding heritage assets (including Grade 1 and Grade II Listed West India Docks and the Import Dock and Export Dock, and Coldharbour, West India Dock and Narrow Street Conservation Areas), the Planning Statement concluded that there would be negligible effect on the setting of these assets. The only building which was identified as being potentially impacted by the proposed development is the Bupa Health Centre (designed by the Port of London Authority Engineers Department in 1919). However, the Planning Statement confirmed that it was substantially altered in the 1980s to allow for the insertion of a clinic over two storeys within the structure. “*Therefore, it [was] not considered that the Bupa Health Centre building has sufficient architectural merit to warrant its retention*”.

Source: Planning Statement

A Townscape and Visual Impact Assessment was undertaken as part of the Environmental Statement for the application. With specific reference to London Plan Policies 7.10 and 7.12 this assessed the likely effects of the proposed development on strategic views. Verified views concluded that the development would not impact on View 5A.1 (Greenwich World Heritage Site) due to its position in the background of the view. It found that “*although visible, the development [was] disconnected from the principal experience of the World Heritage Site which is in the foreground and middle ground*”. Within View 6A.1 (Blackheath Point), both tall buildings would be visible, however, the assessment stated that the proposed high quality architecture would enhance the quality of the strategic view. The development would also be visible within View 11B.1 (London Bridge downstream), but the Townscape and Visual Impact Assessment concluded that the detail of the development would be difficult to discern due to distance from the view.

The Townscape and Visual Impact Assessment also assessed the impact of the proposed development upon a series of local views. The Assessment noted that “*the magnitude of change [would] be high in a number of views in the immediate context of the site and that considering the quality of the proposed architectural solution, this change [was] a positive addition to the streetscape.*”

Source: Townscape and Visual Impact Assessment, within the Environmental Statement

The Environmental Statement included an archaeological assessment of the proposed development site. With reference to Section 12 of the NPPF and London Plan Policy 7.8, the assessment noted an absence of archaeological assets deemed to be very high in significance, and therefore stated that any impacts should be successfully mitigated through a strategy of preservation by record.

Archaeological Assessment, within the Environmental Statement

Historic England Advice

Historic England advice

Historic England raised concerns regarding the proposed development. In particular, the impact of the proposed tall buildings on the setting of the Greenwich World Heritage Site. Referencing policies in the Maritime Greenwich World Heritage Site Management Plan and the South Quay Masterplan, Historic England advised that the proposed development was not compliant with policy and would set a new precedent for height at this location which would create issues for control of future planning applications. Historic England concluded that *“the above obstacles could be removed by reducing the height of the taller tower so that it forms part of the approved scale of development found elsewhere in the immediate area”*.

GLAAS provided no objection to the proposed development. Despite noting that the proposed development lies in an area of archaeological interest, they stated that further work was not required to be undertaken prior to determination of this planning application.

Source: Committee Report, February 2016

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The Committee Report listed the policies that were relevant to the proposed application. It listed the following London Plan policies:

- 2.10 Central Area Zone
- 7.4 Local character
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework

While the Committee Report referenced the relevance of Policy 2.10 in relation to the CAZ, there was no evidence of the assessment of the scheme against this policy in relation to heritage in the main body of the report.

Heritage was discussed in some detail in the Committee Report. Directly citing London Plan Policy 7.7 the Report set out how the proposed eastern tower would be taller than other buildings in the vicinity of the application site, and would therefore fail to respond to the heights of surrounding buildings. The Report concluded that the tower’s *“disproportionate height, scale and form would be insensitive to its location, fail to provide a positive contribution to the skyline and result in adverse impacts on local character, surrounding buildings, urban grain, public realm, and strategic and local views.”* In drawing these conclusions the Committee Report made specific reference to London Plan Policy 7.7 as well as Local Plan Policy DM26.

Considering the western tower, the Committee Report drew similar conclusions. Utilising again London Plan Policy 7.7 and Local Plan Policy DM26, the report concluded that *“the positioning of the western tower abutting the existing 2 storey residential units of Bellamy Close and Byng Street would also result in a development which would not be sensitive to setting and the context of its surroundings”*. As a result, the Committee Report stated that the proposed development would *“fail to present a human scale of development at street level and result in adverse impacts on local character, surrounding buildings, urban grain, public realm, and strategic and local views”*.

Source: Committee Report, February 2016

The Committee Report assessed the impact of the proposed development on the surrounding area in more detail, with explicit reference to London Plan Policy 7.4. The Report concluded that the scheme is incompatible at the local level, and *“the proposed scale of the building would be out of context within its setting”*.

The Committee Report drew explicitly on London Plan policies 7.11 and 7.12 (alongside Policy SP10 of the Core Strategy and Policies DM26 and DM28 of the Managing Development Document) to review the impact of the development upon regional and locally important views. It concluded that the development had a potential impact upon two viewpoints designated in the London View Management Framework, the London Panorama’s from Greenwich Park (View 5A.1) and London Bridge (View 11B.1 & 11B.2). While the applicant’s assessment suggested that there would be a negligible impact of the proposed development upon views and the setting of listed buildings, the Committee Report agreed with Historic England that there was a potentially harmful impact on the setting of the Maritime Greenwich World Heritage Site and

the proposed development's "*height would benefit from a significant reduction to safeguard the integrity and importance of the World Heritage Site, and the proposal is therefore considered contrary to the London View Management Framework SPG.*" Policies 7.11 and 7.12 are referenced in making this point however there was no reference to London Plan Policy 7.10.

Regarding other heritage assets, the Committee Report concurred with the applicant's assessment that, given the distance between the site and surrounding heritage assets, the proposal "*would not have an unduly detrimental impact on the setting of these assets*".

The Committee Report finally discussed the impact of the proposed development upon archaeology, with explicit reference to NPPF Section 12, and London Plan Policy 7.8. It concluded that, in line with Historic England (GLAAS) advice and subject to a condition to secure a process of archaeological investigation, the impact of the development on archaeology was acceptable.

Source: Committee Report, February 2016

The minutes of the Committee Meeting recorded the decision to refuse permission. In doing so, the minutes listed the following London Plan heritage policies, with which the application was considered not to comply, although no analysis was provided at this point:

- 7.4 Local character
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework

The Minutes recorded a number of reasons for refusal which included: the impact of the proposed development upon the setting of the Maritime Greenwich World Heritage Site and the Grand Axis. Although not explicitly referenced in this context, this suggests the use of London Plan Policy 7.10 to recommend refusal. Other reasons for refusal included: overdevelopment with regard to limited and compromised public realm, and insufficient private amenity space; the absence of a legal agreement to secure affordable housing; and a non-compliant Environmental Statement.

Source: Committee Minutes, February 2016

Greater London Authority

The GLA confirmed on 10 March 2016 that the Mayor of London will act as the Local Planning authority for the purposes of determining the application. This followed the Committee's decision to refuse the application in February 2016. A hearing date is yet to be set for consideration of the application.

The GLA Stage 1 Report covered a range of topics of relevance to the proposed development in relation to heritage. Specific reference was made to London Plan Policies 7.10 and the LVMF at Stage 1 but not to Policies 7.7, 7.11 and 7.12 which were also relevant.

The Report discussed the role of the tall buildings as part of the development, and their impact on the surrounding area. No direct assessment was made against London Plan Policy 7.7 despite the GLA Stage 1 Report concluding that while the proposed development is "*taller than the immediate contextual height, in particular the buildings to the west and south, given the rapidly changing context of the site, its proximity to the Canary Wharf tall building cluster, and its high accessibility, the height does not raise any strategic concern.*"

The Stage 1 Report also assessed the impact of the proposed development on views designated in the London View Management Framework. No specific reference was made to London Plan Policies 7.11 and 7.12, but reference to the LVMF implied consideration of these policies. The GLA Stage 1 Report noted that the proposed development lay within a number of strategic views. It agreed with the findings of the applicant's Townscape and Visual Impact Assessment that "*for all strategic views, while the proposed buildings are higher than the existing context, they are in keeping with the height of proposed buildings within the vicinity of the site, and will form part of an emerging cluster.*" The GLA Stage 1 Report confirmed that the proposed heights were not considered to have any significant impacts upon any strategic viewpoints, including the World Heritage Site.

Covering the Maritime Greenwich World Heritage Site in more detail, the GLA Stage 1 Report reviewed the proposed development against London Plan Policy 7.10 to conclude that "*the building will not harm the setting of listed buildings within the World Heritage Site, or of listed buildings within Canary Wharf; and the height of the development does not therefore raise strategic concern*".

Source: GLA Stage 1 Report, November 2015

The GLA Stage 2 Report included no reference to heritage issues or policy, London Plan or otherwise. The hearing for the application has not been given a date as yet. The Stage 2 Report did not, however, suggest that heritage will be a key consideration at this stage.

Source: GLA Stage 2 Report, March 2016

Appeal
N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)	✓	✓
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)	✓	✓
Policy 7.11 (London View Mgmt Framework)	✓	✓
Policy 7.12 (Implementing the London View Mgmt Framework)	✓	✓

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)	✓	✓
8 & 9 (Taking forward priorities together)		
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		
58 to 61 (Good design)		✓
126 (Local plan preparation)		
128 (Applicant requirements)	✓	✓
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & LBss)		✓
141 (Sharing/ recording information)		
152 (Net gains)		
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Heritage was a key consideration in the Committee Report, and was a clear reason for refusal of the application by the LPA. London Plan policy was used strongly in the Committee Report to support this argument, particularly with reference to Policies 7.10, 7.11 and 7.12 and the assessment of the impacts of the proposed development upon the setting of the Maritime Greenwich World Heritage Site.</p> <p>However, alongside London Plan Policy, there was equal evidence of the use of other policies, including Local Plan policy and the NPPF. In particular, Local Plan Policy DM26 was used to discuss the impacts of tall buildings on the surrounding area, alongside London Plan Policy 7.7.</p> <p>There is evidence (although without explicit reference) that the NPPF was considered in the conclusions made during Planning Committee. The Minutes of the Committee Meeting recorded evaluation of the benefits of the scheme (namely redevelopment of brownfield land, and provision of housing) against any potential harm. The Minutes recorded the conclusion that “<i>the proposal would fail to be sensitive to the</i></p>

context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas.” This, and the refusal of the application, might suggest that the Committee utilised NPPF paragraph 134 to assess the wider public benefits of the scheme, but found the harm to be unjustified in light of these, alternatively it could suggest that the Council felt the harm identified was avoidable through an amendment.

Source: Committee Report, February 2016

Although heritage was a key consideration in the Committee Report and at Committee, a number of other topics were given equal, if not greater weight. This was particularly reflected in the reasons for refusal, which alongside heritage impacts included: limited and compromised public realm, a failure to interface with surrounding land uses, a failure to provide sufficient private amenity space, and failure to implement the waste management hierarchy. All of these were discussed in detail in the Committee Report in relation to planning policy. London Plan Policies referenced included: 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.16, 3.18, 6.1, 6.3, 6.4, 6.9, 6.10, 6.11, 6.12, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.7, 7.8, 7.10 and 7.11.

Source: Committee Minutes, February 2016

Greater London Authority

The GLA Stage 1 Report did consider heritage in determining the proposed application, and in doing so relied solely on London Plan heritage policies (most notably Policies 7.10, 7.11 and 7.12). There was no direct reference to the NPPF or local policy in relation to heritage.

However, while heritage was reviewed in the GLA Stage 1 Report, it concluded that there were no strategic issues in relation to heritage. This was in contrast to the views of the LPA, who cited impact on the World Heritage Site as a reason for refusal. Moreover, it is clear that a number of other topic areas were given greater weight in discussions. These included: the provision of housing, the provision of school infrastructure, and the provision of a new hotel (referencing London Plan Policy 4.5), as well as issues around the loss of open space (with reference to London Plan Policy 7.18) and parking provision.

The GLA Stage 1 Response did not reference the South Quay Masterplan in respect of heritage (although it does refer to it for other topics such as connectivity and open space). The masterplan envisages stepping down of development in this area to ensure respect for the World Heritage Site and the heights proposed in this application were not considered against this (despite the potential for them to set a precedent).

Source: GLA Stage 1 Report, November 2015

As previously noted, in March 2016, the GLA confirmed that the Mayor of London would take the role of planning authority on the proposed development. Although the LPA recommended refusal based on a number of factors, including impact upon the setting of the Maritime Greenwich World Heritage Site, the GLA Stage 2 Report set out the significant positive impacts of the proposed development upon implementation of the London Plan, which provided the reasons for ‘calling in’ the application. These covered a range of topic areas, including: viability and affordable housing (and compliance with London Plan Policy 3.12); the delivery of housing and jobs in line with targets set out in London Plan Table 3.1 and Policy 2.13 relating to the Isle of Dogs and South Poplar Opportunity area; and contributions to Crossrail in line with London Plan Policies 6.4 and 6.5. Heritage issues and policy were not mentioned at all within the GLA Stage 2 Report, despite these being a reason for refusal by the LPA. This suggested that far greater weight was given to benefits related to housing and employment, over potential heritage impacts.

Source: GLA Stage 2 Report, March 2016

Appeal

N/A

Key points

This application was refused by the LPA and called in by the Mayor of London. A decision by the Mayor of London is awaited.

Heritage was a key consideration for the LPA and was a clear reason for refusal of the application. London Plan policy was used strongly in the Committee Report to support this argument, particularly with reference to Policies 7.10, 7.11 and 7.12 and the assessment of the impacts of the proposed development upon the setting of the Maritime Greenwich World Heritage Site. National and local heritage policies were also used to make the case for refusal.

The GLA Reports contained few explicit references to London Plan heritage policies, but there was clear evidence of their use in consultation on the application thus far. In particular, the GLA Stage 1 Report assessed the impact of the proposed development upon the setting of the Maritime Greenwich World Heritage Site, with reference to London Plan Policy 7.10.

London Plan Policy 7.10 requires appropriate weight to be given to implementing the provisions of the WHS Management Plans; the GLA and LPA/HE position appear to conflict regarding the interpretation of the WHS Management Plan and weight that should be accorded to the control of building heights in the wider setting of the WHS.

This case provides the most marked example of the GLA having a different view to the LPA in respect of the harm to heritage. Although heritage was considered to be of great importance at the LPA level, the GLA concluded that there were no strategic concerns in relation to the impact of the development upon setting and/ or views. As a result, the GLA Stage 2 Report did not include any reference to heritage policy, London Plan or otherwise. It also placed greater emphasis on the benefits of housing and employment provision, over the potential harm to heritage and other policy areas.

D2 Great Eastern Quays

Application Details

Application Reference 12/01881/OUT	London Borough Newham	Inner or Outer Outer
The Applicant Great Eastern Homes LLP	The Agent DP9	CAZ? No
Address Ivax Quays, Albert Basin, Royal Docks, Gallions Road, Beckton, London, E16 2QJ.		

Scheme Description
<p>Outline consent was sought for redevelopment of the whole site following the demolition of existing buildings and structures excluding the pumphouse, dockside heritage features and flood defence infrastructure for up to 819 residential units (including affordable housing) and up to 3,617 sqm of office (Class B1), 1,353 sqm of retail (Class A1 to A4), 703 sqm of community (Class D1) and 417 sqm of leisure (Class D2) of flexible (GIA) floorspace; including the strengthening of the existing river wall, construction of undercroft areas to provide associated (477) vehicle and cycle parking, landscaping and all necessary enabling works with all matters reserved excluding Scale, Layout and Access.</p> <p>In respect of the area of land around the dockside detailed planning consent was sought for development of 350 residential units (including affordable housing) and up to 1,893 sqm of office (Class B1), 789 sqm (Classes A1 to A4) and 417 sqm of community and leisure (Classes D1/D2) of flexible (GIA) floorspace, landscaping, alterations to existing vehicular and pedestrian access and associated highway layout within and around the site including the creation of new pedestrian routes and construction of pedestrian footbridge over the dock, provision of associated vehicle and cycle parking, construction of energy centre and all necessary enabling works. The development comprises eight development zones/blocks that range from 2 to 13 storeys in height.</p> <p><i>Source: Application Form</i></p>



Summary of scheme changes made during determination in response to heritage considerations
<p>A number of changes were made to the application during determination, in response to comments provided to the planning officers. However, these changes did not include any amendments as a result of heritage issues, and rather focussed on: the quantum of car parking; the quantum of family housing; the level of social infrastructure; and the appearance of the blocks during Phase 1.</p>

Housing		Employment	Mixed Use	✓	Other	
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Date Received	31/10/12	Officer Recommendation	Approval	Appeal Ref	N/A
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Outline	✓	Delegated decision		Appeal allowed	
Full		Committee decision	21/05/13	Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent		Approved with conditions			
Demolition in CA		Approved with conditions & S106	20/12/13		
		Refused			

Site Description
<p>The site is located on the northern bank of the River Thames at the point where it is met by the eastern end of the Royal Docks. The site covers an area of approximately 6.2 hectares in size, and is bordered by water on three sides (Albert Basin to the west and south, and the River Thames to the east). The site was primarily occupied by a large 3-storey building comprising 7,990 sqm of office (B1) floorspace, and 4,605 sqm of ancillary warehouse (B8), which had been vacant for nearly 5 years. The remainder of the site was occupied by a red brick impounding station known as the 'pumphouse'. There were also remnants of the site's previous shipyard function such as bollards and capstans fixtures along the dock edge. The site is not located within a Conservation Area and there are no listed buildings either on the site or within the immediate vicinity. However, the remnants of the late 19th and 20th century dockyard were stated to have some heritage value.</p> <p>The site had no public access, with the exception of a narrow pathway along the riverfront. The Royal Quays residential complex (7-8 storeys and 446 units) is directly adjacent to the west of the site. A large industrial building known as the Buhler Sortex Factory is located directly to the north of the Site and the Gallions Point Marina and the Construction College are located to the south across the old lock which provides access into Albert Basin.</p> <p>The site lies within the Royal Docks and Beckton Waterfront and London Riverside Opportunity Areas as designated within the adopted London Plan (2011). The site is designated as a 'Strategic Site' within the 'Arc of Opportunity' and an area for a 'New and Rejuvenated Community' by the adopted Core Strategy (2012). The site is also located within an Archaeological Priority Area.</p> <p><i>Source: Pages 5-6, Planning Statement</i></p>

Relevant Planning History
<p>The original consent to develop the existing buildings was issued by the LPA in September 1996 for the development of pharmaceutical headquarters comprising administration, research and development, product selection and packing facilities (N/96/050). The office building and a warehouse was occupied by IVAX Pharmaceuticals (UK) until 2007.</p> <p>The only other application that has been submitted since that time was consented on 10 June 2010 to make temporary use of the vacant building for an English National Opera/Theatre Event for a four week period (10/00861/COU). The office building and warehouse had remained vacant since that time despite being actively marketed for its lawful employment use.</p> <p><i>Source: Planning Statement</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area	✓	Registered Park/Garden	
Setting (LB, CA)				Other	✓

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment
Heritage Statement		EIA/ES	✓	Other
<p>The Planning Statement assessed the proposed development’s compliance with planning policy with regard to design quality. It concluded that the development “<i>embodies the principles of good design that are promoted throughout all levels of policy and guidance.</i>” In coming to this conclusion, the Planning Statement made specific reference to NPPF paragraph 61, stating that the scheme accorded with a range of national, regional and local policy objectives, in particular London Plan Policies 7.1, 7.2, 7.3, 7.6, 7.7, 7.12 and Core Strategy Policies SP1 – SP5.</p> <p>The Planning Statement also reviewed the proposed development in respect of London Plan Policies 7.7 and 7.12, and the principle of tall buildings on the site. It made reference to the Townscape and Visual Impact Assessment as part of the Environmental Statement, which concluded that the proposed development would have no significant effects on the majority of views to and around the site, leaving only two views which were moderately adversely affected.</p> <p>The Planning Statement also examined the proposed development in relation to heritage assets on the application site. It noted that while the existing pumphouse and mooring posts were not listed, they had some heritage value. The Planning Statement confirmed that the majority of mooring posts would be preserved in situ, going on to conclude that “<i>the overall setting of the dock will be enhanced as the existing office building which bridges the Albert Basin will be removed and replaced with new structures which respect the alignment and layout of the dock and the pumphouse.</i>” In doing so, it made specific reference to London Plan Policies 7.8 and 7.9, as well as NPPF Paragraph 128.</p> <p><i>Source: Planning Statement</i></p> <p>A Design and Access Statement provided further detail on how heritage assets have informed the design approach to development. This set out a number of key views approaching the site, as well as assessing the townscape context of the surrounding area. The Design and Access Statement reiterated the objective of celebrating the water and related history on site, although this was not considered in great detail.</p> <p><i>Source: Design and Access Statement</i></p> <p>Chapter 9 of the Environmental Statement contained a Townscape and Visual Impact Assessment. This set out that “<i>the redevelopment of the site, with 8 blocks of buildings between 2-13 storeys, will result in a substantial change to the visual appearance of the site</i>”. A series of adverse effects were noted during demolition and construction upon visual amenity, however, on operation the applicant stated that negative impacts disappeared. The Assessment concluded that, assuming high quality architectural design, the effects of the proposed development on townscape and visual amenity would generally not be significant.</p> <p>Regarding strategic views, the Townscape and Visual Impact Assessment confirmed that none of the views identified in the London View Management Framework applied to the site, and it was agreed with Newham Council that the proposed development would not have a visual effect on any of these views.</p> <p>The Townscape and Visual Impact Assessment also looked at the impact of the proposed development on a series of agreed local views. It found that only two of the views (Capital Ring (Amanda Green) and Royal Quays) were adversely affected of a moderate significance (although mitigation would reduce this), with the effect on visual amenity for the remaining views of lower significance. It concluded that “<i>overall, the proposed development would result in the removal of a fenced-off and empty headquarter building and warehouse, and introduce 8 new mixed-use buildings with active ground floor uses, significant new public realm and a new residential community.</i>”</p> <p><i>Source: Chapter 9, Townscape and Visual Impact, Environmental Statement</i></p> <p>An Archaeology and Cultural Heritage Assessment was contained within the Environmental Statement. This established that the site had the potential to contain buried sediments of geoarchaeological and palaeoenvironmental significance. The report confirmed that “<i>these will be preserved in-situ as far as is practicable by using piles for the foundations of the proposed development</i>”. It was proposed that as a mitigation measure, a geoarchaeological and palaeoenvironmental assessment of the sediments within the site be carried out.</p> <p>The Archaeology and Cultural Heritage Assessment also confirmed that the historic fabric of the Albert Dock and the Impounding Station “<i>will be unaffected and incorporated into the new development.</i>” It stated that after the current buildings were demolished, targeted archaeological monitoring of construction works prior to piling would be carried out. The report went on to conclude that the proposed development would enhance the setting of the dock.</p> <p><i>Source: Chapter 15, Archaeology and Cultural Heritage, Environmental Statement</i></p>				

Historic England advice

Historic England advice
<p>Historic England were consulted on this application but provided no objection. Rather, they advised that <i>“the application should be determined in accordance with National and Local policy guidance.”</i></p> <p>Source: Section 5.2.3, Committee Report, May 2013</p> <p>GLAAS provided advice during application consultation which advised that the site was within an archaeological priority area. It was recommended that a condition be imposed that <i>“no development shall take place until the applicant has secured the implementation of a programme of archaeological works and historic structures recording in accordance with a Written Scheme of Investigation”</i>.</p> <p>Source: Section 5.2.4, Committee Report, May 2013</p>

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority
<p>The Committee Report listed the policies which were relevant to the determination of the proposed development. This included reference to the following London Plan policies:</p> <ul style="list-style-type: none"> • Policy 7.4 Local Character • Policy 7.7 Location and Design of Tall and Large Buildings <p>The Committee Report did not include reference in this list to London Plan Policy 7.8, despite it being relevant. Moreover, London Plan Policy 7.9, which covers heritage-led regeneration and is therefore relevant to the proposed application due to the existence of assets of heritage value on site, was not considered in the Committee Report.</p> <p>Source: Section 6, Committee Report, May 2013</p> <p>There was evidence within the Committee Report of assessment of the impact of the proposed development upon the local area, with regard to scale, massing, density and height. The Committee Report particularly noted that the proposed massing (ranging from 2-13 storeys) had <i>“been developed to respond to the range of public open spaces and character areas within the masterplan.”</i> It did consider a series of objections from neighbours located at Royal Quays with regard to overall scale, but stated that the Officer did not share their view that the development was inconsistent with its surroundings. The Committee Report concluded that <i>“the scale and massing is appropriate for this unique riverside and dockside location, where “presence” is considered appropriate.”</i> In making this analysis, the Committee Report referred specifically to NPPF paragraph 59, but not London Plan Policies 7.4 and 7.7.</p> <p>Source: Section 8.5.59, Committee Report, May 2013</p> <p>The Committee Report further reviewed the proposed taller buildings within the site. The Report stated that <i>“the taller elements of the scheme are located along the river edge to provide a positive presence and identity on the river frontage.”</i> London Plan Policy 7.7 does not encourage tall buildings along the river indicating that this aspect of the proposal was not considered against this policy. The Committee Report concluded that the overall scale and massing of the proposed blocks were appropriate for this site.</p> <p>Source: Section 8.5.24, Committee Report, May 2013</p> <p>Although the application documents referenced London Plan Policy 7.7, alongside Local Plan policy, to discuss the impact of the proposed development on a series of local views, there was no evidence of discussion on this topic within the Committee Report. The only statement included stated that <i>“it is not considered that any prominent views will be detrimentally impacted through the proposals”</i>. No associated commentary was included to support this conclusion.</p> <p>Source: Section 8.7.42, Committee Report, May 2013</p> <p>Beyond design, the Committee Report did cover heritage issues, although not in great detail. It assessed the role of existing heritage assets on site, and the impact of the proposed development upon these. In doing so, specific reference was made to London Plan Policy 7.8, and the Report concluded that <i>“it is considered that the overall setting of the dock will be enhanced as the existing office building which bridges the Albert Basin will be removed and replaced with new structures which respect the alignment and layout of the dock and the pumphouse.”</i> Alongside the London Plan, reference was made to Chapter 12 of the NPPF (although no specific paragraph was noted) and Local Plan Policy SP5.</p> <p>Source: Section 8.12.4, Committee Report, May 2013</p> <p>The Committee Minutes made no reference to heritage issues or policy in relation to the proposed development. This was similar for the final Decision Notice, except for the inclusion of a series of conditions (as requested by GLAAS) relating to archaeology. The conditions provided that no development should commence <i>“until the applicant has secured the implementation of a programme of</i></p>

archaeological works and historic structures recording in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.”
Source: Condition C20, Decision Notice, December 2012.

Greater London Authority

The Stage 1 Report reviewed the proposed development in relation to the London Plan although there were no explicit references to any heritage policies.

The Report stated that the physical scale of the proposed development was appropriate. Consistent with the content of London Plan Policy 7.4 (although with no explicit reference) the Stage 1 Report suggested that *“there is a limited existing context in terms of the built form, and the proposed new spaces and enclosure within the development would be provided at a scale that could support the creation of a new urban environment with a distinct character of its own.”*

In relation to height and massing, the Stage 1 report assessed the role of the proposed development in creating a strong riverside edge. It concluded that the scale and massing of the proposed development was acceptable in strategic planning terms. Again, while not specifically referenced this aligns with London Plan Policy 7.7.

Source: GLA Stage 1 Report, December 2012

The Stage 2 Report made no reference to heritage, building massing or views, except to reiterate the comments made at Stage 1.

Source: GLA Stage 2 Report, December 2013

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		✓
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)	✓	✓
8 & 9 (Taking forward priorities together)	✓	
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		
58 to 61 (Good design)	✓	✓
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)		✓
134 (Harm/ public benefits)		✓
135 (Non designated asset)		✓

NPPF heritage paragraphs	Were considered	Should have been considered
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Although London Plan policy was given some consideration with regard to heritage issues (despite no specific policy references within the main body of the Committee Report), equal weight appears to have been given to the NPPF, with specific reference to Paragraphs 7, 9, 14, 17 and 58-61 in assessing the quality of design and the ambitions for good design.</p> <p>However, the consideration of heritage issues in the Committee Report was significantly less than the weight given to other topic areas. In particular, the Committee Report referenced the main issues associated with the application as: density (referencing London Plan Policy 3.4 and Table 3.2) and the number of family housing units proposed (referencing NPPF paragraph 50, London Plan Policies 3.5 and 3.7, and Local Plan Policies H1 and H2), as well as noise/odour problems and parking.</p> <p>Similarly, while there was some evidence of consistency with London Plan Policy 7.7, the only explicit reference to this policy was in relation to impacts of the proposed tall buildings upon amenity of neighbours, including overshadowing and wind turbulence. No explicit reference to policy was included with regard to heritage.</p> <p>Moreover, when considering the design of the proposed development, the Committee Report did use London Plan policy, but not specifically heritage policies. Rather, the Committee Report utilised other London Plan Policies 7.1, 7.2 and 7.6 to assess the relationship of the proposed development to its surroundings, and the contribution it would make to character and cityscape. Although there was some evidence of use of London Plan Policy 7.4, this is not explicitly referenced, unlike these other London Plan policies.</p> <p><i>Source: Committee Report, May 2013</i></p>

Greater London Authority
<p>While heritage was considered in the Stage 1 Report, there were a number of other topic areas which were given greater analysis and discussion. The Stage 2 report contained no reference to heritage policy, or even heritage more generally.</p> <p>Those topics receiving greater weight with regard to analysis and decision making were: residential density, with particular consideration of the London Plan Policy 3.4; parking, with reference to London Plan Policy 6.13; tenure mix; and noise and odour impacts.</p> <p><i>Source: Stage 1 Report, December 2012 and Stage 2 Report, December 2013</i></p>

Appeal
N/A

Key points

The LPA reviewed the design of the development in decision making, although there was limited consideration of heritage within this. Heritage was not a major issue of concern in determination of this application, with the focus lying mainly upon residential tenure and size mix, as well as density, alongside noise and odour impacts and the effects of development on the surrounding area. There was limited evidence of the use of London Plan policy to consider heritage issues, most notably with regard to Policies 7.7 and 7.8.

The GLA Stage 1 and 2 Reports provided a general commentary of the proposal in relation to design. Some reference was made to heritage at Stage 1, but this was not evident at Stage 2. The scheme was not directly compared against heritage policy requirements.

It could be concluded that the heritage issues in this case were not such that they were a major consideration and therefore received proportionately less attention. The principal issue, archaeology, did warrant consideration of Policy 7.8b, but was not contentious and dealt with by condition.

D3 Mount Pleasant

Application Details

Application Reference	London Borough	Inner or Outer
P2013/1423/FUL (London Borough of Islington) 2013/3807/P (London Borough of Camden) 2013/3807/P & P2013/1423/FUL (GLA)	Islington and Camden	Inner
The Applicant	The Agent	CAZ?
Royal Mail Group	DP9	Yes

Address
Land north west of the Royal Mail Sorting Office, bounded by Farringdon Road, Calthorpe Street and Phoenix Place

Scheme Description
<p>Two full planning applications for a site that straddles the boundary between the London Boroughs of Camden and Islington.</p> <p><u>Islington Full Planning Application (P2013/1423/FUL) and Demolition in a Conservation Area (P2013/1425/CAC)</u></p> <p>Comprehensive redevelopment of the site following the demolition of existing buildings and structures to construct six new buildings ranging from three to 12 storeys in height to provide 38,015 sqm of residential floorspace (336 dwellings) (Class C3), 4,260 sqm of office floorspace (Class B1), 1,428 sqm (GLA) of flexible retail and community floorspace, (Classes A1, A2, A3, D1 and D2) with associated energy centre, waste and storage areas, vehicle (65 spaces) and cycle parking (523 spaces), hard and soft landscaping to provide public (approximately 5,124 sqm) and private areas open space, alterations to the public highway and construction of a new dedicated vehicle ramp to basement level to service Royal Mail operations, construction of an acoustic roof deck over the existing service yard (encloses 14,150 sqm at basement & ground floor levels) and all other necessary excavation & enabling works.</p> <p><i>Source: London Borough of Islington Committee Report, 10 March 2014</i></p> <p><u>Camden Full Planning Application (2013/3807/P)</u></p> <p>Comprehensive redevelopment, following the demolition of existing buildings, to construct four new buildings ranging from five to 15 storeys (above basement level) in height, to provide 38,724 sqm of residential floorspace (345 dwellings) (Class C3), 823 sqm of flexible retail and community floorspace (Use Classes A1, A2, A3, D1 or D2), with associated energy centre, waste and storage areas, basement level residential car parking (54 spaces), the re-provision of Royal Mail staff car parking (approximately 196 spaces) cycle parking, residential cycle parking (431 residential spaces) hard and soft landscaping to provide public and private areas of open space, alterations to the public highway and all other necessary excavation and enabling works. For the purposes of the planning application, the site has been divided into two, with Phoenix Place running between them.</p> <p><i>Source: London Borough of Camden Committee Report, 7 June 2013</i></p>



Summary of scheme changes made during determination in response to heritage considerations
N/A

Housing		Employment		Mixed Use	✓	Other	
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Date Received	01/05/13	Officer Recommendation	Refusal	Appeal Ref	N/A
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Outline		Delegated decision		Appeal allowed	
Full	✓	Committee decision		Appeal dismissed	
Reserved Matters		Mayoral decision	✓		
Listed Building Consent		Approved with conditions			
Demolition in CA	✓	Approved with conditions & S106	✓		
		Refused			

Site Description
<p>The 3.5 hectare site straddles the borough boundaries of the London Boroughs of Islington and Camden, along Phoenix Place. The eastern portion of the site (the Calthorpe Street site) is located in the Rosebery Avenue Conservation Area and is adjacent to four other conservation areas: Bloomsbury Conservation Area; Hatton Garden Conservation Area; Clerkenwell Green Conservation Area and New River Conservation Area. A number of listed buildings are located within the vicinity of the site including the Grade II listed buildings at the junction of Rosebery Avenue and Farringdon Road. Part of the site is within an archaeological priority area.</p> <p>The site is bounded by Farringdon Road to the east, Mount Pleasant and the existing Mount Pleasant Sorting Office to the south, Gough Street to the west and Calthorpe Street to the north. Phoenix Place, which runs north-west through the site is the borough boundary.</p>

The site is located within the Central Activities Zone with residential areas to the north, and more commercial areas to the south and west. The site lies within the London View Management Framework (LVMF) strategic view from Kenwood and Parliament Hill to St Paul's Cathedral.

Source: Paragraphs 2.1 – 2.5, 2.7 and 5.15, Planning Statement

Relevant Planning History

The planning history of the site comprises of minor development associated with on-going Royal Mail operations. There are no recent applications relating to areas of land within the red line boundaries which would be considered relevant to the consideration of the development proposals.

Source: Paragraph 2.14, Planning Statement

Historic Environment Designations/Assets

Grade I Listed		Conservation Area	✓	Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor	✓	Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area	✓	Registered Park/Garden	
Setting (LBs and CAs)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement		EIA/ES	✓	Other	✓

The Planning Statement included a description of heritage assets, conservation areas and strategic views in the section on the site and its surroundings.

Source: Section 2, Planning Statement

Volume III of the Environmental Statement comprised a Townscape and Visual Impact Assessment (TVIA) of the site which assessed the suitability of the proposed development design at different viewing positions and assessed the likely impacts of the development on surrounding townscape character, above ground built heritage and strategic viewing corridors and local views during demolition, construction and operation. The TVIA acknowledged that the proposed development responded to feedback from pre-application consultation on the scale and mass of the existing townscape with adverse effects being mitigated by design changes. The TVIA concluded that the proposed development would enhance and promote sustainable development, and the legibility and high design quality of the development would significantly enhance the local townscape while not harming strategic or local views or settings of townscape or heritage assets in the local area. It was considered that the proposed development fully accorded with the NPPF, London Plan Policies 7.7, 7.8, 7.9, 7.10, 7.11 and 7.12 and relevant London Borough of Islington and London Borough of Camden Core Strategy policies.

Source: Volume III, Environmental Statement

The Tall Buildings Justification Statement identified the rationale for the proposed design of each of the taller buildings in the development. The Statement concluded that the proposals were in accordance with national planning policy, London Plan Policies 7.9 and 7.11 and local planning policy. The massing and layout was described as being appropriate to the setting including existing townscape, local conservation areas, the LVMF, listed buildings and undesignated heritage assets close to the site.

Source: Sections 1 and 4, Mount Pleasant Tall Buildings Justification Statement

The Buried Heritage (Archaeology) Desk-Based Assessment identified and established the significance of known or likely buried heritage assets within the site, or likely to be affected by the redevelopment of the site. The Phoenix Place site is within an Archaeological Priority Area "London Suburbs" as designated by the London Borough of Camden. The Site did not contain any other designated buried heritage assets (such as Scheduled Monuments), or any undesignated heritage assets of greater than low significance. The exception was the presence of palaeoenvironmental deposits laid down by the Fleet River across much of the western and northern part of the Site. The assessment concluded that programme of palaeoenvironmental and geoarchaeological investigation should be undertaken in advance of demolition and construction works on the Phoenix Place site only. It would also be appropriate to conduct archaeological monitoring and recording during the ground works (particularly on the Phoenix Place site)

to record any other buried heritage assets that may have survived truncation. These provisions could be secured by an appropriately worded condition on any planning consent.

Source: Summary, Buried-Heritage (Archaeology) – Desk Based Assessment

The Design and Access Statement included an analysis section on the site which considered the historic context and conservation areas.

Source: Section 2, Design and Access Statement

Historic England advice

Historic England advice

Historic England raised no objection to the scheme located in LB Camden, stating that the application broadly reflected discussion and advice offered to date and concluding that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

In their response to Islington Council, whilst welcoming redevelopment, Historic England raised concerns in relation to the Calthorpe Street application, particularly in relation to the proposed height and bulk of Blocks E, F and G and their resultant impact on the setting of numerous heritage assets in particular views of these proposed buildings which would be seen above the listed terraces in Guilford Street and Calthorpe Street (within Camden). The conclusion of Historic England that the buildings “*provide a new and dominant feature within this C19 view that contrasts with the clean Georgian lines of the foreground terraces. This impact is considered to cause significant harm to the setting of the Bloomsbury Conservation Area and to the listed terraces*”. Historic England also notes that Building E in particular would break the similar uniform listed terrace on Wren Street, with the uppermost five storeys of that block being visible “*as a dominant element that is seen to rise to almost twice the height of the modest foreground buildings*” in views from St Andrews Gardens. Historic England advised that this harm needs to be carefully weighed against any public benefits, in accordance with Paragraphs 133 and 134 of the National Planning Policy Framework. It advised that a scheme that is in accordance with the heights set out within the Mount Pleasant SPD would “*reduce or remove*” such impacts.

Historic England advised that although concerns are raised, and Islington Council was urged to address those concerns, it recommended that the application is “*determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice*”.

When responding to the borough consultation Greater London Archaeological Advisory Service (GLAAS) recommended that further assessment and evaluation be undertaken, noting that the submitted Environmental Statement (ES) required some clarification in relation to the presence of potential Civil War defences is not considered, as records indicate the likelihood that they “*probably ran close to or through the site*”. The ES did note that site has a high potential for “*palaeo-environmental riverine deposits*” though GLAAS noted that there had not been any field evaluation to test and map that potential. As such, GLAAS in responding to the Councils raised a holding objection to the scheme on this basis.

Following this, further borehole investigations were carried out by the applicant’s consultant and reported to GLAAS in April 2014, and GLAAS agreed that no further geo-archaeological work was required prior to permission being granted. It was concluded that suitably worded conditions would be appropriate in relation to investigation works being carried out prior to commencement of development to establish the presence/survival of English Civil War defences.

Source: Section 5, London Borough of Islington Committee Report, 10 March 2014

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

London Borough of Islington

The London Borough of Islington Planning Committee Report considered the application site in terms of national, regional and local policies, with a focus on the NPPF policies, Islington Core Strategy policies and the Mount Pleasant SPD.

The following London Plan policies of relevance to heritage assets were identified in Appendix 2:

- Policy 2.10 Central Activities Zone – strategic priorities
- Policy 7.4 Local character
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage-led regeneration

- Policy 7.11 London View Management Framework
- Policy 7.12 Implementing the London View Management Framework

It was noted in the Committee Report that the following London Plan designations related to heritage were relevant to the proposed development:

- Central Activities Zone
- Mayors Protected Vista, including: Parliament Hill summit to St Paul's Cathedral; Kenwood viewing gazebo to St Paul's Cathedral.

London Plan Policy 2.10 was considered in terms of land use only and was not analysed in terms of heritage.

Paragraphs 1.2 and 1.3 of the Council's Committee Report refers to the detailed design and principle of developing the site as acceptable but 'harm to the setting of the Bloomsbury CA and listed buildings within it'. London Plan Policy 7.4 was not specifically referenced, but the text considered its aims: "All of the structures with the exception of the boundary brick pillars and cast iron gates are considered to contribute neutrally to the character and appearance of the Rosebery Conservation Area, their loss are not therefore restricted by planning policy." Regarding architecture and detailed design, London Plan Policies 7.4 and 7.7 were explicitly referred to with the Committee considering that the proposal is in compliance with these policies: "Whilst objections have been received claiming that this building is 'without design merit' officers do not share this view. Careful investigation and analysis of the surrounding heritage and built context has been undertaken and that understanding has been applied with skill to create a very high quality building design of contemporary design but skilfully drawing on existing examples". The aims of London Plan Policy 7.7 were further considered in the Committee Report where it was stated: "the views of buildings E and F with the surrounding townscape harm the setting of listed buildings within Calthorpe Street and Wren Street and the setting of the wider Bloomsbury Conservation Area (all within Camden)" although no specific reference was made to the policy. .

While London Plan Policy 7.8 was not specifically mentioned in subsequent commentary the impact on heritage assets was considered in the following representation from Historic England: "impact of proposed blocks E, F and G... will cause harm to the setting of the Bloomsbury Conservation Area and listed terrace houses in Calthorpe Street and Wren Street. We would urge the Council to very carefully weigh up the harm that the proposals cause to the setting of the listed building and the character of the surrounding conservation area against any public benefits". The Committee Report then states that "the significant failures of the applicant to engage with the Local Planning Authorities to discuss the financial viability of the scheme and affordable housing delivery the Council holds significant objections to the level of affordable housing provided within this scheme... benefits within the scheme are not of such a degree that would outweigh the substantial harm that would be caused to the setting of the designated heritage assets". In respect of the Archaeological Priority Area within Phoenix Place it was stated that GLASS "requested amendments to the archaeology investigation and consider that conditions and informatives should be applied (to the Camden site) seeking approval of a 'Written scheme of Investigation' should the scheme be supported and permission be granted".

London Plan Policies 7.9, 7.11 and 7.12 were not specifically referenced.

Source: Paragraphs 1.2, 1.3, 8.5, 9.54, 9.63, 9.67 and 9.69, London Borough of Islington Committee Report, 10 March 2014

Islington's Planning Committee (March 2104) agreed that if the planning decision had been left to them as LPA it would have been refused. A reason for refusal would have been: 'The proposed height, mass and position of blocks E and F would result in harm to the setting of statutory listed terraces within Calthorpe Street & Wren Street and to the wider setting of the Bloomsbury Conservation Area. The proposed development could be contrary to Islington's Finsbury Local Plan (2013) Policy BC9, Islington's Core Strategy (2011) Policy CS9, Development Management Policies (2013) Policy DM2.3 and policies 7.4 and 7.7 of the London Plan 2011.'

Source: Islington Planning Committee Minutes, March 2014

London Borough of Camden

The London Borough of Camden Committee Report considered the application site in terms of national, regional and local policies, with a focus on NPPF policies, Camden Core Strategy policies and the Mount Pleasant SPD.

The following London Plan policies of relevance to heritage assets were identified in section 5:

- Policy 2.10 Central Activities Zone – strategic priorities
- Policy 7.4 Local character
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage-led regeneration
- Policy 7.11 London View Management Framework
- Policy 7.12 Implementing the London View Management Framework

London Plan Policy 2.10 was considered in terms of land use only and was not analysed in terms of heritage.

In the section of the assessment on “*design and impact upon character and appearance*” the Report stated that London Plan policies regarding architecture in proposed developments should be considered, including Policy 7.4, although the proposal’s conformance with this and other London Plan policies was not reported.

On the layout of the site within Camden’s boundary the Report stated that (6.3.16) “*the building line along Mount Pleasant aligns with the south western most corner of the Post Office Sorting Office and the south eastern most corner of the sub station at the junction with Gough St. The alignment at the south western corner provides a distance of 25m distance from the listed terrace on the opposite side of the road and a wider area of public realm along the Mount Pleasant frontage which aids in the preservation of the setting of these heritage assets*”. This reflects the intentions of both London Plan Policy 7.4 A on design response and existing character having: “*regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass*” and London Plan Policy 7.8 D on conserving the settings of heritage assets by significance: “*development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail*” although the policies were not directly referenced.

On height and massing it was stated that: “*the applicant has proposed a more varied distribution of heights across the site. The proposals comprise of low rise buildings (at part 4 and 5 storeys plus basement) to the north of the site in response to the typical heights of buildings along Calthorpe St to preserve the setting of the adjacent listed buildings and conservation area*” and “*The stepped form aids in breaking up the mass of the building on the Mount Pleasant and Phoenix Rd frontages and provides a positive response to the varied heights of the local context*”. No reference was made to London Plan Policy 7.7 C although it responds to this policy’s intentions which state that tall and large buildings should “*relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level*”.

London Plan Policy 7.8 was directly referenced in relation to archaeology: “*London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process*”.

London Plan Policies 7.9, 7.11 and 7.12 were not specifically analysed.

On protected views it is stated that “*the impact of the proposed development has been tested against the designated viewing corridors (LVMF SPG Ref 1.5) from Kenwood to St Paul’s Cathedral and from Parliament Hill to St Paul’s Cathedral. There are no detrimental impacts on the Viewing Corridors or the Wider Setting Consultation Area of the Protected Vistas*”. The SPG is referenced rather than Policies 7.11 and 7.12.

There is no evidence of consideration of London Plan Policy 7.9 (beyond it being identified in section 5) in the Committee Report.

Overall it was stated that the scheme within Camden: “*is considered to make a positive response to its local context. The setting of local heritage assets are preserved and enhanced. The proposed architectural design is considered to be of high quality and creates a distinctive sense of place*”.

In respect of impacts in Camden from the adjoining scheme the LPA considered that the two planning applications formed a comprehensive scheme for the area but recognised that there were impacts on setting within Camden from the developments in Islington. Camden considered the Islington proposals and stated: “*Officers therefore have significant concerns regarding the impact upon the setting of Bloomsbury Conservation Area and the identified listed buildings in Calthorpe Street and Wren Street. It has not yet been demonstrated to Camden officers’ satisfaction that the Islington application demonstrates a level of public benefits sufficient to outweigh this significant harm arising in this regard*”. This demonstrates some recognition of the need to consider balance as required by the NPPF.

Source: Section 5 and paragraphs 6.3.2, 6.3.16, 6.12.2, 6.3.20, 6.3.34, 6.3.47 and 6.3.60 London Borough of Camden Planning Committee Report, 7 June 2013

The two boroughs agreed in terms of the harmful impact on the settings of heritage assets resulting from the Islington proposals.

Greater London Authority

Consultation

The GLA was strongly supportive of the scheme at Stage 1 in terms of the principle of development, masterplanning principles and affordable housing principles and considered that access, sustainability, residential quality and transport were generally acceptable subject to clarification. The Mayor became the local planning authority in respect of the application as it was considered that outstanding issues were of such a scale that they were unlikely to be determined in a timely fashion. The Mayor granted conditional planning permission for the scheme on 3 October 2014.

The GLA Stage 1 Report did not directly reference any London Plan policies, although it provides a list of policies and a general reference to the London Plan and it did describe relevant heritage assets/designations on and around the site: *“Part of the site sits within the Rosebery Avenue Conservation Area, and is adjacent to four other conservation areas. The site is within the Central Activities Zone and is also within a LVMF strategic view (London Panorama from Kenwood and Parliament Hill)”*.

The strategic views were considered in detail at paragraphs 35 and 36 where it was acknowledged that the site is within the Parliament Hill to St Paul’s Cathedral panorama and Kenwood House to St Paul’s Cathedral panorama. The Kenwood House view would not breach *“the threshold planes of the Landmark Viewing Corridor or the Wider Setting Consultation Area of the Protected Vista and its impact on the strategic view would be slight”*, however with the Parliament Hill view *“there would be a small, 4 metre intrusion into the Wider Setting Consultation Area to the west of the viewing corridor, but this would be seen against the existing backdrop of the city’s roofscape”*. This analysis meets the requirements of London Plan Policy 7.12.

Reference to the setting of the conservation area and listed buildings is included paragraph 41 of the GLA Stage I report which concludes: *‘There would be some slight harm to the setting of listed buildings in the view along Guildford Street as the skyline of the existing terraces currently has no modern development visible in their backdrop. Overall the applicant has demonstrated that the scheme would have a good fit with its setting and whilst there are some views that would compromise heritage assets to a degree, these have been kept to a minimum.’*

The GLA Stage 1 Report also indirectly referenced London Plan Policy 7.7: *“as requested a pre application stage and in accordance with London Plan tall buildings policies, a greater amount of detail has been provided regarding the appearance of the taller elements of the scheme in order to demonstrate that the development will be of an outstanding architectural quality”*.

The GLA Stage 1 Report made indirect reference to London Plan Policy 7.4: *“the predominant material finish is brick reflecting the extant Georgian and Victorian vernacular in the area”*. (paragraph 40)

The GLA Stage 2 Report did not consider heritage issues, and considered that *“the development of this site supports the strategic objectives of the London Plan and because of its scale makes a sizable contribution to housing and jobs therein”*.

Decision Making

In granting conditional planning permission for the scheme the Mayor stated in his third reason for approval: *“Overall the masterplanning principles are well-considered, the design and appearance is of a high quality, with strategic views and the designated and non-designated heritage assets, and their significance remaining unharmed... As such the proposal complies with the design policies contained with chapter seven of the London Plan”*.

Source: Paragraph 8, 35, 36, 40 and 41 GLA Stage 1 Report, 3 September 2013; Paragraph 19, GLA Stage 2 Report, 21 January 2014 and Page 7, GLA Hearing Report, 3 October 2014

Appeal

In May 2015 the London Boroughs of Islington and Camden launched a Judicial Review against the Mayor’s decision to grant two planning permissions for the proposed development. The basis of the claim did not relate to heritage, but rather that the proposed level of affordable housing was not justified in terms of policy.

On 29 June 2015 the High Court (Queen’s Bench Division) refused the application for Judicial Review. In response to the claimant’s first ground that the defendant had not responded to - or paid sufficient attention to in decision making - to the claimant’s valuation, it was stated that *“the assessment is, ultimately, a matter of judgement for the Defendant, having regard to the advice that he received”*.

On 3 July 2015, the claimants sought to renew their application or judicial review at an oral hearing on the grounds that the Justice had erred on a number of grounds including site value and consultation/legitimate expectation.

Source: London Borough of Islington/ London Borough of Camden Grounds for Judicial Review, 11 May 2015

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)	✓	✓
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		✓
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)	✓	✓
Policy 7.12 (Implementing the London View Mgmt Framework)	✓	✓

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		✓
8 & 9 (Taking forward priorities together)		✓
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		✓
58 to 61 (Good design)		✓
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)		✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		✓
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Overall, the focus during determination in the London Borough of Islington’s Committee Report was on Islington’s local policies and relevant national policies, rather than London Plan policies. The London Plan policies that were considered in most detail relate to land use, including Policy 2.10 on the Central Activities Zone; Policy 2.11 on increasing office spaces and a mix of uses; Policy 2.12 seeking to enhance predominantly residential neighbourhoods within the CAZ. The determination of the scheme also gave great weight to the Finsbury Local Plan which included specific policy and site allocation for this site (Policy BC6 and site allocation BC45).</p> <p>Although seven London Plan policies were identified as relevant, only four of these policies were analysed in the Committee Report. Of these, Policy 7.7 was referred to most, being analysed in relation to the suitability of block heights within the townscape context. While the Planning Committee recommended that the scheme be refused, it did not object on grounds of the location and design of tall and large buildings, where it was considered that inappropriate aspects could be remedied: <i>“had the proposals been supported, the intricate detailing of this building was considered to be fundamental to the success of this scheme. A clause in the s106 would have secured the approval of detailed elevational design and materials via a further CABE review to secure the quality needed for this special part of Clerkenwell”</i>.</p>

The NPPF Section 12 was referred to generally in terms of “*what weight should be given to relevant considerations when considering development proposals that may impact upon designated and undesignated heritage assets*”. Paragraph 134 of the NPPF was specifically referenced in assessing the demolition of buildings within a conservation area: “*buildings that contribute positively to the character and appearance of a conservation area should be retained. Where the loss of buildings or structures would have a less than substantial harm on the significance of a conservation area, the buildings loss should be weighed against the public benefits of the proposal, including securing the optimum viable use*”. As the scheme is not however supported by the Council it is considered that “*the loss of the boundary treatment would only occur as a result of the implementation of the redevelopment proposals and had support been leant to these proposals, a condition would be imposed to ensure that a contract for the development of the site was secured prior to the demolition of these structures*” and “*in the absence of a supported redevelopment proposal the granting of Conservation Area Consent would be premature*”.

The proportion of affordable housing and financial viability was considered to be a particularly important factor in refusing the application – which cited both Paragraph 47 of the NPPF and Policy 3.12 of the London Plan – seeking to maximise affordable housing. The Council referred to its own viability study and concluded that BPS (the commissioned consultants) were of the view that “*the scheme as currently presented by Gerald Eve does not optimise overall viability and has the effect of suppressing the level of affordable housing provision the scheme can successfully deliver*”.

Source: Paragraphs 8.7, 8.9, 9.52, 9.66 and 16.26, London Borough of Islington Committee Report, 10 March 2014

Overall, the focus of the London Borough of Camden’s Committee Report was on Camden’s local policies, rather than London Plan or NPPF policies. It should be noted however, that for the part of the scheme in Camden heritage issues were not in contention, although the Council did support Islington’s position that the other part of the scheme heritage issues were relevant.

The London Plan policies that were considered in most detail relate to transport, with the Committee Report stating: “*the provision of general car parking spaces within the proposed development and in the absence of a legal agreement to secure carfree housing units and commercial floor-space, would contravene the following policies:*

- London Plan Policy 6.11 (Smoothing traffic flow and tackling congestion)
- London Plan Policy 6.12 (Road network capacity)
- London Plan Policy 6.13 (Parking)”

Of the London Plan heritage policies identified in the Committee Report, Policy 7.4 was given the most weight with the concluding paragraph on the overall analysis of the Camden site stating: “*The proposed development is considered to make a positive response to its local context. The setting of local heritage assets are preserved and enhanced. The proposed architectural design is considered to be of high quality and creates a distinctive sense of place.*”

NPPF policies were given less weight compared to London Plan and local planning policies however the NPPF was identified in relation to archaeology: “*Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision*”.

Like the Islington Committee Report, the Camden Committee Report pointed to the proportion of affordable housing and financial viability as being particularly important factor in refusing the application – which cited both Paragraph 47 of the NPPF and Policy 3.12 of the London Plan – seeking to maximise affordable housing.

Source: Paragraphs 6.6.4, 6.12.2, London Borough of Camden Committee Report, 7 June 2013

Greater London Authority

Consultation

More consideration was given to issues which were identified as requiring further clarification at Stage 1 and 2 including the principle of development, masterplanning principles and affordable housing principles and considered that access, sustainability, residential quality and transport.

The Stage 2 Report considered the most important issue that the Mayor must take into account as being “*Achievement of development plan targets for housing, including affordable housing*”. London Plan Policy 3.3 was therefore given the greatest weight: “[*Policy 3.3*] specifically relates to increasing housing supply in London, stating that the Mayor will seek to ensure the housing needs identified in paragraphs 3.17 and 3.18 are met, particularly through provision consistent with at least an annual average of 32,210 net additional homes across London”.

Decision Making

In the Hearing Report, the GLA considered the application to be acceptable in planning policy terms, referencing London Plan Policies 2.10 and 3.16 as key to granting permission. The main reasons for the approval of the scheme were that it was considered to “*bring forward an identified large development site*

with a mixed use scheme that includes office accommodation, affordable work space and with jobs also being generated by the retail floor space, thereby catering for a range of occupiers” and was therefore supported by the Mayor “in land use terms in accordance with the London Plan Policies 2.10, 2.11, 3.3, 3.16, 3.17, 3.18, 4.2”. It was considered that the scheme was acceptable in heritage terms at the Stage 1 Referral Report.

The Hearing Report states that: “Overall the masterplanning principles are well-considered, the design and appearance is of a high quality, with strategic views and the designated and non-designated heritage assets, and their significance remaining unharmed. The scheme includes well-defined public and private spaces, amenity and play spaces, and landscaping elements that are well integrated in the surrounding streets and movement network. As such the proposal complies with the design policies contained with chapter seven of the London Plan”.

Source: GLA Stage 1 Report, 3 September 2013; GLA Stage 2 Report, 21 January 2014) and Paragraph 2 and page 7, GLA Hearing Report, 3 October 2014

Appeal

The London Boroughs of Islington and Camden based their Judicial Review claim on the grounds that the level of affordable housing in the proposed development was insufficient. The basis of the claim stated that *“the policies of the Development Plan (both the London Plan and Council’s Core Strategies) required the Mayor to seek to secure the maximum reasonable level of affordable housing from RMG’s proposed development”*. It was further stated that *“Neither the GLA, nor its advisers GVA, nor the Mayor himself have sought to contradict the findings and conclusions of BPS [the claimant’s valuation]”*.

In the defendant’s summary grounds of resistance the Mayor argued *“the relevant policies concerning affordable housing within the London Plan and Core Strategies of both Claimants were properly and adequately set out”*.

On 29 June 2015 the High Court (Queen’s Bench Division) refused the application for Judicial Review. In response to the claimant’s first ground that the defendant had not responded to - or paid sufficient attention to in decision making - to the claimant’s valuation, it was stated that *“the assessment is, ultimately, a matter of judgement for the Defendant, having regard to the advice that he received”*.

On 3 July 2015, the claimants sought to renew their application or judicial review at an oral hearing on the grounds that the Justice had erred on a number of grounds including site value and consultation/legitimate expectation.

Heritage is not referred to by the claimants as a ground for Judicial Review.

Source: Paragraphs 2 and 3, Claimant’s Judicial Review Grounds, 11 May 2015; Paragraph 19, Defendant’s Grounds for Opposing the Claim, 4 June 2015; Paragraph 2, Judicial Review Decision Notice, 29 June 2015; Notice of Renewal, 3 July 2015

Key points

The application falls within two LPAs. The LPAs recommended that the application be refused. The Mayor of London became local planning authority and granted permission however the LPAs launched a Judicial Review on grounds that affordable housing had not been maximised, with heritage issues not being listed in the grounds of appeal. The Judicial Review was unsuccessful.

The LPAs and Mayor had opposing views in respect of heritage. The LPAs considered that there would be harm and this was one of their reasons for intending to refuse the application, whereas the Mayor did identify ‘slight harm’ but this was considered to be kept to a minimum. The GLA Stage 1 Report does not directly reference any London Plan policies, heritage or otherwise, although considered strategic views in considerable detail. The GLA Stage 2 Report does not consider heritage issues. At the decision-stage following call-in of the applications the hearing report concludes the significance of heritage assets is unharmed in the context of design policies in the London Plan.


The main reasons for the Mayor of London approving the scheme relate to the housing and regeneration benefits.

D4 Maggie's Centre

Application Details

Application Reference 14/00319/FULL	London Borough City of London	Inner or Outer Inner
The Applicant Maggie Keswick Jencks Cancer Caring Centres Trust	The Agent DP9	CAZ? Yes

Address North Wing, St Bartholomew's Hospital, West Smithfield
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Scheme Description	
Demolition of the existing 1960's extension (638 sqm) to the building and the erection of a replacement three storey building for use as a cancer care facility (Class D1, 544 sqm) with ancillary roof terrace and external landscaping. <i>Source: Application Form</i>	

Summary of scheme changes made during determination in response to heritage considerations
<p>Alterations to the original scheme that was submitted in early 2013 were informed by comments raised in consultation by the City of London. The Historic Building Report Addendum (March 2014) reflects alterations to the original scheme as laid out in the Historic Building Report (issued in early 2013). The following design changes were made in response to heritage considerations:</p> <ul style="list-style-type: none"> • <i>“The landscape setting to the north of the proposal has been reviewed to provide both planting and water within an urban, shaded, context”</i> which was considered to better complement existing heritage assets including the North Block and Church of St Bartholomew. • The detailing of the top parapet in the Maggie's Centre was altered so that it no longer touches the North Block cornice, which <i>“preserves the integrity of the older building and allows it to remain intact and fully legible”</i>. • The amendments allow the existing basement to be retained without the need for further excavations to <i>“prevent the disturbance of any archaeological remains on the site”</i>. • The Maggie's Centre, North Block and other heritage buildings <i>“will be able to function as discrete entities, each entirely within its own footprint”</i> in the amended design. <p><i>Source: Page 2, Historic Building Report March 2014 Addendum</i></p>

Housing	Employment	Mixed Use	Other	<input checked="" type="checkbox"/>
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Date Received 03/04/14	Officer Recommendation Approval	Appeal Ref N/A
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Outline	Delegated decision	Appeal allowed
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Full	✓	Committee decision	✓	Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent	✓	Approved with conditions			
Demolition in CA	✓	Approved with conditions & S106	17/07/14		
		Refused			

Site Description
<p>The site is located in the Smithfield district within the City of London. The site is part of St Bartholomew's Hospital complex and is currently vacant. The current building on site is a three storey finance building built in the 1960s as an extension to the hospital's Grade I listed North Block. The site is bounded by the Lucas and Kenton Building to the north, the East Block to the east, the North Block to the south, and the Church of St-Bartholomew-The-Less to the west.</p> <p>The site's surroundings are of considerable heritage interest, with the adjacent Grade I listed North Block being designed by James Gibbs and completed in 1732; the first of four (only three of which remain) Baroque style buildings framing St Bartholomew's Square.</p> <p>Source: Paragraphs 2.1-2.3, Planning Statement</p>

Relevant Planning History
<p>A previous planning application and applications for conservation area and listed building consent for an almost identical scheme were proposed by the same applicant in 2013 (13/00111/FULL) for the "demolition of the existing 1960's extensions (638 sqm) to the building and the erection of a replacement three storey building for use as a cancer care facility (Class D1) with ancillary roof terrace and external landscaping (586 sqm)".</p> <p>The application was refused by Committee despite being supported by planning officers, Historic England and St Barts NHS Trust. The Committee identified concerns about the following:</p> <ul style="list-style-type: none"> • "The impact of the proposals on the future of the Great Hall. • The impact of the design on the heritage asset. • Lack of detailed landscaping proposals". <p>Source: Paragraphs 3.1-3.5, Planning Statement</p>

Historic Environment Designations/Assets

Grade I Listed	✓	Conservation Area	✓	Local Character Area	
Grade II* Listed	✓	World Heritage Site		Protected Wreck Site	
Grade II Listed	✓	Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area		Registered Park/Garden	
Setting				Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	
Heritage Statement	✓	EIA/ES		Other	
<p>Heritage aspects were considered extensively in the Planning Statement. It was stated that "the existing building adjoins the Grade I listed North Block of St Bartholomew's Hospital and the Site is located within the Smithfield Conservation Area". The Planning Statement also listed several other Grade I, II and II* listed buildings and structures in the vicinity of the site including the Church of St Bartholomew, Barbican Estate and Smithfield Market.</p> <p>The Planning Statement also considered the London Plan to be relevant to this application but did not identify any specific policies.</p>					

Source: Paragraph 2.6, Planning Statement

The Historic Building Report comprised of an historical research study, using both archival and secondary material, and site inspections. The Report acknowledged that the City of London required any planning application in such an area to include an assessment of the heritage asset's significance as set out in the Report where the public benefits of a proposal should outweigh any harm caused to the significance of a heritage asset. The Report considered the study site to be "*one of the most significant historic and architectural locations in the capital*". The Historic Building Report however concluded that the current building on the site detracted from the location's historical significance.

Source: Paragraphs 1.1-1.6, Historic Building Report

The Design and Access Statement considered the significance of neighbouring and surrounding heritage assets where it stated that the proposed development was in "*an extremely sensitive area in heritage terms sitting on the most historically charged site. It will replace an unattractive 1960s brick structure adjacent to an 18th century stone structure by James Gibbs*". It was stated that the design respects the historic character of the square and "*not overwhelm it, but complements it*".

Source: Sections 3.1 and 3.2, Design and Access Statement

Historic England advice

Historic England advice

Historic England had no objection to the proposal and considered the new building to be a "*piece of high quality design in its own right*", and "*provides heritage benefits to the existing grade I listed building*". It further considered the establishment of a Maggie's Centre on site to provide substantial public benefit that outweighs any substantial perceived visual harm to the historic environment. It is advised that the proposed development better reveals the significance of the adjoining Grade I listed building in accordance with NPPF paragraph 137 and that the proposed landscaping could better enhance the significance of nearby heritage assets in accordance with NPPF paragraph 137.

Source: Historic England consultation response letter, 8 April 2013

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The Committee Report focused on the compliance of the proposed scheme with relevant policies in the Corporation of London Core Strategy and UDP, London Plan and NPPF.

Only London Plan Policy 7.8 was identified in Appendix A of the Committee Report, as relevant to the proposed scheme.

However the Committee Report did not directly assess the compliance of the proposed development against any London Plan heritage policies. It was stated in the Committee Report section on "*Design and Heritage Considerations*" that "*the assessment of significance should be taken into account when considering the impact of a proposal*". No reference was made to London Plan Policy 7.8 D which states that "*development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail*".

The impact of the proposal on the significance of individual designated historic assets was also considered in the Committee Report including the Grade I listed North Block, the setting of surrounding listed buildings including the East Block, The Kenton and Lucas Building and the Church of St Bartholomew the Less and the neighbouring Smithfield Conservation Area. For each of these assets the test was the impact of the proposed development to the significance of the asset's setting. No London Plan policies were considered in these sections although it could be considered that the assessment of significance to each asset's setting was in compliance with London Plan Policy 7.8 as in the conclusion it was stated that "*other material considerations outweigh such harm*". There was some implied use of Policy 7.4 in considering the sites nature and character.

The Committee Report also recommended that conditions "*cover archaeological evaluation, a programme of archaeological work and foundation design*". This did not reference London Plan Policy 7.8 E despite being compliant, the requirement states that "*new development should make provision for the protection of archaeological resources*".

Source: Paragraphs 9, 32, 43, 56-87 and Appendix A, Committee Report, July 2014

London Plan heritage policies were not referenced in the decision notice. Condition 6 did state that "*archaeological evaluation shall be carried out in order to compile archaeological records in accordance with a timetable and scheme of such archaeological work submitted to and approved in writing by the Local Planning Authority before any commencement of archaeological evaluation work*". This condition

was considered with reference to local planning policy and not London Plan Policy 7.8 E on new development making “*provision for the protection of archaeological resources*”.

Source: Paragraph 6, Decision Notice

The minutes of the Committee did not reference local, regional or national heritage policy as a determining factor in decision making.

Source: City of London Planning Committee Minutes, July 2014

Greater London Authority

N/A

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		✓
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)		
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		
8 & 9 (Taking forward priorities together)		
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		
58 to 61 (Good design)		
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		✓
141 (Sharing/ recording information)		
152 (Net gains)		
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Overall, the focus during determination was on the Corporation of London's local planning policies and relevant national policies, rather than the London Plan. Heritage considerations are analysed at great length in the Committee Report. Greater weight was however given to the provision of a healthcare facility. The key considerations in relation to heritage in the Committee's determination and recommendation relating to the planning application were listed as:</p> <ul style="list-style-type: none"> • <i>"The impact of the proposal on designated and non-designated heritage assets.</i> • <i>The appropriateness of the proposal's design and massing in the context of the area.</i> • <i>The use of hospital floorspace for a Maggie's Centre".</i> <p>The principal issue relating to the listed building consent was <i>"whether the demolition of the Finance Building is acceptable and whether the proposed Maggie's Centre would preserve the building, its settings or any features of special architectural or historic interest"</i>.</p> <p>The majority of the Committee Report's assessment centred on design and heritage considerations and the assessment of impact of the proposal on the significance of heritage assets. NPPF heritage policies were given relatively significant weight in decision documents for this application. In the <i>"Design and Heritage Considerations"</i> section of the Committee Report paragraph 129 on identifying and assessing the particular significance of heritage assets was considered relevant, as were Paragraphs 132, 133 and 134 of the NPPF on harm to heritage assets. The Committee Report found that <i>"the harm should be treated as less than substantial"</i> and is <i>"outweighed by the public benefits of the proposal"</i>.</p> <p>Appendix A of the Committee Report listed policies that were considered relevant to the planning application and listed building application. London Plan Policy 7.8 on heritage assets and archaeology and local planning Policy CS12 on conserving and enhancing heritage assets were identified as relevant in Appendix A. While not specifically referenced in the text of the report, policies on health and social care facilities were also referenced in Appendix A including London Plan Policy 3.17 on health and social care facilities and UDP and Core Strategy Policy CS22 of maximising community facilities. It is assumed that these policies were weighted into the overall decision to grant planning permission to the facility where it was stated that <i>"the less than substantial harm is considered to be outweighed by the public benefits of a cancer care facility with associated landscaping and the revealing of currently obscured architectural elements of the North Block"</i>.</p> <p><i>Source: Paragraphs 32, 43-55, 87 and Appendix A, Committee Report, July 2014</i></p>
Greater London Authority
N/A

Appeal
N/A

Key points

<p>Heritage was an important consideration in determination of the application by the LPA, although only London Plan Policy 7.8 is directly referenced. Overall, the focus during determination was on the LPA's local planning policies and relevant national policies, rather than the London Plan.</p> <p>The LPA conclude that the harm should be treated as less than substantial and is outweighed by the public benefits mainly the provision of a new health care facility, demonstrating use of NPPF Paragraph 134.</p> <p>The application was not referred to the GLA.</p>
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D5 51 College Road

Application Details

Application Reference P/0737/15	London Borough Harrow	Inner or Outer Outer
The Applicant The Hyde Group	The Agent Jones Lang LaSalle	CAZ? No
Address 51 College Road, Harrow, HA1 1AA		

Scheme Description
<p>Redevelopment of the former Harrow Post Office to provide 318 flats (Class C3); 862 sqm of retail (Class A1), financial & professional services (Class A2), restaurants and cafes (Class A3), pubs and bars (Class A4), hot food take-aways (Class A5), business (Class B1) and non-residential institutions (Class D1) uses; and 1,672 sqm for library (Class D1) in buildings of up to 20 storeys; 2,413 sqm of public realm including a new public square; basement and surface servicing and parking (total 50 car spaces, 3 motorcycle spaces and 521 cycle spaces); principal vehicular access from Station Road and William Carey Way and secondary vehicular access from College Road. The proposal also includes a combined heat & power plant; hard and soft landscaping, balconies and roof gardens; and demolition of former Post Office buildings.</p> <p><i>Source: Application Form</i></p>



Summary of scheme changes made during determination in response to heritage considerations
<p>There was evidence of some minor changes to the scheme which took place post submission, these included amended positioning of the secondary entrance to library and reconsideration of access arrangements to omit restoration of vehicular access from Station Road. There was no evidence of any changes in relation to heritage issues.</p> <p>However, additional information was provided in the addendum to the Design & Access Statement, on the visual relationship between the library and the art walk to Harrow-on-the-Hill and St. Mary's Church.</p> <p><i>Source: Committee Report, June 2015</i></p>

Housing		Employment		Mixed Use	✓	Other	
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Date Received	03/03/15	Officer Recommendation	Approval	Appeal Ref	N/A
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Outline		Delegated decision	03/01/16	Appeal allowed	N/A
Full	✓	Committee decision		Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent		Approved with conditions	03/01/16		
Demolition in CA		Approved with conditions & S106			
		Refused			

Site Description
<p>The application site lies within Harrow Town Centre, and immediately to the east of Harrow on the Hill station. The northern boundary is on College Road, which runs east-west; its western boundary is with nos. 53-61 College Road (First National House). The eastern boundary of the site is alongside a parade of shops with offices above, and Harrow Baptist Church. The site covers approximately 0.67 ha of land in an L-shaped configuration around the church and parade of shops.</p> <p>Developed in the 1960s, the site was a former Royal Mail sorting office, until its closure over 10-years ago. The majority of the site was taken up by the building footprint with the remainder of the land being hard-standing. The height of the existing buildings is two and three commercial storeys.</p> <p>While not within any Conservation Areas nor including any listed buildings, there are a number of designated and non-designated heritage assets within 1km of the application site. There are a total of 20 listed buildings within the vicinity. All but five are grade II listed buildings, those five are: St. Mary’s Church, Church Hill (Grade I); The Old Schools, Harrow School, Church Hill (Grade I); Speech Room, Harrow School, Grove Hill (Grade II*); Harrow School Chapel, High Street (Grade II*); and Vaughan Library, Harrow School, High Street (Grade II*). There are also two Conservation Areas – Harrow School and Roxborough Park & The Grove in proximity to the site. Views towards the spire of the St Mary’s Church are subject to planning policy guidance which seeks to protect the visibility of the building as a local landmark. The site is identified as falling within Character Area: TCA1a Retail Led Mixed Use Harrow Town Centre.</p> <p><i>Source: Planning Statement</i></p>

Relevant Planning History
<p>Since the closure of the Post Office 10 years ago, there have been various attempts to redevelop the site. In 2005, Dandara submitted a planning application for the redevelopment of the site for 366 flats, together with ground floor retail and commercial units in buildings up to 19 storeys (P/2416/05). The application was subsequently withdrawn prior to determination.</p> <p>In 2008, a planning application was submitted for the redevelopment of the site to provide 410 flats in three blocks ranging between 5 and 19 storeys in height, and 1,120 sqm of A1, A2, A3, A4 and B1 space (P/1620/08). Despite the officer’s recommendation for approval, the application was refused by Harrow Planning Committee in May 2009. The Planning Committee’s reasons focussed upon the design, citing the bulk and mass of the principal building and its appearance when viewed from various key vantage points in the borough. A subsequent appeal was dismissed by the Planning Inspectorate in 2010, and this decision was reiterated by the Secretary of State in November 2009 (APP/M54050/A/09/2115461).</p> <p>Dandara explored a third scheme in 2011 for mixed use development. The plans were subsequently abandoned. Dandara sold the site to the applicant, Hyde Housing, in March 2014.</p> <p><i>Source: Pages 6-7, Planning Statement</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	✓
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area		Registered Park/Garden	
Setting (LBs, CA)	✓			Other (Local Viewing Corridor)	✓

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	
Heritage Statement		EIA/ES	✓	Other	✓

An Archaeological desk-based assessment was undertaken for the proposed development which reviewed the recorded historic environment within 1km of the application site. It found that the site was within an area likely to have been rural during the medieval and post-medieval periods, and consequently there was a low potential for remains, such as field boundaries and drainage ditches to exist on site. Prehistoric, Romano-British and Anglo Saxon evidence within the study area was sparse, consequently the potential for pre-medieval remains was unknown. It concluded that the presence, location and significance of any buried heritage assets within the site could not be confirmed, and as such it was possible that additional archaeological investigations may be required.

Source: Archaeological Desk-Based Assessment

A Townscape, Heritage and Visual Impact Assessment was undertaken as part of the Environmental Statement. Regarding built heritage, it found that there were a number of heritage assets, both designated and non-designated within 1km of the application site. During construction, no significant effects were identified, however at operation the proposed development was found to have the potential to affect heritage assets, although not significantly. It concluded that there would be beneficial effects upon heritage assets located within 1km of the application site, as a result of high quality design, improvement in legibility and regeneration. Regarding townscape character, the report found that construction may give rise to minor adverse effects, but these would become beneficial effects in operation due to the removal of the “inactive and tired façade of the post office building”, and installation of a new urban built form. Finally, with regard to visual amenity, the report found that this would be slightly impacted by construction, but by operation the effect would become beneficial, due to improved legibility and high quality design.

Source: Townscape, heritage and Visual Impact Assessment, within Environmental Statement

The Planning Statement provided an assessment of the proposed development against the planning policy framework. In relation to heritage, it particularly noted the suitability of the proposed site for tall buildings, with reference to London Plan Policy 7.7. It highlighted that, “as an allocated site, the decision to design tall buildings at this location follows the plan-led approach” as advised in policy. It concluded that “the tall buildings will not negatively affect the character of the area”. It went on to claim that the new tall buildings would, in fact, improve the appearance of the town centre and act to improve legibility around Harrow-on-the-Hill.

The Planning Statement confirmed the assumption that the new development would not compete with views of St Mary’s Church. This was supported by analysis of local policy on protected views and vistas (DM3).

No assessment is provided of the role of the proposed development in relation to its impact on the setting of the listed buildings in vicinity of the application site.

Source: Planning Statement

The Design and Access Statement also covered the impact of the proposed development with regard to heritage assets in the vicinity of the site, in particular St Mary’s Church. In setting out the design principles for the development it highlighted the objective of enhancing views of St Mary’s Church, within the locally protected view corridors.

Source: Design and Access Statement

Historic England Advice

Historic England advice
<p>Historic England objected to the proposed development due to its prominence in local views, and the consequent effect on the setting of Conservation Areas and listed buildings in the vicinity of the application site.</p> <p>In particular, Historic England noted the Harrow School Conservation Area and large complex of listed buildings within it. They noted that <i>“the development would be prominent in views from the north west of this conservation area ... and would obscure these views to some degree.”</i> Furthermore, it was noted that the development would draw the eye away from the school and associated historic buildings, introducing a competing element. Moreover, the development’s impact on the Roxborough Park and The Grove Conservation Area (immediately to the south of the site) was also assessed. Historic England stated that the <i>“proposal would introduce a much taller element into the skyline which through its scale and design does not respond to local character and history, or reflect the identity of local surroundings, as per NPPF section 58.”</i></p> <p>Historic England also noted the impact of the proposed development on views of St. Mary’s Church spire, concluding that <i>“not only is there potential for the proposed buildings to directly obscure views, either by increased height or altered massing, but there is also the risk that it will visually compete with the spire in some key views”</i>.</p> <p>Finally, Historic England stated that there would be significant harm to heritage assets as a result of the proposed development.</p> <p><i>Source: Page 21, Committee Report, June 2015</i></p> <p>In a subsequent telephone conversation with the Council’s conservation officer, Historic England:</p> <ul style="list-style-type: none"> • clarified that it considered the harm identified as being less than substantial; • referred to NPPF paragraphs 132 and 134, in particular the need for clear and convincing justification; • stated that while specific views are raised in the letter, it was the wider setting that was the concern; • advised that subsequent decisions have not altered the principles established by the Barnwell Manor judgement. <p><i>Source: Pages 21 to 22, Committee Report, June 2015</i></p> <p>Historic England (Archaeology) advised that <i>“the proposal is unlikely to have a significant effect on heritage assets of archaeological interest”</i> and therefore no further assessment or conditions were deemed necessary.</p> <p><i>Source: Page 22, Committee Report, June 2015</i></p>

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority
<p>The Committee Report assessed the impact of the proposed development upon listed buildings and Conservation Areas in proximity to the application site. The Report stated that, the Officer perceived <i>“the development would draw the eye from a significant cluster of historic Harrow School and so would introduce a competing element.”</i> The Committee Report therefore concluded that <i>“the proposal would harm the setting of this complex of listed buildings and, by association, the Harrow School Conservation Area”</i>, as well as the key view out of the Harrow Conservation Area. In coming to this conclusion, the Committee Report noted that the proposals therefore departed from London Plan Policy 7.8 and the objective of conserving heritage assets. However, this harm was stated to be justified in light of a series of public benefits, using paragraphs 128, 132 and 134 of the NPPF (with explicit reference).</p> <p>While the applicant noted no impact on St Mary’s Church and its setting, this conflicted with Historic England’s views. The Officer agreed with Historic England that the proposed development would be visible in views of the church and would introduce a competing element. The Committee Report also concluded that <i>“The proposed development would be highly perceptible, relative to The Grove open space and St. Mary’s Church, within this part of the [Roxborough Park and Grove] Conservation Area and adjacent parts of Harrow town centre”</i> and would therefore be harmful to its setting, as well as a number of nationally listed buildings within it. Again this harm was justified by a series of public benefits, in line with NPPF paragraphs 132, 133 and 134.</p> <p>The Committee Report also assessed the impact of the proposed development on locally listed buildings. In doing so, there was no specific reference to London Plan Policy 7.8 with much of the focus being upon Local Plan Policy, alongside the NPPF. Overall, the assessment found that there may be some impacts upon the visibility of, or setting of some of these listed buildings, although the high quality architecture</p>

and townscape interest reduced these. The Committee Report however drew on NPPF paragraphs 133, 134 and 135 (with explicit reference) to weigh this minor potential harm, against a series of public benefits.

Source: Section 21, Committee Report, June 2015

The Committee Report, drawing explicitly upon London Plan Policy 7.4 (as well as Local Plan Policy AAP1), noted the role of the proposed development in the wider townscape of Harrow, and concluded that *“it is not considered that the proposal would be detrimental to townscape character.”* The Committee Report supported the applicant’s conclusion that there would be a moderate beneficial effect of the proposed development upon the existing townscape.

Source: Section 19, Committee Report, June 2015

Strategic and local views were an important consideration in the Committee Report. Drawing upon London Plan Policy 7.12 and the London View Management Framework, as well as local views designated in Local Plan Policy, it set out the importance of protected views, particularly of the landmark St. Mary’s Church atop Harrow-on-the-Hill. Although these views are not designated in London Plan Policies 7.11 and 7.12, there was evidence of the use of this policy at the local level to protect the landmark viewing corridor and assess impacts. In a number of views (Harrow view, Roxborough Road Bridge) the Committee Report identified neutral effects, and concluded that the development would not be visible in the viewpoint. In a number of other instances (Gayton Road, Stanmore Country Park Extension, Wood Farm) it was noted that the proposed development would be visible within the viewing corridor, but that the high quality of the architecture would create beneficial effects upon these views. For example, of the impact on one view, it was noted that *“although the proposal would appear (albeit very distantly) as a substantial urban feature in front of the Hill, its architectural quality would make a positive contribution to the characteristics and composition of the view, and its visibility within the view would give context to the landmark by articulating the relationship between Harrow town centre and Harrow-on-the-Hill.”*

Still considering views, the Committee Report also noted that the proposed development would be within the view of Capital Ring: Harrow Playing Fields, and would be above the yellow line in elevation, which notes acceptable heights for development. Drawing on London Plan Policy 7.11 (although with greater focus on local views policy) it noted that the development *“is therefore at odds with the visual management guidance for the view”*. However, the Committee Report went on to note that the proposed development *“would appear separate and subordinate to St. Mary’s and Harrow Hill, and as a background feature within the wider setting of this view”*. It concluded that this separation would not compromise the ability of the viewer to appreciate St. Mary’s and Harrow on the Hill. It therefore concluded that *“notwithstanding the projection of the development above the yellow line, the policy objectives for the view would not be compromised.”*

Source: Section 17, Committee Report, June 2015

The Committee Report discussed the role of the proposed tall buildings as part of the application, and their impact on the surrounding area, as well as their appropriateness for the application site. Drawing explicitly upon London Plan Policy 7.7 (alongside Policy 7.6 and a series of local policies), the Committee Report found that the proposed *“tall buildings would, in addition to identifying the approximate location of Harrow-on-the-Hill Station, also be a marker for the development itself, drawing attention to the location of the new civic square and library”*. The Report concluded that the provision of tall buildings on the application site would *“result in the introduction of a ‘quality landmark’ into the skyline of Harrow.”*

Source: Sections 15 and 16, Committee Report, June 2015

Finally, the Committee Report looked at the impact of the new development on archaeological resources. It confirmed that the applicant’s findings that *“the site has low potential for archaeological remains and concludes, therefore, that no further investigation or mitigation is necessary.”* In doing so, it made explicit reference to London Plan Policy 7.8.

Source: Section 23, Committee Report, June 2015

Although the Committee Meeting Minutes and Decision Notice confirmed that the application was approved, the Committee Minutes confirmed that one member suggested that the application be refused for a number of reasons. These reasons included the statement that *“the proposal would be an overdevelopment, with excessive and overbearing bulk, mass, scale and intensity, to the detriment of local character and amenity, including local Conservation Areas, Areas of Special Character, Metropolitan Open Land and other heritage assets”*. In stating this, the Member particularly referenced London Plan Policies 7.4 and 7.8 in relation to heritage (as well as Policy 7.6, CS 1 of the Core Strategy and AAP 1, AAP 4, DM 1, DM 6 and DM 7 of the Local Plan). The same Member also noted that the development *“would appear over dominant in the skyline and harm the primacy and views of St Mary’s Spire, Harrow on the Hill and Harrow Weald Ridge, failing to protect, conserve or enhance these views and heritage assets”*. In drawing the conclusion that the proposed development would harm the views and setting of key heritage assets, the Member referenced London Plan Policy 7.7, alongside CS 1 and CS 2 of the Core Strategy, and AAP 6, DM 1 and DM 3 of the Local Plan. On the basis of these conclusions, a motion was forwarded and seconded to refuse the application, however this was put to the vote and lost. The Application was therefore approved.

Source: Planning Committee Minutes, June 2015

In line with London Plan Policy 7.7, the Section 106 included a condition to allow public access to tall buildings on the application site. It was noted that fully publically accessible areas on upper floors would be unlikely to be feasible, however “*the idea of an agreement to allow for limited public access was tabled by the applicant team and accepted by officers as a workable and desirable solution*”. It was agreed that other general heritage improvement projects could be secured through the Harrow CIL.
Source: Page 157, Committee Report, June 2015

Greater London Authority

The GLA Stage 1 Report assessed the impact of tall buildings (7 to 20 storeys) proposed as part of the development. It stated that GLA officers are of the view that the “*scale of the development is acceptable in principle, subject to the design requirements of London Plan Policy 7.7.*” However, other than this, there was no reference to heritage issues within the Stage 1 Report, and no reference to London Plan heritage policies.

Source: GLA Stage 1 Report, April 2015

At Stage 2 further assessment of heritage issues was undertaken. The Report restated the assertion above, but went on to assess the impact of the development on townscape and visual amenity. The Stage 2 Report noted Historic England’s objections in relation to the cause of less than substantial harm to the wider setting of Harrow School playing fields, Roxborough Park and The Grove Conservation Areas as well as various Listed Buildings including Harrow School and St. Mary’s Church. Unlike Historic England and the LPA, the GLA considered there not to be any harm to heritage assets. The Stage 2 Report notes: “*Having had special regard to the desirability of preserving the setting of Listed Buildings, GLA officers are of the view that the proposal would not harm the setting of St. Mary’s Church, and would not harm the character/ setting of the aforementioned Conservation Areas or the designated heritage assets within them.*” In coming to this conclusion, the GLA Stage 2 Report explicitly referenced London Plan Policy 7.8. No other references to London Plan heritage policies were included in the GLA Stage 2 Report.

Source: GLA Stage 2 Report, August 2015

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)	✓	✓
Policy 7.12 (Implementing the London View Mgmt Framework)	✓	✓

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		✓
8 & 9 (Taking forward priorities together)		
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		
58 to 61 (Good design)		✓
126 (Local plan preparation)		

NPPF heritage paragraphs	Were considered	Should have been considered
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)	✓	✓
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		✓
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Significant weight was given in the Committee Report to heritage and heritage policy, as has been outlined above. London Plan heritage policy was used to assess the impacts of the proposed development in heritage terms in a series of ways, with use of London Plan Policies 7.7, 7.11 and 7.12 to assess the impact of tall building proposals as part of the scheme. However, while London Plan policy was given significant weight in some instances (such as assessing the impacts on strategic views and Policies 7.11 and 7.12), there was also evidence of the use of Local Plan policies and NPPF. Regarding tall buildings for example, although London Plan Policy 7.7 was utilised, greater weight was put upon Local Plan Policy AAP6 and Core Strategy Policy CS2, as well as London Plan Policy 7.6 in investigating acceptability of tall buildings. This suggested that the London Plan policy was perceived to be supplementary to the primary Local Plan Policy.</p> <p><i>Source: Committee Report, June 2015</i></p> <p>Moreover, the Committee Report used local planning policy to evaluate issues which were not covered at all in London Plan policy. Beyond the impact of the proposed development upon existing views, the Committee Report noted the opportunity for the development to create new views. In particular, it was noted that there was the potential to create a series of new views towards Harrow-on-the-Hill and St. Mary's Church. The Committee Report concluded that "<i>reasonable efforts have been taken in the design and layout of the proposal to exploit the opportunity to deliver a new view of Harrow-on-the-Hill and St. Mary's Church</i>". In drawing this conclusion, the Committee Report referenced a series of Local Plan policies to support the creation of new views. No reference is made to London Plan policy on this topic.</p> <p><i>Source: Section 18, Committee Report, June 2015</i></p> <p>There was, nevertheless, strong evidence of the use of London Plan Policy 7.8 to assess the impact of the proposed development upon Conservation Areas and listed buildings, and their settings. The assessment found that the proposed development would have significant harm upon the setting in a number of cases. However, while harm was identified and discussed, it was clear that greater weight was given to a series of wider public benefits which outweigh this harm. With specific reference to NPPF paragraphs 129-134, the Committee Report outlined a number of public benefits associated with the scheme, including: architectural quality, provision of a new public library; a new civic square, and contributions to affordable housing delivery. The Report concluded that, in line with paragraph 134 of the NPPF, "<i>taking these public benefits together, and having regard to the other benefits of the proposal in terms of economic development and town centre regeneration, it is considered that there is clear and convincing justification for allowing the proposal to proceed ... Whilst great weight must also be afforded to the conservation of the heritage assets' setting, ... it is concluded that there is clear and convincing justification for the harm that would be caused.</i>" This conclusion reached in the Committee Report suggested that, not only was the NPPF given greater weight than London Plan policy in heritage issues, but also that heritage issues were considered to be of less importance than other benefits, including housing and economic benefits.</p> <p><i>Source: Section 21, Committee Report, June 2015</i></p> <p>In addition, while heritage and related issues were given significant coverage in the Committee Report, alongside heritage other topic areas were assessed in equal, if not greater detail. These include: affordable housing mix (with explicit reference to London Plan Policies 3.8, 3.11 and 3.12, alongside Core Strategy and AAP policies); residential quality (with reference to London Plan Policy 3.5); and transport impacts, including parking (with reference to NPPF paragraphs 30 and 36, alongside London Plan Policies 6.3, 6.9, 6.10 and 6.13).</p> <p><i>Source: Committee Report, June 2015</i></p>

Greater London Authority
<p>Heritage was reviewed within both the GLA Stage 1 and Stage 2 Reports, although it was not given as significant a weight as is seen in the Committee Report by the LPA. London Plan policy was utilised to discuss heritage issues, in particular London Plan Policy 7.8 and the impact of the proposed development on nearby heritage assets and Conservation Areas.</p> <p><i>Source: GLA Stage 1 Report, April 2015 and GLA Stage 2 Report, August 2015</i></p> <p>However, while London Plan policy was utilised, and minimal harm was noted on heritage assets, the NPPF was given significant weight in discussions. The GLA Stage 2 Report confirmed the objections of Historic England with regard to the, albeit less than significant, harm upon Conservation Areas. However, it stated that the public benefits of the scheme (including the new library, public square and affordable housing) outweighed that harm (suggesting utilisation of NPPF paragraphs 133 and 134, although these were not explicitly referenced). Evidently, the provision of social infrastructure and housing was seen to outweigh any potential harm to the historic environment.</p> <p><i>Source: GLA Stage 2 Report, August 2015</i></p> <p>In addition, although heritage was covered, a number of other policy issues appear to have been given greater emphasis in discussions within both the GLA Stage 1 and Stage 2 Reports. In particular, these included: public realm and layout (with reference to London Plan Policy 7.3); housing and affordable housing (with reference to Policies 3.11 and 3.12); and transport (with reference to Policies 6.2, 6.3, 6.13 and 6.14).</p> <p><i>Source: GLA Stage 1 Report, April 2015 and GLA Stage 2 Report, August 2015</i></p> <p>The location of the site within an Opportunity Area was an important consideration by the GLA, for example Paragraph 30 of the Stage 1 report notes <i>“Having regard to the town centre and Opportunity Area context, GLA officers support a high quality high density approach to redeveloping this site.”</i></p> <p><i>Source: GLA Stage 1 Report, April 2015</i></p>

Appeal
N/A

Key points

<p>The proposals were considered by the LPA to result in some harm to heritage assets including harming the setting of a complex of listed buildings and, by association, the Harrow School Conservation Area. This harm was considered to be outweighed by a series of public benefits and the NPPF Paragraphs 131-134 was given particular consideration in decision making. The wider benefits included affordable housing, community facilities and economic benefits.</p> <p>With regard to heritage, there was strong evidence of the use of London Plan policies by both the LPA and GLA. However, particularly at LPA level the NPPF was given greater weight in decision making.</p>

D6 Former Post Office

Application Details

Application Reference	London Borough	Inner or Outer
14/13247/FUL 14/13250/LBC	Kingston	Outer

The Applicant	The Agent	CAZ?
St George West London Ltd	Quod	No

Address
Site surrounded by Wheatfield Way, Ashdown Road and Brook Street

Scheme Description
<p>Full planning application (14/13247/FUL) for the erection of new buildings of four to 16 storeys in height and part demolition, alterations and change of use of Former Post Office and Former Telephone Exchange listed buildings to provide 2,141 sqm of retail/ cafe/ restaurant uses (A1-A5 use) and 638 sqm of flexible floorspace to be used for either retail/café/restaurant uses (A1-A5) or Office (B1), 931 sqm of Office (B1) floorspace and 253 sqm of community/leisure (D1/D2 use) and 319 residential units.</p> <p>Listed building consent application (14/13250/LBC) for alterations and reconfiguration to facilitate change of use of Telephone Exchange to offices (B1)/ residential cycle storage (partitions added) including demolition of outbuildings/boundary walls to east courtyard, west light-well walls, internal partitions/modifications to external stairs, fenestration, creation of new/restored openings, re-roofing of front range, installation of lift.</p> <p><i>Source: Application Form</i></p>



Summary of scheme changes made during determination in response to heritage considerations
<p>The planning application and listed building applications were originally submitted in December 2014 with the original application being for 380 residential units with buildings up to 21 and 13 storeys in height. The proposal was amended in April 2015 and September 2015 in response to concerns raised regarding height and impact on heritage assets.</p> <p>On 5 November 2015 the Kingston Development Control Committee approved the listed building consent but resolved to refuse the full planning application due to harm caused to surrounding buildings (including</p>

listed buildings) by the height of buildings in the proposal, and insufficient three or more bedroom units. Prior to this application being referred to the Mayor of London for a decision in a letter dated 25 November 2015 the applicant requested the application be put into abeyance to allow the opportunity for the application to be amended in response to the resolved reasons for refusal.

Amendments made to the scheme since December 2014 but prior to the January 2016 amendments, include:

- **Corner building:** The height of this building was reduced from 21 to 16 storeys. The building is now 59.20 m (AOD) at its tallest point, which is now lower than the College building. The building was redesigned "*with more distinctive architecture, creating an attractive gateway with a double height commercial space at ground floor level*".
- **Brook Street:** The material of the building was changed to a red brick to complement the brick in the listed Old Post Office. The building at the entrance to the south side of Post Office square was also reduced in height and the steps set back into the public square.
- **Wheatfield Way:** The upper two floors of the building were set further back to be more sympathetic to the villas on the opposite side of Wheatfield Way.
- **Ashdown Road/Wheatfield Way bookend building:** Reduction in height of this building by one storey to eight storeys. The massing of the building was refined with the corners cut back and footprint setback to improve the setting of the listed former Telephone Exchange.
- **Listed buildings:** Minor modifications were made to the listed buildings with additional partitions at basement level in the former Telephone Exchange to enable cycle parking for the commercial use and inclusion of shower facilities, and finials added to the Old Post Office.

The January 2016 design changes comprised:

- A reduction in the height of the Ashdown Road Bookend building, from 12 to eight storeys (45.25m AOD to 32.95m AOD), reduced massing with the removal of the eight storey projection and ground floor colonnade to improve the relationship with the Telephone Exchange and inter-visibility of the listed buildings. The external appearance of the building was amended to provide a more sensitive and sympathetic design with a stock brick and detailing reflecting the character of Kingston;
- A reduction in height of the link (middle) building from 11 to 10 storeys, removing the top floor. The material on the building's Ashdown Road elevation was changed to a stock brick with greater detailing, balconies inset and a green wall included to provide a more sensitive and sympathetic backdrop to the former Telephone Exchange;
- Refinements to the corner (16-storey) building, including a strong white stone base, red brick middle on the Brook Street elevation and stock brick on the eastern elevation; which were designed to pick up on the traditional character and architecture of Kingston and strengthen the setting of the listed buildings and the connections to the Eden Quarter and town centre;
- Amendments to the buildings along Wheatfield Way to provide a more traditional design with greater detailing reflecting the character of Kingston;
- The Heritage Statement Addendum considers that the significance of harm to heritage assets is reduced by reducing the height of and pulling back the proposed new development, design changes and a reduction in the number of homes and increase in the number of cycle spaces.

Source: Section 2, Heritage Statement Addendum

Housing		Employment		Mixed Use	✓	Other	
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Date Received	31/01/14
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Officer Recommendation	Approval
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Appeal Ref	N/A
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Outline	
Full	✓
Reserved Matters	
Listed Building Consent	✓
Demolition in CA	

Delegated decision	
Committee decision	25/02/15
Mayoral decision	

Appeal allowed	N/A
Appeal dismissed	N/A

Approved with conditions	
Approved with conditions & S106	10/06/15
Refused	

Site Description
The application site is located to the south-east of the town centre. Measuring 1.096 hectares the site is bounded on the south and east by Wheatfield Way (known as the Kingston Relief Road), to the west by Brook Street and to the north by Ashdown Road. The site marks the gateway to the town centre.

Relevant Planning History
Outline permission to redevelop Frances House on Orchard Road and Argyll House on Brook Street to provide office space and six one bed flats was granted (28246) on 19 October 1984. <i>Source: Page A3, Committee Report, 25 February 2016</i>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed	✓	Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area		Registered Park/Garden	
Setting (LB, CA, Registered Park)	✓		Other		

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement	✓	EIA/ES	✓	Other	
<p>National, regional and local heritage planning policies were referenced in the Planning Statement. The “<i>Planning Policy</i>” section stated that the development had been considered against the following London Plan heritage policies:</p> <ul style="list-style-type: none"> • <i>Policy 7.4 Local character</i> • <i>Policy 7.7 Location and design of tall buildings</i> • <i>Policy 7.8 Heritage assets and archaeology</i> <p>The Planning Statement cross-referenced the Heritage Statement and stated that the proposal was in accordance with local planning heritage policies including Core Strategy heritage policy CS8 and heritage policies in the Kingston Town Centre Area Action Plan. It was further stated that the proposal was considered to be in accordance with London Plan heritage policies 7.4, 7.8 and 7.9.</p> <p>The requirements in the Eden Quarter Development Brief were referenced in the Planning Statement that a new development should “<i>step down in height towards the former telephone exchange</i>” and “<i>where the building wraps the former Post Office the scale and material palette should be sensitive to this asset</i>”.</p> <p><i>Source: Paragraphs 3.37, 3.40 - 3.65, 4.12 – 4.14, 5.57 and 5.58, Planning Statement</i></p> <p>The Design and Access Statement stated that the proposed repairs and alterations to the Grade II listed Post Office site were considered to be justified on the basis that they would bring the disused buildings back to a sustainable and viable use as part of the wider regeneration scheme for the Eden Quarter of Kingston town centre.</p> <p><i>Source: Page 115, Design and Access Statement</i></p> <p>The Townscape and Visual Impact Assessment (TVIA) was based on principles set out in the third (2013) edition of Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute of Environmental Management and Assessment. The TVIA considered a number of Conservation Areas in proximity to the proposed development including Fairfield/ Knights Park, Kingston Old Town, Grove Crescent and Riverside South. The TVIA also considered the site as being in proximity to four areas of distinct townscape character and states that all are of medium and low sensitivity to change and all listed buildings within these areas are of medium and low sensitivity to change. The report concluded that the proposal would enhance the Fairfield/ Knights Park and Grove Crescent Conservation Areas, be barely visible from Kingston’s Registered Park and Gardens of Special Historical Interest and enhance the listed buildings retained on site.</p> <p><i>Source: Paragraphs 2.1, 4 and 17, Townscape and Visual Impact Assessment</i></p>					

The Heritage Statement Addendum (submitted in January 2016 following design amendments) considered the conversion proposals to have significant benefits on the listed Head Post Office and Telephone Exchange. The December 2014 scheme considered some limited harm to the significance of heritage assets. However design changes including the reintroduction of a coherent urban setting, substantially reduced height, “*calmer, cooler palette*” and better revealing the former Telephone Exchange were considered to significantly reduce this harm.

The proposed scheme (and amendments) was considered to be in accordance with paragraph 134 of the NPPF, Policies 7.8 and 7.9 of the London Plan, the Kingston Town Centre AAP and Core Strategy policies CS8 and DM12.

Source: Paragraphs 4.1 and 5, Heritage Statement Addendum

Historic England advice

Historic England advice

In its 2015 consultation response Historic England noted that they were very concerned that the right approach is taken and that due to the scale of development proposed, if approved, this application would have far reaching consequences for the future character of Kingston; its identity and sense of place. They set out concerns covering:

- The information provided;
- The treatment of the setting of heritage assets;
- The approach to setting relating to the listed buildings on site, the market place including the listed Market House and the surrounding registered landscapes;
- Conclusions on the merits of the scheme.

Historic England considered that the application caused avoidable harm to the historic environment, which had not been adequately justified. They welcomed the heritage benefits of bringing the two Buildings at Risk back into use, however, they considered that in relation to the whole of the historic environment affected by the scheme this proposal does not meet the Government’s definition of sustainable development set out in the NPPF. They noted that it does not meet Kingston’s detailed guidance for development on this site, the Eden Quarter SPD (2015) and so for these reasons they could not support the application.

Source: Historic England consultation response, 13 May 2015

The scheme was subsequently amended and in January 2016 Historic England welcomed the alterations that had been made to the scheme since the refusal of the earlier proposals by the planning committee. The reduction in the height and bulk of the proposed building between the former Post Office and Telephone Exchange, in conjunction with the restoration and reuse of the two listed buildings, was considered to address concerns regarding the harm that the scheme would have caused to the significance of these two important heritage assets. The revised palette of materials and architectural detailing of the brick and stonework across the scheme was also welcomed.

However, Historic England considered that not all of their concerns had been addressed. They considered that the further detailed design development, particularly on the Brook Street elevation, of the 16 storey corner building, had not significantly mitigated the impact of the height of the building in the setting of the Market Place and Market House (a Grade II* listed building). Historic England considered that the presence of the tower element harmful in the setting of the Market House.

Historic England concluded that while the revised proposal would have a better relationship to its context than the previous designs, the top of the 16 storey element would still cause harm to the setting of significant heritage assets notably in the Market Place. For this reason, despite the other positive changes, they did not consider that the scheme complies fully with the NPPF or the Council’s policies relating to heritage, design or this town centre.

Source: Historic England consultation response, 27 January 2016

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The proposed scheme was considered by the Royal Borough of Kingston Development Control Committee on 25 February 2016 to consider design amendments to the proposal following initial consideration by the Development Control Committee on 5 November 2015. The full planning application was considered alongside two listed building applications in a single Planning Committee meeting and were granted listed building consent on 5 November 2015.

The following London Plan heritage policies were identified in both the November 2015 and February 2016 Committee Reports:

- 7.4 Local character
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration

November 2015 Committee Report

The November 2015 Committee Report did not explicitly analyse London Plan Policy 7.4 however there was reference to design changes during determination which “*recognises distinctive local features and character and relates well and connects to its surroundings*”. This statement was in reference to the Kingston Core Strategy Policy CS8 however the intention of this policy and London Plan Policy 7.4 are similar.

Policy 7.7 was identified by the November 2015 Committee as being relevant in relation to the “*Townscape and Visual Impact Assessment*”. It was stated that “*the applicant has revised the design of both tall buildings in response to concerns*” following consultation and that “*the taller elements of the scheme triggered further examination of the scheme from the identified key views by the applicant*”.

London Plan Policy 7.8 was not explicitly referenced in the text of the Committee Report, although it was stated that the proposed development’s use of varying heights and use of layered facades “*break up the scale of the development and is considered to be sympathetic*” with the historic environment which references the requirements of the policy.

The November 2015 Committee Report referenced the requirements of London Plan Policy 7.9 where it stated that “*the proposed design responds to the area’s character in key locations and creates new buildings and spaces for areas that are currently inactive*” in the section on “*Former Post Office and Telephone Exchange, both Grade II Listed*”. The section concluded by stating that “*any perceived harm caused by the new development needs to be balanced against the sensitive restoration of two ‘at risk’ Listed Buildings and subsequently bringing the two buildings back into appropriate use, which is a substantial public benefit*”.

Source: Pages A12-A13 and A44, Committee Report, 5 November 2015

February 2016 Committee Report

London Plan Policy 7.4 was not specifically referenced in the assessment of proposed development in the February 2016 Committee Report however it was stated in relation to changes to the Bookend Building that “*detailing, including stone banding and brick piers and quoins are well referenced to buildings around Kingston Town Centre showing an appropriate level of understanding and responding to context*”. On the impact of changes to the 16 storey building it was stated that “*changes in materials have helped refine and improve the slenderness of this building which are considered to be sympathetic and welcomed*”.

On the location and design of tall buildings, London Plan Policy 7.7 was considered to be relevant to the proposed development, although this policy was not specifically referenced in the Committee Report. The February 2016 Committee Report stated that the two tall buildings in the scheme are considered to comply with stated criteria set out in CABE/Historic England Guidance on Tall Buildings.

Although the policy was not specifically analysed, the design changes after December 2014 and in January 2016 can be considered to accord with London Plan Policy 7.8 as reference was made to the new design “*being more sympathetic*” and significantly improving “*the proposed setting*” of heritage assets. It was further considered that the design changes would enhance the significance of heritage assets by demolishing existing built form which was considered to have “*a detrimental effect on these buildings [heritage assets] current settings*”.

London Plan Policy 7.9 was not specifically referenced in the February 2016 Committee Report.

Source: Paragraphs 297-333 and 333, Committee Report, 25 February 2016

Greater London Authority

London Plan heritage policies were not specifically referenced in the GLA Stage 1 referral. The scheme was supported in principle, as a residential-led mixed use development on brownfield land in Kingston metropolitan centre. It was stated that the design, layout, massing and retention of two Grade II listed buildings was strongly supported, with other matters being broadly supported, subject to conditions. The scheme was considered to be fully compliant in terms of heritage at Stage 1.

At Stage 1 the GLA was supportive of the height, massing and appearance of the proposed development in paragraphs 49 and 50, stating that “*the height and massing strategy is supported in this metropolitan centre location and entrance point into the retail quarter*” and that “*the indicative materials strategy is supported*”. Though not specifically referenced, these statements refer to the same intentions as London Plan Policies 7.4 on local character and 7.7 on the location and design of tall buildings.

The GLA further stated that the GLA had raised concerns at pre-application stage with “*the proposed demolition, at that stage, of the telephone exchange listed building due its state of disrepair*” however following design and layout changes “*GLA officers are pleased to see that both of the listed buildings are proposed for retention, restoration and incorporation into the scheme, to provide community and retail type uses*” which recognises the requirements of London Plan Policy 7.8 C and London Plan Policy 7.9 B. It was further stated that the proposed urban design and retail and community uses at the old post office “*ensures the setting of the heritage asset is protected*” which is in line with the requirements of London Plan Policy 7.8 E.

There was no Stage 2 GLA Report.

Source: Page 1 and paragraphs 49-52 and 103, GLA Stage 1 Report, 4 February 2015

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)	✓	✓
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)	✓	✓
8 & 9 (Taking forward priorities together)		
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		
58 to 61 (Good design)	✓	✓
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)		✓
135 (Non designated asset)	✓	✓
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		✓
141 (Sharing/ recording information)		
152 (Net gains)		
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Overall the focus during determination was on Kingston's local policies, with limited reference to the NPPF and London Plan policies. The planning policy documents that were considered in most detail are Kingston's Core Strategy, the Kingston Town Centre Area Action Plan and the Eden Quarter Development Brief SPD. The key policies referred to within the SPD are K1 on seeking to provide 50,000 sqm of retail floorspace by 2016, K4 on promoting employment within Kingston Town Centre and K7 on providing 1,000 new homes over the period 2006-2020.</p> <p>The key topic areas under consideration in both the November 2015 and February 2016 Committee Reports were the principle of development and the impact on heritage assets. Other policies that were considered to a lesser extent include flood risk, impact on neighbour's residential amenity, highways, parking and trees. One of the main reasons for granting approval stated in the Committee Report was <i>"the bringing back into use and refurbishing two unused listed buildings which are on the listed buildings at risk register into appropriate and economic uses"</i>.</p> <p>NPPF heritage paragraphs were considered in the November 2015 Committee Report relating to the impact of the proposal on heritage assets. Section 12 of the NPPF was referenced in relation to conserving and enhancing the historic environment with specific reference to Paragraphs 133 and 135 on substantial harm and significance of non-designated heritage assets. London Plan heritage policies were not explicitly referenced in either the November 2015 or February 2016 Committee Reports however London Plan Policy 7.7 on the location and design of tall and large buildings was considered in relation to the townscape and visual impact assessment. The Committee Report concluded that there would be some harm to the significance of heritage assets but that this harm was caused by <i>"the juxtaposition of the proposed buildings which are significantly taller than the Telephone Exchange building, its visibility from the Market Place and conservation areas and historic parks, including Hampton Court Palace"</i> would be <i>"less than substantial"</i> and outweighed by public benefits including bringing <i>"at-risk"</i> heritage assets into a viable use and housing and regeneration benefits.</p> <p>While heritage aspects of the scheme were considered in great detail in the February 2016 Committee Report, the London Plan policies that were considered in greatest detail relate to density as part of the analysis of the principle of development. On residential density, paragraph 32 of the Committee Report states that the height of the building between the two listed buildings had been reduced to comply with the height limit set out in the Eden Quarter Development Brief SPD, which has <i>"resulted in a reduction in the density of the proposal"</i>. It was then stated that <i>"this is a reduction compared to the previously considered application and is well within and compliant with the density ranges identified in the London Plan"</i>.</p> <p>Also considered in detail by the February 2016 Committee was <i>"Housing Quality and Mix"</i>. It was stated that scheme changes which increased the number of three bedroom units is welcomed, and that while the development was still short of the proportion of three bedroom units required by Core Strategy Policy DM13, <i>"it is accepted... that there is likely to be limited demand from families for larger homes in a flatted development and therefore it is accepted that it would be unsuitable to provide at least 30% of the proposed flats as 3-bedroom units"</i>.</p> <p><i>Source: Pages A81, A82, A44, A73, A118, A119 and 46-53, Committee Report, 25 February 2016</i></p>

Greater London Authority
<p>The GLA Stage 1 Report considered the proposed development in terms of land use principles, housing, affordable housing, density, urban design, inclusive access, sustainable development, transport and parking and Crossrail.</p> <p>Heritage was considered as part of the analysis of urban design issues with the GLA supporting the retention and restoration of Grade II listed buildings and the works proposed to facilitate the change of use of the buildings. The GLA Stage 1 Report acknowledged that the number of affordable homes provided on site is <i>"just less than 15%"</i> of the total. Greater weight is given to the bringing back into viable use of the two heritage buildings and the Report states that <i>"out of the 300 listed buildings in the borough, there are three buildings on the At Risk Register, and of those three, two of them are located on the application site"</i>.</p> <p>The assessment of strategic planning issues in terms of heritage did not reference London Plan, NPPF or local heritage policies. London Plan policies were however assessed in terms of housing, inclusive design and climate change mitigation and adaptation with these aspects of the scheme considered to be compliant with the London Plan. The GLA Stage 1 Report referenced the NPPF in terms of it stating that affordable housing should be maximised in major development schemes.</p> <p><i>Source: Paragraphs 15, 23, 26, 29-52 and 130, GLA Stage 1 Report, 4 February 2015.</i></p>

Appeal
N/A

Key points

This application had been considered by an earlier planning committee and amendments were made to the height of buildings to reduce the impact on heritage assets. The application was subsequently approved by the LPA.

The LPA concluded that there would be less than substantial harm to heritage and these were considered to be outweighed by public benefits including bringing “at-risk” heritage assets into a viable use and housing and regeneration benefits. Although there is little explicit evidence of the use of London Plan heritage policies, the amendments to height, form and materials do indicate their principles were considered, although this could also be in response to NPPF and other local policy.

The GLA Stage 1 report provided a general commentary on the proposal which was not compared to London Plan policies, heritage or otherwise.


D7 110 Walm Lane

Application Details

Application Reference	London Borough	Inner or Outer
13/3503	Brent	Outer

The Applicant	The Agent	CAZ?
Fairview Homes	Unknown	No

Address
110 Walm Lane, London, NW2 4RS

Scheme Description	
<p>Demolition of the existing public house and Conservative Club and erection of a two to 10 storey building containing A4/D1 use unit on ground floor and 53 residential units on the ground and upper floors (13 x one bed, 30 x two bed and 10 x three bed). Formation of revised vehicular access from Walm Lane to basement car park comprising 23 parking spaces and associated amenity space, landscaping works and pedestrian access from Walm Lane (revised description).</p> <p>The existing public house and Conservative Club to be demolished are located in a Conservation Area.</p> <p><i>Source: Application Form</i></p>	

Summary of scheme changes made during determination in response to heritage considerations
<p>It is not clear that any changes were made to the scheme in response to heritage throughout determination. The application was refused by London Borough of Brent for three reasons, one of which was impact on the historic setting. In September 2014, an additional report to the planning committee, set out a revised affordable housing offer for the subsequent appeal. This changed offer addressed the second reason for refusal which covered the low number of affordable homes provided. There was no evidence of any changes or clarifications made in relation to heritage issues.</p> <p><i>Source: Officer's' Additional Report to Committee, September 2014</i></p> <p>A previous application for 56 flats on the site was submitted in September 2012, but subsequently withdrawn to allow further time for design development and engagement. It was clear that changes were made to retain the existing A4 use of a public house within the application site, but this was not heritage related.</p> <p><i>Source: Withdrawn Application - 12/2374</i></p>

Housing	✓	Employment		Mixed Use		Other	
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Date Received	14/11/13	Officer Recommendation	Approval	Appeal Ref	A/14/2219081
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Outline		Delegated decision		Appeal allowed	
Full	✓	Committee decision	12/03/14	Appeal dismissed	23/03/15
Reserved Matters		Mayoral decision			
Listed Building Consent		Approved with conditions			

Demolition in CA	✓	Approved with conditions & S106	
		Refused	19/03/14

Site Description
<p>The site comprises 0.2 ha of land on Walm Lane and is currently occupied by the Queensbury public house, and a former, vacant Conservative Club. It is located close to Willesden Green Underground station (Grade II listed), shops and other facilities along Walm Lane and the High Road. The site is bounded to the west by Walm Lane, to the north by four and five storey flats on Walm Lane and Dartmouth Road, to the east by the rear garden of 153 Dartmouth Road, and to the south by a railway cutting and the Jubilee and Metropolitan underground lines.</p> <p>The site is within the Mapesbury Conservation Area, which is largely characterised by detached and semi-detached housing. Typically housing in the area is two to four storeys, with some blocks of flats and terraces ranging from three to seven storeys. The site is also within the setting of Grade II listed Willesden Green Station and the Willesden Green Conservation Area.</p> <p><i>Source: Chapter 2, Planning Statement</i></p>

Relevant Planning History
<p>A previous application for 56 flats on the site was submitted in September 2012, but subsequently withdrawn to allow further time for design development and engagement. The proposals were for demolition of the existing public house and Conservative Club and erection of a residential development of two to 10 storeys comprising 56 flats (19 x one bed, 26 x two bed and 11 x three bed).</p> <p><i>Source: Application Ref. 12/2374</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area	✓	Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority		Registered Park/Garden	
Setting (CAs and LBs)	✓	Area		Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement	✓	EIA/ES		Other	✓
<p>An archaeological desk based assessment was submitted which concludes that the site has a low archaeological potential, and that the development is unlikely to have an archaeological impact. The report recommended that no further mitigation measures are required. The assessment was reviewed by the Greater London Archaeological Advisory Service (part of Historic England) which agreed with the recommendation that no further mitigation would be required.</p> <p><i>Source: Archaeological Assessment</i></p> <p>The Planning Statement assessed the impacts of the scheme in relation to heritage policy. It highlighted a number of key planning issues, which included: the need for the proposed demolition to be acceptable in heritage terms, and the preservation of the significance of heritage assets. A series of policies were referred to across national, London and local policy including Policies 7.4 and 7.9 of the London Plan (2011).</p> <p><i>Source: Paragraphs 4.14, 4.30, 4.31, 4.54-4.56, Planning Statement</i></p> <p>In order to establish the principle of demolition national and local policies (NPPF paragraph 138; BE27 - demolition in a Conservation Area) were explicitly referenced. No explicit reference was made to London Plan policies in this section of the Planning Statement.</p> <p><i>Source: Paragraph 5.7 - 5.11, Planning Statement</i></p> <p>In assessing the wider impacts of the scheme on heritage assets the site was noted to be located close to a number of listed buildings, within the Mapesbury Conservation Area and adjacent to Willesden Green</p>					

Conservation Area. The Planning Statement referenced London Plan Policy 7.9 and stated adherence with this policy.

Source: Paragraph 5.34-5.36, Planning Statement

The Heritage, Townscape and Visual Impact Assessment provided a detailed assessment of the contribution of the existing building to the Mapesbury Conservation Area using criteria identified by Historic England. The assessment concluded that the existing building was of limited architectural interest, was much altered by unattractive extensions which had eroded its form and interest and visually isolated it from the main part of the Conservation Area. It was concluded that the building made a neutral contribution to the Conservation Area. The role of the building in the setting of the nearby Willesden Green Station and Willesden Green Conservation Area was also assessed and found to be neutral. It was stated to play no role in the setting of nearby locally listed buildings.

Source: Heritage Townscape and Visual Impact Assessment

Historic England Advice

Historic England advice

It came to light following the refusal of planning permission that the Council had not formally notified Historic England of the application, as directed by Circular 01/01, other than in respect of archaeology. The Council subsequently notified Historic England of the appeal and invited comments to be made. During the Inquiry, confirmation was received from Historic England that it had decided not to provide a response to this notification.

Source: Appeal Decision Notice, February 2015

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The Committee Report recommended permission be granted for the proposed development, however at the Committee meeting the application was refused and this decision was subsequently challenged at appeal.

The Committee Report listed the relevant policies from the London Plan for determining this application. It covered a range of policies including the following heritage policies:

- Policy 7.4: Local Character
- Policy 7.8: Heritage Assets and Archaeology
- Policy 7.9: Heritage Led Regeneration

The Committee Report questioned whether the design of the building is acceptable for its location within the Mapesbury Conservation Area. It concluded that the “*modern design reflects the character of surrounding development in the immediate locality, such as 112 Walm Lane.*” There was no explicit use of London Plan policies in the Committee Report in relation to heritage.

The Committee Report reviewed the acceptability of the height of the proposed development. It found that “*whilst the building will be higher than the surrounding developments, it is considered that a case can be made for a taller building in this location between the urban context of Willesden and the more suburban area of Mapesbury.*” The Committee Report particular praised the positioning of the tall building within the site. London Plan Policy 7.7 which defines a tall building as one that is substantially taller than its surroundings, is not explicitly referenced.

Finally, the Committee Report assessed the impact of the proposed development upon both the Mapesbury Conservation Area (within which it sits) and the heritage assets in the vicinity of the site suggesting implied use of Policy 7.8. The Committee Report does not analyse the significance of these assets and the impact of proposed development in great detail. It found that the demolition of the existing building, and the new development signified a departure from policy and would cause harm (although not significant). It went on to conclude that a number of wider benefits arising from the scheme outweighed any harm caused. Although no explicit reference was included, this is in line with NPPF Paragraph 134.

Paragraph 33 of the Committee Report noted that the London Plan promotes densities above the density matrix where there is high PTAL accessibility and this factor appeared to be important in the officer’s case for the scheme.

Source: Committee Report, March 2014

The Committee resolved to refuse planning permission for three reasons, including the height, scale, massing and density of the development in the Mapesbury Conservation Area and in close proximity to Willesden Green Conservation Area and Grade II Listed Willesden Green Station. There was no reference to Policies 7.4 and 7.7 of the London Plan although this is consistent with the intentions of these policies.

Source: London Borough of Brent Planning Committee Minutes, March 2014

Heritage is given as one of three reasons for refusal in the Decision Notice. London Plan policies were used to evidence the case for all three reasons (disproportionate height, scale, massing and density with the Conservation Area; lack of on-site affordable housing; and lack of legal agreement r.e. Travel Plan and Community Access).

The Decision Notice in particular used London Plan Policy 7.4 (as well as Policies 3.4 and 3.5 which cover optimising housing potential, and quality and design of housing developments respectively) to evidence the argument that the development would fail to preserve or enhance the character and appearance of the Mapesbury Conservation Area, and would adversely impact on the nearby Willesden Green Conservation Area and the setting of the Grade II Listed Willesden Green Station. As a result, the proposal was noted to fail to comply with Policies 3.4, 3.5 and 7.4 of the London Plan 2011 and FALP 2013.

Source: Page 5, Decision Notice, March 2014

Greater London Authority

N/A

Appeal

The Appeal Decision Notice referenced the relevant development plan, including the London Plan 2011. It also highlighted the awareness of all parties of the FALP (2013) and therefore its relevance to decision making.

Source: Paragraphs 5 and 6, Appeal Decision Notice, February 2015

Heritage was stated as a reason for refusal at appeal, concluding that “*in the light of the considerable importance and weight to be given to the desirability of preserving listed buildings and their settings, and the character and appearance of conservation areas, [the inspector] finds that the adverse impacts in this instance would significantly and demonstrably outweigh the benefits of the proposal. Therefore, planning permission should not be granted*”.

Source: Paragraph 84, Appeal Decision Notice, February 2015

In particular the London Plan was used to evidence the refusal of the application at appeal as it would represent “*a significantly more intensive form of development of the site than seen in the current buildings, and than is typical of the Mapesbury Conservation Area*”. Heritage considerations were central to the Inspector’s conclusions suggesting the use of London Plan Policy 7.4 in assessing how the proposed development impacts on local character, no specific reference was made to this, or other London Plan heritage policies. The policies used to evidence also include Table 3.2 (sustainable residential quality density matrix) of the London Plan and London Plan Policy 3.4 (optimising housing potential).

Source: Paragraph 39, Appeal Decision Notice, February 2015

There is evidence of the use of London Plan Policy 7.7 in assessing the impact of the proposed development with respect to its height and massing. The Appeal Decision Notice concluded that “*the proposed building would not relate well to the scale and character of the immediately surrounding buildings*” which is consistent with London Plan Policy 7.7’s requirement for tall buildings only to be located in those areas whose character would not be adversely affected by scale, mass or bulk of a tall building, although this policy was not explicitly referenced.

Source: Paragraph 42, Appeal Decision Notice, February 2015

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)	✓	✓
8 & 9 (Taking forward priorities together)		✓
17(5) (Account of different roles)		✓
17(10) (Conserve assets by significance)		
58 to 61 (Good design)		✓
126 (Local plan preparation)		
128 (Applicant requirements)	✓	✓
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)	✓	✓
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>The Committee Report referenced NPPF and Local Plan policy to assess the application with regard to heritage. Local Plan Policy BE27 of Brent's Unitary Development Plan was used, which stated that consent would not be given for the demolition of a building in a Conservation Area unless the building positively detracts from the character or appearance of the Conservation Area. The Committee Report concluded that the existing building did not positively detract from the character and appearance of the Conservation Area and as such, demolition signified a departure from the development plan.</p> <p>However, on balance the officer recommended that regard also had to be given to the NPPF and the desirability of new development regarding character. The Committee Report concluded that, while the proposal would result in the demolition of a non-listed building within the Mapesbury Conservation Area that did not positively detract from the area, it was noted that the wider benefits of the scheme could justify a departure from policy and permission should be granted. Although not specifically referencing NPPF Paragraph 134, this echoed the sentiment of this policy. The other benefits included: re-provision of an A4 use of comparable size with the Queensbury public house; formalisation of the D1 community uses; provision of 10 affordable housing units; high quality design; and public realm improvements. The recommendation for approval based on these public benefits clearly evidenced that greater weight was given to affordable housing and public realm, than to heritage issues by the Planning Officer.</p> <p>The Committee Report references relevant NPPF policies at the start, including a reference 'to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations' although there is no obvious evidence of this policy being applied during decision making.</p> <p><i>Source: Paragraph 7, Committee Report, March 2014</i></p> <p>Despite the above, the Committee resolved to refuse planning permission for three reasons, including the impacts of the proposed height, scale, massing and density on heritage assets in proximity to the application site. In particular, the Committee considered the adverse impact of the development on the Mapesbury Conservation Area and the settings of the Willesden Green Conservation Area and Grade II Listed Willesden Green Station. This suggested that, the Committee considered heritage issues to be more important than the public benefits outlined in the Committee Report.</p> <p><i>Source: London Borough of Brent Planning Committee Minutes, March 2014</i></p> <p>Although heritage was one of three reasons for refusal of the application, the lack of on-site affordable housing and the lack of a legal agreement for Travel Plan and Community Access were cited as the other two reasons for refusal. This demonstrates that housing and transport issues were given equal weight to heritage in decision making.</p>

The insufficient provision of on-site affordable housing is noted to be a major area of non-compliance. In explaining this argument London Plan policies are given the greatest weight. It was stated that the application did not to comply with London Plan Policies 3.11 (affordable housing targets) and 3.12 (negotiating affordable housing) given the inadequate provision of affordable housing on site.

Source: Page 5, Decision Notice, March 2014

Greater London Authority

N/A

Appeal

The Appeal Decision Notice made reference to a range of policies relating to heritage, which included references to NPPF and Local Plan policy. Reference was also made to the legislative duties under Sections 66 and 72 of the Town and Country Planning (LB and CAs) Act 1990. London Plan policy was rarely utilised in relation to heritage, although there was evidence of the use of Policy 7.7 and inferred use of Policy 7.4. National and local policy documents seem to have been relied on more heavily to make arguments. For example, the NPPF was used to discuss the significance of the impacts of the proposed development upon heritage assets (Paragraph 131-133) and to weigh this against the wider public benefits associated with the scheme (Paragraph 134). The Inspector's Report is notable in thoroughly analysing significance drawing on the Conservation Area appraisal. The Inspector weighs the benefits and harm (in accordance with Paragraphs 132 and 134 of the NPPF) explicitly in paragraphs 52 and 81 in making his decision to dismiss the appeal.

Source: Paragraph 16-56, Appeal Decision Notice, February 2015

The Appeal Decision Notice provided a summary of relevant policy, and went into detail about the weight provided within the NPPF in favour of the conservation of "designated heritage assets", such as Conservation Areas. In particular it set out that the "particular significance of any heritage assets likely to be affected by a development proposal should be identified and assessed, including any contribution made by their setting. Any harm should require clear and convincing justification." No specific NPPF paragraph was referenced, but this applied the principles set out in Paragraphs 128 and 129 of the NPPF.

Source: Paragraphs 18 and 19, Appeal Decision Notice, February 2015

London Plan Policy 7.7 was used to address the proposals for a tall building. In particular this policy's focus on tall buildings in sensitive locations was flagged. The Appeal Decision Notice found "the development would be intrinsically harmful to the character of the Conservation Area, and does not align with Policy 7.7". Alongside London Plan Policy 7.7, the Appeal Decision Notice also used Local Plan Policy BE10 which sets preferred locations for tall buildings in the borough, to assess the development.

Source: Paragraph 16-56, Appeal Decision Notice, February 2015

The assessment of the impact of the proposed development upon the surrounding character, including heritage assets suggests use of London Plan Policy 7.4, although this was not explicitly referenced at all. Rather, reference was made to non-heritage London Plan policies in assessing the scheme in these terms. Policy 3.4, which does not refer specifically to heritage, was used to evidence how proposals compromise the existing local context and character.

Source: Paragraph 16-56, Appeal Decision Notice, February 2015

The Appeal Decision Notice set out that the existing building on the application site was still "sufficiently distinctive and pleasing in its design to carry off its local landmark function." It therefore supported the Council's refusal of the application in saying that the building makes a positive contribution to the character and appearance of the conservation area and its preservation is desirable. The Appeal Decision specifically refers to NPPF 132-134 in Paragraph 52.

Heritage was identified as one of three main issues to be addressed as part of the appeal, alongside the adequacy of affordable housing provision and mitigation for the effects on local infrastructure and environment. While, the Appeal Decision explored the topics of affordable housing and local infrastructure in detail, it is clear that more analysis was undertaken with regard to heritage. The Inspector concluded that the mitigation for local infrastructure and environmental impacts was sufficient, and that one of the affordable housing options proposed was acceptable in policy terms. However, regarding heritage, the Inspector concluded that "the effect of the loss of the existing building and its replacement by the proposed development on the character and appearance of the Mapesbury Conservation Area and on the setting of the Willesden Green Conservation Area and of nearby listed buildings" was not outweighed by these factors, and other public benefits. As such, it is clear that heritage was given greater weight in the appeal decision making than any other policy area.

Source: Appeal Decision Notice, February 2015

Key points

This application was refused by the LPA for three reasons, including the height, scale, massing and density of the development in the Mapesbury Conservation Area and in close proximity to Willesden Green Conservation Area and Grade II Listed Willesden Green Station. An appeal was subsequently lodged and dismissed. Heritage was therefore given strong consideration in decision making by both the LPA and Inspector.

The LPAs refusal of the application was contrary to the Committee Report which recommended approval. The Committee Report used the NPPF Paragraph 134 to evidence wider public benefits which justified a departure from policy.

Although heritage was given great weight in determination by both the LPA and Inspector, neither relied on the London Plan's heritage policies, although there is evidence of consideration of other London Plan policies, notably tall buildings Policy 7.7 and density matrix Policy 3.4 (which includes reference to local character and context). Although some London Plan heritage policies are referenced, the NPPF and national legislation were referenced more.

The application was not referred to the GLA.

D8 Shell Centre

Application Details

Application Reference	London Borough	Inner or Outer
12/04708/FUL, 12/04702/CON, 12/04701/LB, 12/04699/FUL	Lambeth	Inner
The Applicant	The Agent	CAZ?
Braeburn Estates Ltd and Shell International Petroleum Company Ltd.	Quod	Yes

Address
Shell Centre, 2 - 4 York Road, London, SE1

Scheme Description
<p>Four parallel applications were submitted for: part demolition of the Shell Centre, comprising: Hungerford, York and Chicheley wings, upper level walkway, removal of raised podium deck, associated structures and associated site clearance. Development of 8 buildings ranging from 5 to 37 storeys in height, and 4 basement levels to provide up to 218,147 sqm of floorspace (GIA), comprising offices (B1), residential (C3) (up to 877 units), retail (A1-A5), leisure (D2) and community/leisure uses (D1/D2), parking and servicing space, hard and soft landscaping together with the provision of a new public square, highway and landscaping works to Belvedere Road, Chicheley Street and York Road, modifications to York Road Underground station, 2 link bridges from new buildings to the existing Shell Centre Tower, reconfiguration of York Road footbridge if retained, creation of new vehicular access, and other associated works.</p> <p>A planning and Conservation Area Consent application was also submitted for demolition works within the South Bank Conservation Area (12/04702/CON), as well as external alterations to the retained, locally listed Shell Centre Tower (12/04701/LB). An application for Listed Building Consent was also submitted to remove and re-site the existing Grade II listed Franta Belsky fountain. The fountain will be retained on-site (12/04699/FUL).</p> <p><i>Source: Application Form</i></p>



Summary of scheme changes made during determination in response to heritage considerations

It appeared that no changes were made to the applications during the determination process. Whilst some amendments were made to the scheme in April 2013, these related to the number and mix of residential units provided. This change did not result in any change to the height, scale or mass of buildings.

The GLA requested at Stage 1 consultation that the application should provide further detail on the impact of the proposed development on the Westminster World Heritage Site, although no changes to the proposed scheme were suggested. At Stage 2 consultation, the GLA confirmed that the applicant had provided a report which builds on the application data to demonstrate that the scheme is consistent with the requirements of the draft Statement of Outstanding Universal Value and the 'London's World Heritage Sites – Guidance on Settings' SPG. Having assessed the report, GLA Officers were of the view that there would be no noticeable effect upon the integrity of the World Heritage Site, and that the viewer's ability to appreciate its Outstanding Universal Value would not be compromised.

Source: GLA Stage 1 Report, February 2013 and GLA Stage 2 Report, July 2013

Housing		Employment		Mixed Use	✓	Other	
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Date Received	13/12/12	Officer Recommendation	Approval	Appeal Ref	13/00114/FUL
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Outline		Delegated decision		Appeal allowed	06/06/14
Full	✓	Committee decision	21/05/13	Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent	✓	Approved with conditions			
Demolition in CA	✓	Approved with conditions & S106	06/06/14		
		Refused			

Site Description

The Shell Centre site is located on the South Bank of the River Thames. It is approximately 3.5 hectares in area and is roughly rectangular in shape. The application site included part of York Road to the east of the Shell Centre, Chicheley Street to the south and part of Belvedere Road to the west. The northern boundary is formed by a railway viaduct that continues to Hungerford Bridge.

The application site included the Shell Tower which rises to 107 metres over 28 storeys, and wings rising to ten storeys in height. It is identified as a Major Development Site in London and local policy, suitable for mixed-use development and a potential location for tall buildings.

The majority of the application site, up to the median strip on York Road, is located within the South Bank Conservation Area. It also falls within an Archaeological Priority Area. Regarding direct heritage assets, the Shell Centre is locally listed, and the Franta Belsky Fountain which was within the courtyard of the Shell Centre is Grade II listed (a separate listed building consent was sought to move this fountain).

Regarding indirect heritage assets, a number of Conservation Areas are located within the wider Waterloo area, including Lambeth Palace, Waterloo and Roupell Street. There are also a series of listed buildings in the vicinity of the application site, including: the Royal Festival Hall (Grade I listed); the main block of County Hall (Grade II*); Royal National Theatre (Grade II*); Waterloo and Westminster Bridges (Grade II*); Church of St John with All Saints (Grade II*); Victory Arch, Waterloo Station (Grade II); and General Lying-In Hospital (Grade II). In addition, the Westminster World Heritage Site is located across the River Thames to the south west of the application site. To the west of the application site located between Belvedere Road and the River Thames lies Jubilee Gardens which are designated Metropolitan Open Land (MOL).

The application site also falls within a series of strategic views as designated in the London View Management Framework, in particular St James's Park (26), and views of the Westminster World Heritage Site, Parliament Square (27A.1 and 27A.2).

Source: Planning Statement

Historic Environment Designations/Assets

Grade I Listed		Conservation Area	✓	Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing	✓	Registered Battlefield	
View Management Corridor	✓	Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area	✓	Registered Park/ Garden	
Setting (WHS, CAs and LBs)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement	✓	EIA/ES	✓	Other	

The Design and Access Statement accompanying the application considered the need for the development to respect and respond to strategic views and heritage context as a key consideration for the scheme. In early sections it provided a summary of the heritage context for the application site and set out the listed and locally listed buildings in the vicinity of the application site. It also provided a summary of the key relevant policy, including NPPF paragraph 137 and London Plan Policies 7.8, 7.10 and 7.11. It continued, on a building by building basis, to set out how heritage assets and strategic views have been accounted for in designs. This covered the role of the development in the strategic views of Parliament Square World Heritage Site, as well as the relationship of new buildings (and demolition) to the Conservation Area, listed buildings in the vicinity of the application site and other significant environments, such as River Thames Frontage.

Source: Design and Access Statement

The Heritage Statement considered the effect of the proposed development on heritage significance, based on a comprehensive analysis of site context. It found that, in line with paragraph 131 of the NPPF, the proposal would sustain and enhance the significance of heritage assets and promote their viable use. The assessment also considered that the high quality design of the new buildings and the provision of much improved public realm and active frontages would make a positive contribution to local character and distinctiveness and enhance the setting of the Shell Tower. It concluded that the proposed development would enhance the South Bank and Waterloo Conservation Areas. It went on to state that the proposed development would not harm the significance of any heritage assets, including any listed buildings. Rather, the Heritage Assessment considers that the proposed development would deliver considerable enhancements and public benefits, not only to the application site but to the wider area.

Source: Heritage Assessment

The Environmental Statement included a section on built heritage, which assessed the likely effects of the redevelopment proposals on known built heritage assets as defined in the NPPF (excluded archaeology). It found that the redevelopment proposals would enhance the heritage significance of the South Bank Conservation Area and deliver substantial wider public benefits in terms of urban design and townscape improvements to the wider area. The assessment concluded that there would be no residual adverse effect on any heritage asset or any element of setting that contributes to their heritage significance. It concluded that the significant architectural, urban design and townscape benefits the redevelopment proposals would enhance the setting of heritage assets in the local area, particularly those directly around the application site. It went on to state that the proposals align with policy, particularly section 12 of the NPPF and Policies 7.6, 7.7, 7.8, 7.11 and 7.12 of the London Plan, as well as various Local Plan policies.

Source: Environmental Assessment of Heritage (Chapter 16 Environmental Statement)

The Environmental Statement also included a Townscape and Visual Impact Assessment. This concluded that the redevelopment proposals were of a high quality of design, and the various buildings, routes and spaces that made up the redevelopment proposal would act together to create a very significantly enhanced contribution on the application site to the surrounding townscape and the South Bank Conservation Area. Moreover, the assessment considered that the redevelopment proposals would have negligible or beneficial impacts upon townscape and protected London views, in line with policy on design and tall buildings.

Source: Townscape and Visual Impact Assessment (Chapter 16 of Environmental Statement)

The Environmental Statement confirmed that although the application site is within an Archaeological Priority Area, Archaeology was scoped out of the Environmental Impact Assessment.

Source: Environmental Statement

The Planning Statement provided a summary of the cases already put forward in the Heritage and Townscape and Visual Assessments, and considered these in the context of policy. In addition to points

already made, it considered: design and how the proposed development was considered to be consistent with design objectives set out in the NPPF (paragraphs 58-61); tall buildings and how the application site was suitable for taller buildings in accordance with Opportunity Area policy and London Plan Policy 7.7; and demolition, and how this would not impact on the significance of any heritage assets or the Conservation Area, in line with London Plan Policy 7.8. The Planning Statement also detailed the impact of the proposed development on protected views, concluding, as with other documents, that the impact was either negligible or minor beneficial.

Source: Planning Statement

Historic England Advice

Historic England advice

Historic England raised an objection towards the proposed development. In particular, they concluded that the proposed development would be of a scale, mass and form that significantly detracts rather than adds to the view to Parliament Square and the Westminster World Heritage Site. In their letter, they stated that *“the height of the development would compete with the tower of the Foreign office, diminishing the clarity of its built form”*. Historic England drew on the NPPF to demonstrate that the development would cause *“substantial harm to the setting of the Grade I Park and the Grade I Foreign and Commonwealth Office.”* Moreover, Historic England raised reservations with regard to the impacts of proposals on the setting of Horse Guards from the Guards Memorial, and the setting of the Elizabeth Tower in views from Parliament Square. However, the strongest concerns resulted from the impact of the development upon the view from St James’s Park. Historic England utilised the NPPF to demonstrate that the development is not a sustainable solution. They suggested that it could be *“redesigned to achieve the twin objectives of regeneration, whilst conserving heritage assets of the highest importance”*. In particular, Historic England recommended that the proposed residential towers on the north-east corner of the application site be reduced in height to eliminate them from the view from St James’s Park. Again drawing on the NPPF, Historic England acknowledged that there were public benefits associated with the development. However, they stated that these did not outweigh the harm to the historic environment.

Source: Paragraph 5.85, Committee Report, May 2013

Historic England (archaeology) raised no objection to the development, subject to the imposition of a condition relating to archaeological investigation.

Source: Paragraph 5.86, Committee Report, May 2013

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The Committee Report listed those policies which were relevant to the determination of the proposed development. In doing so it explicitly referenced the following London Plan policies, in relation to heritage. These policies were not analysed in detail, and were only listed, as below:

- Policy 2.10 Central Activities Zone – strategic priorities
- Policy 7.4 Local Character
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.10 World Heritage Site
- Policy 7.11 London View Management Framework
- Policy. 712 Implementing the London View Management Framework.

The report then considered a range of heritage issues, but only referenced the London View Management Framework (LVMF). No London Plan policies were specifically analysed in the Committee Report, instead NPPF and Local Plan policies were used.

Source: Paragraph 6.6, Committee Report, May 2013

A key consideration in the Committee Report was the proposal for tall buildings on the application site; the tallest element of the proposed development rising higher than the existing Shell Centre. The Committee Report considered how the proposed development responded to the recently resolved Elizabeth House redevelopment scheme (a scheme that would deliver an up to 29-storey building adjacent to the application site) and went on to state that *“the varied height of the new buildings provides visual interest on the skyline and expresses the plan form of the scheme.”* London Plan Policy 7.7 was not specifically referenced.

Source: Paragraph 8.3, Committee Report, May 2013

The Committee Report also stated that the suitability of the tall buildings in the area was supported by policy context. Although it did not provide detail here, elsewhere in the report the Waterloo Opportunity Area Planning Framework which identifies the application site as suitable for tall buildings was discussed. The Report went further and stated that the design of the proposed development responded to the immediate urban townscape, “without seeking to compete with local Conservation Areas, nor Listed Buildings and does not impact upon the World Heritage Setting of the Houses of Parliament”. Again, London Plan Policy 7.7, which requires tall buildings to consider their impact on setting of heritage assets was not specifically referenced.

Source: Paragraph 8.7, Committee Report, May 2013

Continuing to consider tall buildings, the Committee Report considered the impacts of the proposed development upon viewpoints. In doing so it specifically referenced the London View Management Framework (LVMF), although no specific reference is made to London Plan Policies 7.11 and 7.12. In assessing the scheme against these policies, the Officer found that within the views identified in the LVMF, the majority of the lower elements of the tall buildings would not generally be visible. In some instances certain buildings would be visible; the Officer however stated that there were a number of other tall buildings in Waterloo generally and therefore the impact of another tall buildings would not be significant.

Source: Paragraph 8.9, Committee Report, May 2013

The Committee Report did consider that the development had a minor impact within some strategic views, as it was seen as part of the developing cluster of taller buildings in the Waterloo Opportunity Area. The strategic views in which the proposal was likely to have the most impact are from St James’s Park (26) and in respect of the Westminster World Heritage Site, Parliament Square (27A.1 and 27A.2). Relatively detailed consideration was given to the impact of the proposal on these views, for example identifying what derives a view’s character, distinguishing between foreground and middle ground elements and considering how the proposed development would interact. Specific reference was made to the LVMF Supplementary Planning Guidance, rather than Policies 7.11 and 7.12.

Source: Paragraph 8.61-8.65, Committee Report, May 2013

Building on this, the Committee Report considered specifically the impact of the proposed development upon the Westminster World Heritage Site, although it did not specifically reference London Plan Policy 7.10 which explains the need for development to not cause an adverse impact on World Heritage Sites or their setting (including any buffer zone), in particular their Outstanding Universal Value (OUV). Although objections were raised in relation to the impacts upon the World Heritage Site and its setting, particularly by Historic England, the Committee Report concluded that there was no significant impact upon the World Heritage Site. Whilst the London Plan was referenced in this context, the Committee Report made greater reference to the NPPF and the wider public benefits of the proposed development making any potential heritage impacts acceptable.

Source: Paragraphs 8.65-8.74, Committee Report, May 2013

The Committee Report also considered the impact of the proposed development upon the setting of nearby listed buildings, and concluded that the proposed development did not result in harm to the setting of the Listed Buildings in vicinity to the application site. It evidenced the fact that previously permitted development had established the principles, but also reiterated that the development would enhance the townscape and history of the area, and therefore have positive benefits for the setting of development. Whilst the Committee Report explicitly referenced Local Plan policy, particularly UDP Policies 40 and 45, as well as national policy defining significance of impacts upon setting, it does not reference London Plan Policy 7.8.

Source: Paragraph 8.51, Committee Report, May 2013

The Committee report finally considered the relationship of the proposed development to the local area and character. It identified that the new development would serve to enhance the townscape quality of nearby streets, and promote the eastern edge of the South Bank Conservation Area. In addition, it highlighted that the proposed palette of the materials would be sympathetic to the existing buildings in the area and as such would not impact on the character and appearance of the South Bank Conservation Area. Whilst the Committee Report did not explicitly reference any policy, London Plan or otherwise, the consideration of these factors is consistent with London Plan Policy 7.4.

Source: Paragraph 8.48, Committee Report, May 2013

The principle of demolition within a Conservation Area was also discussed in great detail in the Committee Report. The Committee Report found that the proposed demolition may have some harm upon the South Bank Conservation Area, but this would not be substantial, and was also “outweighed by wider public benefits”. This clearly drew on NPPF (particularly Paragraph 134) and local policy, rather than London Plan heritage policies, namely Policy 7.8 which was not explicitly referenced.

Paragraphs 8.39-8.41, Committee Report, May 2013

The Committee resolved to approve the application in May 2013. In September of the same year, the application was called in by the Secretary of State (SoS) for decision making due to claims of potential impacts upon the Westminster World Heritage Site.

Greater London Authority

The Stage 1 report does not explicitly reference any London Plan heritage policies.

The Stage 1 report from the GLA considered the impact of the proposed development upon strategic views. It stated that the proposed development would be visible in a number of strategic views set out in the LVMF but the proposed buildings would not detrimentally affect these views. The strategic views in which the proposal was likely to have the most impact are from St James's Park, Parliament Square, Hungerford Footbridge and Waterloo Bridge. The GLA considered that the scheme had been designed to limit the extent of impact on these and other strategic views. Reference was not made to London Plan Policies 7.11 and 7.12.

The Stage 1 report went on to discuss the role of the proposed development within the setting of the Westminster World Heritage Site. It set out how the likely effect of the proposed development on the quality of the views and setting of the World Heritage Site was assessed by the applicant through both strategic views identified in the LVMF, and other views into and out of the World Heritage Site. The Stage 1 report concluded that there was sufficient distance between the proposals and the World Heritage Site to enable a continued appreciation of the Palace of Westminster, and in particular The Clock Tower, in line with the visual management guidance of the LVMF SPG. There was no reference to London Plan Policy 7.10, or Policies 7.11 and 7.12.

The Stage 1 report also assessed the impact of the proposed development with regard to tall buildings. It concluded that, in terms of building scale, massing and heights, the buildings step up across the application site from 11 to 37 storeys and the step up in heights from south to north was logical in terms of respecting rights-to light and views from the Westminster World Heritage Site in particular, and also helped minimise LVMF impact in St James's Park views. The views analysis demonstrated that the Shell Tower retained its prominence, and that the architecture contributed positively to the skyline, as a development in itself and when combined with the Elizabeth House proposal. London Plan Policy 7.7, was not specifically referenced.

Source: GLA Stage 1 Report, February 2013

The Stage 2 GLA report reiterated the comments made in the Stage 1 report with regard to the lack of impacts upon strategic views, and the setting of the Westminster World Heritage site. It set out how the site was within a location identified for tall buildings, and the architecture is of a high quality, with an appropriate form and scale of development for its location. This was used as reasoning to conclude that whilst the application site was within the setting of the Westminster World Heritage Site, and would be visible from St James's Park, "it would not dominate or adversely impact upon these or other strategic views", in line with Policies 7.4 and 7.7 of the London Plan although these were not explicitly referenced.

Source: GLA Stage 2 Report, July 2013

Other than in relation to tall buildings and the impact of the proposed development upon strategic viewpoints, no reference was made in the GLA Stage 1 and Stage 2 reports to heritage in respect of the development's impact upon heritage assets, both on-site and in the vicinity of the application site. In addition, the GLA reports did not cover the appropriateness of the demolition of development within the Conservation Area.

Source: GLA Stage 1 Report, February 2013 and GLA Stage 2 Report, July 2013

Appeal

In September 2013, it was announced that the application would be called-in for decision making by the Secretary of State (SoS). This was as a result of the potential impact of the development upon the Westminster World Heritage Site.

The SoS Decision Notice and Inspector's Report listed the London Plan heritage policies which were relevant to the decision making on the proposed development as:

- Policy 2.10: Central Activities Zone – strategic priorities
- Policy 7.7: Location of tall and large buildings
- Policy 7.8: Heritage assets and archaeology
- Policy 7.10: World Heritage Sites
- Policy 7.11: London View Management Framework

It is notable here that London Plan Policy 7.4 was not listed or evidenced in the Appeal Decision Notice, despite its relevance of this policy in the context of the proposed development's potential impact on the character of the surrounding area.

Source: SoS Decision Notice, June 2014 and Inspector's Report to the SoS, November 2013

The Inspector's Report specifically referenced London Plan Policy 7.7 in considering the appropriateness of tall buildings on the development site. Alongside Local Plan policies, Policy 7.7 was used to conclude that tall buildings proposed as part of the development were acceptable. In particular, the report considered the suitability of the location of tall buildings in the setting of the Roupell Conservation Area. It also

considered the impact of tall buildings upon the South Bank Conservation Area and Waterloo Conservation area, although London Plan Policy 7.7 was not explicitly referenced in relation to these two Conservation Areas. The Inspector's Report concluded that the impact would not be significant, and tall buildings were therefore acceptable on the application site.

Source: Paragraphs 16.5-16.8, Inspector's Report to SoS, November 2013

The Inspector's Report also assessed the impact of the proposed development in strategic views. It discussed the individual views which might be impacted by the proposed development, with specific reference to London Plan Policies 7.11 and 7.12 and the London View Management Framework. The Inspector's Report concluded that the new development has been sensitively designed, would respect the assets of the view and their settings and would not compromise or dominate the composition of the strategic views, including the London Eye, South Bank and Waterloo Bridge.

Source: Paragraphs 16.36-16.44, Inspector's Report to SoS, November 2013

The Inspector's Report also specifically considered the impact of the proposed development within views and the setting of the Westminster World Heritage Site. Consistent with London Plan Policies 7.10 and 7.11 (although including no specific references), the report concluded that, although the proposed buildings would be in the background of the setting of the World Heritage Site, they would not cause any harm to this setting or to the outstanding universal value of the World Heritage Site.

Source: Paragraphs 16.45-16.52, Inspector's Report to SoS, November 2013

The Inspector's Report also covered the role of the proposed development in the setting of listed buildings in the vicinity of the application site, particularly the impacts upon the County Hall and Grade I listed buildings in the vicinity of the application site. It concluded that, the proposed development was of the highest quality, would cause no harm to any heritage asset or Conservation Area, and was consistent with Government policies in planning for the conservation and enhancement of the historic environment. In doing so, it explicitly referenced London Plan Policy 7.8, alongside Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and UDP Policy 45. The report also noted that the proposed development was considered to accord with paragraph 132 and Section 12 of the NPPF.

Source: Paragraphs 16.44 and 16.59, Inspector's Report to SoS, November 2013

The principles of demolition within a Conservation Area were also discussed in great detail in the Inspector's Report, however this drew on NPPF and Local Plan policy, rather than London Plan heritage policies.

Source: Paragraphs 16.53-16.57, Inspector's Report to SoS, November 2013

The SoS Decision Notice similarly concluded that the proposed development was of the highest quality and would cause no harm to any heritage asset; and was consistent with Government policies in planning for the conservation and enhancement of the historic environment. Although not specifically referenced at this point, this is consistent with the objectives of London Plan Policy 7.8.

Source: Paragraph 16-19, SoS Decision Notice, June 2014

Specifically regarding Conservation Area impact (especially the South Bank Conservation Area), the Secretary of State shared the Inspector's conclusion that the proposed development would change, but would not harm, the character and appearance of the Conservation Area. The Decision Notice specifically referenced how the proposed development accorded with London Plan Policy 7.8 and saved UDP Policy 47.

Source: Paragraph 16-19, SoS Decision Notice, June 2014

Regarding views, the Secretary of State agreed with the Inspector that, taking into account views within and from outside the area around the Shell Centre, "the proposed development would not harm the setting of any listed building on the south bank of the river and that the proposals accord with London Plan Policy 7.8 and UDP Policy 45".

Source: Paragraph 16-19, SoS Decision Notice, June 2014

The Decision Notice also considered that the tops of the proposed buildings, alongside the Shell Tower, "would be visible in views from the Blue Bridge in St James' Park, but would be outside and would not harm the settings of the Westminster World Heritage Site, the St James' Park Registered Park and Garden, the several Conservation Areas on the north bank of the river, or the many listed buildings within these designated areas," in accordance with London Plan Policies 7.8 and 7.10.

Source: Paragraph 16-19, SoS Decision Notice, June 2014

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)	✓	✓
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)	✓	✓
Policy 7.11 (London View Mgmt Framework)	✓	✓
Policy 7.12 (Implementing the London View Mgmt Framework)	✓	✓

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		✓
8 & 9 (Taking forward priorities together)		✓
17(5) (Account of different roles)		✓
17(10) (Conserve assets by significance)		✓
58 to 61 (Good design)	✓	✓
126 (Local plan preparation)		
128 (Applicant requirements)		✓
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)	✓	✓
137, 138, 139 (WHS & CAs)	✓	✓
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		✓

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>There was strong evidence of the use of London Plan policy in decision making in this application, from the LPA. In particular, there was clear use of London Plan Policy 7.10 in relation to impacts upon the Westminster World Heritage Site; Policy 7.7 regarding tall buildings, and Policies 7.11 and 7.12 (LVMF) with regard to impacts upon strategic views in London.</p> <p><i>Source: Committee Report, May 2013</i></p> <p>However, while the use of London Plan policy was clear, there was equally strong evidence of use of policy at other levels. In relation to heritage particular mention was made to policies at national and local levels. Whilst London Plan policy was referenced in relation to World Heritage Site impacts, greater emphasis was put upon the NPPF and paragraph 137 regarding the need to make a positive contribution to these assets.</p> <p><i>Source: Paragraph 8.59, Committee Report, May 2013</i></p> <p>In addition, the Committee Report placed some emphasis on assessing the appropriateness of the proposed demolition of buildings within in a Conservation Area (South Bank). While no explicit reference was made to NPPF paragraphs in this context, the discussions centred on testing whether or not the existing structures made a significant contribution to the South Bank Conservation Area, in line with NPPF</p>

paragraph 138. The Officer concluded that the proposed demolition would result in some harm to the Conservation Area, but this would not be substantial. This suggests the use of NPPF paragraphs 131 – 133 and consideration of significance.

Source: Paragraph 8.39, Committee Report, May 2013

Building on this, the Committee Report balanced this potential harm identified against wider public benefits. As above, the NPPF was given great weight. Whilst not explicitly referenced, the Committee Report demonstrated the use of NPPF paragraphs 131-134 to consider the significance of the assets (on and off-site), the extent of impact, and the wider public benefits of the scheme. In doing so, it found that *“the public benefits of the scheme far outweigh the impact that would result in their loss, and for which the redevelopment of the site would enhance the character and appearance of the Conservation Area”*. The public benefits considered to outweigh potential heritage impacts included: facilitating the regeneration of the Waterloo Opportunity Area; providing increased and improved housing in the area; providing both onsite and offsite affordable housing; increasing employment; improving public realm provision; and providing additional retail on the site.

Source: Paragraph 8.73 Committee Report, May 2013

At Planning Committee, although representations were made by Historic England and local residents which raised various issues with regard to heritage (namely impacts upon the South Bank Conservation Area and nearby listed buildings) these were not explicitly referenced in the decision making, and the Committee resolved to grant permission. No policy was explicitly referenced in relation to heritage in the minutes. Topics discussed in greater detail than heritage included land use, daylight and sunlight impacts, sustainability and residential provision.

Source: Planning Committee Minutes, May 2013.

Greater London Authority

There was evidence of the use of London Plan heritage policies in the GLA decision making at Stage 1 and Stage 2. Whilst no explicit references to heritage policies from the London Plan were included, discussions of strategic views and the impacts of the proposed development upon the Westminster World Heritage Site suggest an understanding of Policies 7.7, 7.10, 7.11 and 7.12.

The London View Management Framework (and implicitly Policies 7.11 and 7.12) was utilised to assess the impacts of the proposed development upon strategic views, and importantly the setting of the Westminster World Heritage Site. The GLA concluded that the impacts were not significant, and may even be positive upon strategic views, directly evidencing London Plan policy to support their arguments.

Source: GLA Stage 1 Report, February 2013 and GLA Stage 2 Report, July 2013

With regard to tall buildings, although there was implicit use of Policy 7.7, the GLA Stage 1 report put greater emphasis upon the Waterloo Opportunity Area Planning Framework and its designations which identify the site as suitable for tall buildings. Similarly, when considering the impacts of the proposed scheme upon the Westminster World Heritage Site, there was no explicit mention of London Plan Policy 7.10. The NPPF, however, was referenced, with the Stage 1 Report setting out that overall assessment of the impact on the World Heritage Site needed to take into consideration other elements of setting, such as accessibility and public realm. The Report considered that the new routes and public realm proposed as part of the scheme would make a positive contribution to the wider setting of the World Heritage Site and would be welcomed. While a specific paragraph of the NPPF was not referenced, this is consistent with Paragraphs 132 and 137 of the NPPF.

Source: GLA Stage 1 Report, February 2013

Although heritage as a topic was considered in some detail in the Stage 1 report, a number of other topics were given greater detail, such as residential land uses and transport. With regard to these topics, unlike heritage, London Plan policy was used and explicitly referenced, including Policies 3.8, 3.12, 6.3, 6.13 and 6.14. Policy 2.10 relating to the CAZ was also used in relation to these other topics, but was not used in discussions regarding heritage.

Source: GLA Stage 1 Report, February 2013

Appeal

At the appeal stage, there was evidence of a balance in the use of policy at national, London and local levels. London Plan policies were regularly referred to and used to assess the impacts of the proposed development, with particular reference to Policy 7.8 and the role of the development in relation to listed buildings and conservation areas in the vicinity of the application site. In addition, as above, the London View Management Framework was used to assess the impacts of the proposed development upon strategic views.

Source: Appeal Decision Notice, June 2014 and Inspector’s Report to SoS, November 2013

On the other hand, national policy was also given significant weight in the Inspector’s Report. In particular, paragraph 132 of the NPPF was referenced in the Secretary of State and Planning Inspector

conclusion that “*the proposed development is of the highest quality and would cause no harm to any heritage asset; is consistent with Government policies in planning for the conservation and enhancement of the historic environment*”. Moreover, also at the national level, Section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 was used to assess the potential harm of the proposed development upon listed buildings and conservations areas in proximity to the application site.

Source: Paragraph 19, Appeal Decision Notice, June 2014 and Paragraph 16.44, Inspector’s Report to SoS, November 2013

The Appeal Decision Notice referred to a range of topics beyond heritage, including housing, land use, public realm and design. However, it was clear that at appeal, heritage was given significant weight in reaching a recommendation. To evidence this, the Appeal Decision Notice stated two main considerations for the suitability of the development: “*the extent to which the proposed development is consistent with Government policies in planning for the conserving and enhancing of the historic environment including the impact on the Palace of Westminster, Westminster World Heritage Site and, the extent to which the proposed development is consistent with Government policies requiring good design were the two main considerations of the Secretary of State and Planning Inspector*”. Both relate to heritage, evidencing this as the most important consideration in decision making.

Source: Paragraphs 11-19, Appeal Decision Notice, June 2014

Key points

This development is in a London Plan Opportunity Area with significant expectations for major development. There was strong evidence of the use of London Plan policy in decision making on this application. The London View Management Framework was particularly referenced although reference was made to the SPG rather than Policies 7.11 and 7.12. Decision makers concluded that the impacts upon strategic views, and importantly the setting of the Westminster World Heritage Site were not significant, and may even be positive upon strategic views, directly evidencing London Plan policy to support their arguments. In addition, there were references (explicit and implicit) to London Plan Policies 7.7, 7.8 and 7.10 with regard to heritage.

However, equal, if not more weight was given to heritage policies at the national level, with the NPPF particularly used by the LPA to assess the impacts of the proposed scheme against the wider potential public benefits it would bring.

Heritage was a major consideration at appeal, and was identified as one of the two main issues to be resolved by the Secretary of State. The Inspector considered Policy 7.8 although this was not referred to by the GLA. At the local, and particularly the London level, other strategic issues appear to have been given equal if not greater weight. In particular, the provision of affordable housing, as well as transport provision appear to have generated greater discussion than potential heritage impacts. This is also evidenced by the LPA’s conclusions in the Committee Report that the wider public benefits of the proposed development (affordable housing, retail, public realm etc.) outweigh any potential heritage impacts.

D9 Convoy's Wharf

Application Details

Application Reference DP/0051c (GLA) DC/13/83358 (LB Lewisham)	London Borough Lewisham	Inner or Outer Inner
The Applicant Hutchinson Whampoa	The Agent N/A	CAZ? No
Address Convoys Wharf, Prince Street, London, SE8 3JH		

Scheme Description
<p>The comprehensive redevelopment of Convoys Wharf to provide a mixed-use development of up to 419,100 sqm comprising: up to 321,000 sqm residential floorspace (up to 3,500 units) (Use Class C3) up to 15,500 sqm employment floorspace (Class B1/Live/Work units) including up to 2,200 sqm for 3 no. potential energy centres, wharf with associated vessel moorings and up to 32,200 sqm of employment floorspace (Sui Generis & Class B2) up to 5,810 sqm of retail and financial and professional services floorspace (Classes A1 & A2) up to 4,520 sqm of restaurant/cafe and drinking establishment floorspace (Classes A3 & A4) up to 13,000 sqm of community/non-residential institution floorspace (Class D1) and assembly and leisure (Class D2) up to 27,070 sqm of hotel floorspace (Class C1) river bus jetty and associated structures 1,840 car parking spaces together with vehicular access from New King Street and Grove Street retention and refurbishment of the Olympia Building and demolition of all remaining non-listed structures on site.</p> <p><i>Source: Application Form</i></p>



Summary of scheme changes made during determination in response to heritage considerations
<p>There is no evidence of scheme changes in response to heritage considerations in the application or decision material, however, the GLA decision notice contains a list of conditions to be discharged on the submission of Reserved Matters including heritage statements required for each reserved matter and the following conditions required before the commencement of development: archaeological resource management, programme of archaeological work, details of development below ground level, design and method statement for foundation design and ground works, demarcation and safeguarding of archaeological remains, structural surveys and protection of Olympia Warehouse.</p> <p><i>Source: Paragraphs 13, GLA Stage 2 Report, 30 October 2013; Pages 34-40, Decision Notice, 10 March 2015</i></p>

Housing		Employment		Mixed Use	X	Other	
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Date Received	29/04/13
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Officer Recommendation	Refusal
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Appeal Ref	N/A
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Outline	✓
Full	
Reserved Matters	
Listed Building Consent	
Demolition in CA	

Delegated decision	
Committee decision	
Mayoral decision	10/03/15

Appeal allowed	
Appeal dismissed	

Approved with conditions	
Approved with conditions & S106	✓
Refused	

Site Description
<p>The site comprises 16.6 hectares of land in north of Deptford and close to Deptford High Street in the London Borough of Lewisham. It comprises approximately 50% of Lewisham’s River Thames frontage. The site is in the Deptford Creek/Greenwich Riverside Opportunity Area. The site is bound to the east by Watergate Street on the administrative boundary with the London Borough of Greenwich and the Grade II* listed Shipwright’s House (in the London Borough of Lewisham). The surrounding area is predominantly residential with the Pepys Estate to the west and Sayes Court Estate to the south.</p> <p>The site is comprised of a mixture of warehouses with many being demolished in early 2011 to enable comprehensive archaeological investigations. The boundary includes mesh and post fencing and some bricks walls of mixed age; mostly of nineteenth and twentieth century date with some earlier sections. Most of the site is paved with concrete or tarmac with some original cobbling and railway track remaining. Half of the site is currently a Safeguarded Wharf.</p> <p>Historic England identified Convoys Wharf as an Area of Archaeological Priority where significant remains of the former Royal Dockyard are likely to exist. Some elements of the dockyard remain on site, including:</p> <ul style="list-style-type: none"> • The Grade II listed Olympia Building. • Grade II listed gate posts at the junction of Grove Street and Leeway. • A number of archaeological sites are present on site representing the former Royal Dockyard and Manor of Sayes Court. <p>The site also contains a Scheduled Ancient Monument.</p> <p><i>Source: Paragraphs 2.1-2.12, Planning Statement</i></p>

Relevant Planning History
<p>In October 2002, an outline planning application (LPA ref: DC/02/52533) was submitted to the London Borough of Lewisham by News International Plc for a mixed use development including residential and employment space including waste recycling and processing facility, boat repair yard and river bus facility, a wharf with associated vessel moorings. The application was formally validated in 2003 with discussions ongoing between the London Borough of Lewisham and the GLA regarding outstanding matter identified by the GLA.</p> <p>In early 2008 Convoys Investments secured an interest in the site and an amended application was submitted to London Borough of Lewisham in 2010. In 2011 an application was made for revisions to address the requirements of the Regulation 19 request and the comments raised by the GLA and other stakeholders. As of April 2013 the application remained undetermined.</p> <p><i>Source: Paragraphs 3.1-3.13, Planning Statement</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed	✓	Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	✓
Local Archaeological Site		Archaeological Priority Area	✓	Registered Park/Garden	
Setting (WHS, LB)	✓		Other		

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS		Visual Impact Assessment	
Heritage Statement	✓	EIA/ES	✓	Other	

The Heritage Statement considered the following heritage and archaeological assets on site in terms of significance:

- Heritage assets: the Olympia Building (Grade II listed) and the main gate onto Grove Street (Grade II listed). It is also noted that outside of the site is the Master Shipwright's House and Former Dockyard Office (both Grade II* listed) and boundary wall (Grade II listed in part) and river wall.
- Archaeological assets: Double dry dock, Tudor Storehouse, Slipways, Great Basin, Mast Ponds and Sayes Court.

The Heritage Statement also referred to the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 128-137 of the NPPF on conserving and enhancing the historic environment, Historic Environment Planning Practice Guides, London Plan Policy 7.8 on Heritage Assets and Archaeology and Local Plan heritage policies to be relevant to the application.

The Heritage Statement considered the significance of heritage and archaeological assets on and near the application site, and concluded:

- The Royal Dockland was of moderate archaeological significance and high historical significance.
- The Grade II listed Olympia building was of high architectural significance, moderate archaeological significance and high historic significance.
- The archaeological, architectural and historic interest of the river wall was of moderate significance.
- Perimeter walls and gates are of high historical significance and moderate architectural significance.

Source: Sections 3.2, 3.3, 4.4 and 5, Heritage Statement

The Environmental Statement considered the effect of the proposed development in terms of townscape, landscape and visual impact. The assessment stated that the scheme is in an appropriate location for tall buildings and that the scheme would provide more benefits than adverse effects. Additionally it was stated that the Maritime Greenwich World Heritage Site would remain unharmed.

Source: Chapter 7, Environmental Statement

Historic England advice

Historic England advice
<p>Historic England considered the site to be of major historic significance. Historic England recognised the desirability of bringing the site back into use and acknowledged the additional development work undertaken to enhance heritage assets within the site. However, they remained concerned that the overall scale of development is such that the opportunity to create a distinctive sense of place which responds to local character, and provides an appropriate setting for designated and undesignated heritage assets, is lost. Historic England urged the Council to seek further revisions in respect of reducing the maximum levels of development, particularly in respect of the immediate setting of the grade II listed Olympic Shed, and to seek further measures to safeguard its significance and secure its beneficial use. They also encouraged the Council to seek further opportunities to reflect the historic character across the site and in respect of ensuring that the taller elements within the development offer an elegant and attractive addition to the skyline.</p> <p>In the event of the Council being minded to grant outline planning permission, Historic England considered it essential that a full assessment of the significance and condition of the Olympia Shed, and a feasibility study and programme for bringing it back into beneficial use, formed part of any S106 agreement. They also considered it essential to undertake a detailed condition survey and detailed design</p>

work for the interpretation and presentation of the heritage assets affected and to ensure they are preserved and enhanced in accordance with planning policy.

Source: Response from Historic England, 18 June 2013

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The LPA recommended that the application be refused and recommended that amendments were made to reduce the impact on heritage. The application was determined by the Mayor of London who approved permission.

The Committee Report considered national, regional and local planning policy including the Lewisham Core Strategy and Lewisham UDP. The Strategic Planning Committee Report identified the following London Plan heritage policies to be relevant to the application:

- Policy 7.4 Local character
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage-led regeneration
- Policy 7.10 World Heritage Sites
- Policy 7.11-7.12 London View Management Framework

In the subsequent commentary, there was discussion of relevance to London Plan Policy 7.4 in relation to the Officer's assessment of the application documents although the policy itself was not specifically referenced: "*the application documents, including the Heritage Statement and Design and Access Statement, demonstrate that significant research work has been undertaken to explore the potential of the heritage assets on the site. Respecting and reflecting key elements of the heritage assets on the site is therefore fundamental and, in general, has informed the current masterplan*". This meets the requirements of Policy 7.4 E on the requirement for a design response in new developments that responds to the surrounding historic environment.

London Plan Policy 7.8 was not referenced in paragraph 7.8.6 which covers the policy's intentions: "*the application documents, including the Heritage Statement and Design and Access Statement, demonstrate that significant research work has been undertaken to explore the potential of the heritage assets on the site. Policy SSA2 in the Core Strategy states that an objective of any development is to protect and restore the Olympia Warehouse and protect the principal archaeological features of the site including Double Dry Dock, John Evelyn House and Tudor Store House, incorporating them into the layout and delivery of the Masterplan in a positive way as well as setting out a strategy for the protection and/or incorporation of other features of historic interest and importance. Respecting and reflecting key elements of the heritage assets on the site is therefore fundamental and, in general, has informed the current masterplan*".

Paragraph 7.8.14 fits the requirement of London Plan Policy 7.9 on restoring an asset to a suitable use, although again the policy was not referenced: "*Officers are of the view that adaptations of the masterplan can and should be made to accommodate proposals to establish a green link between Sayes Court Gardens and the site of John Evelyn's House and associated gardens, and incorporate a dedicated space to allow for the building of a replica ship on the site as a tangible link to its former use*".

Although there was no reference to London Plan Policy 7.10, paragraph 7.8.16 stated that the development "*must take account of the wider panorama from Greenwich and the setting of the Maritime Greenwich World Heritage Site*". The Committee Report also stated that "*given the existing relatively low scale nature of buildings on the site (and clearance of a number of warehouse buildings which has opened up views into the site) the scale of development proposed will result in a significant change to the townscape and have a significant effect on views*" although there was no reference to Outstanding Universal Value.

London Plan Policies 7.11 and 7.12 were specifically assessed in paragraph 7.8.16: "*The applicant has undertaken an assessment of the impact of the development in accordance with London Plan policies 7.11 and 7.12 and the London View Management Framework and the three towers lie outside the strategic viewing corridor*". Although the Report conceded that there would be a significant change to townscape and a significant effect on views.

The Report considered that the application documents incorporated extensive heritage and archaeological information to respect and reflect key elements of heritage assets on site and inform the current masterplan. A number of recommendations were however made to the GLA (after the GLA called the application in) to better respect the significance of heritage assets, including:

- A recommendation that maximum heights be reduced to ten storeys around the Olympia Building (it is noted that the GLA however found massing to be acceptable).

- Safeguarding views of the Olympia Warehouse from the river by amending plots.
- Amending the height of buildings to five storeys that affect the historic context of the Master Shipwrights House.
- Establishing a green link between Sayes Court Gardens and the site of John Evelyn's House.

Although these considerations did not directly refer to London Plan heritage policies, consideration of building heights and respecting the significance of heritage assets is broadly in line with the intentions of Policies 7.7 and 7.8 of the London Plan.

Source: Paragraphs 6.3.1, 7.8.6, 7.8.11, 7.8.14 and 7.8.16, Committee Report, 26 January 2014

London Authority

The GLA Stage 2 Report stated that the Mayor would become the local planning authority in respect of this application. The GLA considered that the relationship between the Council and the applicant had broken down to such an extent that there was considerable doubt of the Council's ability to determine the application in a timely fashion.

At Stage 1 the GLA advised that the proposal would have to remedy deficiencies in the following areas to be compliant with the London Plan: safeguarded wharf; urban design/density/quantum of development; tall buildings/strategic views; inclusive design; climate change/energy; housing; transport; retail impact; and noise/air quality without specifically mentioning heritage concerns.

The GLA Stage 1 and 2 Reports identified the following heritage assets on the site: *"the site contains the Grade II Listed Olympia Warehouse building, a section of the perimeter wall which is also Grade II Listed and a Scheduled Ancient Monument as well as widespread archaeological remains across the site"*. While not directly referencing London Plan policies, the GLA Stage 2 Report stated that: *"the proposals have been developed with these elements in mind and would result in bringing a Grade II Listed Building back into use following many years of not being used"* which is compliant with the aims of London Plan Policy 7.9.

Of particular concern in the GLA Stage 1 Report was the site being located within the setting of the Maritime Greenwich World Heritage Site. London Plan Policy 7.10 on World Heritage Sites was specifically analysed and it was stated that the applicant must *"submit a further assessment explicitly assessing the impact of the development on the World Heritage Site in relation to its outstanding universal value, integrity and authenticity to ensure compliance with London Plan policies 7.10. The Maritime Greenwich World Heritage Site Management Plan should also be used to gain an appreciation of the important elements of the World Heritage Site"*.

The Stage 1 Report also considered the LVMF without directly referencing Policy 7.11: *"the north western corner of the site is within the view management corridor 5A.2 from Greenwich Park to St Pauls Cathedral, as set out in the Mayor's London View Management Framework SPG. The three tall buildings would be just outside the viewing corridor. If suitably designed the blocks could be considered to be generally acceptable from a Strategic Views perspective, but the lack of detailed design makes this difficult to secure at the present stage"*.

Source: GLA Stage 1 Report, 2 February 2011 and GLA Stage 2 Report, 30 October 2013

While not specifically mentioning London Plan heritage policies, the GLA decision notice contained a list of conditions to be discharged on the submission of reserved matters including heritage statements required for each reserved matter. The following conditions to be discharged prior to commencement of the development were heritage specific: archaeological resource management, programme of archaeological work, details of development below ground level, design and method statement for foundation design and ground works, demarcation and safeguarding of archaeological remains, structural surveys and protection of Olympia Warehouse. This is broadly in line with the requirements of London Plan Policy 7.8 on heritage assets and archaeology.

Source: GLA Stage 2 Report, 30 October 2013 and Paragraphs 13, 29, 34-40, 49 and 154, Decision Notice, 10 March 2015

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)	✓	✓
Policy 7.10 (World Heritage Sites)	✓	✓
Policy 7.11 (London View Mgmt Framework)	✓	✓
Policy 7.12 (Implementing the London View Mgmt Framework)	✓	✓

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		✓
8 & 9 (Taking forward priorities together)		✓
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		✓
58 to 61 (Good design)		
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)		✓
134 (Harm/ public benefits)		✓
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		
141 (Sharing/ recording information)		
152 (Net gains)		
156 & 157(8) (Local plan strategy)		

Weight given to London Plan heritage policies compared to other policies

Local Planning Authority
<p>Overall, the focus during determination was on London Plan and local planning policies, with less emphasis on national planning policies.</p> <p>The principle of the proposed development was considered in most detail in terms of London Plan policies. This is due to Convoys Wharf lying within the Deptford Creek/Greenwich Riverside Opportunity Area which invokes the following London Plan Policy 2.13 on development proposals optimising residential and non-residential output densities and Policy 3.7 on mixed use developments.</p> <p>Of the London Plan heritage policies identified as being applicable, Policy 7.7 was given the greatest weight during the determination.</p> <p>NPPF policies were not considered in the assessment of planning issues in the Committee Report.</p> <p>The other policy considerations that were considered to be particularly pertinent to this application were the principle of the proposed development, the safeguarded wharf, retail, housing (including affordable housing), transport and energy and sustainability. Heritage however remained a primary consideration for</p>

the LPA with the Council's first recommendation to the GLA being that the application in its current form is not approved, with two of the six recommended matters to "be secured prior to determination" relating to heritage:

- "Scale massing and relationship with historic buildings and spaces - Reducing the scale and massing of selected development parcels as outlined in the report to achieve an acceptable urban scale and an appropriate relationship of new buildings with historic buildings and spaces, in particular in relation to the Olympia Building, former Master Shipwrights House and site of John Evelyn's House.
- Sayes Court Garden and The Lenox - The approach to Sayes Court fails to link the site of the Gardens with the remains of Sayes Court House. The opportunity to link these two historically significant spaces should be fully explored. The Lennox preferred building location is either within the Double Dry Dock or Olympia Warehouse These options need to be explored further, as does the future use of the Olympia Warehouse and an agreement reached on the deliverability of the double dry dock or Olympia Warehouse as options for constructing the Lennox."

Source: Paragraphs 6.3.1, 7.2 and 7.8.4-7.8.14 and 12, Committee Report, 26 January 2014

Greater London Authority

Overall, more consideration at the Stage 1, Stage 2 and Decision Notice was given to topics where the proposals are considered to be not in conformance with London Plan policies, namely: safeguarded wharf; urban design/density/quantum of development; tall buildings/strategic views; inclusive design; climate change/energy; housing; transport; retail impact; and noise/air quality.

At Stage 1 the GLA advised that further assessment on the impact of the proposal on the Greenwich Maritime World Heritage Site would be necessary. It was also considered at Stage 1 that "the re-use of the Olympia Warehouse building for cultural uses is welcomed, although more detail on those proposed use should come forward as a matter of urgency". Overall housing provision (including affordable housing), and the regeneration and employment potential of the site are given the greatest weight.

The GLA Stage 2 Report considered the regenerative potential in terms of heritage assets which aligns with the requirements of London Plan Policy 7.9 (although the policy is not specifically mentioned). The conclusion of the Stage 2 report set out the main matter for which the Mayor would take account of when determining the application as "achievement of development Plan targets for Housing, including affordable housing". It was stated that LB Lewisham had performed well in terms of housing targets under the London Plan and it was implied that the delivery of this scheme would help achieve future housing targets for the Borough.

Source: GLA Stage 2 Report, 30th October 2013 and Paragraph 46, Decision Notice, 10th March 2015.

Appeal

N/A

Key points

The LPA recommended that the application be refused and recommended that amendments were made to reduce the impact on heritage. The application was determined by the Mayor of London who granted permission.

There is evidence of the GLA using London Plan heritage policies in determination, with particular consideration of Policy 7.10 in respect of the impact of proposals on the Maritime Greenwich World Heritage Site.

In granting permission the GLA have given particular weight to the creation of housing and the proposal's regeneration and employment potential.


D10 12-14 Lombard Road

Application Details

Application Reference	London Borough	Inner or Outer
2014/6909 & 2014/6957	Wandsworth	Inner

The Applicant	The Agent	CAZ?
Barratt Homes	N/A	No

Address
12-14 Lombard Road, SW11 3RF

Scheme Description	
<p>The full planning application (2014/6909) involves the demolition of a part-retained building on site and erection of a 28 storey building comprising 135 residential units and ancillary floorspace (Use Class C3); commercial floorspace and restaurants, cafes and drinking establishments at ground floor and mezzanine levels (Use Classes A3 and A4); 30 car parking spaces, cycle parking and waste storage within a basement; infrastructure groundworks; on-site CHP and substation; public realm works; works to river wall; and access to two car lifts off Lombard Road. The listed building consent (2014/6957) involves the removal of two sections of boundary wall abutting Cremorne Bridge (grade II* listed).</p> <p><i>Source: Application Form</i></p>	 <p>© Barratt London 2016</p>

Summary of scheme changes made during determination in response to heritage considerations
No scheme changes were made following the receipt of the planning application and listed building consent by the London Borough of Wandsworth on 2 December 2014.

Housing		Employment		Mixed Use	✓	Other	
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Date Received	02/12/14	Officer Recommendation	Approval	Appeal Ref	N/A
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Outline		Delegated decision		Appeal allowed	
Full	✓	Committee decision	12/06/15	Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent	✓	Approved with conditions			
Demolition in CA		Approved with conditions & S106	✓		
		Refused			

Site Description
<p>The site comprises 0.23 hectares of land on Lombard Road. The site was formerly occupied by a 1,875 sqm contractor's compound and offices (Use Class B) with car parking. The site is rectangular and bounded by the River Thames to the west, the Network Rail owned Grade II* listed Cremorne Bridge to the north, Lombard Road to the east, a brick wall belonging to Oyster Wharf to the south and an adopted public cycle and footpath (abutted by Oyster Wharf).</p> <p>The Cremorne Bridge adjoining the site is Grade II* listed. The listing entry includes the viaduct leading to the bridge. Abutting the southern side of the viaduct is a boundary wall which falls within the site boundary. The site is located within an Archaeological Priority Area.</p> <p><i>Source: Planning Statement and Built Heritage Statement</i></p>

Relevant Planning History
<p>A notification of demolition for an existing building on the site (2012/1075) and strengthening of metal bridge structure and repainting of bridge (2012/3286) were granted with no conditions in 2012.</p> <p>Permission for the construction of a new pedestrian footbridge (2012/5261) adjacent to the Grade II* listed Cremorne Bridge between the north of the site and the London Borough of Hammersmith and Fulham was granted with conditions in March 2014. <i>Source: Page 29, Committee Report, 18 March 2015</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	
Grade II* Listed	✓	World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site	✓	Archaeological Priority		Registered Park/Garden	
Setting (LB)	✓	Area		Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement	✓	EIA/ES		Other	
<p>The Planning Statement considered the impacts of the scheme in relation to heritage policy. It stated that the setting of the Grade II* listed Cremorne Bridge as a listed and heritage structure was a key planning issue as part of the application.</p> <p>A series of policies were referred to across national, London and local policy. The explanation of the policy framework referenced Policy 7.9 of the London Plan. The Planning Statement considered the scheme to be in compliance with Policy 7.7 of the London Plan regarding the impact of tall buildings proposed in sensitive locations.</p> <p><i>Source: Paragraphs 4.1 - 4.33 and 5.17, Planning Statement</i></p> <p>The DAS considered that the site was not within an allocated GLA Strategic View Corridor or Wider Setting Consultation Area and the site was considered to be not visible from River Prospect View 18A.1 from Westminster Bridge. It was also considered that the site did not prejudice adopted views in Wandsworth's Local Views SPD. The DAS also considered the setting of the Grade II* listed Cremorne Bridge and concluded that works associated with the Listed Building Consent would improve the current poor condition of the bridge's viaduct.</p> <p>The DAS considered the proposal against Wandsworth Core Strategy Policy IS3 on tall buildings and Development Management Policies Document Policy DMS4b on tall buildings and concluded that the proposal was compliant in terms of heritage as it would improve the setting of the Grade II* listed Cremorne Bridge and respect the surrounding townscape. The DAS also stated that the proposal responded well to London Plan Policy 7.9 in terms of respecting the composition and character of surrounding buildings.</p> <p><i>Source: Paragraphs 4.2.10 – 4.2.14 and 4.3, DAS</i></p> <p>The Built Heritage Statement recognised that sections of the boundary wall on the site should be considered as part of the Grade II* listed Cremorne Bridge as they abut the bridge. It was stated that Listed</p>					

Building Consent was sought in parallel with the planning application for the redevelopment of the site. The Built Heritage Statement also assessed the impact of the proposal on Conservation Areas and nearby heritage assets, finding that the proposal had both positive and negative impacts on nearby Conservation Areas and a positive impact on the Grade II* listed Cremorne Bridge.

The Built Heritage Statement considered paragraphs 14, 17, 128, 129, 132-137 and Sections 7 and 12 of the NPPF as relevant to development affecting heritage assets. Similarly Policy 7.8 of the London Plan and local heritage policies were considered as relevant in terms of heritage assets affected by the proposal.

Source: Paragraph 3.4, 4 and 5, Built Heritage Statement

The Townscape and Visual Impact Assessment considered sustainable development, good design and conservation of the historic environment with reference to the NPPF in the assessment of the scheme. The Assessment considered the scheme to be compliant with NPPF Paragraph 9 in assessing the “significance” of heritage assets with regards to improvements to Cremorne Bridge.

The Townscape and Visual Impact Assessment considered the impact of the proposal on neighbouring Conservation Areas and concluded that the proposal would result in less than substantial harm to neighbouring Conservation Areas.

The Townscape and Visual Impact Assessment considered Sections 7 and 12 of the NPPF, Policies 7.1, 7.6, 7.8, 7.11 and 7.12 of the London Plan and Local Plan heritage policies as relevant to the proposal.

Source: Paragraphs 2.2-2.16, 2.28-2.63 and 3, Townscape and Visual Impact Assessment.

Historic England advice

Historic England advice

Historic England considered that the proposals may result in some harm to the historic environment. Historic England noted that they favour a plan-led approach to tall buildings and they noted that the Council's adopted SSAD (February 2012) specifically identifies this site as being in a location likely to be unsuitable for tall buildings.

Historic England noted the location adjacent to the Cremorne Railway Viaduct, which is a grade II* listed building. They stated that the wrought iron construction of the bridge arches makes it extremely significant. Given the proximity of the development site, Historic England cited concern that the proposed new tower, being of such scale and starkly contrasting design and materiality, would visually dominate the bridge, which is of a comparatively low scale and massing with a generally muted palette of stock brick, stone and ironwork. However they concluded that while there would be some harm to the setting of the bridge, this harm would be less than substantial.

In conclusion Historic England suggested the proposals would fail to enhance or better reveal the significance of those conservation areas and are likely to result in some harm. In line with paragraph 132 of the NPPF, they recommended that if the Council concurs that the proposals would result in some harm to the historic environment, then it must be confident that the necessary public benefits would be delivered to outweigh that harm.

Source: Historic England consultation response, 13 January 2015

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

Both the full planning application (ref: 2014/6909) and the Listed Building Consent application (ref: 2014/6957) were considered in a combined Committee Report on 18 March 2015 and were deferred by the Planning Applications Committee to secure more information on the impact that the scheme would have on the operations at London Heliport with an updated Committee Report published on 21 May 2015. Both applications were approved subject to conditions and a S106 agreement.

The Committee Report identified the following London Plan heritage policies as relevant to the proposal:

- Policy 7.4: Local Character
- Policy 7.7: Location and Design of Tall and Large Buildings
- Policy 7.8: Heritage Assets and Archaeology
- Policy 7.9: Heritage-Led Regeneration
- Policy 7.11: London View Management Framework.

Source: Pages 48 and 49, Committee Report, 18 March 2015

London Plan Policy 7.4 on local character was not referenced in the text of the Committee Report.

London Plan Policy 7.7 was not considered specifically, however, it was stated that the proposed building “would form a distinctly modern and vertical building providing a clear and dramatic contrast with the

historic horizontal bridge. The bulk of the tower would not threaten the dominance that the bridge has across the Thames and would not by virtue of its height and design harm the setting of the listed bridge". This is in conformance with the requirements of paragraph C(b) of London Plan Policy 7.7 which states that tall buildings should *"only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building"*.

Source: Paragraph 2.29, Committee Report, 18 March 2015

The Committee Report did not reference London Plan Policy 7.8 despite alluding to its requirements on heritage assets and archaeology where it stated that *"The proposed building would be a tall element close to the grade II* listed Cremorne Bridge. Despite its proximity to the listed bridge structure the development would form a distinctly modern and vertical building providing a clear and dramatic contrast with the historic horizontal bridge. The bulk of the tower would not threaten the dominance that the bridge has across the Thames and would not by virtue of its height and design harm the setting of the listed bridge"*. Similarly, regarding the Sands End Conservation Area it is stated that *"the proposal is considered to cause some harm to the setting of the Sands End Conservation Area... due to the height of the building and its impact on the visibility of the spire of the Sacred Heart"*. Although London Plan policy is not referenced this is in conformance with Paragraph D of London Plan Policy 7.8 which states *"Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail"*.

Source: Paragraph 2.26 and 2.29, Committee Report, 18 March 2015

London Plan Policy 7.9 was not specifically considered.

Source: Paragraph 2.30, Committee Report, 18 March 2015

The proposal is not in a LVMF and the Committee Report states *"it [the proposal] would not affect designated views protected by Policy 7.11 of the London Plan"*.

Source: Paragraph 2.51, Committee Report, 18 March 2015

The Committee Report considered that the proposal complies with London Plan Policy 7.8 on Heritage Assets and Archaeology regarding the Archaeological Priority Area status of the site.

Source: Page 48 and Paragraph 9.1, Committee Report, 18 March 2015

The Full Planning Application Decision Notice did not reference London Plan heritage policies and instead referred to the local planning Policy DMS2 on safeguarding the character of the listed structure.

Source: Condition 35, Full Application Decision Notice, 12 June 2015

The Listed Building Consent Decision Notice did not reference London Plan heritage policies and instead referred to local planning Policy DMS2 on safeguarding the character of the listed structure.

Source: Condition 2, Listed Building Consent Decision Notice, 12 June 2015

Greater London Authority

The Stage 1 Report considered heritage in terms of the setting of the Grade II* listed Cremorne Bridge, Old Battersea House, Battersea Square Conservation Area and Sands End Conservation Area. Although no London Plan heritage policies were specifically mentioned, it was stated that *"when considering development that affects a listed building or its setting, the Mayor must have special regard to the desirability of preserving the building or its setting, or when considering any development that affects a conservation area, the Mayor must pay special attention to the desirability of enhancing or preserving the character or appearance of that area"* which is in line with the requirements of London Plan Policy 7.8 Paragraph E which states that *"development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate"*.

In reference to each heritage asset, the Stage 1 Report stated the following which indirectly referenced London Plan Policy 7.8 on conserving the significance of the setting of heritage assets:

- The proposal does not have a negative impact on the significance of the Grade II* listed Cremorne Bridge and *"in fact improve upon the current immediate setting"*.
- Regarding the impact on Sands End Conservation Area it is stated that the development's *"high architectural quality and sculptural form would make a positive contribution to this stretch of river and has neutral impact on the significance of the Sands End Conservation Area"*.

London Plan Policy 7.4 on a design response that has regard to the pattern and grain of existing spaces and streets in orientation, scale and proportion and mass was not referenced in the following text from the Stage 2 Report: regarding Battersea Square Conservation Area, the view from Battersea High Street looking west towards the river the building *"would appear in the mid-distance as clearly distinct and separate from the buildings in the conservation area due to the contemporary architectural style and it is not considered to have a detrimental impact on the significance or setting of this part of the conservation area"*. From Vicarage Crescent it is stated that the proposed building *"would create a high quality landmark for the entry point to the riverside at the northern end of a stretch of modern riverside residential development"*. It was however stated that the applicant should provide a modelled view from Battersea Square itself.

Source: Paragraphs 39-44, GLA Stage 1 Report, 28 January 2014

At the Stage 2 Report it was considered that the proposals were acceptable in heritage terms as they did not negatively impact the significance of the Grade II* listed Cremorne Bridge and potentially enhance its immediate setting. London Plan Policy 7.8 was not reference although the Report did state that the “*high architectural quality and sculptural form would make a positive contribution to this stretch of river when viewed from the adjacent river bank and would have a neutral impact on the significance of the Sands End Conservation Area*”.

Source: Paragraph 5, GLA Stage 2 Report, 9 June 2015

Appeal
N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)		✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)	✓	✓
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)	✓	✓
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		✓
8 & 9 (Taking forward priorities together)		✓
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		
58 to 61 (Good design)		✓
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		✓
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>London Plan policies, the NPPF and local planning policies were all considered throughout the Committee Report. Local planning policies were given greater weight compared to both the London Plan and NPPF with regards to heritage policies, and particular weight was given to the London Borough of Wandsworth's Site Specific Allocations Document and Policy DMS4 on tall buildings and NPPF Paragraph 133.</p> <p><i>Source: Paragraphs 2.13, 2.14 and 2.18, Committee Report, 18 March 2015</i></p> <p>London Plan policies were referenced regarding the design of the building: <i>"The design of the building and public realm is considered to accord with policies 7.1, 7.2, 7.3, 7.4, 7.6, 7.7 and 7.9 of the London Plan in the 2011 adopted plan and the draft further alterations December 2014. It is considered that it would not affect designated views protected by Policy 7.11 of the London Plan (adopted and draft further alteration versions). It is stated that the scheme would accord with PL1 of the Core Strategy (adopted and 2nd proposed submission version)".</i></p> <p><i>Source: Paragraphs 2.32 and 2.51, Committee Report, 18 March 2015</i></p> <p>While the design of the development (including the impact on heritage assets) was given weight in the Committee Report, the section of the Committee Report on affordable housing and housing mix was given an equal amount of weight. Local planning policies DMH 1, 3, 4, 6 and 8 were referenced most frequently in the analysis of the scheme in terms of housing, although it was also considered that the proposal <i>"is considered to accord with the following policies: 3.3, 3.4, 3.5, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13 and 7.5 of the London Plan 2011"</i>.</p> <p><i>Source: Paragraph 4.31, Committee Report, 18 March 2015</i></p> <p>The main justifications in granting approval for this development were enhancements to the public realm and the consideration that public benefits outweigh any harm to heritage assets: <i>"Less than substantial harm would be caused to two conservation areas, and to the setting of listed buildings to the north and north-east of the site. In accordance with paragraph 134, there are considered to be significant public benefits from the proposal that outweigh the less than substantial harm to the setting of the Battersea Square and Sands End Conservation Areas, and to the setting of listed buildings in the Battersea area (in views towards the site)".</i></p> <p><i>Source: Paragraph 15.3, Committee Report, 18 March 2015</i></p>
Greater London Authority
<p>The GLA Stage 1 Report considered the proposed development in terms of the principle of development, housing, affordable housing, urban design, inclusive design, sustainable development and transport.</p> <p><i>Source: Paragraph 15, GLA Stage 1 Report, 28 January 2014</i></p> <p>Heritage was considered as part of the analysis at the Stage 1 referral. In the Stage 1 Report, the GLA stated that <i>"when considering development that affects a listed building or its setting, the Mayor must have special regard to the desirability of preserving the building or its setting, or when considering any development that affects a conservation area, the Mayor must pay special attention to the desirability of enhancing or preserving the character or appearance of that area"</i>. The assessment of planning issues in terms of heritage did not specifically reference any London Plan, NPPF or local planning heritage policies.</p> <p><i>Source: GLA Stage 1 Report (28 January 2014) Paragraph 39</i></p> <p>While heritage, urban design, inclusive design, sustainable development and transport were considered to be equally important, housing and affordable housing is given the most weight overall in the GLA Stage 1 Report. On affordable housing, housing choice, residential standards, children's play space and residential density London Plan Policies 3.3, 3.4, 3.8, 3.11, 3.12, 3.30, 3.31 and 8.2 were analysed along with the Mayor's Housing SPG and local housing policies.</p> <p><i>Source: GLA Stage 1 Report (28 January 2014) Paragraphs 23-38</i></p> <p>At the Stage 2 Report heritage was not analysed as the proposals were considered to be acceptable in heritage terms. The principle of development, design, inclusive design, sustainable development and transport were also considered with housing and affordable housing are considered in the most detail.</p> <p><i>Source: GLA Stage 2 Report (9 June 2015) Paragraph 77</i></p>
Appeal
N/A

Key points

The LPA concluded that there would be less than substantial harm to the setting of the Battersea Square and Sands End Conservation Areas, and to the setting of listed buildings in the Battersea area (in views towards the site), and this was outweighed by the public benefits of the proposal.

Overall the LPA considered local planning heritage policies in more detail than London Plan and NPPF heritage policies. Design issues (including heritage considerations) and housing issues (including affordable housing) are given particular consideration in determination by the LPA.

The GLA considers the scheme to be broadly compliant in terms of heritage at the Stage 1 Report and compliant by Stage 2 Report with affordable housing being given greater weight at both stages.

D11 Seagrave Road Car Park

Application Details

Application Reference	London Borough	Inner or Outer
2011/02000/FUL	Hammersmith and Fulham	Inner
The Applicant	The Agent	CAZ?
EC Properties	N/A	No

Address
Seagrave Road Car Park, 18 Seagrave Road, London

Scheme Description
Demolition of all existing buildings and the redevelopment of the site to provide 808 residential units, comprising 8 residential blocks (Blocks A-H) ranging from 4-storeys (plus basement) to 16-storeys (plus basement) and including 30 townhouses; a gym facility with associated café; 485 car parking spaces (455 of which are within a basement car park); open space and landscaping; plant; cycle parking; servicing and new vehicular access arrangements to Seagrave Road.
<i>Source: Application Form</i>



Summary of scheme changes made during determination in response to heritage considerations
In response to Historic England and GLA comments changes were made to reduce heights of buildings, incorporate darker stone treatment on certain blocks, reduction in footprint of Building E and removal of roof terrace. Two of these changes were in response to heritage considerations - choice of darker stone treatment on certain blocks and reduction in building height. Although Historic England did not consider that these changes were sufficient to address heritage concerns. The changes in combination meant that the GLA concluded that, with the exception of Policy 7.14 (air quality), the application was compliant with the London Plan at Stage 2 (whereas at Stage 1 it was not considered to be compliant).
<i>Source: Paragraph 216, GLA Stage 2 Report, February 2012.</i>

Historic England, did not consider that the changes were sufficient and considered that the amended scheme failed to provide an appropriate response to the setting of Brompton Cemetery. Historic England confirmed that their previously expressed concerns regarding the height of the 16-storey building and the need for further mitigation regarding the visual impact of the eight-storey blocks on the boundary closest to the Cemetery still stand. Historic England recommended that the application be refused and that revisions should be sought to reduce the harm in relation to the setting of the Cemetery.

Source: Paragraph 2.15, Committee Report, 16 February 2012.

Housing		Employment		Mixed Use	✓	Other	
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Date Received	28/07/11	Officer Recommendation	Approve	Appeal Ref	N/A
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Outline		Delegated decision		Appeal allowed	
Full	✓	Committee decision	16/02/12	Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent		Approved with conditions			
Demolition in CA		Approved with conditions & S106	30/03/12		
		Refused			

Site Description
<p>The 3.1 hectare site is bounded to the north by residential and commercial buildings in the vicinity of Rickett Street and Roxby Place, beyond which lie West Brompton Station and Lille Road. The opposite side of Lillie Road comprises Empress Place, the Earl's Court Exhibition Centre and Eardley Crescent. The western boundary of the site is defined by Seagrave Road, beyond which is an established residential area encompassing the Sedlescombe Conservation Area.</p> <p>To the east the site is bounded by a strip of publically inaccessible railway land. This land is designated as a Site of Nature Conservation Importance (SNCI). Beyond this open space there is a four track railway. To the east of the railway is Brompton Cemetery. Brompton Cemetery is designated as Metropolitan Open Land, Grade I in the Register of Parks & Gardens of Special Historic Interest and within the Brompton Cemetery Conservation Area. The Cemetery includes a number of listed buildings and structures.</p> <p>The site is broadly level and substantially occupied by a hard surfaced car park of 1,070 spaces together with ancillary single storey, pre-fabricated buildings. The car park is largely used to provide car and coach parking and marshalling space for the Earl's Court Exhibition Centre, although a small section is also used by a vehicle hire company.</p> <p><i>Source: Paragraphs 65-68, GLA Stage 1 report, October 2011.</i></p>

Relevant Planning History
<p>There is no relevant strategic case history. A previous owner of the Seagrave Road Car Park sought initial pre-application discussions with stakeholders regarding proposals for the site but did not make an application.</p> <p><i>Source: Paragraph 78, GLA Stage 2 Report, March 2012.</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area		Registered Park/Garden	
Setting (RPG, CA and LBs)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement		EIA/ES	✓	Other	
<p>The Planning Statement included a section on heritage which sets out the heritage considerations, namely the Brompton Cemetery, Conservation Areas and a number of listed buildings in the vicinity of the site. The Planning Statement noted the Brompton Cemetery is also designated Grade I in Historic England's Register of Parks and Gardens of Special Historic Interest.</p> <p><i>Source: Paragraphs 3.14-3.19 and 6.43-5.53, Planning Statement.</i></p> <p>Volume II of the Environmental Statement included a Townscape and Visual Impact Assessment (incorporating PPS5 heritage assessment) which assessed the proposed development in relation to heritage considerations, listed buildings and conservation areas in addition to any historic assets which lie in the vicinity of the site. It concluded that the proposed development where visible from Brompton Cemetery would be seen as a layered and well-articulated composition of distant townscape. The impacts on the settings of local conservation areas and listed buildings in the local area were assessed and it was concluded that in many cases the proposed development was not visible and where visible the proposed development would leave the settings unharmed. The assessment concluded that the proposals would be, on balance, of significant benefit to the local and wider historic environment. The significance of each heritage asset, and the parts of the setting that contributed to that significance, would be preserved by these proposals.</p> <p><i>Source: Volume II, Environmental Statement.</i></p> <p>The Environmental Statement included Chapter 8 on Buried Heritage Assets which concluded that <i>"Following the successful implementation of an agreed programme of mitigation, it is anticipated that the identified environmental impacts for the historic environment would generally be reduced to negligible. This could be improved to minor beneficial if dissemination of the results of preservation by record results in a significant enhancement to public understanding and appreciation of the archaeology and buried heritage resource and of the history of the site and surrounding area."</i></p> <p><i>Source: Chapter 8, Volume I, Environmental Statement.</i></p> <p>The Design and Access Statement included an analysis section on the site which considered the historical context and conservation areas.</p> <p><i>Source: Section A, Design and Access Statement.</i></p>					

Historic England Advice

Historic England advice
<p>No objection in principle to the redevelopment of the site, and acknowledgement that the site has a significant role to play in terms of the regeneration of the area, but objection to the following aspects of the proposals:</p> <ul style="list-style-type: none"> • Failure to recognise and respond appropriately to Brompton Cemetery. • The response does acknowledge changes to the proposed eight storey blocks on the eastern boundary and set backs to the penthouse floor were included following the pre-application stage. Consider further mitigation is required to reduce the visual impact on the character and setting of the cemetery. • Use of the proposed white reconstituted stone and its effect on this elevation. Suggest given the sensitive settings, <i>"a darker and contextual palette of materials would be a better response"</i> and indicate brick is characteristic of the surroundings and conservation areas. • Consider the development will alter the appearance of the setting of the cemetery and the character of the conservation area as the cemetery space will be overlooked by new residential development and the 16-storey block, particularly when viewed in conjunction with the 31 storey Empress State Building, would cumulatively have an adverse visual impact of the setting of the cemetery. • Consider that the proposal fails to address PPS5 Policy HE7.5 regarding the desirability of new development making a positive contribution to the historic environment; and HE10.2 regarding identifying opportunities for changes in the setting to enhance or better reveal the significance of heritage assets. • Recommend that the 16-storey building should be "significantly reduced in height" and that further mitigation of the visual impact of the eight storey blocks is required, suggesting the materiality be changed from stone to brick. • Recommend that any S106 agreement should include a contribution to the repair of the Grade II* Triumphal Arch, chapel and arcades within Brompton Cemetery.

Source: Paragraphs 2.14 to 2.16, Committee Report, 16 February 2012.

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The Officer's Report focused on the relevant policies in the Hammersmith and Fulham Core Strategy and emerging Development Management DPD.

Paragraph 3.79 provided a sentence summarising London Plan Policies 7.4, 7.7 and 7.8, for example for Policy 7.8 it stated "*Policy 7.8 requires that development respects affected heritage assets by being sympathetic to their form, scale, materials and architectural detail.*" While the summaries were a fair summary of the policy, they did not capture all of the detailed points which should be considered during determination.

In the 'Impact on Heritage Assets' section of the Officer's Report (Paragraphs 3.115 to 3.128) London Plan Policies 7.4, 7.7 and 7.8 were identified as being applicable, however they were considered relevant as "*it reinforces the policy intentions of the UDP within the national planning policy framework*" rather than as policies which the application should be considered against in their own right. Subsequent commentary did not specifically compare the application against the detailed requirements of the London Plan policies identified earlier in the Officer's Report, although the policies were referenced in concluding sections, for example Paragraph 3.119 states "*Officers are of the opinion the proposal for Building B would be consistent with the design policies of the London Plan, specifically 7.1, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.22*" - the preceding sections included a commentary on the scheme but did not include any detail on the requirements of the London Plan policies. Equivalent comparison was not provided for all buildings.

Policy 7.4 was not specifically mentioned in the subsequent commentary although there was discussion in the Officer's Report of relevance. The Officer's Report focused on the impact of the proposal on the surrounding historic environment, for example stating "*The Proposed Development would have a neutral effect on Conservation Areas in the wider area*" (Paragraph 3.118). The Officer's Report did not cover how the proposal might have been informed by surrounding historic environment, as required by Policy 7.4 E.

Policy 7.7 was also not specifically mentioned in the subsequent commentary. Paragraphs 3.121 and 3.125 consider massing and height; Paragraph 3.122 stated "*The manner in which the massing varies across the Site provides a successful response to context; the tallest elements are located adjacent to the open space of the West Cross Route within Plot C, while lower accommodation is located on Wood Lane, including the four - five storey accommodation on Plot F opposite terraced housing*". There is no specific mention of massing in respect of heritage considerations, although this is requirement of Policy 7.7 E which states "*the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas...*".

The Officer's Report did consider the setting of surrounding heritage assets, for example "*In terms of listed buildings, the Proposed Development would improve the setting of the Dimco building on the Site*" (Paragraph 3.126) although there was no reference to the requirements of Policy 7.8. There was however reference to Policy 7.8 in Reason 10 for the grant of permission, stating that the site was unlikely to have surviving archaeological features and Condition 26 secures the implementation of a programme of archaeological work.

The Officer's Report stated that the "*Brompton Cemetery is a very significant designated heritage asset*" (Paragraph 3.124), however this was considered only in relation to PPS5 and it is not apparent that the significance of the Cemetery is considered in detail. Further assessment of significance could have been included in the Officer's Report, which did not provide information for example on the reasons that it was very significant.

Policy 7.9 (Heritage led regeneration) was not referenced in the Officer's Report. The Hammersmith and Fulham Historic Buildings Group in their consultation response considered this to be relevant, however our interpretation is that this policy was not particularly relevant to the application.

Source: Committee Report, 16 February 2012.

There was no reference to the London Plan Heritage policies at the Committee at which the decision was made.

Source: Planning Applications Committee Minutes, 16 February 2012.

Greater London Authority

At Stage 1 the GLA advised that the application did not comply with the London Plan in respect of the following: housing, climate change mitigation and adaptation, and transport.

The GLA did not include any specific reference to the London Plan heritage policies in the analysis of the application in the Stage 1 Report, although for Policy 7.8 it did include a very summarised statement on the policy which reads: “*London Plan Policy 7.8 sets out the strategic approach to heritage assets.*”

Source: GLA Stage 1 Report, October 2011.

At Stage 1 the GLA noted that while the proposal achieves a high standard of design that generally meets or exceeds the Mayor’s emerging housing design guidance they suggested that the provision of private amenity spaces in some blocks should be improved. In response the applicant stated that other design considerations, especially the need to ensure a sensitive relationship with Brompton Cemetery, favour the approach proposed. The GLA accepted this position at Stage 2 and therefore allowed the London Plan density policies to be overlooked in preference of heritage issues.

Source: Paragraph 82-89 GLA Stage 1 Report, October 2011 and Paragraph 21, GLA Stage 2 Report, March 2012.

The Stage 1 Report did consider scale and mass in response to the wider context as required by Policy 7.7 although the policy is not referenced, for example Paragraph 131 stated: “*The distribution of scale and mass across the site has been appropriately conceived in response to the immediate and wider context*”.

Source: Paragraph 131, GLA Stage 1 Report, October 2011.

The Stage 1 Report included a some discussion on the proposal in respect of Policy 7.8, for example Policy 7.8 requires proposals to be “*sympathetic to their form, scale, materials and architectural details*”, this is addressed in Paragraph 143 which stated that: “*The regularity in the form of this block, the restrained palette of materials and predominance of stone are features that would accord with the character of the Cemetery. The introduction of built form on this edge would create a similar condition to that found on the eastern edge of the Cemetery, and whilst greater in scale than the townhouses on the eastern edge, would be removed from the boundary by the dividing four-track railway and partially screened by vegetation*”. Paragraphs 146 and 147 provided similar consideration of the effect on surrounding Conservation Areas.

Source: Paragraphs 141 to 147, GLA Stage 1 Report, October 2011.

The GLA considered that the “*proposal would affect the setting of a range of heritage assets in the immediate and wider area as would be expected given the location and the general absence of built form on the site at present*”. They considered that “*the relationship of the proposal to these assets has been carefully considered in developing the design with the result that it would not cause harm to their setting and character*”. There is no evidence of thorough detailed consideration of the significance of Brompton Cemetery.

Source: Paragraph 148, GLA Stage 1 Report, October 2011.

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

The NPPF was not in place at the time of determination and as such it was not possible to complete this section.

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Overall the focus during determination was on the Borough's local policies and relevant national policies, rather than London Plan policies. The London Plan policies which were considered in the most detail were those relating to the Earl's Court and West Kensington Opportunity Area (Policy 2.13 and Table A1.1 in Annex 1) although this could be because the Hammersmith and Fulham Council's adopted Core Strategy includes a strategic site policy which closely aligns with the equivalent London Plan policy. The scheme was directly assessed against London Plan requirements for the Opportunity Area, for example the density range, however no equivalent detailed assessment was undertaken for the heritage policies in the London Plan.</p> <p>Of the three London Plan heritage policies identified as being applicable, Policy 7.8 was considered the most during determination. The contribution the scheme would make to housing supply appears to be a particularly important factor in granting permission, much consideration was given to it throughout the Officer's Report and it was referred to in Reasons 1 and 2 for granting permission. Design was another important reason for granting permission, for example Reason 3 stated that: <i>"The proposal preserves and enhances the character and appearance of the adjoining conservation areas, heritage assets. The proposed design and layout is considered to address its setting appropriately and its relationship with surrounding heritage assets including Brompton Cemetery. Although the proposed development would be visible and would have an impact on views it is considered that the impact is not one of significant harm and would contribute to the skyline of this part of the borough."</i></p> <p>Source: <i>Reasons for granting planning permission, Page 21, Committee Report, 16 February 2012.</i></p> <p>The NPPF was published after the decision was taken to grant planning permission and had therefore not been considered.</p>

Greater London Authority
<p>Overall more consideration during both Stage 1 and Stage 2 was given to the topics where the proposals were considered to be not in conformance with the London Plan policies, namely housing, climate change mitigation and adaptation and transport; than to heritage policies.</p> <p>The Stage 1 Report included a considered discussion of the relationship to heritage assets in Paragraphs 141-148 but this focused on Policy 7.8 and no specific reference was made to any other London Plan heritage policies except in the summary at Paragraph 149 which states: <i>"...the proposal would be consistent with the design policies of the London Plan, specifically policies 7.1, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.22."</i></p> <p>Source: <i>Paragraph 149, GLA Stage 1 Report, October 2011.</i></p> <p>The conclusion of the Stage 1 Report included a list of London Plan policies of relevance as follows: land use, housing, children's play space, urban design, inclusive access, biodiversity, noise, air quality, climate change mitigation and adaptation, and transport. Heritage was not listed as a topic but Policies 7.4, 7.7 and 7.8 were listed under Urban Design.</p> <p>Source: <i>Paragraph 214, GLA Stage 1 Report, October 2011.</i></p> <p>The NPPF was published after the decision was taken to grant planning permission and has therefore not been considered.</p>

Appeal
N/A

Key points


<p>The LPA mainly used their local policies and PPS5 to determine the application. London Plan heritage policies were introduced as part of a list of relevant policies and then were usually mentioned in a concluding section, however no detailed analysis applying the policies to the scheme was included. The London Plan policies applied most rigorously during the determination of the application were area specific policies related to the Opportunity Area within which the site was located.</p> <p>At Stage 1 the GLA suggested that the provision of private amenity spaces in some blocks should be improved. The applicant resisted this change on the basis of other design considerations, especially the need to ensure a sensitive relationship with Brompton Cemetery. At Stage 2 the GLA accepted this view suggesting the relationship with Brompton Cemetery was more important than the provision of private amenity space. Policy 7.8 was not used in detail by the LPA or GLA.</p> <p>The NPPF was not in place at the time of the submission and determination of the application.</p>

D12 30-60 South Lambeth Road

Application Details

Application Reference 11/04181/FUL	London Borough Lambeth	Inner or Outer Inner
The Applicant GMD Developments Ltd	The Agent Rolfe Judd Planning	CAZ? Yes

Address Plot 36 – 60, South Lambeth Road, SW8

Scheme Description	
<p>Redevelopment of the existing site to provide a 32 storey mixed use building comprising new leisure uses (swimming pool & gymnasium) and 553 units for student residential accommodation. Provision of refuse and cycle storage, disabled parking and associated landscaping.</p>	 <p>© Feilden Clegg Bradley 2011</p>

Housing		Employment		Mixed Use	✓	Other	
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Date Received	25/11/11	Officer Recommendation	Approval	Appeal Ref	N/A
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Outline		Delegated decision		Appeal allowed	N/A
Full	✓	Committee decision	25/09/12	Appeal dismissed	N/A
Reserved Matters		Mayoral decision			
Listed Building Consent		Approved with conditions			
Demolition in CA		Approved with conditions & S106	04/03/13		
		Refused			

Site Description
<p>The application site is located in the northern part of the London Borough of Lambeth, within the Vauxhall Nine Elms and Battersea Opportunity Area. The triangular site, which is approximately 0.18 hectares in size, lies close to the junction of South Lambeth Road and Parry Street and is enclosed by an elevated brick arched railway viaduct to the west, and South Lambeth Road to the east. Vauxhall Park is located opposite the site to the east of South Lambeth Road. The site is designated as an Archaeological Priority Area.</p>

The site was at the time of application waste ground, used for ad hoc car storage for businesses in the adjoining railway viaduct. It had extensive frontage along South Lambeth Road to the east with the boundary, consisting of advertising hoardings with a narrow grassed area separating the site from the public carriageway. To the south the site was immediately bounded by four storey commercial buildings in B1 use. The area to the west and north west of the site and the railway viaduct was predominantly in employment use with buildings ranging from two storey industrial units to the high rise offices of Market Tower at approximately 22 storeys.

The site is not located within a Conservation Area, however it is bounded to the east and south of the site by the Vauxhall Conservation Area, as well as the St. Marks Conservation Area further to the south east. The area surrounding the application site contains several listed buildings including 29 South Lambeth Road (Grade II), St. Peter’s CofE School (Grade II) and St. Anne’s R.C Church (Grade II). The applicant concluded that the site was not within the setting of the Palace of Westminster World Heritage Site, but would be visible in certain views of it. The application site is also located in a number of designated London Plan views, notably 17A.2 (Hungerford Bridge) and 15A.2 (Waterloo Bridge).

Source: Planning Statement

Summary of scheme changes made during determination in response to heritage considerations

A number of changes were made post submission to address concerns relating to building design in a modified design iteration in April 2012. These changes included changes to scale and massing, as well as materials. The GLA Stage 2 Report states that the mass was “softened by the coloured terracotta and fits well with the Conservation Area buildings in the foreground.” It concludes that “the quality of design, the angular form of design and light colour of materials adopted greatly reduce the bulk and mass to an acceptable level.”

These changes were made in response to a series of consultee comments which suggested the initial design did not reflect its context. In particular the GLA in its Stage 1 Report stated that in order for the height to be acceptable, the design of the building needed to be of an exceptional quality and noted a number of issues including consideration of the massing and scale of development. The Stage 1 Report noted, that despite “slices taken off the massing” after consultation with the GLA, these “were too small and subtle to either make ... help in effectively reducing the overall bulk of the building.”

Source: GLA Stage 2 Report, February 2013

Relevant Planning History

The site has been subject to a number of planning applications in recent years as outlined below: Planning permission was refused on 27 November 2000 for the redevelopment of the site to provide coach parking/depot and ancillary office accommodation. Permission was refused on the grounds that the use of the site as proposed would be contrary to Proposal IN1 of the Lambeth Unitary Development Plan 1998 that at that time reserved the site for B1 use (00/00683/FUL).

A planning application was withdrawn in December 1994 which had sought outline permission for the redevelopment of the site to provide a 'DRIVE-THRU' restaurant with ancillary staff, storage and office accommodation together with a 32 space car park (94/01175/PLANAP).

Planning permission was granted on 7 November 1989 for the erection of a part 4 and 5 storey building along South Lambeth Road frontage with a single storey return and service yard, for Class B1 use including the provision of basement car parking for 33 cars (3,994 sq. m total floorspace) (88/02267/PLANAP)

Source: Planning Statement

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor	✓	Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area	✓	Registered Park/Garden	
Setting (WHS, CAs and LBs)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement	✓	EIA/ES		Other	
<p>The Planning Statement assessed the proposed development in the context of planning policy. In relation to heritage the Planning Statement listed the following London Plan policies as relevant:</p> <ul style="list-style-type: none"> • Policy 2.10 Central Activities Zone - Strategic Priorities; • Policy 7.4 Local Character; • Policy 7.7 Location and Design of Tall and Large Buildings; • Policy 7.8 Heritage Assets and Archaeology; • Policy 7.10 World Heritage Sites; • Policy 7.11 London View Management Framework. <p>The Planning Statement noted the position of the application site within the CAZ and Vauxhall Nine Elms and Battersea Opportunity Area and therefore stated that the area is suitable for tall buildings. Nevertheless, it assessed the impact of the proposed tall buildings upon the neighbouring Conservation Area. In doing so it referenced a number of precedent developments which were taller than the proposed development, in the vicinity of the site, and were noted as acceptable in terms of their impacts on the Conservation Area. On the basis of this, and high quality design and architecture proposed, the tall buildings as part of the development were considered to be acceptable by the applicant.</p> <p><i>Source: Planning Statement</i></p> <p>A Heritage, Townscape and Visual Impact Assessment was undertaken as part of the Environmental Statement. Referencing London Plan Policy 7.10 this analysed the impact of the proposed development on the World Heritage Site at Westminster. The Heritage, Townscape and Visual Impact Assessment concluded that the development site is not part of the setting of the World Heritage Sites but nonetheless assessed the effect of the proposed development on the setting of views of the World Heritage Site from various positions. The report found that “among the most critical views are the proposed additional and existing view from Parliament Square, which ... are not affected by the proposed building”. The Assessment also demonstrated that while the scheme would be visible from Westminster Bridge and Hungerford Bridge looking upstream the proposed development “[was] considered to provide a worthy and elegant contribution to the vista and [would] relate well to both the future cluster at Vauxhall and the smaller scale hinterland”.</p> <p><i>Source: Heritage, Townscape and Visual Impact Assessment, within the Environmental Statement</i></p> <p>The Heritage, Townscape and Visual Impact Assessment also assessed the impact of the scheme on the Vauxhall Conservation Area. It noted that the scheme would be clearly visible but would not adversely affect the essential character and appearance of the Conservation Area. The Assessment stated that: “This Conservation Area does not rely on views out. Part of its character is its proximity to the railway viaduct and stations and the large scale transport interchange beyond. The Proposed Development is a visual manifestation of that proximity and the contrast in size has been accounted for by the breaking down of scale within the design. The high quality of the design and careful consideration of its visual effect make the impact beneficial in character.”</p> <p><i>Source: Heritage, Townscape and Visual Impact Assessment, within the Environmental Statement</i></p>					

Historic England Advice

Historic England advice
<p>Historic England provided a response to the application which noted that the proposed development aligned with the tall building strategy within the Vauxhall Nine Elms Battersea Opportunity Area Planning Framework (VNEB OAPF). Historic England confirmed that the proposed development would be directly opposite the Vauxhall Conservation Area, and would be prominent in views from Vauxhall Gardens, which is within the Conservation Area. However, they concluded that “because the proposed building will be positioned directly adjacent to the existing elevated railway lines, any views of the development and the Vauxhall Conservation Area in the same context would be restricted”. Historic England also noted that the proposed development would be within the setting of number of heritage assets, including the St Mark’s Conservation Area. However, it does not provide an objection to the application, and rather advises that “the application should be determined in accordance with national and local policy guidance, and on the basis of (LPA) specialist conservation advice.”</p> <p><i>Source: Committee Report, September 2012</i></p>

GLAAS raised no objections in principle to the application, but requested that *“the archaeology position be protected by way of planning condition.”*
 Source: *Committee Report, September 2012*

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The Committee Report assessed the impact of the proposed development upon heritage assets and strategic views as principal planning issues in decision making for the application. It listed the following London Plan heritage policies as relevant to the application:

- Policy 2.10 Central Activities Zone – strategic priorities
- Policy 7.4 Local character
- Policy 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- Policy 7.10 World Heritage Sites
- Policy 7.11 London View Management Framework
- Policy 7.12 Implementing the London View Management Framework

Source: *Section 7.7, Committee Report, September 2012*

Regarding the acceptability of tall buildings on the application site, the Committee Report noted that the application site was designated as within a tall buildings cluster with the Vauxhall Nine Elms and Battersea Opportunity Area Planning Framework. It however, accentuated the need for the proposed development to respond to and respect the neighbouring Conservation Areas. In response to this, the Committee Report stated that the stepping-down of the scale and massing around Vauxhall Cross towards residential communities would integrate the site into the wider area. No London Plan policy was referenced in this analysis, including London Plan Policies 7.4 and 7.7 which are of particular relevance in assessing the relationship of tall buildings to their surroundings. The conclusion that the scheme complied with policy, alongside the existence of precedents of taller buildings in the vicinity of the application site, was used to demonstrate that the development was *“in keeping with the existing and emerging context of the area”*. The Committee Report concludes that *“it is considered that the high quality of the design and careful consideration of its visual effect will result in the building having a beneficial impact on the local built environment, including the adjoining Conservation Areas.”*

Source: *Section 8.26-8.28, Committee Report, September 2012*

As well as tall buildings, the Committee Report assessed the impacts of the proposed development upon heritage assets in the vicinity of the application site. It noted that the proposed development would be within the setting of various designated heritage assets, including Conservation Areas, Listed Buildings and the World Heritage Site. The Report concluded that the *“development would be of a high quality of architecture and would not harm the value of those assets”*, in line with views from the GLA, Historic England and the LPA Conservation and Design Officer. No analysis was provided to support this conclusion and no specific policies were referenced, although London Plan Policies 7.8, 7.10, 7.11 and 7.12 are of relevance.

Source: *Section 8.33, Committee Report, September 2012*

Relating to archaeology, the Committee Report included a proposed condition that *“no development shall take place other than in full accordance with a programme of archaeological work (including a written scheme for investigation and in accordance with appropriate English Heritage [now Historic England] guidelines) which has first been submitted to and approved in writing by the Local Planning Authority.”*

The condition was imposed to minimise any potential impacts upon archaeological remains. While Policy S9 of the Lambeth Core Strategy was used to evidence the use of this condition, this suggested use also of London Plan Policy 7.8, although it was not explicitly referenced.

Source: *Condition 20, Committee Report, September 2012*

Greater London Authority

Both the GLA Stage 1 and Stage 2 Reports reviewed the suitability of the principle of tall buildings on the application site, noting that the site was located within the area of the Vauxhall-Nine Elms-Battersea OAPF tall buildings cluster. However, the Reports reiterated that *“although the proposed development is lower than some of the proposed buildings in this area, it remains significantly taller than its immediate context making it very prominent and visible particularly from the adjoining park”*. However, following the changes previously outlined with regard to massing and materials of tall buildings, the GLA Stage 2 Report concluded that the design was of sufficient quality to make the tall buildings acceptable in strategic terms. In assessing this, the Stage 1 and 2 Reports both referred explicitly to London Plan Policy 7.4 (as

well as 7.6). Although not specifically referenced, there was also evidence of the assessment of the scheme with London Plan Policy 7.7.

Source: Paragraph 87, GLA Stage 1 Report, February 2012 and GLA Stage 2 Report, February 2013

At Stage 1 the GLA expressed uncertainty that the proposed development preserved and/or enhanced the setting of the Vauxhall Conservation Area. The Report suggested that *“the applicant needs to consider the comments made above as further changes to the mass and bulk of the scheme would be beneficial to the setting of the building in relation to its surrounding Conservation Areas.”* No references were made to policy at this point in the Report, however, this is consistent with London Plan Policy 7.4 and 7.8 given consideration of the impacts of scale and massing upon the surrounding area, and the setting of heritage assets.

Source: Paragraph 87, GLA Stage 1 Report, February 2012

Continuing to assess the impact on Conservation Areas, the Stage 2 report noted that the applicant had responded to queries raised during Stage 1 to provide additional information on the impact of the proposed development upon Vauxhall Conservation Area. This combined with the design changes outlined previously led the Report to conclude that *“in the back drop views from Vauxhall Park, although showing the building as a prominent feature, the quality of design, the angular form of design and light colour of materials adopted greatly reduce the bulk and mass to an acceptable level”*. London Plan Policy 7.8 and 7.4 are of relevance but not explicitly referenced.

Source: Paragraph 25, GLA Stage 2 Report, February 2013

In assessing the impact of the proposed development upon all Conservation Areas in proximity to the application site, the Stage 2 Report noted the proximity of the site to the Vauxhall Conservation Area and its position in views from the St Mark’s, Lambeth Place, Vauxhall Gardens, Kennington, Albert Square, South Lambeth Road, Landsdowne Road, Westminster Abbey & Parliament Square, Smith Square, Millbank and Pimlico Conservation Areas. Utilising London Plan Policy 7.8, it concluded that the form, scale, materials and architectural detail of the proposed development were such that the proposed development would not significantly impact upon these heritage assets.

Source: Paragraph 22, GLA Stage 2 Report, February 2013

The GLA Stage 1 and 2 Reports reviewed the proposed development’s impacts on strategic views in the London View Management Framework. In doing so, it explicitly referenced London Plan Policies 7.11 and 7.12 to identify that the application site would be visible in a number of designated views, especially 17A.2 (Hungerford Bridge) and 15A.2 (Waterloo Bridge). The Stage 2 Report, concluded however that the proposed development’s position in these views *“does not undermine the ability of the viewer to recognise and appreciate the strategically important landmark of the Palace of Westminster as it is located to the left of the view and steps down in scale from the Palace of Westminster.”*

Source: Paragraph 91, GLA Stage 1 Report, February 2012 and Paragraph 19, GLA Stage 2 Report, February 2013

The Stage 2 Report went on to assess in more detail the impact of the proposals on the setting of the Palace of Westminster World Heritage Site. While the applicant did not believe the site to form part of the setting of the World Heritage Site, the GLA Stage 2 Report suggested that it would be visible in the setting. However, the Report concluded that, it would *“not harm Outstanding Universal Value of the World Heritage Site.”* Although not explicitly referenced in this context, this suggested consideration of London Plan Policy 7.10.

Source: Paragraph 20, GLA Stage 2 Report, February 2013

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)	✓	✓
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)	✓	✓
Policy 7.11 (London View Mgmt Framework)	✓	✓

Policy 7.12 (Implementing the London View Mgmt Framework)	✓	✓
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NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		✓
8 & 9 (Taking forward priorities together)		
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		
58 to 61 (Good design)	✓	✓
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)		
134 (Harm/ public benefits)		
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)	✓	✓
141 (Sharing/ recording information)		
152 (Net gains)		
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>While the LPA listed heritage and strategic views were noted as a main consideration in determining the planning application, these topic areas did not appear to be given significant weight in relation to other policy areas. Only one paragraph was provided to assess the impact of the proposed development upon strategic views, neighbouring Conservation Areas, and the Westminster World Heritage Site, and no reference was made to policy. Conversely, topics such as the principle of the provision of student accommodation (with reference to London Plan Policy 3.8), and sustainability (in line with London Plan Policy 5.2) received far greater focus within the Committee Report.</p> <p><i>Source: Committee Report, September 2012</i></p> <p>In addition, while Policy 7.7 was explicitly referenced within the Committee Report, it appeared to be used more in relation to assessing the impacts of the proposed scheme on the amenity of its neighbours, than for establishing the principle of tall buildings on-site. However, to some extent the determination relied on the principle of tall buildings already having been established in the OAPF.</p> <p><i>Source: Committee Report, September 2012</i></p> <p>Nevertheless, there was evidence of the use of heritage policy, with the particular use of London Plan Policies 7.4, 7.8, 7.10 and 7.11. In addition, there was evidence (although no explicit reference) of the use of London Plan Policy 7.7 in relation to heritage. NPPF and Local Plan policy were also utilised in the Committee Report, with specific reference to NPPF chapter 12 listed upfront in the report, alongside Local Plan Policies S9 (Quality of the Built Environment); DMD Policy 33 (Building Scale and Design); DMD Policy 40 (Tall Buildings); DMD Policy 41 (Views); and DMD Policy 47 (Conservation Areas).</p> <p><i>Source: Committee Report, September 2012</i></p> <p>The Decision Notice for the application reiterated the conclusions drawn within the Committee Report, although providing no specific reference to, or analysis of London Plan heritage policy. Rather, all conditions imposed as part of the final Decision Notice utilised local planning policy. In relation to heritage this was particularly true of Condition 20, which covered archaeology, and referenced Local Plan Policy S9, rather than London Plan Policy 7.8.</p> <p><i>Source: Conditions 20, Decision Notice, March 2013</i></p>

Greater London Authority

London Plan heritage policy was given significant weight in relation to discussions around the impacts of the proposed development upon neighbouring heritage assets and upon strategic views. In particular, Policies 7.11 and 7.12 were used to discuss the role of the proposed development in a series of designated views, alongside Policy 7.10 and the relationship with the Westminster World Heritage Site.

Source: GLA Stage 1 Report, February 2012 and GLA Stage 2 Report, February 2013

However, while London Plan policy was relied upon heavily in the GLA Reports, there was evidence of the use of other policy being given equal, if not greater weight. In particular, when establishing the appropriateness of tall buildings on the application site, greater reference was made to the site's designation as within a tall buildings cluster in the Vauxhall-Nine Elms-Battersea Opportunity Area Planning Framework, rather than London Plan Policy 7.7. Similarly, the GLA stated their view that the proposed development needed to be of sufficient design quality to make the tall buildings acceptable. Although not explicitly referenced, this suggested consideration of the NPPF paragraphs 59-61.

Source: GLA Stage 1 Report, February 2012 and GLA Stage 2 Report, February 2013

Heritage was given significant weight in both GLA Reports, however, there were also a number of other topic areas which received equal if not greater discussion. In particular, significant coverage was given to the proposed housing mix and its acceptability in policy terms (with reference to London Plan Policy 3.8), and parking and cycle parking provision (with specific reference to London Plan policies 6.9 and 6.13).

Source: GLA Stage 1 Report, February 2012 and GLA Stage 2 Report, February 2013

While Policy 2.10 which refers to the CAZ was reviewed in the relation to the scheme within the GLA Stage 1 report, it did not appear to be used in discussing heritage issues, and rather was utilised to support the proposed land uses.

Source: GLA Stage 1 Report, February 2012 and GLA Stage 2 Report, February 2013

Appeal

N/A

Key points

The GLA undertook a relatively thorough analysis of the proposals against London Plan Policies 7.4, 7.8, 7.11 and 7.12 in their Stage 1 and 2 Reports. The LPA provided only a high level summary of impacts. Both the GLA and LPA drew heavily on the site's allocation in the OAPF as an area suitable for tall buildings also emphasised the high quality design as a justification for approval.

While heritage was discussed in decision making, a number of other topic areas appear to have been given greater weight in justifying the permission. These included residential provision and particularly tenure mix; sustainability; parking and cycle parking and the impacts of tall buildings on the amenity of their neighbours.


D13 One Nine Elms

Application Details

Application Reference	London Borough	Inner or Outer
2012/0380	Wandsworth	Inner

The Applicant	The Agent	CAZ?
Kish Six Limited	Montagu Evans	No

Address
Market Towers, 1 Nine Elms Lane, SW8

Scheme Description	
<p>Demolition of existing buildings and structures, and the erection of two new buildings of 58 storeys (up to 200m above ground) and 43 storeys (up to 161m above ground) high to include the following uses with floorspace of up to: 77,548 sqm of residential floorspace (up to 491 units); 721 sqm of retail uses (A1-A4); 10,986 sqm of office space (B1); 11,617 sqm of hotel (C1) together with a high level viewing space; provision of private and public open spaces; vehicular access and reconfigured vehicular access routes; provision of cycle, motorcycle and car parking, servicing and energy centre within two level basement; landscaping; excavation works; and other associated works.</p> <p><i>Source: Application Form</i></p>	 <p>© CI-ONE 2015</p>

Summary of scheme changes made during determination in response to heritage considerations
<p>It did not appear that any were changes made to the scheme in response to comments received from Historic England or others, or with regard to heritage more generally.</p> <p>As part of the Stage 1 referral process the applicant was asked to provide a consistent summary as to the impacts to the Westminster World Heritage Site and to provide more illustrative material showing the potential cumulative impact on views. The applicant provided the information requested and the GLA concluded as part of their Stage 2 report that the cumulative impact of the proposal with other emerging and consenting schemes at Vauxhall was acceptable.</p> <p><i>Source: GLA Stage 2 Report, July 2012</i></p>

Housing		Employment		Mixed Use	✓	Other	
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Date Received	25/01/2012	Officer Recommendation	Approval	Appeal Ref	N/A
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Outline		Delegated decision		Appeal allowed	N/A
Full	✓	Committee decision	18/06/12	Appeal dismissed	N/A
Reserved Matters		Mayoral decision			

Listed Building Consent		Approved with conditions	
Demolition in CA		Approved with conditions & S106	30/10/12
		Refused	

Site Description
<p>The site comprises 0.84 hectares of land and forms a triangular area, bordered by the surrounding road network and boundary with the New Covent Garden Flower Market to the south. It occupies a prominent corner position at the junction of Nine Elms Lane and Wandsworth Road and is currently occupied by two towers of 88 m and 70 m which are predominantly in office use. The existing buildings were originally developed as part of the wider New Covent Garden Market scheme and still retained a pedestrian bridge link to the neighbouring flower market. The ground and basement levels of the buildings also included nightclub and restaurant uses. The site did not include any listed buildings nor was it within a Conservation Area. However, there are six listed buildings within the immediate vicinity of the site: Brunswick House (Grade II*) and 101, 103, 105, 107 and 109 Wandsworth Road (Grade II), all of which are in London Borough of Lambeth. The site also lies in an Archaeological Priority Area as designated in Wandsworth's Core Strategy. In addition, the site lies within a London Plan view management corridor to the Palace of Westminster from a number of viewpoints, including Waterloo Bridge.</p> <p><i>Source: Chapter 2, Planning Statement</i></p>

Relevant Planning History
<p>The records available for the site's planning history are fragmented, due to the site falling within the administrative boundary of Lambeth until April 1994. It is understood that the existing buildings originally formed support offices for the New Covent Garden Market Authority. Despite this original purpose, the site began to be divorced from the market in 1976 when permission was granted for the use of floors 6 - 21 for an office use unconnected with a horticultural market (76/0173).</p> <p>Since this time, there were a number of minor applications for the site: an application was sought for the creation of a two storey extension which created a new retail outlet and entrance improvements to the building (91/N/0376).</p> <p>Applications for the change of use of some of the space were submitted as part of the general management of the building. These included an application, which was approved in February 1999, for flexible Class A1, A2, A3 and B1 use of one of the ground floor units (N/99/0035), along with permission in September 1999 for the change of use from Class A2 and A3 units to Class B1 office use at ground floor and podium levels (N/99/0547).</p> <p>Further applications for the creation of Class B1 office space were granted permission July 2000 (2000/2686, 2000/2688 & 2000/2689) and September 2005 (2005/3796, 2005/3797, 2005/3798). These involved a mixture of both the creation of new areas of built form, along with the change of use of existing floorspace.</p> <p><i>Source: Chapter 3, Planning Statement</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor	✓	Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area	✓	Registered Park/Garden	
Setting (CA, LBs and WHS)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement	✓	EIA/ES	✓	Other	
<p>The Heritage, Townscape and Visual Assessment (which was a chapter of the ES) set out how the design of the scheme had been mindful of the setting of the six adjacent listed buildings located to the north and east of the site, as well as the potential for impact in the wider views of the area which may be caused by the height of the building. It set out how the setting of Brunswick House had already been affected by the surrounding built development and other consented schemes. It is stated that while the development would have an impact on this heritage asset, other tall modern development such as Keybridge House and the St George's Wharf tower also changed its setting to one of a modern high density environment, rather than a historical one. It was therefore concluded that any effect on the setting would be negligible. Regarding the listed buildings on Wandsworth Road, the Planning Statement stated that the site already included two tall buildings, so it was not therefore stated that the scheme would not have an effect on the listed buildings.</p> <p><i>Source: Heritage, Townscape and Visual Assessment</i></p> <p>The Planning Statement reiterated the arguments made in the Heritage, Townscape and Visual Assessment, and provided a summary of this document's conclusions. In doing so, the Planning Statement specifically referenced London Plan Policy 7.8. The application was submitted prior to the publication of the NPPF in March 2011, and as a result referred to PPS5 (which was withdrawn on adoption of the NPPF).</p> <p><i>Source: Paragraphs 6.106 to 6.113, Planning Statement</i></p> <p>Similarly, the London View Management Framework was a consultation draft at time of submission, and as such had not been formally adopted. Nevertheless, the Planning Statement and Heritage, Townscape and Visual Assessment assessed the impact of the proposed development upon strategic and longer views. Overall, the assessment concluded that the proposals had either a beneficial or a nil to negligible effect on townscape heritage and visual receptors in the study area. Moreover, the assessment found that there would be no harm upon the universal value of the Westminster World Heritage Site.</p> <p><i>Source: Heritage, Townscape and Visual Assessment</i></p> <p>The Design and Access Statement included details of the Conservation Areas and listed buildings in the vicinity of the application site. It set out how the proposed design integrated with and complemented the character of these assets to minimise effects on these heritage assets. In particular, Section 4.1 also set out the views from the site, and set out the design strategy in relation to these.</p> <p><i>Source: Design and Access Statement</i></p>					

Historic England Advice

Historic England advice
<p>Historic England objected to proposals and raised strong concerns about the proposed height of the Market Towers development and the consequent impact on the setting of the Grade I listed complex of buildings forming the Palaces of Westminster, and the Outstanding Universal Value of the Westminster World Heritage Site. They considered that the proposed Market Towers development, as demonstrated in the applicant's visual impact assessment, would challenge the visual dominance of the Westminster World Heritage Site. Historic England stated that in the view from the Westminster side of Waterloo the proposed development rises comparatively higher than the built elements of the Houses of Parliament, particularly the Victoria Tower. In their view this clearly challenged the visual dominance of the Westminster World Heritage Site and constituted substantial harm to the setting of the grade I listed buildings and the Outstanding Universal Value of the Westminster World Heritage Site. They fundamentally disagreed with the conclusion of the applicant's heritage, townscape and visual assessment that the effect of the proposals on LVMF 15A.2 are "minor-moderate and beneficial".</p> <p>The consultation response further states that Historic England are not convinced that there are substantial benefits arising from the proposals which would outweigh the substantial visual harm caused to the outstanding universal value of the Westminster World Heritage Site and the significance of the grade I listed buildings, nor have they seen any evidence that the substantial harm is necessary.</p> <p>Historic England considered that proposals clearly contradicted the policies of the London Plan and did not comply with the plan-led approach to tall buildings of ensuring the proposal does not have an unacceptably harmful impact on their surroundings, as required by Policy 7.7. Furthermore they state that the Vauxhall Nine Elms Battersea Opportunity Area Planning Framework provides a plan-led approach, but these proposals do not comply with its design criteria for tall buildings. Historic England also</p>

considered that the development is contrary to Policy 7.8 of the London Plan, through failing to conserve the significance of the Grade I listed Houses of Parliament by being unsympathetic in its scale; rising above the built form of the Victoria Tower. They also stated that the adverse impact on the setting of the Westminster World Heritage Site is contrary to policy 7.10 of the London Plan which states that development in the setting of World Heritage Sites should conserve...and enhance their authenticity, integrity, significance and outstanding universal value.

Source: Historic England consultation response, 1 May 2012

Historic England (archaeology) supported the findings of the applicant's archaeological report. They noted that no archaeological fieldwork needed to be undertaken prior to determination of this planning application, but a condition was recommended to secure the implementation of a programme of archaeological work in accordance with a written scheme for investigation.

Source: Committee Report, June 2012

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The Committee Report recommended permission be granted for the proposed development. The Report listed the relevant policies from the London Plan for determining this application. It covered a range of policies across the Committee Report. With regard to heritage in particular, the following policies were reported as relevant to decision making:

- Policy 2.10 Central Activities Zone – strategic priorities
- Policy 7.4 Local Character
- Policy 7.7 Local and Design of Tall and Large Buildings
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.10 World Heritage Sites
- Policy 7.11 London View Management Framework
- Policy 7.12 Implementing the London View Management Framework

Source: Page 35, Committee Report, June 2012

Regarding tall buildings, the Committee Report stated that “*in terms of the Core Strategy, DMPD and SSAD the site is located in an area where tall buildings may be appropriate. In this location a tall building is defined as one which is 11 storeys or over*”. It therefore concluded that overall the development would have a beneficial effect on the character of the landscape and townscape of the site and surrounding areas, and on views towards the site and from within it. No specific reference was made to London Plan policy in this instance, London Plan Policy 7.7 which is of relevance.

Source: Page 36, Committee Report, June 2012

Regarding the listed buildings within the vicinity of the application site, the Committee Report made use of heritage policy at both the London and local level. It noted that there were number of listed buildings including some in very close proximity to the application, with specific reference to London Plan Policy 7.8, and Local Plan Policy DMS2.

Source: Page 64, Committee Report, June 2012

The Committee Report also assessed the impact of the scheme on the historic environment including impact on views of the Westminster World Heritage Site. It acknowledged that while some adverse impacts are noted, the overall the development had a beneficial effect on the townscape character within which it was located, through the provision of high quality architecture and urban design improvements. In this instance the Committee Report referred to local heritage policy to evidence this statement, stating that the proposals and submitted application documents had addressed the criteria within policy DMS4 and through quality design the development was justified as an appropriate tall building development. Despite this the assessment of the impact of the proposed development upon views, and upon townscape character is consistent with London Plan Policies 7.4, 7.10, 7.11 and 7.12 although these were not directly referenced in the analysis.

Source: Page 53, Committee Report, June 2012

The Committee Report referred to the LVMF SPG rather than Policies 7.11 and 12. The Report stated that “*The application site is not located within any of the protected Vistas identified within the LVMF SPG (2012), but would be visible within identified London panoramas, river prospects and townscape views.*” The Report went on to provide a relatively detailed assessment of the impact on the identified views, drawing on the requirements of the SPG rather than the relevant policies.

Source: Pages 60-64, Committee Report, June 2012

The Decision Notice listed London Plan Policies 2.10, 7.4, 7.7, 7.8, 7.10, 7.11 and 7.12 as reasons for granting permission for the proposed development. This list accorded with that included in the Committee

Report. The Decision Notice did not, however, provide any analysis of how these policies constituted reasons for granting permission.

Source: Page 13, Decision Notice, October 2012

Condition 13 set out that no development should take place until the applicant had secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which was submitted by the applicant and approved by the LPA. The document referenced Local Plan Policy DMS2 (d) as evidence for this condition. Although not explicitly referenced, this is also consistent with London Plan Policy 7.8.

Source: Page 4, Decision Notice, October 2012

Greater London Authority

The application was referred to GLA for consideration. The GLA concluded that the Mayor was content for Wandsworth to determine the case itself.

The Stage 1 Report assessed the proposed development in relation to heritage policy. Regarding Strategic Views it reviewed the London View Management Framework SPG (2012), in line with London Plan Policies 7.11 and 7.12 (although no specific reference was made). It found that the site was not located within any of the protected Vistas, but would be visible within identified London panoramas and townscape views. The Report suggested the impact was not likely to be significant, but nonetheless asked the applicant to provide additional cumulative views – to include other emerging but not yet consented schemes in the Vauxhall area – in order to fully demonstrate the relationship with other proposed tall buildings in the area and the emerging form of the tall buildings cluster. This again is consistent with London Plan Policies 7.11 and 7.12, as well as Policy 7.7 in assessing the impact of the new building upon London’s skyline (although no specific references are made). In addition to London Plan policy, the Committee Report referred in particular to principles established in the Vauxhall, Nine Elms and Battersea Opportunity Area Planning Framework (OAPF).

Source: GLA Stage 1 Report, April 2012

Stage 2 Report made specific reference to London Plan Policy 7.10 and the LVMF. The Stage 2 Report stated that the applicant provided the information requested, which demonstrated the developments position in the strategic river prospect views from Hungerford, Waterloo and Westminster Bridges, and concluded that the cumulative impact of the proposal with other emerging and consented schemes at Vauxhall was acceptable and would contribute to the achievement of variety on the skyline comprising a series of individual tall building elements in accordance with guidance in the OAPF tall buildings strategy. Again while not explicitly referenced, this aligns with London Plan Policies 7.7, 7.10 and 7.11, as well as the OAPF.

Source: GLA Stage 2 Report, July 2012

The Stage 1 Report also assessed the impact of the scheme upon the Westminster World Heritage Site. In doing so, it made no specific reference to policy at the national, London or local level. However, it clearly utilised London Plan Policies 7.10 and 7.11 to assess the role of the proposed development in protected views from the World Heritage Site. The Report concluded that the scheme would not harm the setting or compromise the Outstanding Universal Value (OUV) of the World Heritage Site. However, the applicant was asked to provide a summary of the overall impact of the proposal on the setting and significance of the World Heritage Site.

Source: GLA Stage 1 Report, April 2012

At Stage 2, the requested assessment was provided and the GLA stated that it addressed the full range of factors relevant to the development’s impact on the views of the World Heritage Site. Officers, therefore, remained of the opinion that the proposal would not harm the setting or Outstanding Universal Value of the Westminster World Heritage Site and that there was no conflict with London Plan Policy 7.10.

Source: GLA Stage 2 Report, July 2012

Moreover, the Stage 2 report went on to state that “*whilst the development is higher than the indicative 150 metre threshold set out in the OAPF tall buildings strategy, there is a sound urban design rationale for making an exception to the strategy in this particular instance. This exception has been fully justified with reference to the quality and location of the scheme and its role as the pinnacle of the emerging cluster of tall buildings.*” While no specific reference was made in this context to policy at any level, the conclusions drawn are consistent with London Plan Policy 7.7.

Source: GLA Stage 2 Report, July 2012

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)	✓	✓
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)	✓	✓
Policy 7.11 (London View Mgmt Framework)	✓	✓
Policy 7.12 (Implementing the London View Mgmt Framework)	✓	✓

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)	✓	✓
8 & 9 (Taking forward priorities together)		
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		✓
58 to 61 (Good design)	✓	✓
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)		✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)		✓
137, 138, 139 (WHS & CAs)	✓	✓
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>While London Plan policy was given some weight in the decision making process, particularly in respect of the LVMF, it appears that the NPPF and Local Plan policies were given equal, if not greater weight in decision making. The NPPF was given significant weight within the Committee Report. In particular, reference was made to the role of the proposed development in contributing to the NPPF objectives of promoting sustainable planning and achieving a balanced approach to economic, social and environmental objectives (paragraph 14). It was used to evidence that the application should be given permission regardless of any potential significant impacts.</p> <p>The Committee Report stated that while it was acknowledged that the proposed development would have an impact on some of the identified strategic views, it was noted overall that in townscape terms and in the interests of public benefit, there was a compelling case for a higher building in this instance. This suggests, that while London Plan policy was utilised regarding tall buildings, the use of NPPF paragraph 134 regarding public benefit outweighed other policy area.</p> <p>The Committee Report also suggested that the application should be approved as it created much needed new homes including affordable housing and jobs, improved the environmental quality of the site and area, as well as being an integral part of the overall strategic regeneration of this area both physically and</p>

financially. This therefore evidences how any potential heritage impacts were outweighed by wider public benefits, such as affordable housing and employment.

Moreover, in assessing the impact of the proposed development upon listed buildings in the vicinity of the application site, the Committee Report recognised that while there would be some impact on the setting of these properties, the setting had already been significantly affected by other modern development already in the vicinity. Although not explicitly referenced, this is consistent with paragraph 131 of the NPPF with regard to significance of assets. In addition, the Committee Report went on to state that the regeneration gains and improvements to the townscape were in many respects, beneficial, which again suggests use of paragraph 134 of the NPPF, although no specific references were made. As a result, it was suggested that NPPF policy be given greater weight than that from the London Plan.

With regard to the appropriateness of tall buildings, the Committee Report referenced London Plan Policies 7.7, 7.10 and 7.11, although it provided no more than a simple policy reference. In this context, the OAPF for the area was given significantly greater weight than the London Plan. It is the OAPF which was used to justify the tall building cluster on London's skyline, as well as Local Plan Policy PL11, rather than London Plan policy.

Heritage issues and the relevant policies were given significant weight in the decision making process, and a large portion of the Committee Report assessed the impacts of the proposed development in relation to this topic. However, there were a number of other topic areas and relevant policies which were also given significant weight, including: the impact of the scheme upon neighbouring communities (local policy DMS1) and energy and sustainability (local policies IS1 and 2, and London Plan policies 5.1, 5.2 and 5.7). On balance it would appear that heritage policy was a key factor in decision making.

Source: Committee Report, June 2012

Greater London Authority

In the GLA Stage 1 and Stage 2 Reports, London Plan policy was given the greatest weight of all policy documents. As in the Committee Report, the Stage 1 Report used the London View Management Framework SPG (2012), suggesting use of London Plan policies 7.10 and 7.11. Again, the OAPF was also used to help support evidence that the proposed development would not impact upon protected views and the World Heritage Site of Westminster.

Source: GLA Stage 1 Report, April 2012 and GLA Stage 2 Report, July 2012

Within the GLA Stage 1 and Stage 2 Reports heritage and the relevant policy were key considerations and were given detailed assessment in the decision making process as a whole. However, while some evaluation of heritage issues was clear, other policy issues appear to have been given even greater consideration. In particular, affordable housing and the housing mix were discussed in far greater detail (Policy 3.12, Housing SPG), as well as transport in relation to car parking (Policy 6.13), travel plans (Policy 6.3) and Section 106 contributions to Crossrail. On balance, therefore, while heritage policy was reviewed, in this context other topics seem to have been covered in greater detail by the GLA in the decision making process.

Source: GLA Stage 1 Report, April 2012 and GLA Stage 2 Report, July 2012

There is no evidence that heritage policy and issues were given any more or less weight in decision making than any of these other policy areas by the GLA.

Source: GLA Stage 1 Report, April 2012 and GLA Stage 2 Report, July 2012

Appeal

N/A

Key points

There is evidence of the use of both NPPF and London Plan heritage policies as part of the decision making associated with this scheme. The LPA used a mixture of London Plan and NPPF policy to assess the impact of the scheme, whilst the GLA, relied more heavily on the London Plan.

Of particular interest in this application was the potential impact of the proposed development upon designated London Plan vistas, and views of the Westminster World Heritage Site. In response to this, London Plan policies 7.10 and 7.11 were particularly used to assess the impacts.

Overall, however, the NPPF was given greater weight in the decision making process, as ultimately the LPA concluded, using paragraph 134 of the NPPF that the public benefits of the proposed development outweighed any minor heritage impacts.

It is also interesting to note that Historic England raised strong objections to the proposed development, which were reviewed in a rebuttal by the applicant. Ultimately, both the GLA and the LPA decided that the application was acceptable in policy terms, despite Historic England's viewpoint.

D14 Wayland House

Application Details

Application Reference 12/03487/FUL	London Borough Lambeth	Inner or Outer Inner
The Applicant Network Housing Group	The Agent Jones Lang Lasalle	CAZ? No
Address Wayland House, 48 Robsart Street, London, SW9 0BP.		

Scheme Description	
Demolition and redevelopment of existing Wayland House with a part 15, part 20 storey building together with roof gardens, landscaping, cycle and car parking spaces and associated works, comprising: 159 flats; 77 sqm cafe/community facility and 90.5sqm estate wide CCTV office.	

Summary of scheme changes made during determination in response to heritage considerations
No changes were made during determination.

Housing	<input checked="" type="checkbox"/>	Employment	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>	Other	<input type="checkbox"/>
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Date Received	19/10/12	Officer Recommendation	Approval	Appeal Ref	N/A
Outline		Delegated decision		Appeal allowed	
Full		Committee decision	18/12/12	Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent		Approved with conditions			
Demolition in CA		Approved with conditions & S106	11/03/13		
		Refused			

Site Description
The application site is located within Stockwell Park Estate, located between Brixton Road and Stockwell Road, Stockwell Park Estate and Robsart Village are neighbouring estates. To the south is Brixton town centre and to the north west is Stockwell. The estate is bounded by Robsart Street and Slade Gardens to the north and the rear of the properties on Stockwell Park Crescent to the north-west. Aytoun Road, Rumsey Road, the rear of the properties on Stockwell Road itself bound the site to the west, Stockwell

Park Walk bounds the site to the south. Brixton Road, Wynne Road and Thornton Street bound the site to the east.

The existing building is a 15 storey tower in a state considerable disrepair which was originally constructed in 1970's, Wayland House comprises of 86 flats. The building comprises of a mix of 14 one bedroom units and 72 two bedroom units.

No part of Stockwell Park Estate is located within a conservation area, but is adjacent to Brixton Road Conservation Area is located approximately 100m to the east and the Stockwell Park Conservation area is located approximately 65m to the north west at the closest point. The surrounding area is predominately residential to the east, south and west with the open space of Slade Gardens immediately to the north of the site.

Source: Paragraphs 2.1, 2.5, 2.6, Committee Report, December 2012.

Relevant Planning History

The Committee Report noted that there was no relevant planning history for Wayland House.

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area		Registered Park/Garden	
Setting (CAs)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement		EIA/ES		Other	
<p>The Planning Statement set out the planning benefits of the scheme with the majority relating to the provision of housing and regeneration. The Planning Statement gave very little to consideration to heritage issues. The main way in which heritage is considered is through an analysis of the proposal against all the criteria of London Plan Policy 7.7. The Planning Statement also noted that the proposal accords with Policy 7.4 but limited explanation was provided.</p> <p>Source: Planning Statement.</p> <p>The Design and Access Statement included a townscape analysis which touched on heritage considerations but did not provide a lot of detail or draw specific conclusions in respect of heritage.</p> <p>Source: Design and Access Statement.</p> <p>A Visual Impact Study was submitted with the application which tests the visual impact, and some of the views includes are from Stockwell Park Conservation Area. This report provided visualisations only and did not draw conclusions about the potential impact of the development.</p> <p>Source: Visual Impact Study</p>					

Historic England Advice

Historic England advice

Historic England raised concern relating to the impact on the surrounding conservation area but considered that “given the dilapidated appearance of the existing building and the relative improvements in the architectural quality of the proposed replacement building over the existing, we consider that the harm to be less than substantial. Where a development proposal will lead to harm that is less than substantial the harm should be weighted against the public benefits of the proposal, which is for the council to determine in accordance with paragraph 134 of the NPPF.” The Council’s Head of Conservation and Design “considered the benefits sufficient to outweigh the harm which is less than substantial”.

Source: Paragraph 5.18, Committee Report, December 2012.

GLAAS raised no objection.

Source: Paragraph 5.17, Committee Report, December 2012.

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

Paragraph 6.7 of the Committee Report identified the following London Plan heritage policies as being relevant:

- Policy 7.4 - Local character
- Policy 7.7 - Location and design of tall and large buildings

There was no further reference to specific London Plan heritage policies, except in the design conclusions section of the Committee Report which stated *“the proposal is considered to be in accordance with London Plan and UDP policies relating to urban design and tall buildings... (London Plan: Policy 7.7)”*. Policy 7.4 is not referenced in the conclusion.

Source: Paragraph 6.7 and 9.16, Committee Report.

One of the 11 *“main issues”* identified in the Committee Report related to heritage, as follows: *“the visual impact of the proposed building on the character and appearance of the surrounding Conservation Area, streetscape and nearby listed buildings”*.

Source: Paragraph 1.1, Committee Report

The Committee Report provided a considered analysis of the impact of the proposal on the character and appearance of the Stockwell Park Conservation Area but did not explicitly reference any London Plan policies, including Policies 7.4 and 7.8. The analysis in the Committee Report noted that the *“the council has an obligation to pay ‘special regard’ to the desirability of preserving or enhancing the character or appearance of conservation areas”*. The analysis was relatively detailed and well set out, for example noting that the new building would be *“more visible within the conservation area than it is at present”* and the Report further states that the *“conservation officer’s experience elsewhere has shown that visibility alone cannot be considered to constitute harm. The nature of the impact (and whether it is harmful) is assessed in relation to other issues such as their proximity, form, appearance, silhouette, detailed design and materials”*. The Report further stated that: *“changes to the form of the building, on balance might be considered neutral in terms of the setting of the conservation area. However, there will be increased visibility from the public realm within the conservation area as a result of the increase in height.... On balance, given that there is already a modern building visible in the view officers do not consider that there is harm by way of the increased height given the significantly improved architecture and appearance.”*

Source: Paragraphs 9.5 to 9.7, Committee Report, December 2012.

The Committee Report provided further analysis on the matter in response to resident’s comments on the proposal, where it stated that: *“whether the increase in height is harmful is a highly subjective matter... Even if it were to be considered that there was minor to moderate harm to the character and appearance of the conservation area in this view the Council would be obliged by the National Planning Policy Framework to weigh the harm caused against the public benefits brought by the scheme. Officers consider that the public benefits do out weight, what has been seen by English Heritage [now Historic England], as less than significant harm”*.

Source: Paragraphs 5.26 and 9.7, Committee Report, December 2012.

The Committee Report provided a description of the Stockwell Park Conservation Area at Paragraph 9.3, covering its reason for designation and character, referencing the Stockwell Park Conservation Area Statement. The Committee Report noted that Wayland House was largely invisible from within the Conservation Area, with the exception of the view from land at corner of Lorn Road and Stockwell Park Road.

Source: Paragraph 9.3, Committee Report, December 2012.

The improved architecture was the key reason why the Council concluded that there was not greater harm to the Stockwell Park Conservation Area. This was well set out in the Committee Report which stated: *“The replacement building is considered to be an improvement architecturally for two reasons. Firstly the form and proportions of the new structure are much more graceful, slender and refined than the existing building. Secondly the architectural treatment and accents are refined and carefully considered whilst the restrained palette of materials compliments the character of the area. Purely on design terms it is considered that the loss of the brutalist structure and its replacement with something modern, slender and elegant is an improvement”*.

Source: Paragraphs 9.4 and 9.5, Committee Report, December 2012.

During the committee one member of the public spoke to object to the proposal, the objection did not specifically reference heritage, although one of the grounds was that “it was not in the right location for such a tall building as it was not in Waterloo, Vauxhall or Brixton.” Members did not further discuss this ground for objection. Members raised concerns relating to provision of CCTV, glazing of balconies and hours of use of the open air terraces.

Source: Planning Committee Meeting Minutes, 12 December 2013.

Greater London Authority

The Stage 1 Report considered that the principle of the redevelopment at the density proposed was supported and welcomed the net increase in affordable housing floor space. The Report requested “Further information regarding the affordable housing offer and housing mix is required, and also in relation to design, play space, transport and climate change to ensure full compliance with the London Plan”. In respect of design the information was limited to requests for further visualisations for each of the elevations to respond to comments about street level interaction.

Source: Strategic Issues, Page 1 and Paragraphs 33 and 57, GLA Stage 1 Report, November 2012

There was very limited consideration of heritage in the Stage 1 report, discussion was limited to the acceptability of a tall building in this location and it was concluded that the principle of a tall building in this location was acceptable, in accordance with London Plan Policy 7.7. The Stage 1 report stated: “In closer range views, and specifically, the nearby conservation area to the north...the footprint and scale are such, that the scheme would not have any significant impact compared to existing”.

Source: Paragraph 31, GLA Stage 1 Report, November 2012.

There was more detailed consideration of heritage issues at Stage 2.

At Stage 2 the GLA promoted a similar position as the LPA stating “the new building would be more visible against the skyline of the early Victorian villas of the conservation area, but this needs to be weighed against improvements to the architecture of the new tower when compared to the existing and the relatively slim profile of the top five storeys of the building”. However the GLA went on to acknowledge that there was “some harm to the conservation area” concluding that “on balance the proposals are considered acceptable”. Whereas the LPA did not acknowledge that there was harm.

Source: Paragraph 10, GLA Stage 2 Report, February 2013.

The Stage 2 Report did not elaborate on the reasons it was considered that “on balance the proposals are considered acceptable”.

Source: Paragraph 28, GLA Stage 2 Report, February 2013

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)		✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		✓
8 & 9 (Taking forward priorities together)		✓
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)	✓	✓
58 to 61 (Good design)	✓	✓
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		✓
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Significant weight was given to the provision of housing and the regeneration benefits of the scheme. The Committee Report included detailed consideration of the acceptability of a continued residential use in this location, quality of the residential accommodation and quantum and type of affordable housing, for example considering the proposal against the requirements of London Plan Policies 3.8 and 3.11.</p> <p><i>Source: Paragraphs 7.4, 7.6, 7.9, Committee Report, December 2012.</i></p> <p>Similarly there was detailed analysis of the proposal against Local Plan policy, for example Policy 7 of the adopted Unitary Development Plan which deals with the protection of residential amenity was considered in Section 8.</p> <p><i>Source: Section 8, Committee Report, December 2012.</i></p> <p>In recommending approval the Committee Report focused on the planning benefits, namely “<i>the re-provision of the existing affordable housing while redeveloping the units to provide existing occupants with a much high standard of home and better quality of life and contributing to the provision of additional homes for the borough</i>”.</p> <p><i>Source: Paragraph 13.1, Committee Report, December 2012.</i></p> <p>The only London Plan heritage policy which was used in determination is Policy 7.7, although this was given limited weight in comparison to other London Plan policies. The most weight was given to the borough’s Core Strategy and UDP saved policies, these were routinely identified and analysed for each topic under consideration.</p>

Greater London Authority
<p>At Stage 1 the GLA identified a broad range of matters which needed to be considered in the determination and heritage matters were not included in this list. The issues identified included affordable housing offer, housing mix, design, play space, transport and climate change.</p> <p>At both Stage 1 and 2 the London Plan policies were used more than the NPPF and local policies to justify the GLA’s recommendations, in fact local policies were not mentioned at all and the NPPF was only mentioned as part of introductory text which identifies it as a material planning consideration.</p> <p>There was only limited use of the London Plan heritage policies. In comparison the policies used most heavily to analyse the application related to regeneration areas (Policy 2.14), housing supply (Policy 3.4, 3.8 and 3.9), affordable housing (Policies 3.11 and 3.12) and London’s housing stock (Policy 3.14). The Mayor determined that the LPA could grant permission themselves, and as such did not emphasise the</p>

reasons for granting permission, rather the Stage 1 and 2 reports focussed on analysing the proposal against the London Plan. Although the GLA did particularly note support for scheme's regeneration of a deprived area and stated that they 'welcome' the net increase in affordable housing floorspace.

Source: GLA Stage 1 Report, November 2012 and GLA Stage 2 Report, February 2013.

Appeal
N/A

Key points

The LPA and GLA had similar views with both considering that the scheme was acceptable in respect of heritage due to the improved architecture. Whilst the GLA acknowledged that there would be 'some harm', LB Lambeth did not consider that there would be harm.

For both the GLA and LPA Policy 7.7 was the most important heritage related policy. However both organisations placed more weight on housing and regeneration policies than heritage policies.

D15 Brentford Football Ground

Application Details

Application Reference	London Borough	Inner or Outer
00703/A/P11	Hounslow	Outer

The Applicant	The Agent	CAZ?
Lionel Road Developments	Planning Perspectives LLP	No

Address
Lionel Road South, Brentford, London, TW8 9QR

Scheme Description

Submission of a Hybrid Planning Application for Brentford Football Club for:
 Full planning application for the demolition of all existing buildings and the erection of a stadium with ancillary accommodation (D2 Use Class), associated infrastructure including a new vehicular and pedestrian bridge from the eastern corner of the site into Capital Interchange Way, reopening of an existing pedestrian underpass from Kew Bridge Station beneath Lionel Road South and the construction of a new covered, open sided link from that underpass to the stadium external concourse, vehicular and pedestrian circulation areas, public realm improvements, 60 car parking spaces, 400 cycle parking spaces and landscaping. Outline planning application for the demolition of all existing buildings and erection of associated enabling development, comprising up to 910 residential units (C3 Use Class), up to 1,200 sqm retail/other floorspace (A1, A2, A3, A4, A5, D1 and D2 Use Classes), a hotel of up to 160 bedrooms (C1 Use Class), vehicular and pedestrian circulation areas, up to 775 car parking spaces, cycle parking, associated hard and soft landscaping and public and private amenity spaces (all matters reserved)

Source: Application Form



Summary of scheme changes made during determination in response to heritage considerations
No changes to the scheme design were made, although further detail was provided by the applicant. In order to address visual and townscape concerns (including the impact on the World Heritage Site at Kew Gardens), the applicant submitted further information including an addendum to the DAS and revised design code to provide more certainty over residential quality, and updated visual representations. The GLA considered at the Stage II Referral that “ <i>of considerable importance is the quality of detailed design of the proposed development to be secured through the design codes and reserved matters</i> ”.
<i>Source: GLA Stage 2 Report, 18 February 2014</i>

Housing		Employment		Mixed Use	✓	Other	
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Date Received	03/06/13	Officer Recommendation	Approval	Appeal Ref	N/A
Outline	✓	Delegated decision		Appeal allowed	
Full	✓	Committee decision	✓	Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent		Approved with conditions			
Demolition in CA		Approved with conditions & S106	05/12/13		
		Refused			

Site Description
The site comprises 4.74 hectares of land on Lionel Road South and is currently occupied by a number of different businesses for a variety of commercial purposes including a modern four-storey office building, a builders’ and plant hire yard and supporting administrative accommodation. The site is made up of three distinct parts:
<ul style="list-style-type: none"> • A 3.75 hectare triangle of land bounded (and including) to the south/south west by Lionel Road South and to the north west and east by railway lines; • A site extending to approximately 0.51 hectares comprising the curtilage of an office building beyond a railway line to the east of the 3.75 hectare site; • A 0.47 hectare triangular site immediately south west of Lionel Road and bounded to the north and south by railway lines.
The Grade II listed Kew Bridge Station is adjacent to the site on the main railway line running east-west through the site and lies within the Kew Bridge Conservation Area. To the south west, beyond Green Dragon Lane and a residential area is the Kew Bridge Museum in the part Grade I/part Grade II listed former Kew Pumping Station. South of the site, beyond the River Thames, is Kew Green and Kew Gardens World Heritage Site (including the Grade I listed Kew Palace).
<i>Source: Paragraphs 2.1 – 2.15, Planning Statement</i>

Relevant Planning History
The Planning Statement stated that “ <i>there is no relevant planning history relating to the site. The planning approvals that have been granted relate to the existing uses of land and do not envisage its comprehensive redevelopment</i> ”.
<i>Source: Paragraph 2.18, Planning Statement</i>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area		Registered Park/Garden	
Setting (WHS, RPG, CA and LBs)	✓		Other		

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	
Heritage Statement		EIA/ES	✓	Other	

The Planning Statement made reference to Section 12 of the NPPF, Policies 7.8, 7.10 and 7.29 of the London Plan and saved UDP policies and stated that the main consideration is that “*the heritage asset is to be protected unless any harm is outweighed by the benefits of the proposal*”. It is stated that heritage issues relating to the site “*are considered in depth in the Archaeological and Cultural Heritage Statement*”.

Source: Paragraphs 8.11, 8.12 and 8.13, Planning Statement

The Archaeology and Cultural Heritage Assessment (ACHA) was incorporated within the Environment Statement and informed the above and below ground heritage potential of the site and the impact on the heritage resource, research and physical analysis of the site and environs was reported. The report referenced national, London and local policy as being relevant to the proposal in terms of heritage and references the Kew Gardens World Heritage Site and associated buffer zone. It considered that one World Heritage Site View within the Royal Botanic Gardens World Heritage Site Management Plan was potentially affected by the proposal.

The ACHA also considered the impact of the proposal on nearby listed buildings and Conservation Areas. The Assessment considered that the assets would not be visually impacted by the proposal, with views already disrupted by existing tall buildings and infrastructure. The visual impact of the development on historic receptors was assessed to be moderate.

The ACHA considered the “*large scale high rise scheme will negatively impact a number of heritage receptors in the wider locality... parameters... have been adopted to offset impact*”, including:

- Placement of staged lower rise buildings towards the south of the site to soften visual impact on Kew Bridge, The Steam Museum tower and views towards the Thames and Kew Gardens World Heritage Site.
- Placement of the low rise stadium centrally within the plot retaining longer sight lines towards the Steam Museum Tower and Gunnersbury Park.

Source: Sections 2, 3 and 5, Archaeology and Cultural Heritage Assessment

The Design and Access Statement (DAS) considered that the site was contained by the M4 and surrounding rail lines, it also stated that it was in close proximity to Kew Gardens World Heritage Site and a number of Conservation Areas. The DAS made particular reference to Policies 7.4, 7.8 and 7.10 of the London Plan.

Source: Paragraph 1.1.3, Design and Access Statement

Historic England advice

Historic England advice
Historic England raised concerns regarding the impact of the associated residential development adjacent to the stadium on the setting of designated heritage assets in the immediate and wider locality. These include the Grade II listed Kew Bridge Station, the Grade I listed Pump House Tower and Great Engine House of Kew Bridge Pumping Station, and its associated complex of Grade II buildings, and the Grade II listed Kew Bridge. In addition, they considered the wider settings of other designated assets in LB Richmond potentially harmed include the listed buildings within the Kew Green Conservation Area and views from and within the Royal Botanic Gardens Kew World Heritage Site, listed Grade I on the Register of Historic Parks and Gardens of Special Historic Interest in England.

Historic England found the height, scale and massing of aspects of the outline enabling elements of the scheme harmful to the setting of a number of designated heritage assets. Specifically, they were very concerned about the about the accumulative impact of the south eastern residential element of the proposals on key views of Kew Bridge Pumping Station and Kew Station.

Historic England stated they were disappointed that the opportunity to mitigate the significant harm to the setting of these important heritage assets and to create an attractive sense of place through a more sensitive design approach has not been achieved.

In Historic England's view, the outline residential "enabling" development caused harm to the setting of heritage assets. They therefore urged the Council to seek further design work to reduce the scale and visual impact of this.

Source: Historic England consultation response, 22 July 2013

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The Committee Report recommended permission be granted for the proposed development subject to a Section 106 agreement and the application being referred to the Mayor of London and Secretary of State. Appendix 2 listed relevant policies related to the proposed development, including the following London Plan heritage policies:

- Policy 7.4: Local Character
- Policy 7.7: Location and Design of Tall and Large Buildings
- Policy 7.8: Heritage Assets and Archaeology
- Policy 7.10: World Heritage Sites

Source: Appendix 2, Committee Report, December 2013

The Committee Report considered impacts on the character of the site itself without referencing London Plan Policy 7.7 where it stated: *"The scheme includes twelve buildings ranging from 7 to 17 storeys. Owing to their number and extent, they would form appreciable and prominent groups of buildings. Sometimes clustering of tall buildings helps to limit wider impacts, focussing them to a particular area. However for this site the three clusters of buildings are spread around the lower stadium sited in the middle. This highlights the shape of the site and intentionally reduces the impact"*.

On impacts on the character of surrounding areas, details of the design were recommended which would accord with London Plan Policy 7.4: *"From a distance, the buildings will need to have some overriding rationale for their siting. Once detail of styles are produced, these could include elements of character or appearance related to a more industrial past, with significant use of brickwork and metal elements recommended, and large areas of glazing to be avoided"*.

London Plan Policy 7.8, on the setting of heritage assets and archaeology, was indirectly referenced in the Committee Report in terms of the analysis of impacts on nearby conservation areas and listed buildings: *"the site sits at the middle of a major interchange of direction and character; and since the football club aims to represent the region and have a community role, will have a building/ use of more than local importance. However this role could be as effectively marked with lower buildings, which would be more appropriate given the sensitivity of areas affected by them"*. Policy 7.8 is specifically referenced in terms of archaeological assets, with the Council recommending: *"Given the scale of the proposed scheme and the archaeological potential of the site good practice recommends a staged approach to archaeological mitigation with this having been agreed with English Heritage [now Historic England]"*.

London Plan Policy 7.10 on World Heritage Sites was referenced in the Committee Report which stated that *"development should not cause adverse impacts on World Heritage Sites or their settings (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value (OUV), integrity, authenticity or significance"*. The impact on OUV is considered in the Committee Report to be negligible overall: *"an additional AVR was submitted (in accordance with Regulation 22). This view shows that the proposed buildings are positioned to either side of the Palm House vista and are screened by existing trees. It is noted that Kew Gardens has since acknowledged that there would be no harmful impact on the summer view, but state they cannot be certain there would not be an adverse impact when trees are not in leaf. However officers consider that when not in leaf, the separating distance of over 1.8km and density of trees would mean impact on this view from the development is negligible. As such officers do not agree with the objections raised in respect of degree of impacts on this view"*.

Source: Paragraphs 9.218, 9.227, 9.261, 9.263, 9.295, 9.275, Committee Report, 5 December 2013

The Decision Notice did not reference London Plan heritage policies however it set out conditions that the scheme would not commence until the applicant had secured:

- a programme of archaeological evaluation.

- a programme of building recording and reporting.

It is stated that the Written Scheme of Investigation should be prepared and implemented by a suitably qualified heritage practice in accordance with GLAAS guidelines. This is in compliance with the requirements of London Plan Policy 7.8 paragraph E on the protection of archaeological resources.

Source: Paragraphs 27 and 28, Decision Notice, 12 June 2014

Greater London Authority

At Stage 1 the GLA advised that the application did not comply with the London Plan in respect of layout building heights, public realm, residential quality and impact on heritage and views.

At Stage 2 it was considered that the following were still unresolved: design and layout, residential quality, townscape and World Heritage Site impacts and views, and transport links.

Source: GLA Stage 1 Report, 25 July 2013

The Stage 1 and 2 Reports do not make specific reference to London Plan heritage policies.

At the GLA Stage 2 Report the Mayor considered additional information submitted by the applicant without directly referencing London Plan Policy 7.10, the Report states: *“In terms of the setting of the WHS the development will have less of an impact. The site is located outside the WHS buffer zone as set out in the Kew World Heritage Site Draft Management Plan 2011. Whilst part of the scheme will be visible from the WHS as shown in the application material its impact is considered to be limited on the sites Outstanding Universal Value, due to the relatively limited degree of visibility from the WHS”*.

In terms of harm to heritage assets generally, including nearby conservation areas and listed buildings, the GLA stated the following in the Stage 2 report: *“the harm caused to heritage assets will be of a degree that on balance, when considered with other aspects of this scheme make it acceptable in strategic planning terms”*.

Source: Paragraphs 29 and 30, GLA Stage 2 Report, 18 February 2014

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		✓
Policy 7.10 (World Heritage Sites)	✓	✓
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)	✓	✓
8 & 9 (Taking forward priorities together)	✓	✓
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		
58 to 61 (Good design)		✓
126 (Local plan preparation)		
128 (Applicant requirements)		

NPPF heritage paragraphs	Were considered	Should have been considered
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)		
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		✓
141 (Sharing/ recording information)		
152 (Net gains)		
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Overall the focus during determination was on the Borough's local policies and relevant national policies, rather than London Plan policies. Policies in the Brentford Area Action Plan, Hounslow's UDP and the NPPF are most commonly referred to.</p> <p>The London Plan is directly referred to in terms of Policy 4.6 on managing industrial land and premises in terms of regeneration and sustainable development: "<i>Policy 4.6 provides support for the continued success of professional sporting enterprises and the cultural, social and economic benefits that they offer to residents, workers and visitors</i>". The London Plan – Policies 3.5, 3.8, 4.5, 7.1 and 7.2 - is also mentioned in terms of requiring "<i>all new development in London to achieve the highest standards of accessible and inclusive design</i>".</p> <p>The NPPF was particularly referred to in terms of assessing the significance of the World Heritage Site (Paragraph 132 of NPPF) and balance between harm and social benefits (Paragraphs 133-135 of NPPF). The Report considered that some harmful substantive impacts would result and it was therefore necessary to consider whether some wider social, economic or environmental public benefits would result. For archaeological heritage, Paragraph 128 of the NPPF was referenced in the requirement to submit desk-based assessments. Additionally, Paragraph 135 of the NPPF in relation to non-designated heritage assets was considered.</p> <p>The contribution of the scheme to provide community facilities and facilitate the regeneration of the area, along with the supply of housing were given as the main reasons in the Committee Report conclusion for granting planning permission for the proposed development: "<i>The proposed football stadium with ancillary facilities, and the new housing, would completely transform the site providing a major opportunity to add to the ongoing regeneration of Brentford. This would make a major positive contribution to wider strategic objectives of the Development Plan, to promote regeneration of previously developed sites for the enhancement of the quality of life, housing and employment opportunities, and to attract new economic development, encourage economic diversity, and direct it to appropriate areas</i>".</p> <p><i>Source: Paragraphs 9.12, 9.559, 9.263-9.264 and 12.6, Committee Report, 5 December 2013</i></p>

Greater London Authority
<p>Overall consideration during both Stage 1 and Stage 2 was given to topics where the proposals were considered to not be in conformance with the London Plan policies, namely, layout building heights, public realm, residential quality and impact on heritage and views.</p> <p>Heritage was considered in paragraphs 29 and 30 of the GLA Stage 2 Report in terms of the impact of the development on the Kew Gardens World Heritage Site: "<i>In terms of the setting of the WHS the development will have less of an impact. The site is located outside the WHS buffer zone as set out in the Kew World Heritage Site Draft Management Plan 2011. Whilst part of the scheme will be visible from the WHS as shown in the application material its impact is considered to be limited on the sites Outstanding Universal Value, due to the relatively limited degree of visibility from the WHS</i>".</p> <p>The conclusion of the Stage 1 Report included a list of areas for which change was required to make the development compliant with the London Plan: waste capacity, affordable housing, housing mix, children's play space, social infrastructure, transport, urban design, inclusive access, energy, ambient noise and air quality. It was considered that the proposal was acceptable in terms of urban design (including heritage).</p> <p><i>Source: GLA Stage 1 Report, 25 July 2013; GLA Stage 2 Report, 18 February 2014</i></p>

Appeal
N/A

Key points

The LPA concluded that there would be some negative impacts to heritage assets associated with the proposed development, including some impacts on setting in relation to the WHS at the Royal Botanical Gardens Kew, however concluded that the public benefits of the scheme would outweigh the less than substantial harm.

Overall the focus during determination by the LPA was on the Borough's local policies and relevant national policies, rather than London Plan policies. Policies in the Brentford Area Action Plan, Hounslow's UDP and the NPPF are most commonly referred to.

The GLA used Policy 7.10 to request further information on the visual and townscape concerns including the impact on the World Heritage Site at Kew Gardens. This additional information was considered in some detail in the GLA Stage 2 Report where it was concluded that there would not be a material impact.

D16 St Bernard's Hospital

Application Details

Application Reference	London Borough	Inner or Outer
PP/2012/4008 P/2012/4666	Ealing	Outer

The Applicant	The Agent	CAZ?
West London Mental Health NHS Trust	N/A	No

Address
St Bernards Hospital, Uxbridge Road, Southall, UB1 3HW

Scheme Description
<p>Hybrid planning application comprising:</p> <p>An outline application, with all matters reserved, for the demolition of Windmill Lodge, five buildings containing flats and bowling green pavilion and the re-siting of an electricity substation, in conjunction with the erection of three buildings of up to nine storeys high containing 260 residential units comprising private, affordable and 30 key worker units; and</p> <p>Full application for:</p> <p>a) The demolition of a single storey extension to the north side and a two storey extension in the south east corner and internal and external alterations in conjunction with the change of use of the listed gatehouse from offices to a retail unit (Use Class A1), cafe (Use Class A3), concierge accommodation (sui generis) and offices (Use Class B1)</p> <p>b) Internal and external alterations in conjunction with the conversion of the listed North House to six one-bed flats, with external bin store and cycle store, associated hard and soft landscaping, access, three car parking spaces and associated works.</p> <p>c) Erection of a three storey building to provide four residential units (two one-bed and two three-bed) with external bin store, associated hard and soft landscaping, access, three car parking spaces and associated works.</p> <p>d) Provision of four car parking spaces (two disabled) and landscaping associated with the listed chapel.</p> <p>Listed Building Consent application for the:</p> <p>a) Demolition of a single storey extension to the north side and two storey extension to the South East corner, internal and external alterations to the gatehouse in conjunction with its uses as a retail shop, cafe, concierge accommodation and office, with external works.</p> <p>b) Internal and external alterations and external alterations and external works to the North House in conjunction with its use as six one-bed flats, erection of bin store and cycle store.</p> <p>c) External soft and hard landscaped works around the chapel.</p> <p><i>Source: Application Forms</i></p>

Summary of scheme changes made during determination in response to heritage considerations
<p>Following initial concerns raised by Historic England following consultation, amendments were made to the scheme including changes to the parameters and landscaping associated with Plot 1. Historic England confirmed that they were then able to support the proposals.</p> <p><i>Source: Page 13, GLA Stage 2 Report, 29 May 2013</i></p>

Housing		Employment		Mixed Use	✓	Other	
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Date Received	01/10/12	Officer Recommendation	Approval	Appeal Ref	N/A
Outline	✓	Delegated decision		Appeal allowed	
Full	✓	Committee decision	✓	Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent	✓	Approved with conditions			
Demolition in CA		Approved with conditions & S106	22/07/13		
		Refused			

Site Description
<p>The site comprises approximately 4.53 hectares of land within West London Mental Health NHS Trust’s (the Trust) estate. The Asylum Buildings comprise a number of interconnected areas including the Trust Headquarters, A, B, C, D, E, F and L Blocks, the Ballroom and Chaucer Wing and Annexe. The Trust Headquarters and L Block were in use for clinical support, whilst A-E blocks provide medium secure services.</p> <p>To the immediate south of the Asylum Buildings are a number of buildings of heritage value: the Grade II listed Mott House and the non-listed Gym building and Butler House. To the north of the application site boundary lies the Uxbridge Road site, comprising a Grade II listed chapel, 45 key worker housing units and a clinical building known as Windmill Lodge. To the east is Ealing Hospital Tower (key worker housing). The Windmill Park Estate and Osterley Views and Gardens lie to the north-west of the application site with the hospital’s John Conolly Wing located directly east of the application site.</p> <p><i>Source: Paragraphs 3.1 – 3.9, Planning Statement</i></p>

Relevant Planning History
<p>An application approved in February 2012 for listed building consent for internal alterations to B Block (PP/2012/3682) to allow for its temporary use as accommodation for Local Services transferred from other sites on St Bernard’s Hospital. A separate application for listed building consent for amended works was approved with conditions in February 2013 (PP/2012/4620). A similar application was approved with conditions in December 2012 for minor internal and external alterations to Glyn Ward on the ground floor of E Block (PP/2012/4347).</p> <p>Two planning applications for planning permission and listed building consent were approved in April 2007 for the refurbishment of the ground and first floors and external alterations to L Block to allow for its use as B1 offices (refs: P/2006/4215 and 4216; P/2007/0652 and 0701).</p> <p><i>Source: Paragraphs 3.16 and 3.17, Planning Statement</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area		Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed	✓	Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area		Registered Park/Garden	
Setting (CA and LBs)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement	✓	EIA/ES		Other	
<p>Heritage aspects were considered in section 10 of the Planning Statement where it was stated that the application recognised the significance of heritage assets on the application site and wider estate and the application had sought to minimise negative effects on heritage assets and enhance their setting. It was stated that the overall proposal – in reference to the Heritage Impact Assessment – would not harm the significance of the Asylum Buildings and made a contribution to local character and significance.</p> <p>On archaeology, the Planning Statement referenced the desk-based archaeological assessment and concluded that it is unlikely that any remains would be disturbed as areas of high potential for remains are outside of the application site.</p> <p><i>Source: Paragraphs 10.6-10.19, Planning Statement</i></p> <p>The Townscape and Visual Impact Assessment comprised a desk-study of the site and surroundings, analysis to establish current character and quality and assessment of the effects of the development. The assessment concluded that the proposals would have beneficial effects upon St Bernard’s Hospital and its setting, including enhancing the degraded setting in the eastern part of the site and not have a negative effect upon the adjacent St Mark’s and Canal Conservation Area.</p> <p><i>Source: Paragraphs 3.1-3.3 and 6.1, Townscape and Visual Impact Assessment</i></p> <p>The Heritage Impact Assessment considered the proposals in terms of significance and setting and concluded that the proposals would have a beneficial impact on St Bernard’s Hospital and its setting. Overall it was stated that the harm resulting from the loss of A Block and Mott House was justifiable in terms of providing a site-wide improvement in setting and a viable use for the former Asylum buildings.</p> <p><i>Source: Sections 2 and 6, Heritage Impact Assessment</i></p> <p>The “assessment of significance” in the Design and Access Statement considered the significance of heritage assets affected by the proposals, and stated that the formal symmetrical plan of the asylum buildings should be retained on the basis that some aesthetic value was derived from the contribution this makes to the townscape.</p> <p><i>Source: Design and Access Statement</i></p>					

Historic England advice

Historic England advice
Historic England responded to consultation by the London Borough of Ealing on the proposals and recommended alterations to alignment and massing.

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority
<p>The Committee Report referred to policies in the NPPF, London Plan and Ealing’s Development Strategy and Ealing’s UDP.</p> <p>The Report section on “Reason for grant and informatives” stated that it was considered on balance that the proposals represented a satisfactory balance between “the provision of new housing and the retention and protection of valuable heritage assets in a viable long term use”. It was further noted that the proposals would be in accordance with the following heritage policies in the London Plan:</p> <ul style="list-style-type: none"> • 7.4 Local Character • 7.7 Location and Design of Large and Tall Buildings • 7.8 Heritage Assets and Archaeology • 7.9 Heritage Led Regeneration <p>In the “Appraisal of the Proposed Scheme” section of the Committee Report, the impact of the proposals on heritage assets was considered. Use of London Plan Policy 7.8 is implied. It was stated that “a key consideration of the proposed development was to create a setting befitting of the heritage status of the listing buildings on site and to enable the historic significance of the buildings to be fully appreciated”. Although the wording of Policy 7.8 is not directly referenced within the text, this is in conformance with London Plan Policy 7.8 D which states that “development affecting heritage assets and their settings</p>

should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail”.

The compliance of the scheme with London Plan Policy 7.4 was intimated where the Committee Report stated that: *“The bulk and scale of the new buildings are on balance considered to be acceptable; the reserved matters which include the appearance of the buildings will need to ensure that the quality of the architecture that emerges continues to respect the wider architectural quality of the historic St Bernard’s Estate”.*

The Committee Report stated that it is important *“to ensure that the scale of the proposed development did not have an adverse impact [on heritage assets]. The layout of the new blocks ensures that key historic routes and views have been retained”* but did not reference London Plan Policy 7.7 directly.

London Plan Policy 7.9 was indirectly referenced by the Committee Report: *“Overall the proposals represent a significant regeneration of the estate and the opportunity to rectify past mistakes has been taken. The proposals are considered to broadly comply with the relevant policies.”*

The Committee Report identified the following London Plan heritage policies in justifying the proposed planning conditions:

- Policy 7.8 on heritage assets and archaeology where it states that development thresholds/parameters should be prescribed.
- All reserved matters applications and the Design Statement should comply with the principles set out in the *“Design Principles Document”* in accordance with London Plan Policies 7.4, 7.8 and 7.9.
- Details of materials and detailed drawings should be in accordance with London Plan Policies 7.4, 7.8 and 7.9.

The following London Plan policies were referenced in the reasons for conditions associated with the listed building consent:

- External services and appurtenances not to be fixed on the face of any buildings to conform with London Plan Policies 7.4, 7.8 and 7.9.
- Detailed design of windows, secondary glazing and doors to be agreed with the Council and Historic England to be in accordance with London Plan Policies 7.4, 7.8 and 7.9.
- Internal services shall be specified and approved by the Council to be in accordance with London Plan Policies 7.4, 7.8 and 7.9.
- Details of external alterations to be submitted and approved by the Council to comply with London Plan Policies 7.4, 7.8 and 7.9.
- Public realm details to be submitted and approved by the Council to comply with London Plan Policies 7.4, 7.8 and 7.9.
- The recording of the significance of Heritage Assets was to comply with London Plan Policy 7.8.

Source: Pages 13, 14, 29, 31 and 55-56, Committee Report, 4 March 2013

The Decision Notice referenced London Plan policies in the schedule of conditions:

- Prior to the commencement of each phase of development, materials and landscaping should be approved by the Council with the reason given that this is in accordance with London Plan Policy 7.4.
- Detailed drawings should be approved by the Council to accord with London Plan heritage Policies 7.4, 7.8 and 7.9.

Source: Paragraphs 3, 12 and 13, Decision Notice, 22 July 2013

Greater London Authority

The planning application was referred to the Mayor of London, being a *“development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”*. The Stage 1 and 2 Reports do not specifically reference or analyse London Plan heritage policies.

At Stage 1, the GLA advised that while the application was generally acceptable in strategic terms, it did not comply with the London Plan in terms of social infrastructure and health and social care facilities, housing, affordable housing, urban design, access and inclusive design, energy, flood risk and transport.

It was stated in the assessment of urban design in the GLA Stage 1 Report that *“the lack of any integration with the completed development to the west is disappointing and the applicant is urged to address this concern”*. At Stage 2, the GLA considered that amendments to the number of blocks and public realm made the application acceptable in urban design terms.

In terms of listed building alterations and new buildings, the GLA Stage 2 Report noted that the applicant had submitted detailed plans showing how it *“has assessed and responded to Listed hospital buildings”*. The Stage 2 Report further stated that *“this has involved extensive consultations with officers from Ealing Council and English Heritage [now Historic England], and [the plans] are acceptable in strategic planning terms. The scale, form and disposition of the proposed new buildings is also acceptable in strategic planning terms”*. While not specifically referenced, this is compliant with the aims of London Plan Policy 7.4.

In the Stage 2 Report the Mayor advised Ealing Council that it was content for the Council to determine the cases itself, “*subject to any actions that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority*”.

Source: Pages 1, 3 and 5, GLA Stage 1 Report, 28 March 2013; Page 1 and paragraph 12, GLA Stage 2 Report, 29 May 2013

Appeal
N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)	✓	✓
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		
8 & 9 (Taking forward priorities together)		✓
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		✓
58 to 61 (Good design)		
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)		✓
134 (Harm/ public benefits)		✓
135 (Non designated asset)		✓
136 (Permitting loss)		✓
137, 138, 139 (WHS & CAs)		✓
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		

Weight given to London Plan heritage policies compared to other policies

Local Planning Authority
Overall, London Plan and local planning policies were considered in greater detail than relevant national policies. The London Plan policies that were considered in most detail were those relating to the principle

of development and housing supply, including Policy 3.3 on increasing housing supply and housing density and mix. London Plan Policy 3.3 was considered to align with both the NPPF and Ealing's own Development Strategy which sets targets for 14,000 additional homes by 2026.

The impacts of the proposals on heritage assets were considered to be important in the Committee's assessment of key issues however the only London Plan policy on heritage that was explicitly considered was Policy 7.8 on heritage assets and archaeology. The Committee Report also considered Section 12 of the NPPF and Policies 4.6 and 4.8 of Ealing's UDP and Ealing's Development Strategy Policy 1.1 to be relevant in assessing the proposal's impact on heritage assets.

The loss of key worker housing and the loss of community facilities were seen as particularly important to balance against housing needs in this application and were therefore given the greatest weight in decision making. London Plan Policy 3.14 was referenced in this regard and seeks to "*resist the loss of housing including staff accommodation unless it is re-provided at the same or higher densities*". This was balanced against the applicant demonstrating under-occupation in the key worker housing as well as providing some affordable housing in the scheme. Policies 8.1 and 8.4 of the Ealing UDP state that the loss of community facilities "*will not be allowed unless adequate replacement of the facilities is provided*" and that redundant facilities "*other than for alternative community use will be resisted*". London Plan Policy 4.1 was also identified which seeks to protect such facilities and resist their loss "*without adequate justification or to provide for its replacement*". While not being given the greatest weight, it was also considered that the scheme would be beneficial to heritage assets in the Committee Report conclusion where it stated that the proposal "*will result in a viable and secure long term future use for the identified heritage assets ensuring their historic and architectural significance is preserved and the existing setting is enhanced*".

Source: Pages 11-39 and 52-74, Committee Report, 4 March 2013

In the Decision Notice London Plan Policy 7.8 was identified in the reasons for granting a condition that a written scheme of investigation for archaeological assets be submitted to and agreed with the London Borough of Ealing. Local planning policies were also referenced in the conditions. The majority of conditions related to design requirements.

Source: Condition 16, Decision Notice, 22 July 2013

Greater London Authority

Overall, more consideration during both Stage 1 and Stage 2 was given to topics where the proposals were considered not to be in conformance with London Plan policies, namely social infrastructure and health and social care facilities, housing, affordable housing, urban design, access and inclusive design, energy, flood risk and transport.

The GLA Stage 2 Report considered that the scheme was acceptable in heritage terms and, whilst not specifically analysing the policy, the Mayor considers that the intentions London Plan Policy 7.4 have been met where the Stage 2 Report states that the design strategy "*would re-enforce and complement the site's heritage value*". No other London Plan policies are referenced.

The NPPF and local planning policies were not referenced in the GLA Stage 1 or Stage 2 Reports however the topics that were given most weight in both Reports were: social infrastructure and health and social care facilities, affordable housing, urban design and transport.

Source: Page 1 and 9, GLA Stage 1 Report, 28 March 2013; Page 1 and Paragraph 12, GLA Stage 2 Report, 29 May 2013

Appeal

N/A

Key points

The LPA concluded that the proposals satisfactorily balanced the provision of new housing with the protection and retention of heritage assets. Overall, London Plan and local planning policies were considered in greater detail by the LPA than relevant national policies. The London Plan policies that were considered in most detail were those relating to the principle of development and housing supply. GLA Stage 1 and 2 Reports did not consider heritage in detail, instead focussing on housing and replacing social infrastructure. The Stage 1 and 2 Reports did not consider any individual policies at national, regional or local levels.

D17 9-42 The Broadway

Application Details

Application Reference	London Borough	Inner or Outer
P/2015/3479	Ealing	Outer
The Applicant	The Agent	CAZ?
BE Broadway BV	N/A	No

Address
Arcadia 9-42 The Broadway, Ealing

Scheme Description
Demolition and redevelopment of 9-42 The Broadway and 1-4 Haven Place (retaining No.9 and the front facades of No.14 and No.15-16 The Broadway) and erection of eight new buildings (ranging from two storeys to 18 storeys) to provide 188 residential units (Use Class C3), 6,667 sqm flexible retail floorspace (Use Class A1/A3), 784 sqm flexible retail / leisure floorspace (Use Class A1/A3/D1/D2), 514sqm bar / nightclub (Use Class A4 / Sui Generis) with basement car parking, a new publically accessible route, associated public realm and landscaping, residential vehicular access off The Broadway and primary servicing off Springbridge Road via existing servicing route for 1-8 The Broadway and associated works. <i>Source: Application Form</i>

Summary of scheme changes made during determination in response to heritage considerations
During determination, further consultation on the proposals led to design changes which were reflected in the Heritage Statement Addendum (January 2016). Scheme changes include the retention of no. 9 Ealing Broadway and the facades of nos. 14, 15 and 16 Ealing Broadway. In addition to this, the four storey brick fronted element of Building 4A was reduced by one storey and amendments to the detailed design of facades of the new buildings on the Broadway frontage. <i>Source: Heritage Statement Addendum</i> The Design and Access Statement (DAS) Addendum took account of scheme changes including the preservation of non-listed heritage assets and the setting back of new development to reduce the impact on the setting of nearby listed buildings including the Grade II* listed Christ the Saviour Church. <i>Source: Section 4, Design and Access Statement Addendum</i>

Housing		Employment		Mixed Use	✓	Other	
Date Received	15/07/15	Officer Recommendation	Approval		Appeal Ref	APP/A5270/V/ 16/3151295	
Outline		Delegated decision			Appeal allowed		
Full	✓	Committee decision	24/02/16		Appeal dismissed		
Reserved Matters		Mayoral decision					
Listed Building Consent							
Demolition in CA		Approved with conditions					
		Approved with conditions & S106	✓				
		Refused					

Site Description
<p>The site comprises 0.62 hectares of land on The Broadway, Ealing. The site is bound to the north by the railway line, to the south by The Broadway, to the east by Station Broadway, and on the west by a newly refurbished shopping centre at 1-8 The Broadway.</p> <p>The site is located within the Ealing Town Centre Conservation Area and the Haven Green Conservation Area is adjacent to the north.</p> <p>None of the buildings on site are listed or locally listed however some of the buildings are identified as key unlisted buildings having townscape merit within the Ealing Town Conservation Area Appraisal (2007) or the Ealing List of Buildings of Façade or Group Value (2014). The Grade I listed Pitzhanger Manor and entrance archway and gates, the Grade II* listed Christ Church New Broadway and the bridge at the north of Walpole Park and the Grade II NatWest Bank are all within close proximity to the site.</p> <p><i>Source: Paragraphs 2.1-26, Planning Statement</i></p>

Relevant Planning History
<p>The site formed the south-eastern part of a major redevelopment scheme in 2006 – Glenkerrin sought planning permission and conservation area consent for the demolition of existing buildings and the construction of six buildings for a mix of residential, retail, commercial and leisure uses, landscaping and car parking (P/2007/4246 and P/2007/4248). During the course of the application the applicant submitted a revised scheme over officers’ concerns over the height of the tower and impact on the appearance of Ealing Town Centre and Haven Place Conservation Areas.</p> <p>London Borough of Ealing’s Planning Committee granted planning permission for the revised scheme on 17 December 2008. The scheme was subsequently called in by the Secretary of State who, while acknowledging the scheme’s compliance with development plan policy, considered the scheme’s bulk and massing to be inappropriate to its surroundings. On 7 December 2009 the Secretary of State refused the scheme on the grounds that the “<i>bulk, massing and certain aspects of the design of the scheme would be inappropriate in its surroundings</i>”.</p> <p><i>Source: Paragraphs 3.1-3.9, Planning Statement</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area	✓	Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset	✓	Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area		Registered Park/Garden	
Setting (LBs, CA)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement	✓	EIA/ES		Other	
<p>The Heritage Statement (July 2015) considered that the proposal would have a direct effect on numbers 26/29 and 35 Broadway (within Ealing List of Buildings of Façade or Group Value 2014) and an indirect effect on the setting of a number of listed buildings in close proximity to the site. The Heritage Statement also considered the site’s location within Ealing Town Centre Conservation Area and immediately south of the Haven Green Conservation Area and concludes that the proposal enhances these assets.</p> <p>The Heritage Statement also made reference to impacts of the scheme in terms of heritage policy. The Heritage Statement considered Paragraphs 128, 132, 133, 134, 135 and 137 of the NPPF and specifically referenced London Plan Policies 7.8, 7.11 and 7.12 to be relevant to the proposal.</p> <p><i>Source: Paragraphs 2.4 - 2.13, 2.21- 2.23, 4.16, 5.63 and 7.6, Heritage Statement</i></p> <p>The Heritage Statement Addendum (January 2016) considered Paragraph 134 of the NPPF and stated that the development would “<i>provide a significant improvement on the existing situation on the Site in terms of</i></p>					

architecture, urban design and the quality of the public realm” and cause “less than substantial harm” to heritage assets which is “outweighed by wider public benefits”.

Source: Heritage Statement Addendum

The Planning Statement considered heritage assets on the site and in the site’s vicinity and noted that there were no listed buildings on site but that there were buildings on site that are identified within the Ealing Town Centre Conservation Area Appraisal and the Ealing List of Buildings of Façade or Group Value.

The Planning Statement referenced NPPF Paragraphs 134, 135 and 137 and concluded that the benefits to Ealing Town Centre Conservation Area far outweighed the harm to non-designated heritage assets. The Statement also considered local planning policy in terms of heritage assets however London Plan policies were not referenced.

Source: Paragraphs 2.6 and 6.55 – 6.77, Planning Statement

The Townscape and Visual Impact Assessment (TVIA) considered the effect of the proposal on townscape and built heritage. The TVIA tested the potential impact of the scheme on surrounding heritage assets, including listed buildings and conservation areas and concluded that the visual effect of the development on the Ealing Town Centre Conservation Area and nearby listed buildings was beneficial or neutral. It was considered that these conclusions applied equally to the Proposed Design Changes.

The TVIA update assessed the effect of the proposal in terms of Historic England’s Advice Note 4 on tall buildings.

Source: Paragraphs 2.1, 2.4, 2.6 and 3.13, Townscape and Visual Impact Assessment

The Design and Access Statement (DAS) mapped key unlisted buildings and buildings that made a positive contribution to the Conservation Area and those that were of façade or group value within the site. It provided detail on the design approach and how this responded to the surrounding heritage context.

The DAS Addendum took account of scheme changes including the preservation of non-listed heritage assets and the setting back of new development to protect the setting of nearby listed buildings including the Grade II* listed Christ the Saviour Church.

Source: Section 2, DAS Addendum

Historic England advice

Historic England advice

Historic England considered that 14 of the buildings proposed for demolition make a positive contribution to the character and appearance of the Ealing Town Centre Conservation Area. They considered that, cumulatively, their loss would cause serious harm to the conservation area. Further harm would be caused by the scale and form of the new development, which fails to respond to the character of the conservation area and has significant impacts on the settings of nearby designated heritage assets. On balance, they believed the impacts of the proposals equate to substantial harm to the significance of Ealing Town Centre Conservation Area.

Historic England stated that they were not persuaded that this harm is necessary to achieve the public benefits identified in the submitted application. They stated that given the nature and extent of the harm and the lack of convincing justification, the proposals are clearly contrary to Government objectives for the delivery of sustainable development and they therefore objected strongly to them.

Source: Historic England consultation response, 16 September 2015

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

The Committee Report identified the following London Plan heritage policies to be relevant to the application:

- Policy 7.4 Local character
- Policy 7.8 Heritage assets & archaeology

The impact of the proposal on the Ealing Town Centre Conservation Area (ETCCA) is assessed, although reference is not made to London Plan Policy 7.4, the Committee Report stated: *“the development is of a well-considered design, based on an understanding of the Site and its context. It offers architecture of a high quality using high quality materials. The new buildings would be of a significantly greater quality of design and finish than the existing buildings on Site. They would enhance the built edge to the street and introduce a sense of continuity of an appropriate scale, grain and rhythm that would reflect the characteristics of Edwardian parades”.*

The relevant London Plan policies are not identified or specifically referenced in the text. However, it may be possible to infer that the Council considered there is alignment with London Plan Policy 7.7 where the Committee Report stated that: *“The height and massing of the tower respond well to the surrounding townscape, achieving a coherent scale and composition with the courtyard blocks and particularly in views from the station and Haven Green. Its height also allows its shadow to fall mainly within the Arcadia site itself with its reach stopping at the railway lines throughout the summer”*.

Policy 7.8 was not referenced in the analysis set out within the Committee Report although the report did state: *“considerable weight and importance has been given to the harm identified to affected heritage assets as outlined above. However, Officers do not agree with Historic England’s assessment that the proposed development would result in ‘substantial harm’ to affected Heritage Assets; in particular to the ETCCA, and setting of the Listed Church and Bank”*.

While not identified or specifically referenced in the text, the Committee Report considers the principles of Policy 7.9 in the section on the townscape and visual impact assessment: *“overall, the current buildings are poorly reflective of the special interest of the CAA and have limited townscape and heritage value. However, subsequent to consultation responses from HE and the GLA, the applicant undertook further work to consider which buildings were most worthy of retention and these resulted in the current revised scheme”*.

London Plan heritage policies were specifically used to justify the conditions attached to the permission, including:

- *London Plan Policies 7.8 and 7.9 in the condition that no demolitions or alterations shall commence until arrangements are agreed with the Council to preserve the character and appearance of Conservation Areas and adjoining heritage assets.*
- *A written scheme of investigation for a programme of archaeological investigation must be agreed with the Council to protect heritage assets of archaeological interest on site which is considered to be in accordance with London Plan Policy 7.8.*
- *Retained building facades are to be preserved to protect their special architectural and historic interest in accordance with London Plan Policies 7.4, 7.8 and 7.9.*

Source: LB Ealing Planning Committee Report (24th February 2016) pages 9, 10, 27, 86-87 and 90

Greater London Authority

Overall the Stage 1 Report considered the proposed development to be generally acceptable in strategic terms, but that it did not fully comply with the London Plan with one of the areas of non-compliance being heritage.

The GLA Stage 1 Report made specific reference to the need to consider London Plan Policy 7.8 and the NPPF heritage policies in determining the application. The Committee report sets out what these policies are but in the following review of heritage aspects of the proposal no further reference is made to specific policies. The GLA Stage 1 Report identified a concern in respect of the loss of four buildings of local interest. The Report states: *“The wholesale demolition of any large site within a conservation area is always controversial particularly one that contains buildings of townscape merit that make a positive contribution to the character of the conservation area as is in this instance. Most of the existing buildings on the site exert a neutral or negative impact ... but there are four relatively small buildings of local interest (Nos. 9, 14, 15-16 and 35)... The failure to retain and incorporate the identified buildings is of concern.”*

The GLA also considered that the *“applicant should have regard to the conservation area opposite and should look to retain the better quality high street frontage and integrate it into the scheme.”*

The report concludes that: *“The clean slate redevelopment of the site is not supported due to the loss of historic buildings of merit and impact on the surrounding conservation areas. The proposed overall massing strategy with the height increasing and stepping back from the Broadway frontage with an 18 storey residential tower is supported.”*

No reference is made to any other London Plan heritage policy.

Source: Paragraphs 37-41 and 76 GLA Stage 1 Report, 27 October 2015

Appeal

Public inquiry pending

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)	✓	✓
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)	✓	✓
8 & 9 (Taking forward priorities together)		✓
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		✓
58 to 61 (Good design)		
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)	✓	✓
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)	✓	✓
141 (Sharing/ recording information)		
152 (Net gains)		
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Overall, local, London and national policies were considered throughout the assessment of main planning considerations in the application. The Draft Arcadia SPD (2012) was also considered significant in determination although the Committee Report does not reference this document in terms of heritage.</p> <p>The London Plan policies which were considered in most detail were policies relating to the principle of development and mix of uses. This section of the report stated that: <i>“The proposed mixed-use development of the site is strongly supported by the London Plan which seeks improvement and enhancement of metropolitan town centres: Policy 2.15 - Town Centres, Policy 4.7 - retail & town centre development, and Policy 4.8 - supporting a successful & diverse retail. Town Centres are key spatial priority in the London Plan and London Plan Policy 2.15 states that development proposals should sustain and enhance the vitality and viability of the centre and support and enhance the competitiveness, quality and diversity of town centre, retail, leisure arts and cultural services”.</i></p> <p>While the principle of development was a major factor in the granting of approval for this application, a consideration was whether or not the proposal harmed the significance of heritage assets. The Committee Reports conclusion stated that most regard was given to <i>“the impact of the proposed development on the significance of the Ealing Town Centre Conservation Area and surrounding heritage assets (conservation</i></p>

areas/ listed buildings) and to the desirability of preserving or enhancing the character and appearance of the Area and to preserving the setting of adjacent listed buildings”.

The conclusion from this analysis states (noting that this is somewhat contradictory) “It is concluded on the first issue [heritage impacts], based on the available evidence and notwithstanding the strong objections raised by Historic England and others, that the proposed development, as revised, would result in `less than substantial harm` to the significance of the town centre conservation area or any other surrounding heritage asset, but that it would overall preserve and enhance the conservation area and the setting of the listed Church of Christ the Saviour.”

NPPF heritage policies, London Plan heritage policies and local heritage policies were considered in the analysis of the proposal in terms of heritage. The specific policies given most weight in the analysis of heritage were Paragraphs 133, 134, 135 and 137 of the NPPF, Ealing Development Strategy Policy 2.5 and London Plan Policy 7.8 (although this policy was not explicitly referenced).

Source: Pages 69, 72, 86-94, 115 and 116, Committee Report, 24 February 2016

Greater London Authority

Heritage is an important consideration in the GLA Stage 1 Report and is identified as one of a number of reasons why the proposal does not comply with London Plan Policy. Reference is made to Policy 7.8 to make this case. Other areas of non-conformance include housing mix, affordable housing and energy.

In the Stage 1 Report a similar level of consideration is given to London Plan Policy 7.8 as is given to other London Plan policies such as Policy 3.8 on housing mix and Policy 3.12 on affordable housing, in these cases the report sets out what the policy states and then provides a description of the proposal, not typically referring to the London Plan policy again in the analysis.

The stage 1 Report makes reference to NPPF policies on heritage in stating for example: “The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be.” Reference is not made to the NPPF for other topics considered in the Stage 1 Report.

Source: GLA Stage 1 Report, 27 October 2015

Appeal

Public inquiry pending

Key points

Heritage matters were considered in the Committee Report and the assessment by Officers concluded that the scheme would cause `less than substantial` harm and any residual adverse impacts would be outweighed by the public benefits of the scheme. The benefits of the proposal in terms of town centre regeneration appears to be one of the main reasons for permission being granted.

London Plan policies were considered most in relation to the principle of development and mix of uses.

Heritage was an important consideration for the GLA and was identified as one of several areas of non-conformance with the London Plan, Policy 7.8 was used to help make this case. The Stage 1 Report references the NPPF in respect of heritage but does not refer to the NPPF for other topics.

Since the drafting of this report the case has been called in by the Secretary of State for his determination with heritage as a major issue.

D18 Oaks Shopping Centre

Application Details

Application Reference	London Borough	Inner or Outer
PP/2012/3154	Ealing	Outer
The Applicant	The Agent	CAZ?
Acton Development Co	N/A	No

Address
The Oaks Shopping Centre And Adjoining Car Park In Churchfield Road High Street Acton W3 6RE London

Scheme Description
<p>Partial refurbishment, demolition and redevelopment of shopping centre and adjacent car park to provide two storey residential accommodation fronting Hooper's Mews, five storey accommodation fronting Churchfield Road (retail on ground floor with residential above), nine storey accommodation to the corner of Churchfield Road/burial ground and eight storey residential accommodation with a basement level across the remainder of the site. New foodstore at basement level (4,879 sqm) together with four new retail units (14 sqm, 78 sqm, 16 sqm and 43 sqm), six refurbished retail units (2,444 sqm), 142 residential units (52 x 1 bed, 50 x 2 bed, 39 x 3 bed and 1 x 4 bed) and ancillary service yard, storage, plant, circulation space, amenity space and play space, provision of 227 car parking spaces, including 15 disabled spaces (197 retail and 30 residential), 284 cycle parking spaces (84 retail, 14 employee and 186 residential), with vehicular access from Churchfield Road and access to the residential units off Churchfield Road, Hooper's Mews and burial ground. Provision of two pedestrian links between High Street and burial ground.</p> <p><i>Source: Application Form</i></p>

Summary of scheme changes made during determination in response to heritage considerations
<p>The London Borough of Ealing raised concerns about the initial July 2012 submission in terms of the proposed massing and the scheme's external treatment.</p> <p>In response to concerns raised by the London Borough of Ealing, including "<i>the high density expressed in the bulk, height and massing of some of the buildings remains the overall point of concern</i>" the applicant altered the massing of the scheme, the position of the tower within the development, façade treatment. Following consultation with the London Borough of Ealing, the GLA and Historic England, the applicant developed scheme design proposals that were outlined in the Design and Access Statement Addendum summary of scheme changes:</p> <p><i>"a six storey masonry facade with two further storeys above parapet height, comprising predominantly of duplex apartments. The upper storeys are expressed as a glazed 'lantern' which runs the length of the block and sets it apart from the base building. This is further enhanced by a set back on all facades which in tandem create amenity terraces for the 6th floor apartments. The contrasting materiality, serves to minimise its impact from the ground. In the north-east corner height is increased locally by one storey to mark this significant corner yet remains two storeys lower than the original application was in this location"</i>.</p> <p>London Borough of Ealing's planning response to design changes made in relation to concerns at consultation is included in the Design and Access Statement Addendum which states "<i>the reductive changes are welcomed. However, the reductions do not go far enough in resolving the 'scale' and impact on the surrounding Conservation Area... The key viewpoints identified remains a critical consideration in terms of the impact on the character and appearance of the surrounding Conservation Area</i>".</p> <p><i>Source: Pages 4, 7, 9 and 20, Design and Access Statement Addendum, July 2012</i></p>

Housing		Employment		Mixed Use	✓	Other	
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Date Received	27/12/12	Officer Recommendation	Approved	Appeal Ref	N/A
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Outline		Delegated decision		Appeal allowed	
Full	✓	Committee decision	17/12/14	Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent		Approved with conditions	✓		
Demolition in CA		Approved with conditions & S106			
		Refused			

Site Description
<p>The site comprises 1.15 hectares of land including The Oaks Shopping Centre and adjoining Council owned and operated Churchfield Road car park located in Acton town centre. The application site is bound to the north by Churchfield Road and to the east by a former cemetery (St Mary's Burial Ground) with residential properties beyond. The southern site boundary is formed by Acton High Street (including the existing entrance to The Oaks Shopping Centre). To the west of the application site are residential and commercial properties fronting Hooper's Mews, with Market Place beyond it. The site is not located within a conservation area, but adjoins the Acton Town Centre Conservation Area to the south, north and south east.</p> <p><i>Source: Section 2, Planning Statement</i></p>

Relevant Planning History
<p>Full planning permission was granted 8 April 2014 for development of the greater part of The Oaks site (Phase 1). This decision was subject to an application for Judicial Review that was refused in the High Court On 14 November with an award of costs against the claimant. The claimant has since made application for permission to appeal the Judge's decision - the outcome of this was awaited at the time of Committee Report publication (PP/2012/3154).</p> <p>On 25 October 2013 conditional Conservation Area Consent was granted for the demolition of the western wall to St Mary's Burial Ground (P/2012/3155).</p> <p><i>Source: Pages 33-34, Committee Report, 17 December 2014</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area	✓	Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area		Registered Park/Garden	
Setting (CA)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	
Heritage Statement	✓	EIA/ES		Other	✓
<p>The Planning Statement noted that the application site did not contain any heritage assets but did adjoin Acton Town Centre Conservation Area to the south, north and south east.</p> <p><i>Source: Paragraph 3.39, Planning Statement</i></p> <p>The Historic Environment Assessment was a desk-based study assessing the impact of the scheme on buried heritage assets (archaeological remains). It stated that “<i>the site does not contain any nationally designated (protected) heritage assets, such as scheduled monuments, listed buildings or registered parks and gardens. The site is not located within a conservation area as designated by the LPA. However, the site is surrounded on three sides by the Acton Town Centre Conservation Area. The site is within an Archaeological Interest Area based on Church Acton High Street</i>”. The Assessment concluded by recommending a written scheme of investigation to determine “<i>the depth, nature and extent of any archaeological remains likely to be affected by the proposals</i>”.</p> <p><i>Source: Paragraphs 1.2.1 and 7.1.2, Historic Environment Assessment</i></p> <p>The Heritage Statement included a visual impact assessment that considered the appearance of the site from strategic views identified by London Borough of Ealing and concluded that “<i>proposals would not actually appear in many of the views identified (7 out of 18) and in particular, views from within the centre of the conservation area and on much of the High Street can be demonstrably seen to remain entirely unaffected. Elsewhere, visual impacts would prove merely peripheral or reduced by some distance</i>”. The Heritage Statement also stated that the scheme delivered a regenerative benefit for the conservation area and its setting, stating: “<i>Proposals can therefore be seen to be a clear response to the opportunity to enhance the conservation area and its setting – both physically and economically</i>”.</p> <p><i>Source: Paragraphs 8.3 and 8.4, Heritage Statement</i></p> <p>The Design and Access Statement Addendum included an analysis section on the site which considered the historical context and conservation areas. The Statement addressed concerns raised by the LPA, GLA and Historic England over the height and massing of the building and stated that “<i>the massing to Block C and D was... reconsidered with a view to minimising the proposals impact in the identified views</i>”.</p> <p><i>Source: Section 2.4 and 3, Design and Access Statement Addendum</i></p>					

Historic England advice

Historic England advice
<p>Historic England did not comment in detail but set out the following concerns (summarised in the consultation section of the Committee Report):</p> <ul style="list-style-type: none"> • “(i) Over the impact of the development on the graveyard (burial ground) to the rear both in terms of its bulk and the treatment to the boundary. • (ii) Over the design of the new entrance to the shopping centre from the High Street. Although the existing building is not of any architectural interest, the redevelopment of the site offers an opportunity to enhance this part of the High Street with a good new building, and the proposed architectural treatment is (in my opinion) mediocre. Suggests look at redesigning this element of the scheme”. <p><i>Source: Page 38, Committee Report, 17 December 2014</i></p>

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority
<p>The Committee Report identified the following London Plan heritage policies as relevant in the assessment of the proposed development:</p> <ul style="list-style-type: none"> • 7.4 Local Character • 7.7 Location and Design of Large and Tall Buildings • 7.8 Heritage Assets and Archaeology • 7.9 Heritage Led Regeneration

The urban design analysis is assessed however reference is not made to London Plan Policy 7.4 where it was stated: *“the conclusion is that the submitted design would be preferable as this is considered to be more representative of surrounding building typologies along the High Street, as it reads as three units as opposed to one (which builds on the traditional development of the High Street with relatively narrow plots and a variety of building heights being provided).”* This accords with the intentions of Policy 7.4 A that proposals should have *“regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass”*.

While Policy 7.7 was not specifically mentioned in subsequent commentary, massing and height was considered: *“The height of the proposed building would be noticeably higher than the adjoining 1920s terrace to the east, which the building would abut (as now). However, the differential height and scale at this point is not considered harmful in townscape terms, given the general height along High Street as referred to above and given there is currently a similar variation in height/scale on the west side”*. This relates to the requirements of London Plan Policy 7.7 C which states that tall buildings should *“relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm”*.

The Report quoted London Plan Policy 7.8 D which requires conserving heritage assets by their significance *“by being sympathetic to their form, scale, materials and architectural detail”*. In the section of the Report a statutory approach to analysing heritage assets it was confirmed where it was stated that *“the proposed development is not judged to result in any harm to the setting of the nearby listed buildings or the adjoining conservation area generally... the scale, form, design and appearance of the proposed buildings is considered acceptable and would not harm the character or appearance of the area or the significance (in this case the setting) of any heritage assets”*. On archaeology it was stated that the Archaeological Desk Based Assessment submitted with the application accorded with the requirements of London Plan Policy 7.8. Additional consideration of London Plan Policy 7.8 informed the decision to approve the proposal in the Committee Report where it stated *“consideration was... given to the principle of the proposed uses, the form layout, design scale and appearance of the proposed buildings and impact on the surrounding townscape”*.

London Plan Policy 7.9 was not referenced in the Report and there was no evidence of consideration of this policy.

Source: Pages 44, 46, 47, 51 and 56, Committee Report, 17 December 2014

Greater London Authority

At Stage 1 the GLA advised that the application did not comply with the London Plan in respect of the following areas: affordable housing, housing choice, residential quality and density, child playspace, urban design, inclusive access, climate change, and transport. The Stage 1 and 2 Reports do not specifically reference or analyse London Plan heritage policies.

The scheme was considered in urban design terms including height and massing in which it was stated that *“The proposed development is predominantly six storeys in height; including two storeys of car parking and four storeys of residential above, which is approximately two to three storeys higher than the surrounding contextual height of two to four storeys. Whilst this height difference in itself is not significant, the high plot ratio and site coverage of the development as a whole makes the development look large and bulky compared with its surrounding context. Further illustration of how the development fits in with the surrounding area is required before the scheme is referred back to the Mayor at stage two”* which relates to considerations in London Plan Policy 7.7 on tall buildings.

On appearance at Stage 1 it was stated that *“In terms of the materials proposed, the use of predominately brick is welcomed as it respects the character of the adjacent conservation area and the other surrounding residential area it also reflects the prominent residential use of the development”* which relates to the requirements of London Plan Policy 7.4 on local character.

At Stage 2 amendments were made to the proposed development’s design and the Mayor considered that the scheme was now in conformance with London Plan policies. It was stated that *“the height and massing has been significantly revised... reducing the visual impact of the massing”* and regarding appearance states *“The scheme now has an overall brick and reconstituted stone appearance. The upper floors will be predominantly glazed to lighten their appearance, provide visual interest whilst minimising the impact on surrounding conservation areas”*.

Source: Paragraphs 50, 55 and 98, GLA Stage 1 Report, 2 October 2012; Paragraphs 21-23, GLA Stage 2 Report, 18 December 2013

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		✓
8 & 9 (Taking forward priorities together)		✓
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		
58 to 61 (Good design)	✓	✓
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		✓
141 (Sharing/ recording information)		
152 (Net gains)		
156 & 157(8) (Local plan strategy)		✓

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Overall the focus during determination was on London Plan and Local Plan policies, rather than NPPF policies. The London Plan policies which were considered in most detail were those relating to housing, including residential density (London Plan Policy 3.4 on optimising housing potential), affordable housing (London Plan Policy 3.12 on securing the maximum reasonable amount of affordable housing), housing choice (London Plan Policy 3.8 on providing a range of unit sizes), floor space standards (London Plan Policy 3.5), lifetime homes/wheelchair standards (London Plan Policy 7.2 and children’s play space (London Plan Policy 3.6).</p> <p>Relevant London Plan policies were also considered in each of the key planning considerations in the assessment of the scheme except “<i>impact on adjoining occupiers and uses</i>” where Ealing’s DM DPD Policy 7C(D) on design amenity is primarily considered. It was stated that any potential adverse impacts would be acceptably mitigated by conditions.</p> <p>Of the London Plan heritage policies identified as being applicable, Policy 7.8 on development affecting the setting of heritage assets was referenced most in the Committee Report.</p> <p>The NPPF was not directly referenced at all in the Committee Report although Paragraphs 131-134 on harm to the significance of assets and public benefits were alluded to: “<i>the scale, form, design and</i></p>

appearance of the proposed buildings is considered acceptable and would not harm the character or appearance of the area or the significance (in this case the setting) of any heritage assets”.

Housing issues (including the provision of affordable housing) were given the greatest weight overall with the Committee considering that the site’s good transport links and *“the requirement for additional homes is [being] a key priority of national, regional policy, and local policy”* weigh in favour of the scheme being granted. The urban design (including heritage) impacts of the scheme were also given great weight in the scheme’s consideration. The need for housing was considered to outweigh the preservation of heritage assets and their settings however, with the Committee considering that *“the proposed development is not judged to result in any harm to the setting of the nearby listed buildings or the adjoining conservation area generally”*.

Source: Pages 42, 43, 47-49, Committee Report, 17 December 2014

Greater London Authority

Heritage was not a key consideration in the GLA Stage 1 and Stage 2 Reports. The focus was instead on affordable housing, housing choice, residential quality and density, child playspace, urban design, inclusive access, climate change, and transport.

Source: Paragraph 50, GLA Stage 1 Report, 2 October 2012; Paragraph 42, GLA Stage 2 Report, 18 December 2013

Appeal

N/A

Key points

The LPA concluded that there would not be harm to heritage assets from the proposal. Greater weight was therefore given to other factors, most notably housing. The NPPF was not specifically referenced by the LPA although the balance between harm to heritage assets and public benefits was considered which aligns with Paragraphs 131-134 of the NPPF in decision making.

At Stage 1 the GLA requested amendments to the height, massing and materials to better respond to the surrounding area and at Stage 2 they considered there to be no outstanding heritage issues.

D19 3-17 Whitcomb Street

Application Details

Application Reference	London Borough	Inner or Outer
14/01000/FULL / 14/01001/LBC	Westminster	Inner

The Applicant	The Agent	CAZ?
Hobhouse SA	DP9	Yes

Address
3-5, 7-13, 15 and 17 Whitcomb Street, 1, 2, 2a and 3 Hobhouse Court, SW1 4HH / WC3H 7HA

Scheme Description
<p>Refurbishment and erection of a two storey extension at roof level to 3-5 Whitcomb Street; demolition of 7-13, 15 and 17 Whitcomb Street and 1 Hobhouse Court and redevelopment to provide a building of ground and part four/part five upper floors; external alterations to 2, 2A and 3 Hobhouse Court; and refurbishment and extension to basement vaults, all in connection with their use as public art gallery (Class D1), retail (Class A1), office (Class B1) and 22 residential units (two x studios, seven x one bed, five x two bed and eight x three bed) with plant at roof level, creation of new pedestrian access and hard and soft landscaping works to Hobhouse Court including removal and replacement of two trees. An application for Listed Building Consent was also submitted for demolition and redevelopment of 7-13 Whitcomb Street, refurbishment and erection of two storey extension at roof level to 3-5 Whitcomb Street, and refurbishment of the basement vaults.</p> <p><i>Source: Application Form</i></p>

Summary of scheme changes made during determination in response to heritage considerations
<p>In November 2014 a number of changes were made to the facades of the proposed buildings in response to discussions with the LPA's planning and design officers. These changes included: a more articulated base at ground floor to provide a less vertical scheme, provision of uniformly recessed windows to create a more consistent treatment, and changes to brick colouration in order to better integrate with surrounding buildings on Whitcomb Street. Subsequent to the Planning Committee on 13 January 2015, Historic England and the applicant undertook negotiations to increase the area of vaults in public use as part of the scheme. The applicant agreed to market the area of vaults, originally approved as general retail, for display and sale of art (A1). The plans were amended accordingly and a clause was added into the Section 106 to secure the benefit. On that basis, Historic England were satisfied that the public benefits of the scheme were sufficient and their support was received.</p> <p><i>Source: Delegated Decision, April 2015</i></p>

Housing		Employment		Mixed Use	✓	Other	
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Date Received	31/01/14	Officer Recommendation	Approval	Appeal Ref	N/A
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Outline		Delegated decision	13/01/15	Appeal allowed	N/A
Full	✓	Committee decision		Appeal dismissed	N/A
Reserved Matters		Mayoral decision			
Listed Building Consent	✓	Approved with conditions			

Demolition in CA	Approved with conditions & S106	10/06/15
	Refused	

Site Description
<p>The application site is located in the City of Westminster, to the north west of Trafalgar Square and the south of Leicester Square. It is bounded by 21 Whitcomb Street to the north, 5-6 Pall Mall East to the south and the rear of 3-5 Whitcomb Street / the western boundary of Hobhouse Court to the west. At the time of the application, the site comprised a number of buildings located on Whitcomb Street and Hobhouse Court. It included 1, 2, 2A and 3 Hobhouse Court and 3-5, 7-13, 15 and 17 Whitcomb Street. The buildings are part of a wider estate also owned by the Applicant.</p> <p>The site lies within the Trafalgar Square and St James Conservation Areas. Numbers 3-17 Whitcomb Street are also all Grade II listed, while 15 and 17 Whitcomb Street are identified as buildings of merit within the Conservation Area. The site also falls with the Ludenwic and Thorney Island Area of Special Archaeological Priority.</p> <p>The area surrounding the site is used for a range of purposes typical for its central London setting. This includes commercial, retail, hotel, leisure and residential uses. Significant surrounding buildings and places include the National Gallery, immediately to the east, the University of Notre Dame on Suffolk Street, the Royal Trafalgar Hotel on Whitcomb Street and the significant public spaces at Trafalgar and Leicester Squares.</p> <p><i>Source: Chapter 2, Planning Statement</i></p>

Relevant Planning History
<p>The application site was subject to a number of applications in the past. Many of these involved alterations to the listed buildings on the site. During the 1970's, the Casson Conder Partnership, on behalf of the Crown Estate, undertook a significant program of alteration and refurbishment works. Records of these applications are not available from the Council's online database but reference material is provided as part of the application documents. Between 2007 and 2010 Hobhouse City Site Partnership submitted a number of applications for works to the properties. A number of these were permitted including: various works to 3-5 Whitcomb Street and 5-6 Pall Mall in relation to its use as a restaurant (including 01/02847/FULL and 01/03191/FULL); planning and listed building applications for the use of the vaults beneath 3-13 Whitcomb Street as a restaurant in 2009 (08/05742/FULL); planning and listed building applications for the extension of the A4 use at ground into the basement of 15 Whitcomb Street in 2008 (07/05305/FULL); an application for the conversion of the upper floors of 15 Whitcomb Street of the building from office to residential use (10/00526/FULL); and an application for the conversion of 2 and 3 Hobhouse Court from office to residential use (09/10165/FULL)</p> <p><i>Source: Chapter 2, Planning Statement</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area	✓	Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed	✓	Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area	✓	Registered Park/Garden	
Setting (CA and LBs)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	✓	Visual Impact Assessment	✓
Heritage Statement	✓	EIA/ES		Other	

The desk-based Archaeological Assessment assessed the impact on buried heritage assets (archaeological remains). It does not cover possible built heritage issues (such as setting), except where buried parts of historic fabric are likely to be affected. The report found some potential for heritage assets from early medieval, roman and post-medieval remains, but low potential for remains from other periods. The

documents stated that the results of the evaluation would allow for an archaeological mitigation strategy to be drawn up on advance of development, in consultation with Historic England and the local planning authority.

Source: Archaeological Assessment

The Townscape, Heritage and Visual Impact Assessment (THVIA) concluded that the demolition of 7-13 Whitcomb Street would “lead to less than substantial harm to the significance of the designated heritage asset as a whole, in accordance with paragraphs 133-138 of the NPPF”. It went on to set out a series of public benefits which would be brought about by the proposed development, including renewal and celebration of 3-5 Whitcomb Street, the restoration of the historic underground vaults and enhancement of the underused Hobhouse Court itself. It therefore concluded that “it is evident that these key areas of public benefit are significant. They are considered to outweigh the loss of the 7-13 portion of the listed building.” It further stated that the key tests outlined in the NPPF, at paragraphs 133-138, were met.

The THVIA also assessed the development in a number of key views which were agreed with the Council in advance of submission. This tested the potential impact of the scheme on surrounding heritage assets, including listed buildings and Conservation Areas. The Assessment concluded that the development would enhance the surrounding townscape where visible and would have no impact in those views tested from sensitive vistas, namely Haymarket and St James’s Square.

Source: Townscape, Heritage and Visual Impact Assessment

The Planning Statement provided a summary of the conclusions drawn from the THVIA, reiterating the argument that while there was some impact from the proposed demolition of listed buildings, this was outweighed by the public benefits previously outlined. In addition, it made the argument that in actuality 7-13 Whitcomb Street was a greatly altered building, and subsequently although the listed building’s significance was high overall, the part above ground known as 7-13 was deemed to be low and only in historical terms. In arguing this case, the Planning Statement referenced NPPF paragraphs 129, 133 and 134, as well as London Plan Policies 7.5 and 7.6, and a series of Local Plan policies.

The Planning Statement also reviewed the overall massing of the development in the context of the Conservation Areas in which it sits. It set out how the larger of the buildings proposed were concentrated at the southern end of the Site, which is positioned in the Trafalgar Square Conservation Area, known for its larger buildings. The heights proposed then stepped down to allow for a transition to the existing buildings to the north, which were positioned within the St James’s Conservation Area, which was typified by a mixture of smaller scale structures.

Source: Planning Statement

The Design and Access Statement included details on the listed buildings on and in the vicinity of the application site, as well as the Conservation Areas within which it sits. It provided detail on the design approach and how this responded to this surrounding heritage context. In particular it provided an assessment of theoretical refurbishment (rather than demolition) of the buildings on site, setting out how this could not be achieved.

Source: Design and Access Statement

Historic England advice

Historic England advice

Historic England provided strong objections to the application, stating that: “the loss of the Grade II listed 7-13 Whitcomb Street is deeply regrettable and unjustified under the NPPF. The whole scheme is considered to cause substantial harm to the character and appearance of the two conservation areas and the setting of the Grade II listed 3-5 Whitcomb Street.”

Source: Committee Report, January 2015

Following the revisions to the facades of the proposed development in November 2014, Historic England provided an updated response which maintained strong objections to the scheme and stated that “the revisions to the proposed design are an improvement on earlier proposals, however, they are not sufficient to outweigh the loss of the Grade II building”. They went on to state that the scheme did not comply with the NPPF and that the public benefits were not substantial enough to justify the harm caused.

Following the Committee Meeting in January 2015, Historic England undertook negotiations with the applicant to increase the area of the vaults in public use. The applicant agreed to market the area of vaults, originally approved as general retail, for display and sale of art (A1). The plans were amended accordingly and a clause was added into the Section 106 to secure the benefit. On that basis, Historic England were satisfied that the public benefits of the scheme were sufficient and their support was received.

Source: Delegated Decision, April 2015

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority
<p>The Committee Report from January 2015 recommended approval subject to the Planning Committee being content that any public benefits of the proposed development outweigh any harm caused by the demolition of listed buildings on-site. It also proposed that if the legal agreement could not be completed within six weeks of the date of the Committee's resolution that permission may be issued under delegated powers. A delegated decision notice was published in April 2015. The Committee Report also supported the grant of conditional listed building consent.</p> <p>The Committee Report provided an assessment of impacts of the proposed development on the listed buildings on-site, in particular the listed vaults. In doing so it made specific reference to heritage policy within the NPPF and Local Plan, but no reference was included to London Plan policies. In particular, the Committee Report assessed the significance of the effects of the proposed development, in line with the principles in NPPF paragraph 131. Nevertheless, the Report suggested some consideration of London Plan policy, without specific reference. The Committee Report looked at the restoration of the listed building at No 3-5 to house an art gallery, which implies potential assessment of the scheme against London Plan Policy 7.9 although this was not referenced directly. In addition it reviewed the proposed buildings heights both in their context as taller than the existing buildings, and in their relationship to the surrounding architecture, although London Plan Policies 7.4 and 7.7 were not specifically referenced.</p> <p><i>Source: Committee Report, January 2015</i></p> <p>With regard to Conservation Areas and the effect of the proposed development on the setting of existing buildings, no reference was made in the decision making documents. While the Committee Report noted that the site lies within the Trafalgar Square and St James Conservation Areas it did not provide any analysis of the proposed scheme in this context, and no policy was referenced.</p> <p><i>Source: Committee Report, January 2015</i></p> <p>It appears that the NPPF is used in more detail that London Plan policy to deal with heritage in the decision making process. Quoting NPPF paragraphs 131, 132 and 133, the Committee Report discussed the significance of the harm that the loss of heritage assets on site might have, and the public benefits which might outweigh these, namely: restoration of other listed buildings, improve retail and pedestrian environment, sustainable development, and a contemporary building which incorporates with its surroundings. The report recommended that the committee consider whether these overall benefits outweighed the harm caused by demolition of the listed building (7-13 Whitcomb Street) and subject to this supported approval of the application.</p> <p><i>Source: Committee Report, January 2015</i></p> <p>The Decision Notice included little reference to heritage policy. The same applies to the Section 106 Agreement and Conditions attached to the permission. However, while this was the case, Condition 5 attached to the permission included a requirement that "<i>the office and residential uses allowed by this permission must not begin until the public art gallery has been completed.</i>" This related to the agreement reached between the Applicant and Historic England which required the provision of public art space in the historic vaults, in order to justify the public benefit of the scheme. Although this was not specifically referenced, it implies use of paragraph 134 of the NPPF.</p> <p><i>Source: Delegated Decision Notice, April 2015</i></p> <p>A condition was also attached to the permission which states the need to apply for approval of a written scheme of investigation for a programme of archaeological work. This needed to include details of the suitably qualified person or organisation that will carry out the work. The Delegated Decision Notice utilised Local Plan Policies (S25 and DES11) to evidence the need for this condition. Although not explicitly referenced, this also complies with London Plan Policy 7.8.</p> <p><i>Source: Delegated Decision Notice, April 2015</i></p>
Greater London Authority
N/A
Appeal
N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		✓
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)	✓	✓
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)	✓	✓
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)		
Policy 7.12 (Implementing the London View Mgmt Framework)		

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		✓
8 & 9 (Taking forward priorities together)		✓
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		✓
58 to 61 (Good design)		✓
126 (Local plan preparation)		
128 (Applicant requirements)		
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)	✓	✓
135 (Non designated asset)		
136 (Permitting loss)		
137, 138, 139 (WHS & CAs)		✓
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Heritage issues and the relevant national and local policies were given significant weight as key to decision making on the proposed development. While the lack of affordable housing was also given some weight in discussions of policy compliance (Local Plan Policies S16, H5, H8 and H10), as well as sunlight and daylight impacts on neighbours (Local Plan Policy ENV13), heritage appears to be the main area of assessment for decision makers.</p> <p><i>Source: Committee Report, January 2015</i></p> <p>However, little reference to London Plan heritage policies was made in the Committee Report. While Section 6.2 of the Committee Report assessed the proposed development in relation to townscape and design, and deals particularly with conservation and heritage, the document relies on policy from the NPPF and Local Plan Policy, notably DES 10. In particular, the Committee Report focused on balancing heritage impacts against public benefits brought about by the scheme, which implies use of NPPF over the London Plan. Regarding the London Plan, the only reference made was covered in Section 6.7 which stated that the proposed development “<i>does not raise strategic issues and does not have significant implications for the London Plan</i>”.</p> <p><i>Source: Committee Report, January 2015</i></p>

The NPPF was given significant weight with regard to decision making and heritage effects. While the Committee Report did utilise the principles set out in other policy at the London and local level to assess the significance of heritage impacts associated with the scheme, the main policy document relied upon in decision making was the NPPF. Although the Committee Report noted that “*proposals are contentious and harmful in urban design and conservation terms, primarily because of the extent of demolition, including that of the listed building,*” it recommended approval of the proposed development. In doing so it made explicit reference to paragraphs 132 and 133 of NPPF (noting that this was essentially the same in content at UDP Policy DES 10). It stated that: the bullet points in paragraph 133 of the NPPF did not apply in this case, and so the key question to be addressed was whether the harm caused is outweighed by the public benefits of the scheme (as per paragraph 134 of the NPPF, although it was not specifically referenced). It went on to state that the proposals were clearly harmful to heritage assets for a number of reasons, not least because of the demolition of a Grade II listed building; “*the scheme does offer benefits but some of these could be provided in the context of a more conservation-based scheme*”. The Committee were asked to review whether the package of benefits was so substantial as to outweigh the impact on the heritage assets. While the Committee Report did not come to any firm conclusions, the recommendation for approval suggested that heritage issues were outweighed by the desire to consent the project, using NPPF paragraph 134.

Source: Committee Report, January 2015

Greater London Authority
N/A

Appeal
N/A

Key points

Heritage policy was given significant weight in decision making. Demonstrating public benefits was a key factor in determination. At an earlier committee meeting the harm to heritage was not considered to outweigh public benefits, and changes were subsequently made to the scheme.

The Committee Report did not directly refer to heritage policies at any level, however there is evidence of use of NPPF Paragraphs 131-134 which cover the significance of heritage assets, the significance of impacts of their removal and most importantly the balance between harm and public benefit. Paragraph 134 was used to demonstrate the potential public benefits of the scheme, and therefore the reason for approval of the application despite there being some harm to heritage. The application was not referred to the GLA.

D20 Panton St/ Orange St/ St Martins St

Application Details

Application Reference	London Borough	Inner or Outer
13/07443/FULL / 13/07444/CAC	Westminster	Inner

The Applicant	The Agent	CAZ?
Edwardian Group Ltd	Jones Lang LaSalle	Yes

Address
3-6 St Martin's Street, Leicester Square, WC2H 7HL

Scheme Description
Demolition of existing buildings on the application site, and the construction of a replacement 10 storey building with five basement levels to occupy entire city block to provide a 360 bedroom hotel (with ancillary facilities including function rooms, spa, three ground floor restaurants and bars) and a two screen cinema with 407 seat and 139 seat auditoriums). Consent was also sought for associated works including mechanical plant within roof enclosure and loading facilities. An application for Conservation Area Consent was also submitted for the demolition of all existing buildings on site. <i>Source: Application Form</i>

Summary of scheme changes made during determination in response to heritage considerations
No evidence was found of changes made during the determination process in response to heritage considerations. In response to Historic England objections, the Applicant provided a rebuttal to Historic England comments, which responded to each of the substantive points raised and referenced NPPF policy to justify the proposed design. Paragraph 138 of the NPPF was used to evidence that not all elements of a World Heritage Site or Conservation Area would necessarily contribute to its significance. It went on to review the scheme against Paragraphs 133 and 134 of the NPPF, to evidence the need to weigh the potential impacts of the proposed development against any public benefits. <i>Source: Historic England Rebuttal Letter, September 2013</i> At consultation stage, the GLA expressed serious strategic concern regarding the loss of the existing building within the existing city block and the impact this might have on the Conservation Area. They sought a comprehensive redevelopment which retained the elements of the existing building which made a strong positive contribution to the Conservation Area. Rather than changing the development, in response, the applicant provided an additional detailed assessment of the proposal, and the existing buildings, including a review of whether they could be retained within the development. However, no changes were made to the application. The applicant confirmed that the previous planning permission remained extant and therefore that these buildings could be demolished at any time. In this context, it was accepted by the GLA that it would be difficult to justify a direction to refuse permission on the grounds of loss of existing buildings. <i>Source: GLA Stage 2 Report, February 2014</i>

Housing	Employment	Mixed Use	Other	✓
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Date Received	30/07/13	Officer Recommendation	Approval	Appeal Ref	N/A
Outline		Delegated decision		Appeal allowed	
Full	✓	Committee decision	21/01/14	Appeal dismissed	
Reserved Matters		Mayoral decision			
Listed Building Consent		Approved with conditions			
Demolition in CA	✓	Approved with conditions & S106	12/05/14		
		Refused			

Site Description
<p>The site comprises 0.23 hectares of land including the Odeon West End cinema, 42 Leicester Square, 19–21 Panton Street, and 48 and 56/58 Whitcomb Street. The site is bounded by Leicester Square to the north, Whitcomb Street to the west, Orange Street to the south, and St. Martin’s Street to the east.</p> <p>The site is situated within Leicester Square Conservation Area. There are no listed buildings on the site, and none of the buildings fronting the Square are listed. Facing the site to the north west is the Grade II listed Clareville House, with the 1970s extension to the Grade I listed National Gallery facing the site to the south west. The Memorial fountain in the centre of the square is also Grade II listed. Haymarket Conservation Area abuts the site to the west, St James’ Conservation Area abuts the site to the south west, with Trafalgar Square Conservation Area facing the site to the south. The site also lies within an Area of Archaeological Priority.</p> <p>The application site is within a number of strategic views as designated in the London Views Management Framework, especially the view from Parliament Hill towards the Palace of Westminster (2A.2 and 2B.1).</p> <p><i>Source: Planning Statement</i></p>

Relevant Planning History
<p>In April 1992, permission was granted for the redevelopment of a site incorporating Nos. 19-21 Panton Street and Nos. 56-58 Whitcomb Street to provide a new building with financial services (A2) use at basement and ground floor levels and five floors of offices (B1) above. This permission was accompanied by a Conservation Area Consent. Both were renewed in March 1999 for a further five years. In July 2004, permission was refused to extend the permitted time in which to commence development of this application.</p> <p>Permission was granted on 31 October 2008 for the demolition of the Odeon West End building, Broadmead House, Westcombe House and the Hand and Racquet Public House, and redevelopment to provide a two screen cinema, 245 bedroom hotels, 33 residential units and five restaurants (08/03016/FULL & 08/03017/CAC). The scheme was partially implemented in October 2011 following the carrying out of initial piling works, and is therefore extant. Conservation Area Consent was granted for the demolition associated with this development in October 2011 (11/09202/CAC).</p> <p><i>Source: GLA Stage 2 Report, 5 February 2014</i></p>

Historic Environment Designations/Assets

Grade I Listed		Conservation Area	✓	Local Character Area	
Grade II* Listed		World Heritage Site		Protected Wreck Site	
Grade II Listed		Local Listing		Registered Battlefield	
View Management Corridor		Local Heritage Asset		Scheduled Monument	
Local Archaeological Site		Archaeological Priority Area	✓	Registered Park/Garden	
Setting (CA, LB)	✓			Other	

How was heritage considered in the application documents?

Application documents in which heritage was considered

Planning Statement	✓	DAS	Visual Impact Assessment	✓
Heritage Statement	✓	EIA/ES	Other	
<p>The Historic Environment Assessment reviewed the impact of the proposed development on buried heritage assets. It did not cover built heritage issues (such as setting). The report found some potential for heritage assets from early medieval remains and remains of former eighteenth to nineteenth century buildings, but low potential for remains from other periods. The document went on to state that the proposed new basement levels proposed as part of the development would entirely remove all archaeological remains from within their footprints, reducing the significance of any affected assets to nil. <i>Source: Historic Environment Assessment</i></p> <p>A Townscape and Visual Impact Assessment assessed the potential visual impacts of the proposed development on the character of the local and wider townscape and on the setting of heritage assets. It set out that the development had been designed to accord with policy at the local, London and national level. In particular, it referenced compliance with the NPPF in sustaining and enhancing the significance of the setting of heritage assets in the vicinity (Paragraph 129). The Assessment concluded that the proposed development would enhance and promote sustainable development, would not harm any relevant heritage assets and would not harm local views of the setting of townscape or heritage assets in the local area. <i>Source: Townscape and Visual Impact Assessment</i></p> <p>The Design and Access Statement included details on the listed buildings in the vicinity of the application site, as well as the Conservation Area within which it sits. It also provided detail on view corridors and the proposed development approach in response to these. <i>Source: Design and Access Statement</i></p> <p>The Planning Statement also covered heritage in relation to the proposed development. It set out the role of the proposed development within the Leicester Square Conservation Area, and listed the listed buildings within the immediate vicinity of the application site. It concluded that demolition is acceptable within the Conservation Area.</p> <p>The Planning Statement also assessed the proposed building in relation to protected strategic views, in line with the London View Management Framework. It concluded that the scheme has an acceptable impact in these views. <i>Source: Planning Statement</i></p>				

Historic England Advice

Historic England advice
<p>Historic England strongly objected to the scheme. They stated that the loss of the existing buildings and the design of the proposed hotels struck “<i>at the heart of the heritage significance of the Leicester Square Conservation Area, its setting and its character</i>”. In particular, Historic England used NPPF Paragraph 132 to evidence that the loss of the existing buildings will cause substantial harm to the Conservation Area. In addition, Historic England stated that the upper levels of the proposed building will be seen above the National Gallery in views across the registered landscape of Trafalgar Square from Whitehall. They noted that this would interrupt the gallery’s classical proportions and silhouette, diminishing the viewers’ ability to read its western cupola against the sky. They stated that proposals would therefore cause substantial harm to the significance of the conservation area and harm to the setting of the Grade I listed National Gallery.</p> <p>Historic England (Archaeology) raised no objection to the scheme, subject to the inclusion of a condition relating to securing the implementation of a programme of archaeological investigation. <i>Source: Section 3, Committee Report, January 2014</i></p>

How London Plan heritage policies were taken into consideration in making the decision

Local Planning Authority

There was some consideration of the London Plan with regard to heritage, notably the report stated that when compared with the London Plan the proposed development raises serious strategic concern regarding the loss of key heritage assets and a comprehensive redevelopment which retains the elements which make a strong positive contribution to the Conservation Area should be considered. No explicit references were made at this point to London Plan Policies 7.4 and 7.8 or NPPF Paragraphs 137-139.

The Committee Report assessed the effect of the development upon views in the area, in particular those from Trafalgar Square and Whitehall. Whilst it assessed the appropriateness of the impact, it did not provide any specific reference to the London Plan or any specific policy within it, such as London Plan Policies 7.11 or 7.12 which cover strategic views. Overall, the Committee Report concluded that the bulk, mass and height of the proposed building was similar to that of the previously extant planning permission, however there was a larger visual impact of this scheme (particularly from Whitehall) due to the enlarged site area.

The Officer went on to note that despite increased impacts on views, the new buildings had a more contextual relationship with their neighbours, than the extant permission on the site. It stated that “*in design terms, it is considered that the building responds well to its context*”. Policy 7.4 was not referenced in relation to this.

The Committee Report concluded that Committee Members should consider approving the proposed development, if they considered the proposed building height, bulk, form and detailed design was such that it preserved the character and appearance of the Leicester Square Conservation Area, the setting of the Grade I listed National Gallery, and the character and appearance of neighbouring conservation area, and thus justified the demolition of the buildings currently on-site.

Source: Committee Report, January 2014

In response to the suggestion in the Committee Report, the Planning Committee considered the development’s impact upon the Conservation Area. The Committee resolved that the proposed building height, bulk, form and detailed design was such that it preserves the character and appearance of the Leicester Square Conservation Area, the setting of the Grade I listed National Gallery and the character and appearance of neighbouring conservation areas, and thus justified the demolition of the building currently on site. At no point did the minutes of the Planning Committee reference policy, NPPF or otherwise, in relation to heritage.

Source: Planning Committee Minutes, 21 January 2014

Greater London Authority

The GLA Stage 1 report stated that the proposed development did not comply with the London Plan in a number of policy areas, with particular strategic concern regarding the impact of demolition and redevelopment upon the Conservation Area. In particular, the report questioned the applicant’s conclusions regarding the impacts of the proposed demolition on the Conservation Area. Whilst no specific reference was made to any policy, the Report did state that strategic policies seek to value, conserve, re-use, and incorporate heritage assets as part of development proposals, which is consistent with London Plan Policy 7.8. The Stage 1 Report concluded that the proposed demolition would have a significant impact upon the character of the Conservation Area.

The Stage 1 Report also considered the impacts of the proposed new development upon the surrounding area and heritage character. Again whilst no specific reference was made, this is consistent with London Plan Policy 7.4.

Furthermore, the Stage 1 Report identified that the site fell within the Landmark Viewing Corridor from Parliament Hill towards the Palace of Westminster (assessment points 2A.2 and 2B.1). The report agreed with the Applicant’s approach that, the building would be below the threshold plane and imperceptible amongst the existing building form, therefore having no significant impact. This is consistent with London Plan Policies 7.11 and 7.12 (although these are not explicitly referenced).

Source: GLA Stage 1 Report, October 2013

Appeal

N/A

London Plan heritage policies: what was considered in determination? What should have been considered in determination?

London Plan heritage policies	Were considered	Should have been considered
Policy 2.10 (Central Activities Zone – strategic priorities)		✓
Policy 7.4 (Local character)	✓	✓
Policy 7.7 (Location and design of tall and large buildings)		
Policy 7.8 (Heritage assets and archaeology)	✓	✓
Policy 7.9 (Heritage-led regeneration)		
Policy 7.10 (World Heritage Sites)		
Policy 7.11 (London View Mgmt Framework)	✓	✓
Policy 7.12 (Implementing the London View Mgmt Framework)	✓	✓

NPPF heritage policies: what was considered in determination? What should have been considered in determination?

NPPF heritage paragraphs	Were considered	Should have been considered
6, 7 & 14 (Presumption sustainable development)		✓
8 & 9 (Taking forward priorities together)		
17(5) (Account of different roles)		
17(10) (Conserve assets by significance)		✓
58 to 61 (Good design)	✓	✓
126 (Local plan preparation)		
128 (Applicant requirements)		✓
130 (Evidence of neglect)		
131, 132, 133 (Considerations/significance)	✓	✓
134 (Harm/ public benefits)		✓
135 (Non designated asset)		
136 (Permitting loss)		✓
137, 138, 139 (WHS & CAs)	✓	✓
141 (Sharing/ recording information)		
152 (Net gains)		✓
156 & 157(8) (Local plan strategy)		

Weight given to heritage policies compared to other policies

Local Planning Authority
<p>Heritage was listed as a key consideration in the Committee Report, with particular focus on the principle of demolition of the existing buildings within a Conservation Area and the quality of design in heritage terms. Although a key issue, greater discussion of issues around the loss of residential floor space and proposed land uses seemed to be provided in the Report. In particular, significant consideration was given to discussions around the LPA's mixed use policy and reasons for non-compliance.</p> <p>On the whole, it appeared that London Plan heritage policy was given little weight in decision making by the LPA, with the NPPF receiving greater consideration, and Local Plan policy being most utilised. While London Plan policies were not well-used in relation to heritage, they were specifically referenced in relation to other topic areas. For example, Policy 3.14 was used to discuss the impact of the loss of residential accommodation, and Policies 2.10 and 4.6 were used to consider the impacts of, and requirements for cinema provision.</p> <p><i>Source: Committee Report, January 2014</i></p> <p>Regarding heritage, the Committee Report particularly used the NPPF. It assessed the impact of the scheme on townscape and design. In particular it stated that "as the proposal involves the demolition of four buildings making a positive impact on the conservation area and clears an entire City block for</p>

redevelopment, it is considered that the demolition constitutes substantial harm to the Leicester Square Conservation Area within the terms of the NPPF.” It went on to reference Paragraph 133 to state that it was difficult to identify any substantial public benefits that outweighed the loss of these buildings and that this policy could not apply to this site. This suggested that there are no wider public benefits, or issues which were given greater weight than heritage.

However, no conclusion was reached within the Committee Report as to the appropriateness of demolition, which rather suggested that approval should be given, if the Planning Committee could find adequate justification for any demolition within the overall assessment of the proposed new building on site, and find evidence that the quality of that building was shown to be such that the overall redevelopment of the site did not constitute harm to the character and appearance of the Conservation Area.

Source: Section 6.2, Committee Report, January 2014

In response to the Committee Report, the Committee considered the principle of demolition as part of the proposed development, in line with the overall quality of the proposed development’s design. The Committee concluded that the proposed height, bulk, form and detailed design of the development was such that *“it preserves the character and appearance of the Leicester Square Conservation Area, the setting of the Grade I listed National Gallery and the character and appearance of neighbouring conservation areas and thus justifies the demolition of the buildings currently on the site”*. This demonstrates that overall, the design and quality of the new development was considered to outweigh any potential harm from the demolition of the existing building. No explicit reference to NPPF or London Plan policies was included within the minutes of the Committee Meeting or Decision Notice, which used Local Plan policy to support the proposed conditions. This is reiterated in the Decision Notice for the Conservation Area Consent also.

Source: Committee Meeting Minutes, January 2014 and Decision Notice, May 2014

Greater London Authority

The GLA Stage 1 and Stage 2 reports made few specific references to policy. However, in analysing the discussions and arguments put forward, it is clear that the London Plan was a key influence.

Source: GLA Stage 1 Report, October 2013 and GLA Stage 2 Report, 5 February 2014

Regarding policy, the Stage 2 report found that the applicant had not addressed its comments with regard to heritage. However, it confirmed that the previous planning permission on the site remained extant. Therefore, despite serious strategic concern regarding the demolition of the existing buildings, the extant planning permission established the principle of the demolition. The GLA therefore *“regretfully”* noted that *“it would be difficult to justify or sustain a direction to refuse planning permission for this proposal on the grounds of the loss of the existing buildings.”* This clearly demonstrated that, whilst the GLA considered the scheme to be non-compliant in policy terms, the weight that was given to the extant planning permission superseded this non-compliance.

Source: GLA Stage 2 Report, 5 February 2014

Heritage was given great consideration in the Stage 1 and 2 reports from the GLA, and it was considered that this was the key consideration. However, considerable weight was also given to a number of other policy areas, particularly land use (with specific reference to London plan Policies 4.5, 4.6 and 3.14) and transport (with specific reference to London Plan Policies 6.9, 6.13 and 6.14).

Source: GLA Stage 1 Report, October 2013 and GLA Stage 2 Report, 5 February 2014

In addition, London Plan policy 2.10 regarding the CAZ was also referenced, however, this was noted in respect of land use, and the sites role in sustaining the world’s leading destination. Heritage was not referred to in relation to this policy.

Source: GLA Stage 1 Report, October 2013

Appeal

N/A

Key points

The Application was referred to the Mayor of London and was assessed via Stage 1 and Stage 2 referral. The Mayor of London advised that while the loss of historic buildings was not supported, given the extant permission, the LPA should determine the case itself. This demonstrates that an earlier decision and resulting extant planning permission meant that it was difficult for the GLA to uphold an objection despite having concerns about the scheme. Conversely, the LPA focussed on demolition, and the need for this to be justified by the quality of the new development. The LPA did not conclude on this in the Committee Report.

London Plan policy was not well used at the LPA level (despite some inferences of its use, no explicit references are included), whereas consideration was more commonly given to the NPPF and Local Plan policy. For example, consideration was given in particular to the NPPF paragraphs 133 and 134 regarding public benefits, although the Committee Report concluded that these did not apply to this project, and that benefits did not outweigh the harm caused.

The GLA and Historic England both suggested that the scheme could be improved to minimise impacts on the historic environment. The Planning Officer also recommended that the Committee consider the significance of any heritage impacts in greater detail in decision making. However, at Committee, the decision was made that the design was sufficient to preserve the character and appearance of the Conservation Area and surrounding area.

Appendix E

Use of London Plan Heritage Policies by LPAs

No.	Case Study	London Plan Policy						
		2.10	7.4	7.7	7.8	7.9	7.10	7.11 & 7.12
1	Alpha Square	Implied	Explicit	Explicit	Explicit	Not used	Implied	Explicit
2	Great Eastern Quays	Not used	Implied	Implied	Explicit	Not used	Not used	Not used
3	Mount Pleasant	Implied	Explicit	Explicit	Implied	Not used	Not used	Implied
4	Maggie's Centre, Barts Hospital	Not used	Implied	Not used	Implied	Not used	Not used	Not used
5	51 College Road	Not used	Explicit	Explicit	Explicit	Not used	Not used	Explicit
6	Old Post Office, Ashdown Road	Not used	Implied	Implied	Implied	Explicit	Not used	Not used
7	110 Walm Lane	Not used	Implied	Implied	Implied	Not used	Not used	Not used
8	Shell Centre	Implied	Implied	Implied	Implied	Not used	Implied	Implied
9	Convoy's Wharf	Not used	Implied	Implied	Implied	Implied	Implied	Implied
10	12-14 Lombard Road	Not used	Implied	Implied	Implied	Implied	Not used	Explicit
11	Seagrave Road Car Park	Not used	Implied	Implied	Explicit	Not used	Not used	Not used
12	30-60 South Lambeth Road	Implied	Implied	Implied	Implied	Not used	Implied	Implied
13	One Nine Elms	Implied	Implied	Implied	Explicit	Not used	Implied	Implied
14	Wayland House	Not used	Implied	Implied	Not used	Not used	Not used	Not used
15	Brentford Football Ground	Not used	Implied	Explicit	Explicit	Not used	Explicit	Not used
16	St Bernard's Hospital	Not used	Implied	Implied	Implied	Implied	Not used	Not used
17	9-42 The Broadway	Not used	Implied	Implied	Implied	Implied	Not used	Not used
18	Land to the rear of Oaks Shopping Centre	Not used	Implied	Implied	Explicit	Not used	Not used	Not used
19	3-17 Whitcombe Street	Not used	Implied	Implied	Implied	Implied	Not used	Not used
20	Panton Street/Orange Street/St Martin Street	Not used	Implied	Not used	Implied	Not used	Not used	Implied