



# Planning, Design & Access and Heritage Impact Statement

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60-61 Warren Street, London, W1T 5NU

Refurbished Shopfront

July 2023

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## 1 Introduction, Development Proposals and Purpose

### 1.1 Introduction and Development Proposals

1.1.1 This statement represents a Planning, Design and Access and Heritage Statement submitted in support of the listed building consent application for a painted shopfront and façade (the ‘proposed development’) at 60-61 Warren Street, London, W1T 5NU (the ‘site’).

1.1.2 The proposed development seeks to paint the shopfront and the paintwork at ground floor level.

### 1.2 Purpose

1.2.1 Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

1.2.2 The Courts<sup>2</sup> have determined that it is enough that a proposal accords with the development plan when considered as a whole. It is not necessary to accord with each and every policy contained within the development plan. Indeed, it is not at all unusual for development plan policies to pull in different directions.

1.2.3 The position was also clarified by Patterson J in *Tiviot Way Investments Ltd v Secretary of State for Communities and Local Government and Stockton-on-Tees BC [2015] EWHC 2489 Admin* at paragraph 31:

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*I do not accept, lest it be thought to establish the proposition, that the case of Hampton Bishop (supra) establishes that a breach of one key policy was sufficient to find conflict with the development plan as a whole.*

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1.2.4 The Planning & Compulsory Purchase Act 2004 defines the Development Plan for the purposes of this assessment process as the strategy for the region in which the site is located and development plan documents, taken as a whole, which have been approved or adopted for the area.

1.2.5 The purpose of this statement is therefore to identify Development Plan policies that are relevant in the assessment of the development proposals. Then to determine if the proposals conflict with their provisions and if they do, to determine whether there are material considerations which outweigh such conflict.

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

<sup>2</sup> See for example *BDW Trading Ltd. v Secretary of State for Communities and Local Government [2016] EWCA Civ 493; [2017] P.T.S.R. 1337*, at paragraphs 18 to 23; *Gladman Developments Ltd. v Canterbury City Council [2019] EWCA Civ 669; [2019] P.T.S.R. 1714*, at paragraphs 21 and 22; and *Chichester District Council v Secretary of State for Housing, Communities and Local Government [2019] EWCA Civ 1640; [2020] 1 P. & C.R. 9*, at paragraphs 31 and 32).

## 2 Site Location, Description and History

### 2.1 Site Location and Description

- 2.1.1 The site lies on the northern side of Warren Street and consists of an end of a mid-terrace Grade II Listed Building which contains a commercial use at ground floor and basement levels and residential uses above.
- 2.1.2 The property has a Statutory Listing Address of '58-62 Warren Street and attached railings' and the listing description states that:

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CAMDEN

TQ2982SW WARREN STREET 798-1/93/1679 (North side) 14/05/74 Nos.58-62 (Consecutive) and attached railings

GV II

*Terrace of 5 houses. c1792, altered. Nos 59 and 62 restored 1989. Darkened stock brick with later patching. No.58 ground floor painted; No.59 with stucco ground floor. Stucco 1st floor sill bands. Slated mansard roofs (No.60 felted) with dormers. EXTERIOR: 3 storeys, attics and basements. 2 windows each. Gauged brick flat arches to recessed sash windows, most with glazing bars. No.59 with stucco architraves. Parapets. No.58: round-arched doorway with stucco impost and head on key, pilaster-jambs carrying cornice-head and fanlight. C20 part-glazed door. Cement parapet. No.59: square-headed doorway with fanlight, pilasters carrying entablature and panelled door. No.60: round-arched doorway with cornice-head, radial fanlight and panelled door. No.61: ground floor bricked up at time of inspection in 1989. No.62: round-arched doorway with stucco surround, cornice-head, radial fanlight and panelled door. INTERIORS: not inspected. SUBSIDIARY FEATURES: attached cast-iron railings to areas. (Survey of London: Vol. XXI, Tottenham Court Road and Neighbourhood, St Pancras III: London: -1949: 65).*

*Listing NGR: TQ2916382235*

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- 2.1.3 The site is easily accessible by sustainable forms of transport and lies within the Central Activities Zone close to bus stops on Tottenham Court Road and Euston Road and 105 metres from Warren Street Underground station.
- 2.1.4 The site is within Flood Zone 1 and is therefore at the lowest risk of flooding. The site is also within the Fitzroy Square Conservation Area.
- 2.1.5 The unit is also within a Protected Primary Shopping Frontage.
- 2.1.6 The application concerns the ground floor / basement retail unit.



Property in street scene (2020 showing former occupier)

## 2.2 Planning History

- 2.2.1 At 61 Warren Street planning and listed building consent was granted in 1984 for 'installation of a new shopfront including the erection of a separate ground floor entrance to the residential floor above' (Refs: 8470228 and 8401415).
- 2.2.2 Further to this at 60-61 Warren Street permission was granted in 1993 for planning and listed building consent for 'change of use and conversion of the premises at 60 and 61 Warren Street to provide retail uses on the ground floor and basement together with self-contained flats on the upper floors together with the erection of a roof extension and the installation of a new shopfront to No. 61'. The listed building consent was for 'part internal and external demolition extension repair and refurbishment as part of the conversion of the premises for retail and residential uses'.
- 2.2.3 No other relevant applications have been identified. However, from the above it is clear that the shopfront dates from the 1990s.

### **3 Development Plan Context, Designations and Material Considerations**

#### **3.1 Development Plan Context and Designations**

- 3.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. This represents the starting point for assessing the development prospects for a particular site or property.
- 3.1.2 The Development Plan context is provided by the London Plan (2021) along with the Camden Local Plan (2018).
- 3.1.3 The Proposals Map confirms that the site is within the Fitzroy Square Conservation Area and a Protected Primary Shopping Frontage.

#### **3.2 Relevant Development Plan Policies**

- 3.2.1 The following policies of the London Plan have been identified as relevant:
- Policy D4 Delivering good design
  - Policy D8 Public Realm
  - Policy D12 Fire safety
  - Policy HC1 Heritage conservation and growth
  - Policy SD6 Town Centres and High Streets
- 3.2.2 The following policies of the Camden Local Plan have been identified as relevant:
- Policy D1 Design
  - Policy D2 Heritage
  - Policy D3 Shopfronts
  - Policy TC4 Town Centre Uses
- 3.2.3 These are discussed below, where relevant.

#### **3.3 Material Consideration – National Planning Policy Framework**

- 3.3.1 The Government's National Planning Policy Framework (2021) (the 'Framework') is a material consideration in the assessment of development proposals. The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 3.3.2 The Framework confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

3.3.3 The Framework emphasises that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.

3.3.4 The Framework confirms that at its heart is a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay.

3.3.5 An assessment of the Framework confirms that the proposed development is consistent with national planning policies, and this provides further support for the proposed development. This is discussed in more detail below with particular regard to design and heritage considerations.

### **3.4 Material Consideration –Supplementary Planning Guidance**

3.4.1 The supplementary planning guidance of relevance includes the Camden Planning Guidance on Town Centre and Retail (2021) and Design (2021).



## **4 Planning Assessment**

### **4.1 Introduction**

- 4.1.1 The following assessment considers the relevant Development Plan policies and material considerations identified in the preceding section and the degree to which the proposed development complies with their provisions or not as the case may be.
- 4.1.2 The principal considerations in the assessment of the development proposals are the principle of development along with the design and heritage impacts.
- 4.1.3 These considerations are summarised in turn below along with any other matters.

### **4.2 Principle of development**

- 4.2.1 In respect of the principle of development, the proposal does not alter the ground floor use of the retail unit and seeks only to alter its appearance and therefore does not conflict with the aims of London Plan Policy SD6 and Local Plan Policy TC4 which both seek to enhance the vitality and viability of town centres.
- 4.2.2 In this respect, subject to design and heritage issues there should be no objection to the principle of the shopfront and façade alterations.

### **4.3 Design and heritage impacts**

- 4.3.1 In respect of design considerations Paragraph 126 of the NPPF confirms that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.3.2 Paragraph 130 states that planning decisions should aim to ensure that developments function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; are sympathetic to local character and history and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 4.3.3 Paragraph 134 advises that significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 4.3.4 In this respect the NPPF offers support to the proposed development which will have no material impact on the appearance of the building.
- 4.3.5 Policy D4 of the London Plan seeks good design.

- 4.3.6 In addition, Local Plan Policy D1 states that the Council will seek to secure high quality design in development. The Council will require that development:
- a. respects local context and character;
  - b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
  - c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
  - d. is of sustainable and durable construction and adaptable to different activities and land uses;
  - e. comprises details and materials that are of high quality and complement the local character;
  - f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
  - g. is inclusive and accessible for all;
  - h. promotes health;
  - i. is secure and designed to minimise crime and antisocial behaviour;
  - j. responds to natural features and preserves gardens and other open space;
  - k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,
  - l. incorporates outdoor amenity space;
  - m. preserves strategic and local views;
  - n. for housing, provides a high standard of accommodation; and
  - o. carefully integrates building services equipment.
- 4.3.7 In addition, the policy states that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 4.3.8 As discussed below, the proposed development makes minimal alterations to the building with the re-painting of the shopfront and ground floor brickwork the only alterations. Therefore, as discussed below, there are no conflicts with the above.
- 4.3.9 In respect of heritage issues Policy HC1 of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.
- 4.3.10 In addition, Local Plan Policy D2 states that the Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a. the nature of the heritage asset prevents all reasonable uses of the site;

- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
  - c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and d. the harm or loss is outweighed by the benefit of bringing the site back into use.
- 4.3.11 The Policy also states that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.
- 4.3.12 Furthermore, the policy states that the Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.
- 4.3.13 The National Planning Policy Framework confirms at paragraph 190 that local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
  - the desirability of new development making a positive contribution to local character and distinctiveness; and
  - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 4.3.14 Paragraph 194 confirms that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 4.3.15 Paragraph 197 states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.

- 4.3.16 Paragraph 199 states that when considering the impact of a proposed development 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.3.17 Paragraph 200 confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 4.3.18 Paragraph 201 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 4.3.19 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 201).
- 4.3.20 In summary, the Framework seeks to ensure that proposals affecting a Heritage Asset first make an assessment of the impact of the proposal on the significance of the asset and should be granted if there is no harm to the significance. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that there are substantial public benefits that outweigh that harm or loss.
- 4.3.21 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.
- 4.3.22 In this respect, in accordance with the NPPF it is clear that the approach in determining applications affecting a Heritage Asset is as follows:
- Assess the significance of the Heritage Asset.
  - Assess the impact of the proposed development on the significance of the Heritage Asset.

Assessment of the significance of the Heritage Asset(s)

- 4.3.23 The building is a late 18<sup>th</sup> century mid-terrace property and the Historic England Listing Description describes the listed buildings as a terrace of 5 houses which have been altered, stating that No. 58 is painted as ground floor level, No. 59 of stucco and also states that in 1989 the ground floor of No. 61 was bricked up.
- 4.3.24 This description and the 1990s planning history make clear that the shopfront at No. 61 dates from the 1990s and is therefore not original.
- 4.3.25 Many of the shopfronts on Warren Street have been modernised and therefore the significance of the application property also arises from the fact that it is one of the few remaining traditional shopfronts in this area, albeit a 1990s recreation. The frontages at No. 60 remain the only ones in the terrace of 5 which still have a residential appearance in the original brickwork.
- 4.3.26 The Fitzroy Square Conservation Area Appraisal and Management Strategy confirms that:

*Fitzroy Square Conservation Area is a distinctive and consistent area of late 18th and early 19th century speculative development. Owing to the relatively short period of its development, the area generally retains a homogenous character. It is an excellent example of Georgian town planning which combined dwellings with ancillary uses and services. The buildings varied in size and status, with the grandest overlooking the central formal, landscaped square, and the humblest located within the rear mews areas.*

- 4.3.27 In addition, it states that:

*Shops and public houses are a common feature of the streets that surround the square. They reflect a growth in commercial activity, with shopfronts inserted into the ground floor of the existing terraces. There are many examples of high quality shopfronts of varying dates. The public houses are located on street corners and most have Victorian or Edwardian adornments.*

- 4.3.28 The Conservation Area Appraisal also confirms that:

*Only part of the north side of Warren Street is in the Conservation Area, and consists of a group of three- and four-storey terraces, Nos 54, 58–60 being listed. Some shopfronts have been inserted, with the loss of basement areas and railings. The painting of the brickwork at No 58 and poor signage at Nos 56 & 58 detract from the frontage.*

Assessment of the impact of the development on the significance of the Heritage Asset(s)

- 4.3.29 Local Plan Policy D3 states that the Council will expect a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features. When determining proposals for shopfront development the Council will consider:
- a. the design of the shopfront or feature, including its details and materials;
  - b. the existing character, architectural and historic merit and design of the building and its shopfront;

- c. the relationship between the shopfront and the upper floors of the building and surrounding properties, including the relationship between the shopfront and any forecourt or lightwell;
  - d. the general characteristics of shopfronts in the area;
  - e. community safety and the contribution made by shopfronts to natural surveillance; and
  - f. the degree of accessibility.
- 4.3.30 The Council will resist the removal of shop windows without a suitable replacement and will ensure that where shop, service, food, drink and entertainment uses are lost, a shop window and visual display is maintained.
- 4.3.31 The policy also states that where an original shopfront of architectural or historic value survives, in whole or in substantial part, there will be a presumption in favour of its retention. Where a new shopfront forms part of a group where original shop fronts survive, its design should complement their quality and character.
- 4.3.32 In addition, the CPG Design confirms in section 6 (Shopfronts) that vibrant and well-designed shopfronts animate and activate the street scene and contribute to creating healthy places.
- 4.3.33 The proposed development seeks to paint the shopfront along with the stucco surround at No. 61 and also seeks to paint the ground floor brickwork to No. 60 to match. The existing and proposed are shown below:



Existing



Proposed

- 4.3.34 There is no specific policy guidance in relation to the proposed painting of the stucco surround and brick work and therefore, the only consideration would be in relation to the heritage and design policies and the impact of the proposed development on the significance of the heritage assets (listed building and Conservation Area).
- 4.3.35 Although the Conservation Area Appraisal confirms that the painting of the brickwork at No 58 detracts from the frontage it is noted that the frontage to No. 58 is a poor quality red painted brick which does not match anything else on the building or neighbours.
- 4.3.36 However, other nearby painted buildings exist, including the following:



23 Goodge Place



Cleveland Street





Smugglers Tavern, Warren Street



30-34 Warren Street (Grade II Listed)



8 Conway Street



Charlotte Street

- 4.3.37 In addition, shopfronts in the area are generally painted in different colours. In this respect, different coloured frontages are a feature of the area.
- 4.3.38 The shopfront is unique in the area in that it is surrounded by a stucco border and in this respect, the painting of the shopfront and the border is considered to better complement the appearance of the building and provide a more uniform appearance.
- 4.3.39 This provides a shopfront which is more sympathetic with the proportions of the building by unifying the whole ground floor into a coherent design and colour.
- 4.3.40 The Conservation Area Appraisal considers that inappropriate external painting may have a detrimental impact cumulatively and individually on the character and appearance of the area.
- 4.3.41 However, as stated above, painted brickwork is a feature of the area, and the proposed painting of No. 60 unifies the retail unit and provides a distinct separation from the residential above.
- 4.3.42 The proposed paint is a high-quality specification and colour and will improve the appearance of the building.
- 4.3.43 Therefore, this will not cause any harm to the significance of the listed building or Conservation Area as the significance of the listed terrace is already eroded by the poor-quality paintwork of No. 58. The proposal is an enhancement in this regard.
- 4.3.44 Consequently, the proposals will have no demonstrable impact on the significance of heritage assets in this location.

#### **4.4 Fire Safety**

- 4.4.1 London Plan Policy D12 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:
1. identify suitably positioned unobstructed outside space:
    - a. for fire appliances to be positioned on
    - b. appropriate for use as an evacuation assembly point
  2. are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
  3. are constructed in an appropriate way to minimise the risk of fire spread
  4. provide suitable and convenient means of escape, and associated evacuation strategy for all building users
  5. develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
  6. provide suitable access and equipment for firefighting which is appropriate for the size and use of the development

- 4.4.2 In this respect, the proposed development does not seek to change the use of the property and no new access points are created. Therefore, the proposed development will have no impact on the fire strategy as fire appliances will still be capable of being positioned on Warren Street and there are surrounding public spaces for evacuation points.
- 4.4.3 The proposed external materials will not change and therefore there is no increase in any fire risk.

## **5 Summary and Conclusion**

### **5.1 Summary**

- 5.1.1 In summary, this statement represents a Planning, Design and Access and Heritage Statement submitted in support of the listed building consent application for a painted shopfront and façade at 60-61 Warren Street, London, W1T 5NU.
- 5.1.2 The purpose of this statement is to identify Development Plan policies that maybe relevant in the assessment of the development proposal; and to consider whether the proposal conflicts with their provisions and, if so, whether there are material considerations that outweigh any conflict with the Development Plan.
- 5.1.3 An assessment of the relevant planning policies in the adopted Development Plans confirms that there is no significant conflict with their provisions and that the statutory test imposed by Section 70(2) of the Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004 is met.
- 5.1.4 The National Planning Policy Framework is a material consideration in the assessment of the development proposal. An assessment of the Framework confirms that the proposed development is consistent with national planning policies and provides further support for the application.
- 5.1.5 The above confirms that the there is no detrimental impact on any heritage assets.
- 5.1.6 There are no technical impediments to the granting of planning permission.

### **5.2 Conclusion**

- 5.2.1 In conclusion, the proposed development is considered compliant with the relevant provisions of the Development Plan and legislation. The proposal is therefore promoted on this basis and that it can be supported and receive a grant of listed building consent.



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