

Supplementary Comment: Impact of Proposed Development on Regent's Park

Camden Goods Yard, Chalk Farm Road,
London

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Client

Safeway Stores Limited and BDW Trading Limited

Our reference

BARH3008

October 2017

1. Introduction

- 1.1 This supplementary comment has been prepared in response to a request from LB Camden for further elucidation of the impacts of the proposed development on the significance of Regent's Park; a grade I registered park and garden of special historic interest and also conservation areas, as well as the potential effect on its townscape character.
- 1.2 This supplementary comment has been prepared by Turley Heritage and Tavernor Consultancy, who prepared the Heritage Statement/Built Heritage Environmental Statement (ES) Volume 2b and Townscape and Visual Impact Assessment (TVIA) Volume 2a of the ES respectively.
- 1.3 The Built Heritage Volume of the ES concluded that the proposed development would result in a modest degree of less than substantial harm to the particular heritage significance of Regent's Park as a registered park and garden of special historic interest. This is consistent with the formal representations made by Historic England, the Government's national advisor on heritage¹:

"We welcome the redevelopment of the site, which currently detracts from this part of Camden Town. We believe there is much scope for urban enhancement here, and we broadly support the master plan, its mix of uses and the general design approach. The proposed height of the tallest elements of the proposals will, however, have impacts that go beyond the immediate development area. These includes impacts on parts of Primrose Hill Conservation Area through the introduction of larger scale development visible in some views where the immediate context is one of traditionally scaled historic buildings; on the grade I registered Regent's Park where the development would be visible above the tree line; and on the setting of the grade II listed Roundhouse in some views from Haverstock Hill where the prominence of the Roundhouse would be diminished by the larger new development in the backdrop.*

In our view, however, the harm identified above is modest and could be outweighed by public benefits in accordance with Paragraph 134 of the NPPF. In that regard, we urge you to liaise with Camden Council in order to ensure that the harm is mitigated as far as possible and clearly outweighed by public benefits."

- 1.4 Notwithstanding this assessment and the feedback from Historic England, the Regent's Park Conservation Area Advisory Committee (RPCAAC) allege that the proposed development would cause substantial harm to its particular heritage significance as a registered park and garden of special historic interest, also comprising two conservation areas.
- 1.5 The applicant and professional team have worked closely with LB Camden, as the local planning authority, and Historic England during the design development stage, assessing the impact of the proposed development on the significance of a wide range of heritage assets. This workstream has been a significant factor in the evolution of the final design of the proposed development and resulted in the Heritage Statement, Built

¹ Letter dated 14th July 2017 (ref.: P00613953)

Heritage ES Volume and TVIA Volume of the ES submitted as part of the planning application.

- 1.6 We note that the allegation of purported substantial harm to the particular heritage significance of Regent's Park is derived from the visibility of the uppermost levels of the proposed development from the north-eastern parts of the park, as shown in views 10 and 11 of the TVIA.
- 1.7 Accordingly, the focus of this supplementary comment is to further elucidate the perceived impact of the proposed development on the significance of Regent's Park, having regard to the relevant statutory duties, planning policy and best practice guidance/advice.

2. Relevant Statutory Duties and National Planning Policy

Statutory Duty

- 2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving the special interest and setting of listed buildings (and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area). It is established that preservation in this context is taken to mean the avoidance of harm. However, this general presumption against development that causes harm is not irrefutable - as in cases where harm to these designated heritage assets could be outweighed by material considerations powerful enough to do so².
- 2.2 The concept of the setting of a conservation area is not enshrined in the legislation and does not attract the weight of statutory protection³.
- 2.3 There are no statutory duties relating to the protection of the special historic interest or setting of Registered Parks and Gardens.

The National Planning Policy Framework

- 2.4 The National Planning Policy Framework ('the Framework') was introduced in March 2012 as the full statement of Government planning policies covering all aspects of the planning process. One of the twelve core planning principles of the Framework is that planning should:

“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.”

- 2.5 Chapter 12 outlines the Government's guidance regarding conserving and enhancing the historic environment. Paragraph 128 outlines the information required to support planning applications affecting heritage assets. It states that applicants should provide a description of the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 2.6 Paragraph 131 provides a positive emphasis with regard to determining such planning applications, stating that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and putting them into viable uses consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.7 Paragraph 132 further outlines that local planning authorities should give great weight to the asset's conservation when considering the impact on a proposed development on the significance of a designated heritage asset. The more important the heritage asset,

² APP/H1705/A/13/2205929

³ APP/H1705/A/14/2219070

the greater the weight should be. Annex 2: Glossary defines conservation (for heritage policy):

“The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.”

- 2.8 It is also specified that any harm to, or loss, of significance of a designated heritage asset should require clear and convincing justification. Paragraph 133 outlines that local planning authorities should refuse consent where a proposal will lead to substantial harm or total loss of significance, unless it can be demonstrated that this is necessary to deliver substantial public benefits that outweigh such harm or loss, or a number of other tests can be satisfied. Paragraph 134 concerns proposals, which will lead to less than substantial harm to the significance of a designated heritage asset. Here harm should be weighed against the public benefits, including securing the optimum viable use.
- 2.9 Paragraph 137 states that local planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of a heritage asset should be treated favourably.
- 2.10 Paragraph 138 notes that not all elements of a conservation area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element), which makes a positive contribution to the significance of these assets should be treated either as substantial harm under paragraph 133, or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the asset as a whole.

3. Consideration of Heritage Significance

- 3.1 First and foremost, Regent's Park, is an urban landscape, which has strong associations with leading picturesque designers of the 19th and 20th centuries, notably John Nash, Humphrey Repton and Decimus Burton. It was conceived as an urban improvement scheme in the late 18th and early 19th century, emphasised by the requirements to include the creation of a new street to link the park with the West End as part of its picturesque planning. It was intended to be an attractive landscape setting for villa residences, later altered to be predominantly terraced housing, and subsequently utilised as a public park. It is the premier example of picturesque landscape design in England and was influential in the development of the concept of 'rus-in-urbe'. A notable element of this characteristic is the integration of the landscape with the enclosing built development, with a synergistic relationship between the park providing an attractive, expansive landscape setting to the housing; whilst the housing providing strong boundaries to the park and defining its sense of separation from the wider urban context. It is notable, however, that despite these connections between landscape and built form, the boundaries of the registered park and garden exclude the associated housing and their gardens.
- 3.2 The character and significance of Regent's Park, as a historic designed landscape, is, however, not consistent. In fact, it varies considerably throughout the designated area⁴. Broadly, the southern part of Regent's Park has a more formal character, epitomised by Queen Mary's Gardens and the Avenue Gardens, with the broadly north-south aligned Broad Walk linking this area with the more naturalistic 'English Parkland' character of the northern and north-western parts. London Zoo is a distinct element in its own right. This varied character is one of the defining elements of the significance of Regent's Park.
- 3.3 The context of Regent's Park, and associated built development, has changed significantly since the early 19th century, particularly from the mid-20th century onwards. Whereas Regent's Park was once located at the northernmost edge of the metropolis, it is now an attractive and important element, which is embedded within a dense and variable urban context. The nature and character of this context is varied, with traditional 18th and 19th urban development of terraced housing; later 19th and early 20th century mansion blocks; mid-late 20th century residential development of a mixed character and scale; railway infrastructure; and, late 20th century commercial development around Euston station and on the northern side of Euston Road. The principal value of this varied townscape setting is as an urban context to an urban park but, for the most part, there is nothing specific that adds to the particular significance of these heritage assets. In this regard, it is the reciprocal interrelationship between the park and enclosing 19th century terraces and villas that are, *inter alia*, the important elements of setting by contributing to an understanding of their aesthetic and historic values.
- 3.4 Representations from the RPCAAC to the proposed development identify the historic design intention by Nash, under pressure from others, for views to the north towards the villages of Hampstead and Highgate to be an important part of the experience of the

⁴ 24 Character Areas are identified in the 'Regent's Park and Primrose Hill Conservation Management Plan' (November 2014 and December 2015)

park. This resulted in changes to the intended design/layout of the park, not least the spirit of the planting along the northern boundary and disposition of built form within the park. In those terms, the landscape character of this part of the park has historic value in demonstrating the on-going evolution of the park's design from Nash's original intentions in response to contemporary concerns raised by influential figures/bodies as well as part of the overall picturesque composition.

- 3.5 The original intent for the landscape within the park to complement and accentuate views northward to the rising land of Highgate and Hampstead Hills is, however, not experienced strongly today; due to the growth of the now mature landscaping. The viewer has to look hard to identify glimpses of those more distant hills, which now merge with the foreground greenery of the park trees. What may once have been a more open setting to the northeast part of the park has been replaced by a strongly enclosed boundary created by the mature park trees, particularly in the summer months. Importantly, as part of this experience, there are existing elements of the later townscape visible beyond the boundaries of the park, which have further eroded the intended sense of a visual link between the park and 'rural' panorama beyond. This is amplified by an awareness of the changes to the historic layout and character of this part of the park – notably the infilling of part of the Regent's Canal and conversion of part of it to a car/coach park. Accordingly, the historic 'rural panorama' no longer exists in its originally intended form, although some of its intention remains discernible by the presence of the mature tree boundary to this part of the park, which reduces the overall contribution of this element to the significance of the asset as a whole.
- 3.6 It is noted that whilst many views within and out of the park contribute to its heritage significance, to one degree or another, the Regent's Park and Primrose Hill Conservation Management Plan does not identify any views north to Highgate and Hampstead on the '*Key Historic and Modern Views*' (Figure 3.1).

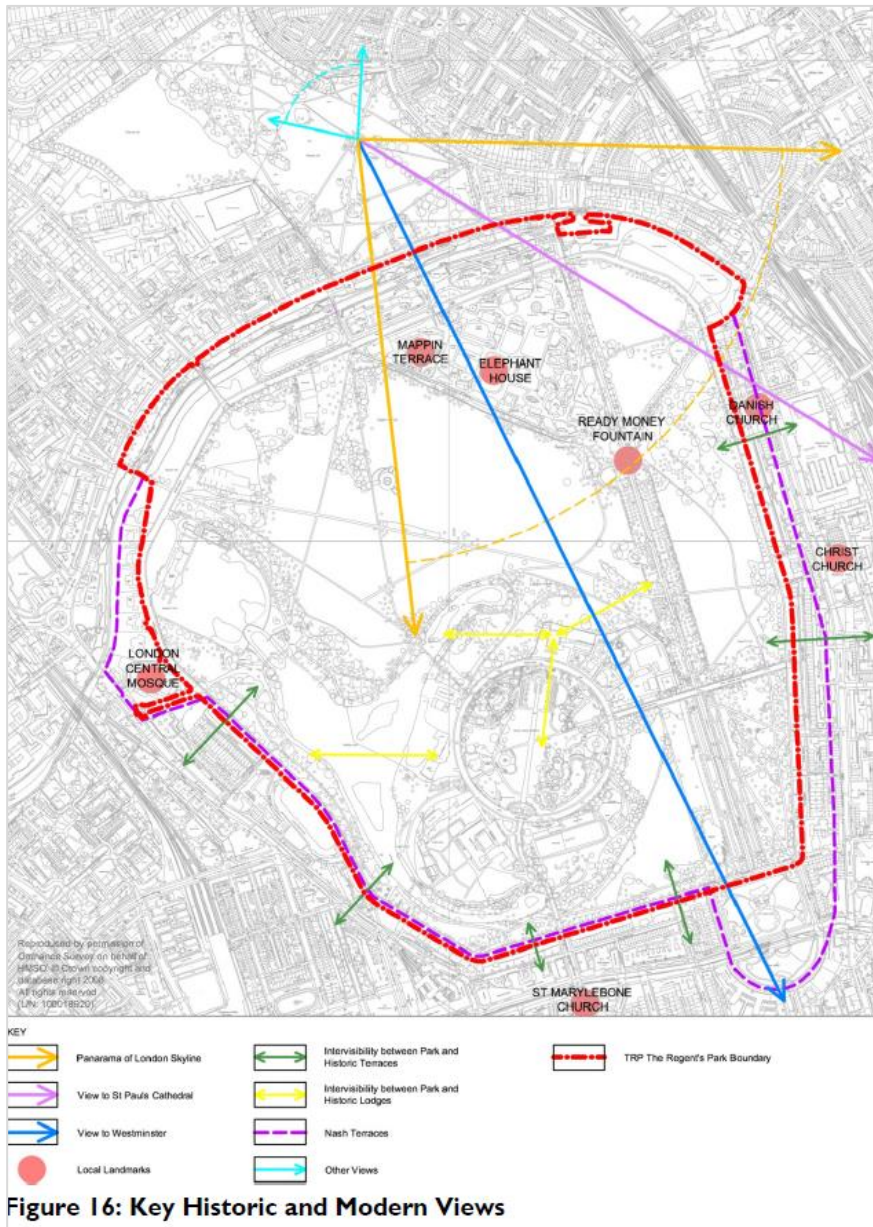


Figure 3.1: Key Historic and Modern Views

3.7 Consideration and account of this change over time is relevant because of the weight placed on the presence of historic depictions/images/descriptions of views from within Regent's Park to the rising ground to the north in the RPCAAC representations to the application. Such depictions/images/descriptions may contribute to the value of a view, or the experience of a heritage asset, in terms of enhancing an appreciation of the historic, aesthetic and/or communal values of the heritage asset (or those contained within a view). A degree of caution is, however, needed when utilising depictions/images/descriptions such as paintings, sketches and poetic descriptions in a literal sense. As works of art, there is no guarantee that they are accurate representations of a view or experience of a place, and there is a well-established tradition of embellishing/altering views to enhance the picturesque and aesthetic qualities of a composition. Artistic licence cannot, therefore, be discounted. Moreover, such artistic depictions, as well as more prosaic descriptions, do not reflect the particular

significance of a heritage asset as it exists today. Accordingly, the weight to be attached to these sources, in determining the heritage value of an asset, as well as the impact of development on that significance, needs to be considered in light of these potential shortcomings as an evidence base.

4. Likely Extent and Nature of Visibility

- 4.1 As a designated heritage asset of the highest grade, consideration of the potential impact of development on the particular significance of Regent's Park requires a proportionate and commensurate assessment; which is provided in the material submitted with the application. Regent's Park is an extensive designed urban landscape, with a variable character, and only a small part of it would be affected to a small degree.
- 4.2 It is not possible to calculate the exact extent to which the proposed development will be visible in Regent's Park due to the high number of trees. Presently, the only accurate way of measuring the extent of a development's visibility is through what is called a ZVI (Zone of Visual Influence) or viewshed. A viewshed was prepared in relation to the proposed development and is published on page 32 of the TVIA. Those technical studies do not, however, take trees or planting into account and so are not applicable to parkland areas.
- 4.3 The likely extent of visibility of the proposed development within Regent's Park has been established through inspections of the parkland in person and is based on professional judgement with reference to selected verified views. Within a parkland environment, areas of potential visibility are typically those closest to the Site; areas or structures set on higher ground; open areas with fewer trees; and, along linear paths orientated towards the Site.
- 4.4 In this instance, the north-eastern part of the park was identified as a likely area of visibility due to the proximity of the site, a ridge of higher ground (near view 10 of the TVIA) and an open area (near view 11 of the TVIA) beyond the ridge. The central north-south path within the Inner Circle was also identified as a possible location of visibility due to its linear route and alignment with the site (view A1 of the TVIA).
- 4.5 The parkland south of views 10 and 11 was scoped out due to the lower ground and dense tree planting south of view 10, which limits views northwards. Similarly, trees and topography limit views north-eastwards from the open area of the playing fields just southwest of London Zoo. In the parts of the park, which are the most open – at the centre of its east side, the north/central playing fields and looking across the Boating Lake – longer views are mainly to the south where the taller structures around Euston and King's Cross are prominent.
- 4.6 Following site survey and testing of the impact of the proposed development upon a number of views selected in discussion with Camden Council, it was established that the proposed development would be visible from a comparatively small element of Regent's Park. It is too distant and not tall enough to be visible along the central path within the Inner Circle (view A1). View 10 shows the view from the area of higher ground in the northeast part of the park; this is the viewing area of potential maximum visibility. View 11 shows that the proposed development drops away from view as the viewer walks north-eastwards down the slope and closer to the edge of the park.
- 4.7 In determining the impact of the proposed development on the particular significance of Regent's Park as a whole, as required for an area designation, care needs to be taken

not to conflate the localised impact, as illustrated by accurate two dimensional representations of a complex three dimensional experience, with the overall impact. To do so would ignore the wider context and experience of the view; after all, the viewer is not ‘transplanted’ to this viewing place without experiencing the intervening context.

- 4.8 In addition, only a small part of the proposed development would be visible from the northeast part of the park. The tops of the tallest parts of the proposed development, Blocks A and E1 would be visible through and slightly above the park trees. This small amount of visibility, filtered by trees, would be further diminished by the distance of the buildings, the proposed materiality of their elevations and their composition. The visible parts will be largely brick and unreflective, in muted tones of white (Block E) and grey (Block A), which will be consistent with the prevailing colours in the treescape and the stucco terraces at the park’s perimeter, unlike the primary colours capping the Ampthill Estate towers to the east (Figure 4.1). They will be set at different heights and well-spaced, with an undulating profile like the treeline. They will be set much lower than the middle ground trees in view 10 and well below the more consistent perimeter treeline in view 11. The very slight visibility of an existing light coloured tall building to the north (possibly on the Adelaide Estate) through the tree line from a position near view 10 confirms that the similarly small amount and muted tones of the proposed development visible from this area are also unlikely to be much noticed and will certainly not be prominent (Figure 4.2).



Figure 4.1: View East to Ampthill Estate Towers



Figure 4.2: View North with Glimpse Views of Existing Built Form

- 4.9 Walking through Regent's Park, there is clear visual evidence of the city beyond even from the most apparently enclosed parts of the park, such as the Inner Circle. Whilst there is less existing development seen beyond the tree line in the northeast area, where taller elements of the proposed development will be seen, there are some buildings glimpsed from this area and the car park just outside of the Outer Circle has a distinct visual and audible presence. Regardless of these existing visual clues to the city beyond the trees, views in this location are dominated by the open grass and trees in the fore and middle ground and the limited amount of the proposed development seen from here would not alter that visual experience. The predominant tree line would remain much taller than the proposal. In summer there would be very little visibility of the proposed development at all.

5. Further Consideration of Impact on Heritage Significance

- 5.1 It is established in the Heritage Statement that the upper levels of the proposed development will be visible in some views in the north-eastern 'quadrant' of Regent's Park, in an area of more informal parkland character, as new elements of the urban setting that forms the distant, variable context of the heritage asset. Parts of the proposed development would be seen through existing soft landscaping (varying according to the season) and in the context of the later, grade II listed villas that enclose the northern side of the park. These villas on Prince Albert Road do not, however, form part of the originally planned and delivered contemporaneous enclosing built form to the park. As such, they do not have the same, strong reciprocal, historic interrelationship with the overall picturesque landscape design and therefore the impact on the setting of Regent's Park is more limited.
- 5.2 Those parts of the proposed development visible from the north-eastern section of the park will be legible as individual, minor incidental elements, predominantly through mature tree cover, set c.500m from Regent's Park. It has been identified earlier in this supplementary comment that the degree of enclosure within this part of the park means that there are limited opportunities to appreciate the intended views to the rising hills of Hampstead and Highgate to the north. In those terms, the proposed development would not impact on that aspect of the park's intended reciprocal relationship with the wider context to the north; the currently available glimpsed views would remain.
- 5.3 This supplementary comment has set out the particular heritage significance of Regent's Park (grade I registered park and garden of special historic interest and conservation areas), the likely degree and nature of the visibility of the proposed development within the park and the likely impact on the particular part of the park's townscape setting which will be affected. The following concluding section considers the likely consequential impact on the particular heritage significance of Regent's Park, having regard to the relevant policy context and other material considerations.
- 5.4 In considering the level of harm arising from the proposed development it is important to note that the Framework distinguishes between 'substantial'⁵ and 'less than substantial'⁶ harm. This policy framework provides the basis upon which such harm can then be weighed against public benefits (134) or substantial public benefits and other criteria (133).
- 5.5 The Planning Practice Guidance (PPG) provides clear and unambiguous advice on how to identify whether harm to the significance of a heritage asset is 'substantial' or 'less than substantial' for the purposes of the Framework⁷:

"What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes

⁵ Paragraph 133

⁶ Paragraph 134

⁷ Reference ID: 18a-018-20140306

clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."

- 5.6 Guidance in assessing the degree of harm likely to be caused to a listed building has been given in a number of cases, including a court judgement (the 'Bedford case')⁸, which states:

*"At one stage I was attracted by Mr Cosgrove's submission that the inspector was falsely comparing the physical with the non-physical, and by using the formulation "something approaching demolition or destruction", he was applying a concept which was solely apt to the case of physical harm. However, this is an incorrect reading of the inspector's decision. On further analysis, I agree with Mr Newcombe that the inspector was not setting up a dichotomy. He was applying a unitary approach to a unified concept of significance. **What the inspector was saying was that for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away** [our emphasis]."*

*Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. **One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced** [our emphasis]."*

- 5.7 It is clear, therefore, that the test of 'substantial' harm identified in paragraph 133 of the Framework is necessarily a high test that would result in the significance of a heritage asset being either entirely removed or significantly reduced. The guidance identifies that in light of the required magnitude of impact necessary to result in substantial harm, such occasions will not arise in many cases.

⁸ [2013] EWHC 2847 (Admin)

5.8 Accordingly, given the particular significance of this heritage asset, including the relative contribution made by setting to that significance, we concur with Historic England that harm is correctly identified as 'less than substantial' for the purposes of the Framework, and towards the lower end of the 'spectrum of harm', for the following reasons:

- **Seasonal variation in impact:** the impact of the proposed development on the significance of Regent's Park is not consistent throughout the year. It is dependent upon the extent of foliage/tree cover, and will be greatest in the winter months when this tree coverage is at its thinnest. Conversely, the impact will be much reduced in the summer months, when the upper elements will be seen in the backdrop of this part of the park through mature canopies. The long-term management and replacement (as necessary) of this landscape element is anticipated, given its importance to the character and heritage significance of Regent's Park, as outlined in the published Conservation Management Plan.
- **Disposition of form and materiality:** The upper elements of the proposed development visible from this part of Regent's Park are clearly articulated as individual elements, reflecting their disposition within the Site. Moreover, the proposed materiality of these upper elements further reinforces their recessive character as new background townscape elements. As a result, given the separating distance between Regent's Park and the Site, the upper levels of the proposed development will be 'perceived' as a recessive element consistent with the scale, character and form of more recent development located in this part of the asset's context. In those terms, the proposed development indicates the position where the designations end, thereby helping to define their limits.
- **Relationship to Regent's Park as a whole:** The proposed development would have no impact on an appreciation of the important reciprocal relationship between the enclosing, contemporaneous built form and the picturesque landscape. Moreover, there is no impact on an appreciation or understanding of the important structural elements of the picturesque landscape, which comprise a major part of the park's heritage significance.
- **Extent of impact:** The identified adverse impact relates to a comparatively small part of the heritage asset as a whole, as one part of the complex experiential component of the setting of the heritage assets. Moreover, the historic, intended prospects towards the hills of Hampstead and Highgate are no longer prominent, being restricted by mature soft landscaping and trees, which define the north-eastern boundary. Where such glimpsed views of these aspects of the northern context remain, their legibility would not be adversely impacted by the proposed development. The extent of visibility is comparatively minor and relates to the uppermost storeys of part of the proposed development in part of the park where awareness of development in its wider townscape forms part of the experience of its setting. Its materiality, form and separation distances would mean that it would be a recessive background element that would not significantly impair an understanding of the particular significance of these heritage assets.
- **Identified Views:** The importance of the contribution made by these views to the particular significance of the heritage assets is not identified as one of the 'Key

Historic and Modern Views in the 'Regent's Park and Primrose Hill Conservation Management Plan', prepared by the Royal Parks.

- 5.9 This less than substantial harm must, however, be accorded great weight and importance.
- 5.10 The applicants have given great weight and importance in seeking to avoid this harm in the first instance, and then minimising and mitigating such harm where it is unavoidable, in order to deliver the substantial public benefits that the scheme offers. This process of design development is outlined in the Design and Access Statement and Environmental Statement, which includes consideration of alternative forms of development. The Planning Statement and Design and Access Statement explain why, in overall terms, the proposed development is the optimum viable form of development for the Site, having regard to the delivery of a wide range of policy objectives.
- 5.11 In these circumstances, paragraph 134 requires that where a development proposal will lead to less than substantial harm to the significance of a small number of designated heritage assets, this harm should be weighed against the public benefits of the proposals.
- 5.12 As noted earlier in this Section, the remaining residual harm would be less than substantial to this small number of heritage assets for the purposes of the Framework. In their representations to the application, Historic England 'calibrate' this level of less than substantial harm to be 'modest'. Case law⁹ has confirmed that the views of Historic England, as a statutory consultee, a "*decision-maker should give the views of statutory consultees ... 'great' or 'considerable' weight. A departure from those views requires 'cogent and compelling reasons'*". This modest degree of less than substantial harm has to be weighed in the balance against the public benefits, which include heritage benefits, as required by paragraph 134 of the Framework in light of the great weight and importance to be placed on the relevant statutory duties.
- 5.13 Public benefits are defined to include the following:
- Could be anything that amounts to economic, social or environmental progress as described in paragraph 7 of the Framework and must be of a nature and scale to be of clear benefit to the public at large¹⁰; and/or
 - It sustains or enhances the significance of a heritage asset and the contribution of its setting¹¹; and/or
 - It reduces or removes risks to a heritage asset¹²; and/or
 - It secures the optimum viable use of a heritage asset in support of its long term conservation¹³.

⁹ Shadwell Estates Ltd v Breckland DC [2013] EWHC 12 (Admin), at [72]

¹⁰ National Planning Practice Guide, 2014

¹¹ National Planning Practice Guide, 2014

¹² National Planning Practice Guide, 2014

¹³ National Planning Practice Guide, 2014

5.14 In this instance, the overarching public benefits are directly linked to the redevelopment of this important but underutilised town centre site and the creation of a high-quality new neighbourhood. These substantive public benefits, and the overall planning balance, are identified in the Planning Statement prepared by Turley and the Design and Access Statement prepared by Allies & Morrison, as required by paragraph 134 of the Framework, in light of the great weight and importance to be placed on the relevant statutory duties.

5.15 We further note and draw support from the GLA's Stage 1 response¹⁴, which confirmed that in their view, an acceptable planning balance was reached between the harm to heritage assets and the substantial public benefits being delivered:

"...GLA officers are satisfied that while the setting of these heritage assets, in particular, will be altered, the significant benefits of the scheme such as: increased permeability; the delivery of a significant quantum of housing; and the creation of high quality public realm, would outweigh any harm caused."

5.16 In closing, it is important to note that harm to the significance of heritage assets does not mean that the 'golden thread' of sustainable development cannot be achieved. Whilst the Framework identifies the role of the planning system in delivering economic, social and environmental sustainability in a joint and simultaneous manner as sustainable development¹⁵, it also makes clear that this is an aspiration and that is the content of the Framework, taken as a whole, which constitutes the Government's view of what is sustainable development¹⁶. The balancing of often competing objectives is one of the fundamental roles of the planning system. Paragraphs 132-135 of the Framework provide the basis by which harm to the significance of heritage assets, even extensive harm or the total loss of significance (which is not the case in this instance) is to be weighed against public benefits as part of the overall achievement of sustainable development.

¹⁴ Ref.: D&P/4158/01

¹⁵ Paragraph 8

¹⁶ Paragraph 6

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