



Planning, Design & Access and Heritage Impact Statement

20-21 Warren Street, London, W1T 5LT

Installation of extraction flue to rear elevation

January 2022

J Butterworth Planning Limited

71-75 Shelton Street

London, WC2H 9JQ

07803 588 479

jeremy@jbutterworthplanning.co.uk

jbutterworthplanning.co.uk

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Prepared By



Jeremy Butterworth BSc (Hons) MA MRTPI

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Registered Office: 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ

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1 Introduction and Purpose

1.1 Introduction

- 1.1.1 This statement represents a Planning, Design and Access and Heritage Statement submitted in support of the planning and listed building applications for the installation of extraction flue to the rear elevation (the 'proposed development') at 20-21 Warren Street, London, W1T 5LT (the 'site').

1.2 Purpose

- 1.2.1 Planning law¹ requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.2.2 The Courts² 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:

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.

- 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.

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

² 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 Development Proposals

2.1 Proposed Development

2.1.1 The proposed development is described as:

the installation of extraction flue to the rear elevation

2.1.2 The flue colour is proposed to be matt black to match the rainwater and the guttering waste pipes.

3 Site Location, Description and History

3.1 Site Location and Description

- 3.1.1 The site lies on the southern side of Warren Street and consists of an end of terrace Grade II Listed Building which contains a commercial use at ground floor and basement levels and office and residential uses above.
- 3.1.2 The property has a Statutory Listing Address of 20 and 21 Warren Street and the listing description states that:

CAMDEN

TQ2982SW WARREN STREET 798-1/93/1675 (South side) 14/05/74 Nos.20 AND 21 (Formerly Listed as: WARREN STREET No.21) (Formerly Listed as: WARREN STREET No.20)

GV II

Pair of terraced houses, now converted to one at ground floor level. c1792. Yellow stock brick, patched. 4 storeys and basement. 2 windows each. No.20 has renovated wooden shopfront with segmental-bowed, bracketed window and modillion cornice; house door to right with radial patterned overlight and panelled door flanked by slim half columns. No.21 with late C20 replica of No.20 shopfront. Gauged brick flat arches to recessed sashes. Parapet. INTERIOR: No.20 retains many original features, including door architraves, doors, skirtings, dado rails, shutters, dog-leg stick baluster staircase with fret cut tread ends, two timber Adamesque fireplaces to first floor; some full-height panelling to basement, three-quarters height panelling to staircase hall at ground floor level, and dado panelling to stairs above. No.21 not inspected. No.20 was listed on 10/06/88.

Listing NGR: TQ2914582198

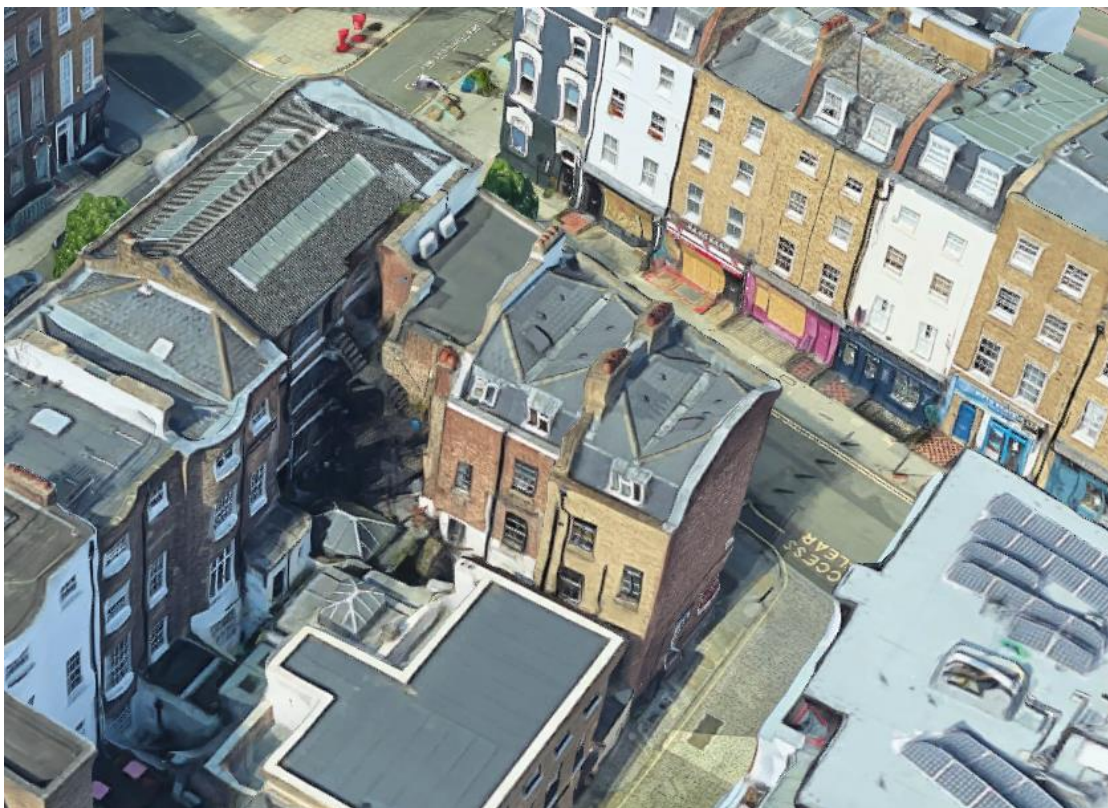
- 3.1.3 The site is easily accessible by sustainable forms of transport and lies within the Central Activities Zone close to bus stops on Tottenham Court Road and Euston Road and 140 metres from Warren Street Underground station.
- 3.1.4 The site is within Flood Zone 1 and is therefore at the lowest risk of flooding. The site is also within the Fitzroy Square Conservation Area.
- 3.1.5 The unit is also within a Protected Primary Shopping Frontage.
- 3.1.6 The application concerns the ground floor retail unit and the basement area, and the proposed development will only impact on the rear elevation.



Property in street scene (2019 showing former use)



Rear elevation from Grafton Mews



Birds eye view of rear elevation

3.2 Planning History

- 3.2.1 There is limited planning history with the most recent being application Ref: 9200014 - Continued use of ground floor as cafe/restaurant without compliance with Condition 01 attached to planning permission dated 21st September 1988 (Reg. no. PL/8703757/R1) which was granted in August 1992.
- 3.2.2 Therefore, the lawful use of the property would be for a café. This would now fall under Class E.
- 3.2.3 The café use will continue, and this application proposal seeks only the addition of an extraction flue.

4 Development Plan Context, Designations and Material Considerations

4.1 Development Plan Context and Designations

- 4.1.1 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.
- 4.1.2 The Development Plan context is provided by the London Plan (2021) along with the Camden Local Plan (2018).
- 4.1.3 The Proposals Map confirms that the site is within the Fitzroy Square Conservation Area and a Protected Primary Shopping Frontage.

4.2 Relevant Development Plan Policies

- 4.2.1 The following policies of the London Plan have been identified as relevant:
- Policy D4 Delivering good design
 - Policy D12 Fire safety
 - Policy D14 Noise
 - Policy HC1 Heritage conservation and growth
 - Policy SD6 Town Centres and High Streets
- 4.2.2 The following policies of the Camden Local Plan have been identified as relevant:
- Policy D1 Design
 - Policy D2 Heritage
 - Policy TC4 Town Centre Uses
 - Policy A4 Noise and Vibration
- 4.2.3 These are discussed below, where relevant.

4.3 Material Consideration – National Planning Policy Framework

- 4.3.1 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.
- 4.3.2 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.*

4.3.3 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.

4.3.4 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.

4.3.5 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.

4.4 Material Consideration – Supplementary Planning Guidance

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

5 Planning Assessment

5.1 Introduction

- 5.1.1 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.
- 5.1.2 The principal considerations in the assessment of the development proposals are the principle of development along with amenity and the design and heritage impacts.
- 5.1.3 These considerations are summarised in turn below along with any other matters.

5.2 Principle of development

- 5.2.1 In respect of the principle of development, the proposal does not alter the ground floor use of the retail unit and seeks to enhance its viability 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.
- 5.2.2 In this respect, subject to design and heritage issues there should be no objection to the principle of the shopfront improvements.

5.3 Design and heritage impacts

- 5.3.1 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.
- 5.3.2 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.
- 5.3.3 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.
- 5.3.4 In this respect the NPPF offers support to the proposed development which will have no material impact on the appearance of the building.
- 5.3.5 Policy D4 of the London Plan seeks good design.

- 5.3.6 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.
- 5.3.7 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
- 5.3.8 As discussed below, the proposed development makes minimal alterations to the building fabric with only minor fixings to external walls and the inclusion of a flue within an existing kitchen area which is much altered already.
- 5.3.9 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.
- 5.3.10 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.

5.3.11 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.

5.3.12 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.

5.3.13 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.

5.3.14 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.

5.3.15 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.

- 5.3.16 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.
- 5.3.17 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.
- 5.3.18 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.
- 5.3.19 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).
- 5.3.20 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.
- 5.3.21 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.
- 5.3.22 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)

- 5.3.23 The building is a late 18th century end of terrace property which would have been constructed as two separate properties but has been combined at ground floor level to create a larger retail unit. It is unclear when this ground floor works were undertaken.
- 5.3.24 The Historic England Listing Description describes the shopfront at No. 21 as a late 20th Century replica of the shopfront at No. 20. In this respect, it seems that the shopfront at No. 20 is possibly original, but the other half of the ground floor façade is a later addition.
- 5.3.25 Nevertheless, in relation to the property it is clear from the Historic England listing that the significance of the shopfront arises from the renovated wooden shopfront with segmental-bowed, bracketed window and modillion cornice.
- 5.3.26 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.

- 5.3.27 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.

- 5.3.28 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.

- 5.3.29 Therefore, the shopfront clearly adds to the significance of the building which is the only listed building in the terrace between Grafton News and Fitzroy Street. This is confirmed in the Conservation Area Appraisal which confirms that:

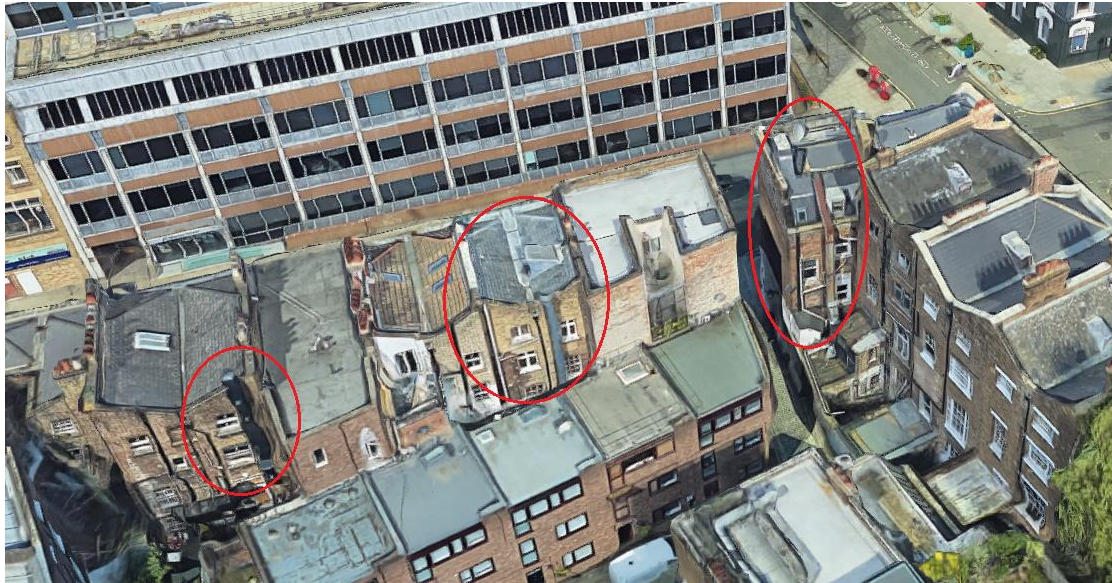
There is scope for improvement of some of the shopfronts although the majority retain high quality details (particularly good examples are Nos 20 & 21 Warren Street & corner shopfront at No 35 Conway Street).

- 5.3.30 The Conservation Area Appraisal also confirms that 20/21 Warren Street is one of the 'historic shopfronts that contribute considerably to the character of the area and are an interesting reminder of its evolution since its initial development'.

- 5.3.31 There are no references to the rear of the building and therefore it is considered that the rear elevation of the property does not add to its significance.

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

- 5.3.32 the CPG Design confirms in paragraph 9.19 that special consideration should be given to the installation of building services equipment, such plant, machinery and ducting, on listed buildings and in conservation areas.
- 5.3.33 In addition, the guidance states that
- Installations must be in keeping with the design and materials of the building.
 - Installations should minimise the loss of, and permanent damage to, the historic fabric.
 - It should be carefully considered whether installing building services equipment internally or externally is most appropriate way to minimise harm.
 - The shortest or most direct route for cables, ducting or pipework might not be the most appropriate and a longer route may be less damaging.
- 5.3.34 In this respect, the proposed ducting has been carefully considered and will be painted to match the existing pipework on the rear of the building.
- 5.3.35 The height of the flue extract is determined by its use and Environmental Health requirements and therefore the proposed design followings the shortest and most direct route possible and the proposed fixings are kept to the absolute minimum to reduce the impact on the fabric of the listed building.
- 5.3.36 The internal alterations required are in an area already operating at a commercial kitchen and therefore there are no original features within this part of the building.
- 5.3.37 Given the significance of the application property arises from its front elevation, shopfront and prominence in the Conservation Area it is not considered that such alterations to the rear will cause any harm.
- 5.3.38 Other similar flue systems exist on other properties along Warren Street as shown in the photos below:



5.3.39 In this respect, the impact on the significance of the heritage assets is neutral.

5.3.40 As such there is no material change in character or appearance of the building that would have a material impact on the significance of the Conservation Area or on the Listed Building.

5.3.41 Consequently, the proposals will have no demonstrable impact on the significance of heritage assets in this location.

5.4 Neighbouring Amenity

5.4.1 London Plan Policy D14 seeks to mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.

5.4.2 In addition, Local Plan Policy A4 states that the Council will seek to ensure that noise and vibration is controlled and managed. Development should have regard to Camden's Noise and Vibration Thresholds and the Council will not grant planning permission for:

- a. development likely to generate unacceptable noise and vibration impacts; or
- b. development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.

5.4.3 The Policy also states that the Council will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity. We will also seek to minimise the impact on local amenity from deliveries and from the demolition and construction phases of development.

5.4.4 In this respect, the accompanying Noise Assessment confirms that a noise survey was carried out at a location representative of the nearest noise sensitive window to the proposed plant.

- 5.4.5 A noise limit has been proposed for the extract fan, based on the measured background noise level and the Camden Council requirements.
- 5.4.6 The Assessment concludes that the predicted noise level from the proposed extract fan, fitted with an in-duct attenuator, achieves the Camden Council requirements.
- 5.4.7 In addition, the proposed development will not have any detrimental impact on the outlook from any windows and will not result in any loss of light.
- 5.4.8 Therefore, there are no amenity impacts as a result of the proposed development.

5.5 Fire Safety

- 5.5.1 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
- 5.5.2 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.
- 5.5.3 The proposed external materials will not change and therefore there is no increase in any fire risk.

6 Summary and Conclusion

6.1 Summary

- 6.1.1 In summary, this statement represents a Planning, Design and Access and Heritage Statement submitted in support of the planning and listed building applications for a flue and extract at 20-21 Warren Street, London, W1T 5LT.
- 6.1.2 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.
- 6.1.3 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.
- 6.1.4 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.
- 6.1.5 The above confirms that the external appearance of the building is unaltered to the front and alterations to the rear do not harm its significance. No original features will be lost. In this respect, there is no detrimental impact on any heritage assets.
- 6.1.6 The proposed development will not result in any amenity impacts.
- 6.1.7 There are no technical impediments to the granting of planning permission.

6.2 Conclusion

- 6.2.1 In conclusion, the proposed development is considered compliant with the relevant provisions of the development plan. Planning law dictates that this justifies a grant of planning permission. Assessment against the policies contained within the Framework, which is a material consideration, further confirms that the development can be considered to be a form of sustainable development and therefore benefit from the presumption in favour of sustainable development which is a golden thread running through decision-taking.
- 6.2.2 The proposal is therefore promoted on this basis and that it can be supported and receive a grant of planning permission and listed building consent.



J Butterworth Planning Limited

71-75 Shelton Street

London, WC2H 9JQ

07803 588 479

jeremy@jbutterworthplanning.co.uk

jbutterworthplanning.co.uk