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# Heyford Park Phase 7a

## Heritage Assessment and Impact Study

**REF:** P19-0137

**DATE:** 27<sup>th</sup> February 2019

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### **Introduction**

1. The following has been prepared by Pegasus Group on behalf of Heyford Park Settlements LP in relation to the submission of a Reserved Matters application for the construction of 11 new dwellings with associated landscaping, car parking, infrastructure and associated works forming Dorchester Phase 7a of the Heyford Park residential development, submitted pursuant to Outline Planning Permission ref: 10/01642/OUT, on land at the former RAF Upper Heyford airbase.
2. The site falls within the boundary of the RAF Upper Heyford Conservation Area, within which a number of Listed Buildings and Scheduled Monuments are also located, although none of these are within the direct vicinity of the land to which this application relates.

### **Methodology**

3. The following assessment has been informed by *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*<sup>1</sup> (henceforth referred to as *GPA 2: Managing Significance*) and English Heritage's Conservation Principles.<sup>2</sup>
4. In order to relate to key policy, the following levels of harm may potentially be identified when assessing potential impacts of development on heritage assets, including harm resulting from a change in setting:
  - **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013<sup>3</sup> that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced';
  - **Less than substantial harm.** Harm of a lesser level that that defined above; and
  - **No harm** (preservation). A High Court Judgement of 2014 is relevant to this<sup>4</sup>, in which it was held that with regard to preserving the setting of Listed

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<sup>1</sup> Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

<sup>2</sup> English Heritage, 2008, *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

<sup>3</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

<sup>4</sup> EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle.

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building or preserving the character and appearance of a Conservation Area, preserving means doing no harm.

5. Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”. Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment, it is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
6. With specific regard to the content of this assessment, Paragraph 189 of the National Planning Policy Framework 2019 states:
 

*“...The level of detail should be proportionate to an assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance...”* (our emphasis)
7. Full details of the methodology adopted are provided at **Appendix 1**.

### **Planning Policy Context**

8. The application site is located within the RAF Upper Heyford Conservation Area and within the core of the New Settlement Area, the development of which was approved under application 10/01642/OUT.
9. Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.
10. With regard to development within Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
 

*“in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*
11. Notwithstanding the statutory presumption set out above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
12. The extant Development Plan comprises the:
  - Cherwell Local Plan 2011-2031 Part 1, adopted 20 July 2015; and
  - Cherwell Local Plan, adopted November 1996 (only those policies saved by the saving direction issued by the Secretary of State and which have not been

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subsequently superseded by the adoption of the Cherwell Local Plan 2011-2031 Part 1).

13. Other material planning considerations include national legislation, policy and guidance, comprising the:
  - National Planning Policy Framework (March 2012); and
  - National Planning Practice Guidance (various).
14. The accompanying Planning Statement identifies the key relevant planning matters contained within the Development Plan and other material planning considerations pertinent to the determination of the planning application, whilst a detailed summary of the national policy relating to the historic environment is provided at **Appendix 2**.

### **The Site**

15. The application site comprises 0.25 hectares of brownfield land, part of a parcel of land immediately north of the 'Trident' section of the former technical area, north of Camp Road, within the centre of the former airbase.
16. As noted above, the site is located within the RAF Upper Heyford Conservation Area. The Scheduled Command Centre and Telephone Exchange lie to the west of the site, behind intervening built form.

### **Relevant Planning History**

17. The wider New Settlement Area has a complex planning history which is set out in detail within the accompanying Planning Statement, although it is important to note the following key Planning Permission, being application ref: 10/01642/OUT which approved Outline Planning Permission for redevelopment of the New Settlement Area.
18. It is also important to note that a Design Code has been approved for the site, as per the requirements of the Conditions attached to the Outline Planning Permission.

### **Heritage Assets**

19. The application site is located within the RAF Upper Heyford Conservation Area which is a designated heritage asset as defined by the NPPF.
20. The former RAF Upper Heyford military base was, as a whole, designated as a Conservation Area in 2006, reflecting the key role the military base played in the Cold War years and its distinctive military architecture and layout. The RAF Upper Heyford Conservation Area Appraisal (CDC, April 2006) divided the wider site in to a number of 'Character Areas' as shown on the extract plan provided at **Appendix 3**, with the application site being within the 'Technical Area', and specifically 'Area 9'. The Appraisal describes 'Area 9' as:

*"Technical Site: This area is characterised by the 'campus' layout of deliberately site, mix function buildings, in an open setting with organised tree planting. The variation in building type is both a function of their differing use and the fact that there has been*

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*continual construction within the site as part of the different phased of development within the airbase. The setting of the 1930s aircraft hangers in an arc on the northern edge of the site provides a visual and physical edge to the site. The access to the Technical Site is dominated by Guardroom (100) and Station Office (52). To the east of these is the impressive 1920s Officer's Mess (74) set within its own lawns. The style of these 1920s, red brick, RAF building is British Military"*

21. The significance of the application site was considered within the Archaeology and Cultural Heritage Chapter of the Environmental Statement produced in support of the 'The Outline Consent' granted in January 2010 (a copy of the relevant Character Areas Plan is provided at **Appendix 4**) and described as:

"AREA 5C: COPSE AND OPEN GROUND

*Significance: **Negligible***

*The most prominent characteristic of this area is the mature trees, and large areas of hardstanding with Post-War sheds."*

22. Notwithstanding the above, the wider site has clearly been subject to significant change since the above assessments were made, with the land to the east and south being redeveloped for residential purposes and now has a much different character. The area to the north and west is still within commercial use, in accordance with the lasting arrangement for the Flying Field. It is however important to note that a further application is being considered for the redevelopment of this area to extend the New Settlement Area. The site currently contributes very little to the significance of the Conservation Area in its current form, although it is of course important to consider the impact that the proposed new development will have on the character and appearance of the Conservation Area going forward.
23. With regards to the other designated heritage assets within the boundaries of the Conservation Area (the Scheduled Monuments and Listed Buildings) it is not considered that the application site forms part of the setting of these assets which specifically contributes to their significance due to the limited intervisibility due to intervening built form. Therefore, it is considered proportionate that any potential impact upon these designated assets are considered as part of the wider assessment of the impact upon the Conservation Area as a whole.

### **Assessment of Impact**

24. The proposed development is detailed in full on both the application plans and within the accompanying planning Statement, and can be summarised as follows;
- "The construction of 11 residential units, with provision of landscaping and associated works"*
25. The proposed new dwellings will be orientated to front onto the existing highway to the south/east. The dwellings will be arranged to follow the curvature of the road and will comprise four pairs of semi-detached dwellings and a terrace of three, all being two storeys in height.

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26. The buildings will be brick built, with marley 'rivendale' slate grey tiles (or similar) to the roofs. Private parking areas and associated accesses will also be provided and soft landscaping will be set out along the road, within the parking areas and also through the provision of private amenity spaces for the houses.
27. As set out above, despite the application site being to the east of the Scheduled Monuments, it is considered proportionate that this assessment should focus on the impact of the proposed development upon the character and appearance of the Conservation Area as a whole.
28. The proposed works would form part of the overall redevelopment of the former RAF Upper Heyford New Settlement Area and within that context, it is important to recognise that the application site is only a small part of the Conservation Area which covers a vast area, including the whole of the Flying Field, with its significance identified as being primarily embodied in the Cold War landscape across the Flying Field. It is noted in paragraph 138 of the NPPF, that it is necessary to consider the relevant significance of the element which has the potential to be affected and its contribution to the significance of the designated heritage asset as a whole, i.e. would the application proposals undermine the significance of the Conservation Area as a whole.
29. Notwithstanding this, whilst the works will result in an appreciable change to the character of this part of the Conservation Area through the construction of a new buildings within the application site, which is now a vacant development parcel, this needs to be viewed in the context of the establish future use of the site and the existing and future development of the residential parcels within the former Technical Area.
30. The proposed layout of dwellings sees the reflects the historic layout of the site and sees the properties providing an active frontage to the existing roads which extend from the formal trident layout of the Technical Area, reinforcing the character of this part of the Conservation Area.
31. Similarly, the scale of the proposed new buildings, being two storey is considered to be appropriate as it provides a transition between the taller, larger scaled properties sin the Trident Area and the recently constructed housing to the east, which would serve to protect the character and appearance of the Conservation Area.
32. With regards to the design, the simple architectural detailing of the properties accords with the guidance set out within the approved design code, being simple yet contemporary and utilising material which are familiar to the Conservation Area, being of brick construction with slate style roof coverings.
33. As such, notwithstanding the considerable weight attached to the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed development would serve to preserve the character and appearance of the Conservation area as a whole.

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**Summary Conclusions**

34. The application site is within the RAF Upper Heyford Conservation Area, although is not currently considered to specifically contribute positively to its character and appearance.
35. The above analysis, has concluded that the proposed layout and associated works would preserve the character and appearance of the Conservation area as a whole in accordance with legislation, and national and local planning guidance.

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## Appendix 1 – Methodology

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### Assessment of significance

In the NPPF, heritage significance is defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. <sup>5</sup>For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance"*

Historic England's Historic Environment Good Practice advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment<sup>6</sup> (henceforth referred to as 'GPA 2: Managing Significance') gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, GPA 2: Managing Significance also advocates considering the four types of heritage value an asset may hold, as identified in Historic England's Conservation Principles<sup>7</sup>; **evidential**, **historical**, **aesthetic** and **communal**. These essentially cover the heritage 'interests' given in the glossary of the NPPF, which comprise archaeological, architectural, artistic and historic interest.

Conservation *Principles* provides further information on the heritage values it identifies:

**Evidential value:** *the potential of a place to yield evidence about past human activity. This value is derived from physical remains, such as archaeological remains, and genetic lines.*

**Historical value:** *the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative. Illustrative value is the perception of a place as a link between past and present people and depends on visibility. It has the power to aid interpretation of the past through making connections with and providing insights into past communities and their activities through shared experience of a place. By contrast, associative value need not necessarily be legible at an asset, but gives a particular resonance through association with a notable family, person, event or movement.*

**Aesthetic value:** *the ways in which people draw sensory and intellectual stimulation from a place. Aesthetic values can be the result of conscious design or fortuitous outcome or a combination of the two aspects. The latter can result from the enhancement of the appearance of a place through the passage of time.*

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<sup>5</sup> NPPF Annex 2, DCLG, 2019

<sup>6</sup> Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

<sup>7</sup> English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

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**Communal value:** *the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. This can be through widely acknowledged commemorative or symbolic value that reflects the meaning of the place, or through more informal social value as a source of identity, distinctiveness, social interaction and coherence. Spiritual value may also be part of communal value.*

Significance results from a combination of any, some or all of the values described above.

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

### **Setting and significance**

As defined in the NPPF:

*"Significance derives not only from a heritage asset's physical presence, but also from its setting."*<sup>8</sup>

Setting is defined as:

*"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*<sup>9</sup>

Therefore, setting can contribute to, affect an appreciation of significance or be neutral with regards to heritage values.

### **Assessing change through alteration to setting**

How setting might contribute to these values has been assessed within this report with reference to *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*<sup>10</sup> (henceforth referred to as *GPA 3: The Setting of Heritage Assets*), particularly the checklist given on page 11. This advocates the clear articulation of 'what matters and why'.

In *GPA 3: The Setting of Heritage Assets*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess "whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciate". The guidance includes a (non-exhaustive) check-list of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists points associated with the experience of the asset which might be considered,

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<sup>8</sup> NPPF Annex 2, DCLG, 2019

<sup>9</sup> Ibid

<sup>10</sup> Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*

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including: views, intentional intervisibility, tranquillity, sense of enclosure, land use, accessibility and rarity.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to “*maximise enhancement and avoid or minimise harm*”. Step 5 is to “*make and document the decision and monitor outcomes*”.

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

### **Levels of significance**

In accordance with the levels of significance articulated in the NPPF, three levels of significance are identified:

***Designated heritage assets of the highest significance, as identified in paragraph 194 of the NPPF comprising Grade I and II\* Listed buildings, Grade I and II\* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;***

***Designated heritage assets of less than the highest significance, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and***

***Non-designated heritage assets. Non-designated heritage assets are defined within the Government’s Planning Practice Guidance as “buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets<sup>11</sup>”.***

Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

### **Assessment of harm**

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In order to relate to key policy, the following levels of harm may potentially be identified:

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<sup>11</sup> DCLG, Planning Practice Guidance, Paragraph: 039 (ID: 18a-039-20140306, Revision date: 06 03 2014)

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**Substantial harm or total loss.** *It has been clarified in a High Court Judgement of 2013<sup>12</sup> that this would be harm that would "have such a serious impact on the significance of the asset that its significance was either vitiating altogether or very much reduced"; and*

**Less than substantial harm.** *Harm of a lesser level than that defined above.*

It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this<sup>13</sup>. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.

Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that "Change to heritage assets is inevitable but it is only harmful when significance is damaged". Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *GPA 3: The Setting of Heritage Assets*, described above. Again, fundamental to the methodology set out in this document is stating 'what matters and why'. Of particular relevance is the checklist given on page 13 of *GPA 3: The Setting of Heritage Assets*.

It should be noted that this key document states that:

*"setting is not itself a heritage asset, nor a heritage designation"*<sup>14</sup>

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA 3: The Setting of Heritage Assets* states that "conserving or enhancing heritage assets by taking their settings into account need not prevent change".

Additionally, it is also important to note that, as clarified in the Court of Appeal<sup>15</sup>, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.

## **Benefits**

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence significance of the assets concerned.

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<sup>12</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

<sup>13</sup> EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle

<sup>14</sup> Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets (paragraph 9)*

<sup>15</sup> Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061 (04 November 2016)

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## **Appendix 2 – Planning Policy**

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Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **The National Planning Policy Framework (February 2019)**

National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in February 2019. This replaced and updated the previous National Planning Policy Framework 2018, which had replaced the 2012 version of the NPPF. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three "objectives" to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

*"Plans and decisions should apply a presumption in favour of sustainable development.*

*For plan-making this means that:*

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
  - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
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- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

*For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."**

However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

*"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, and Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change." (our emphasis)*

The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in Annex 2 of the NPPF as:

*"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including Local Listing)."*

The NPPF goes on to define a Designated Heritage Asset as a:

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*"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.<sup>16</sup>"*

As set out above, significance is also defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.<sup>17</sup>"*

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 190 that:

*"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

Paragraph 192 goes on to state that:

*"In determining planning applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness"*

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

*"193 – 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."*

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<sup>16</sup> NPPF Annex 2, DCLG, 2019

<sup>17</sup> IBID

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*"194 – 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. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*

In the context of the above, it should be noted that paragraph 195 reads as follows:

*"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:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, 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"*

Paragraph 196 goes on to state:

*"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, where appropriate, securing its optimum viable use"*

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 200 that:

*"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, 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 the asset (or which better reveal its significance) should be treated favourably."*

Paragraph 201 goes on to recognise that *"not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance"* and with regard to the potential harm from a proposed development states:

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*"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole" (our emphasis)*

With regards to non-designated heritage assets, paragraph 197 of NPPF states that:

*"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

Non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to a Scheduled Monument will be subject to the policies for designated heritage assets.

### **National Planning Guidance**

The Department for Communities and Local Government (DCLG) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of 'Conserving and enhancing the historic environment' which confirms that the consideration of 'significance' in decision taking is important and states:

*"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals<sup>18</sup>"*

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

*"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*

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<sup>18</sup> PPG, paragraph 009 (ID: 18a-009/20140306 revision date 06.03.2014)

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*the development that is to be assessed. The harm may arise from works to the asset or from development within its setting<sup>19</sup>.*

*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”*

With regard to design the PPG states at paragraph 02 that:

*“Good design should:*

- *ensure that development can deliver a wide range of planning objectives*
- *enhance the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being*
- *address the need for different uses sympathetically<sup>20</sup>.”*

Paragraph 23 goes on to explain how to consider buildings and the spaces between them and reads as follows:

*“Plans, policies and decisions can effectively manage physical form at a variety of scales. This is how planning can help achieve good design and connected objectives. Where appropriate the following should be considered:*

- *layout – the way in which buildings and spaces relate to each other*
- *form – the shape of buildings*
- *scale – the size of buildings*
- *detailing – the important smaller elements of buildings and spaces.”<sup>21</sup>*

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<sup>19</sup> PPG, paragraph 017 (ID: 18a-017-20140306 revision date 06.03.2014)

<sup>20</sup> PPG, paragraph 02 (ID: 26-002-20140306 revision date 06.03.2014)

<sup>21</sup> PPG, Paragraph 23 (ID: 26/023/20140306 revision date 06.03.2014)

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**Appendix 3 – Conservation Area Appraisal Character Areas  
Plan**

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**Appendix 4 – 2010 ES Chapter Character Areas Plan**

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