

- Dry Dock at Blackwall Engineering
- 3.47 The Dry Dock is of late 18th century origin, but enlarged and rebuilt to its present dimensions sometime before 1850. It was drastically remodelled by Richard Rogers Partnership in 1988. Listed for its architectural, historical and evidential interest, it is one of the earliest, large, dry docks remaining on the Thames. Although by the banks of the Thames, its original industrial dockside setting and use have exponentially changed from when it was first constructed.
- List Entry Number: 1242217 / Date first listed: 01-Apr-1983 / Date of most recent amendment: 21-Nov-2000.
- East India Dock House, former Financial Times Print Works (GII*)
- 3.48 The former production and printing works for the Financial Times, 1987-88, by Nicholas Grimshaw and Partners. It was converted to a data centre in the late 1990s. A winner of several major architectural awards; its listing recognises its architectural interest as an impressive and characteristic example of High Tech architecture and the technological innovation employed in its construction. It has historical and communal interest as being at the vanguard of the post-Fleet Street development of the British Press which embraced new technologies and ways of working to produce print newspapers.
- 3.49 The building is located on the northern side of the Naval Row Conservation Area boundary. It turns its back on the river and the conservation area however and its setting is firmly within the ultra-urbanised townscape created by the dual carriageways of the A13 and A102 (which demarcate two sides of its site) and the tall, modern buildings, railway lines and elevated carriageway to its east and south. The townscape in which the building is set was not designed as a place for pedestrians to ambulate through or linger, rather it was designed to facilitate fast passage by motor vehicle through and out of the area.
- List Entry Number: 1430114 / Date first listed: 24-Feb-2016.
- East India Dock Pumping Station (GII)
- 3.50 This mid-19th century, one storey, brick building in Italianate style was built for an industrial purpose within an industrial dockside landscape. Its heritage significance lies in its architectural form and historical use. It forms a group with the East India Dock Boundary Wall (GII) and the Embankment Wall and Steps (GII) on Naval Row and these and the remaining historic buildings on Naval Row contribute to its setting.

- Naval Row E14 / List Entry Number: 1357801 / Date first listed: 27-Sep-1973.
- East India Dock Wall and Gateway (GII)
- 3.51 Part of the extensive survival in this area of the early 19th century East India Dock walls, this stock brick wall, c.4.5m high, also has a surviving arched gateway. Listed for its historical, evidential and communal interest as a surviving element of the great dock system which once dominated this part of London. Its original setting as part of the docks system has long since disappeared and the remnant walls are now stranded in the central reservation of the A2012 Leamouth Road.
- List Entry Number: 1357843 / Date first listed: 27-Sep-1973.
- Former Fire Station (GII)
- 3.52 This former LCC fire station of 1910 is considered one of the best examples of its type, and despite recent conversion to residential use, remains externally intact with a distinctive picturesque facade that successfully combines the formal qualities of the building type with a strong municipal presence. Its original setting, within a townscape of established 19th century industrialisation and dense residential development, changed dramatically during the post-war period, with the construction of the dual carriageway A12 just metres from it. The building's significance lies in its architectural form and massing and historical use.
- List Entry Number: 1393719 / Date first listed: 01-Feb-2010.
- Gasholder No. 1, 2, 4, 6, 7, 8, 9; former Bromley-by-Bow Gasworks (GII)
- 3.53 This group of Gasholders were built c.1871/72 to the design of the engineers Joseph Clark and Thomas Kirkham for the Imperial Gas Light and Coke Company and altered in 1925/7. Embedded into the industrial canalside which enabled coal to be brought to the gasworks, their setting is intrinsic to their interest. Coal gas production ceased at Bromley in 1972, but the site has remained in use for storing natural gas ever since. The site's future may be under review as a candidate for decommissioning. The heritage significance of the structures lies in their architectural form, historical use and canalside setting.
- List Entry Number: 1080996; 1080993; 1190911; 1293590; 1080995; 1190906; 1080994 / Date first listed: 14-Mar-1996 / Amended: 15-Oct-2015.

- Plaque on Modern Dock Wall Facing West, East India Dock Road (GII)
- 3.54 This plaque of 1806, was formerly part of the demolished East India Dock Gateway and is of historical interest in commemorating the construction of the dock and its opening. The plaque is situated on a modern wall at the approach to the Blackwall Tunnel at the junctions of the A12 and A102. Having lost its original setting, it serves as a commemorative near to where it was once installed.
List Entry Number: 1240324 / Date first listed: 19-Jul-1950.
- Pope John House (GII)
- 3.55 Listed as 'Pope John House', but now known as 'Blomfield House', this imposing red brick building was designed, in Tudor revival style, by Sir Arthur Blomfield & Son in 1892. Its side elevation is on the East India Dock Road but it faces Poplar Recreation Ground and St Matthias Church (GII*) across Hale Street. Its immediate built environment setting has changed little since it was first built, although looking south along Hale Street, the Canary Wharf cluster can be clearly seen. Its significance lies in its architectural form and massing.
List Entry Number: 1240304 / Date first listed: 27-Sep-1973.
- Poplar Baths, (GII)
- 3.56 Poplar Public Baths were built 1932-4 by Poplar Borough Council. Built in brick in the streamlined Art Deco style, it is most admired for its interior where reinforced concrete hyperbolic ribs support the glazed roof structure that was innovative in bringing natural light into the pools below. Closed in 1988, the building was remodelled and reopened in 2016 as part of a new leisure centre and residential development. Its significance lies in its architectural form and massing.
List Entry Number: 1334939 / Date first listed: 11-Jan-2001.
- Poplar Public Library (GII)
- 3.57 Built 1904-5 by Squire, Myers and Petch, the building is faced with striking white ashlar masonry in a Beaux-Arts style. Its grandeur, which would have been in high contrast to its original context of canalside industry and dense streets of workers' housing, speaks of the philanthropic ambitions of its founders. No longer a library, but in use as a business premises, its setting has changed markedly since it was first erected with the construction, during the post-war period, of the dual carriageway of the A12 just metres from it. The building's

- significance lies in its architectural form and historical and communal use.
List Entry Number: 1252435 / Date first listed: 27-Sep-1973 / Amended: 22-Oct-1992.
- Poplar Technical College (GII)
- 3.58 Built in 1906, by W E Riley and the LCC architects department, this Portland stone faced building faces onto the busy Poplar High Street. The college was purpose-built and had a Merchant Navy cadet training emphasis, hence the maritime putti of the overdoor. Its significance lies in its architectural expression and historical use.
List Entry Number: 1260095 / Date first listed: 01-Jul-1983 / Amended: 06-Oct-1992.
- Northern Portal and Parapet to the Blackwall Tunnel (GII)
- 3.59 The portal and remnant parapet, c.1897, is listed primarily for historical interest as the northern portal to the first vehicular tunnel built under the Thames and the parapet for its architectural interest in its use of pink polished granite. The parapet, though located in its original position, has lost the context of its original built environment due to modern development in the surrounding area. Its heritage significance however remains as it does not rely on no change happening in its surroundings.
List Entry Number: 1065070 / Date first listed: 27-Sep-1973 / Amended: 11-May-2018.
- Statue Of Richard Green (In Front Of Public Baths) (GII)
- 3.60 A bronze statue on pedestal of granite of 1865 situated on the busy East India Dock Road. Richard Green (1803–1863) was an English shipowner and philanthropist born in nearby Blackwall and associated with the East India Company.
List Entry Number: 1065216 / Date first listed: 19-Jul-1950.
- Susan Lawrence and Elizabeth Lansbury Schools, (GII)
- 3.61 The primary and adjoining nursery school were built 1949-1951 and 1951-1952 respectively, as part of the 'Live' architecture exhibition of the Festival of Britain. Their heritage significance lies in their architectural form and communal and historical significance as part of the Festival. Setting contributes to significance in being part of the wider post-war set-piece development that is protected by the Lansbury Conservation Area.
List Entry Number: 1376748 / Date first listed: 05-Mar-1998.

- Twelvetrees Crescent Bridge (GII)
- 3.62 The two-arched bridge spanning the River Lea and Bow Creek was built in 1872 for the Imperial Gaslight and Coke Company to give access to their Gas Works. Listed for its architectural and evidential value, the bridge forms part of a group with the nearby listed gas holders.

List Entry Number: 1268439 / Date first listed: 10-Jun-1996.

- War Memorial to the Children of Upper North Street School (GII*)
- 3.63 A First World War memorial erected in 1917 in Poplar Recreation Ground as a memorial to children from a nearby school. It is listed for its architectural and historical interest and has group value with a number of Grade II listed buildings fronting the park, and the Grade II* listed Church of St Matthias.
- List Entry Number: 1065215 / Date first listed: 27-Sep-1973 / Amended: 01-Jun-2017.

Locally Listed Buildings

- St Leonards Road E3: 159-167 (odd) & 162
- 3.64 A series of locally listed terraces of c.1850 and the former St Leonard's Arms public house, now flats. They form a group with the Grade II listed Church Of St Michael And All Angels and War Memorial. Of a common type built all over London during this period, their setting is only of interest in relation to the surviving townscape elements of a similar period.

- Lodore Street: St Frideswide's Mission Hall, 18 Follett Street E14; 1 Lodore Street (Tabard Court)
- 3.65 Part of the late 19th century philanthropic Oxbridge east London missions movement, the St Frideswide's Mission House opened in 1893. Devoted to a girl's and mother's group, the western part of the building housed nuns within an oratory. A further building was added at the present 18 Follett Street in 1900 and later became the hostel of the Poplar Association for Befriending Girls. The three buildings are set within an urban environment of low-rise, post-war social housing close to the A13 and East India Dock Road gyratory.

Other Non-Designated Heritage Assets

- St Nicholas Church, Aberfeldy Street E14
- 3.66 Situated on the Aberfeldy Estate, the church was designed by the firm of Seely and Paget, a noted architectural practice of

the inter-war years. Built in 1955, it was closed for worship by 1969 becoming a vinyl record warehouse and then, by the 1990s, a community centre. The church was re-dedicated as an Anglican place of worship in 2000. The building has communal value as post-war estate church set within Aberfeldy Village and, although modest and utilitarian in appearance, has some architectural interest; the building instanced an early use of aluminium prefabrication for a church steeple, being pre-assembled in a workshop before installation on site.⁵⁴

Langdon Park School LSB building

- 3.67 Now part of the modern Langdon Park School campus, this London School Board School of 1907 (originally Byron Street School) is a survival from the early period of state school provision. The architectural treatment of the school is similar to London School Board schools surviving throughout London and so is not special to this location.

Former Poplar Bus Depot, Leven Road, E14

- 3.68 This former bus garage opened as a tram depot in December 1906, with trolleybus operation taking over in June 1940. It was the last of London's tram depots to be converted for use by trolleybuses. The trolleybuses themselves were replaced by new Routemaster buses in November 1959, with these buses finally disappearing from this garage in 1984. The garage was closed in November 1985 with buses transferred to nearby garages. Since then, the premises has been used as a storage facility.
- 3.69 Comprising of a collection of low-rise brick buildings - two single-storey large warehouses and a three storey office building - the southern end of the warehouses are characterised by tall arches that at one time would have allowed trams or buses in and out. These have since been blocked-up but form a striking elevation onto Levan Road.

Other designations

- 3.70 The Proposed Development is not considered to affect the setting of any World Heritage Site or Registered Park or Garden.

⁵⁴ Their post-war work included the restoration of scores of bomb-damaged buildings (including the Little Cloister (Westminster Abbey), the London Charterhouse and the church of St John Clerkenwell). English Heritage, 'The Partners: Seely and Paget', Online: www.english-heritage.org.uk/learn/histories/lgbtq-history/seely-and-paget-at-eltham-palace

Assessing heritage significance: concepts and terminology

- 3.71 The conservation areas and statutorily listed buildings in the vicinity of the site are ‘designated heritage assets’, as defined by the National Planning Policy Framework (the NPPF). Locally listed buildings are considered as ‘non-designated’ heritage assets.
- 3.72 ‘Significance’ is defined in the NPPF as *‘the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic’*. The Historic England ‘Historic Environment Good Practice Advice in Planning Note 2’ puts it slightly differently – as *‘the sum of its architectural, historic, artistic or archaeological interest’*.
- 3.73 ‘Conservation principles, policies and guidance for the sustainable management of the historic environment’ (English Heritage, April 2008) describes a number of ‘heritage values’ that may be present in a ‘significant place’. These are evidential, historical, aesthetic and communal value.
- 3.74 In assessing heritage significance we seek to follow what we understand the purpose and intention of policy and guidance to be – the identification or acknowledgement of specific and identifiable heritage-related features and phenomena that align with the concepts summarised above. In doing this we do not allocate significance to everything.

Heritage significance: general comments

‘Evidential value’ ‘Historic interest’ or ‘Historical value’

- 3.75 In terms of Historic England’s ‘Conservation Principles’, the Aberfeldy Village area and its surroundings provide us with ‘evidence about past human activity’. The site, the listed and other structures in its vicinity, and their relationship to one another collectively illustrate the development of this part of London over an extended period. The surrounding building stock by means of fabric, design and appearance are a record of social and economic change and lifestyles in this part of London.
- 3.76 Alteration, demolition and redevelopment has not entirely removed the ability of ‘historic’ buildings in the vicinity of the site to communicate these values, and they and the nearby conservation areas retain sufficient historic character and appearance to convey their historical ethos.

- 3.77 The story told by both Aberfeldy Village, and Poplar generally, is one of radical and repeated urban change that, despite being at various times planned to varying degrees - whether the industrial and suburban development of the 19th century or post-war reconstruction - has resulted in a highly heterogenous landscape in heritage and townscape terms. This provides highly valuable evidence of the past and direct access to understanding the economic and social evolution of this part of Tower Hamlets. This evidential value or historic interest is linked to but separate from aesthetic or architectural matters, discussed below.

‘Architectural interest’, ‘artistic interest’ or ‘aesthetic value’

- 3.78 The NPPF describes how a building may have ‘architectural’ and ‘artistic interest’ (NPPF) or ‘aesthetic value’ (‘Conservation Principles’) in varying degrees.
- 3.79 In respect of design, ‘Conservation Principles’ says that ‘design value... embraces composition (form, proportions, massing, silhouette, views and vistas, circulation) and usually materials or planting, decoration or detailing, and craftsmanship’.
- 3.80 The highly heterogenous built environment referred to above may well possess considerable evidential value, but in aesthetic, architectural and urban design terms it now presents a piecemeal and fragmented setting for the various designated and non-designated heritage assets in the vicinity of the Aberfeldy site. This historical interest of the overlaying of various phases of development in Poplar has given rise to a built environment that is not characterised by one period, style, scale or grain. The older, largely 19th century, city survives in pockets, but is also perceived in the context of subsequent renewal from various periods which departed radically from the pattern and character of the older city.
- 3.81 This, firstly, takes the form of the new housing of the immediate post-war period such as the ‘Festival of Britain’ Lansbury Estate, then the later housing development characterised by Balfron Tower and the Brownfield Estate (1965-67), followed in turn by areas such as the Aberfeldy triangle. In recent years, estate regeneration of these places has resulted in yet further development and, quite often, greater scale – the area south of Balfron Tower in and around the Robin Hood Gardens estate (1972, now under development), is an example. To the east of Aberfeldy Village, the former gas works site will be redeveloped with a large residential project.

- 3.82 Alongside residential-led change in the area since the 1950s, commercial development has had a significant effect on its layout and appearance – the redevelopment of East India Dock and the former (now Grade II*) Financial Times print works are two examples. The setting of Poplar, as an entire district, when viewed from the north, is dominated by the considerable scale of Canary Wharf and the Isle of Dogs.
- 3.83 Finally, transport has had and continues to have a very significant influence on the grain and interconnectedness of the area. Canals, railways, and in particular roads have altered it repeatedly over time. The East India Dock Road was, in a sense, a precursor of the A12/Blackwall Tunnel Approach in the scale of its effect, though the latter has had a much larger effect on Poplar. While East India Dock Road created the opportunity for urban form, the A12 sliced through the urban form that was thus created, and gave rise to, in urban terms, a significant north-south fissure. It fundamentally separates the area to its east from the rest of Poplar, something compounded by the challenge to north-south connectivity created by the A13.
- Communal value*
- 3.84 A powerful generator of the character and appearance of Poplar was its experience in the Second World War and, even at a distance of 75 years, that experience still resonates in the popular consciousness. The sense of endurance in the face of adversity felt by many at the time was only amplified by the hope and optimism embodied in, say, the Festival of Britain and the Lansbury and Brownfield Estates and other post-war redevelopment as manifested for real people in a new post-war world. The area, including Aberfeldy Village, has been home to generations of people, who not just lived there but who were educated and worshipped, played and worked there. The gradual passing of industry from Poplar is another significant aspect of the communal value that the area possesses.

4 Legislation, policy and guidance

Introduction

- 4.1 This section of the report briefly sets out the range of national and local policy and guidance relevant to the consideration of change in the historic built environment, as well as describing the legislation governing designated heritage assets.

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 4.2 The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). Section 66(1) of the Act requires decision makers to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' when determining applications which affect a listed building or its setting. Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay 'special attention... to the desirability of preserving or enhancing the character or appearance of that area'.

The National Planning Policy Framework

- 4.3 The National Planning Policy Framework (NPPF) was first published in 2012 with the most recent update being published on 20 July 2021.⁵⁵
- 4.4 Chapter 12. of the National Planning Policy Framework 'Achieving well-designed places' deals with design: It begins: 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between

⁵⁵ First published on 27 March 2012 and updated on 24 July 2018, 19 February 2019 and 20 July 2021. Ministry of Housing, Communities & Local Government (2021) Revised National Planning Policy Framework. Online: www.gov.uk/guidance/national-planning-policy-framework

- applicants, communities, local planning authorities and other interests throughout the process' (paragraph 126).
- 4.5 Paragraph 130 advises that 'planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 4.6 Chapter 16 'Conserving and enhancing the historic environment' deals with Heritage Assets describing them as 'an irreplaceable resource' that 'should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' (paragraph 189).⁵⁶
- 4.7 Paragraph 190 discusses the responsibilities of the local authority towards plan making and the historic environment and says that: 'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment,

⁵⁶ The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- (a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - (b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - (d) opportunities to draw on the contribution made by the historic environment to the character of a place.'
- 4.8 Paragraph 191 advises that 'when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.'
- 4.9 In order to help assess significance of heritage assets, paragraph 192 says that local planning authorities 'should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
- (a) assess the significance of heritage assets and the contribution they make to their environment; and
 - (b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.'
- 4.10 Further such 'information about the historic environment, gathered as part of policy-making or development management' should be made 'publicly accessible' (paragraph 193).
- Proposals affecting heritage assets
- 4.11 '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. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation' (paragraph 194).
- 4.12 '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 195).
- 4.13 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision' (paragraph 196).
- 4.14 'In determining 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' (paragraph 197).
- 4.15 'In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal' (paragraph 198).
- Considering potential impacts
- 4.16 Paragraph 199 advises local authorities that 'When considering the impact of a Proposed Development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether

- any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
- 4.17 Paragraph 200 continues, '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.'⁵⁷
- 4.18 In terms of proposed development that will lead to substantial harm to (or total loss of significance of) a designated heritage asset, paragraph 201 states that 'local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total 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'.
- 4.19 It continues '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' (paragraph 202).
- 4.20 In considering the effect of an application on the significance of a non-designated heritage asset, either directly or indirectly,

⁵⁷ Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

the local authority should employ a 'balanced judgement' in regard to 'the scale of any harm or loss and the significance of the heritage asset' (paragraph 203).

- 4.21 Paragraph 204 requires that 'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 4.22 Where a heritage asset is to be lost, the developer will be required to 'record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible' (paragraph 205).⁵⁸
- 4.23 In terms of development within the setting of heritage assets, paragraph 206, advises 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.
- 4.24 It goes on however 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 the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, 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 (paragraph 207).
- 4.25 Finally, paragraph 208 requires that the onus will be on local planning authorities to 'assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies'.
- 4.26 The setting of a heritage asset is defined in the NPPF as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its

⁵⁸ Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

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 neutral⁵⁹.

Planning Practice Guidance

- 4.27 Planning Practice Guidance⁶⁰ provides streamlined guidance for the National Planning Policy Framework and the planning system. It includes guidance on matters relating to protecting the historic environment in the section entitled 'Conserving and Enhancing the Historic Environment'. It is subdivided into sections giving specific advice in the following areas:
- Overview: historic environment
 - Plan making: historic environment
 - Decision-taking: historic environment
 - Designated heritage assets
 - Non-designated heritage assets
 - Heritage Consent Processes and
 - Consultation and notification requirements for heritage related applications.
- 4.28 PPG discusses the setting of heritage assets as follows:

'The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the Proposed Development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship

⁵⁹ <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

⁶⁰ Ministry of Housing, Communities and Local Government, last update July 2019, online: www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment

between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.⁶¹

4.29 In respect of substantial harm, PPG says that:

'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.

⁶¹ Paragraph: 013 Reference ID: 18a-013-20190723

Policy on substantial harm to designated heritage assets is set out in paragraph 201 of the National Planning Policy Framework'.⁶²

4.30 In respect of harm to conservation areas, PPG says:

'An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building. If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 201 of the National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole.'⁶³

4.31 PPG continues:

'A clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm. Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such studies can reveal alternative development options, for example more sensitive designs or different orientations, that will deliver public benefits in a more sustainable and appropriate way.'⁶⁴

Historic England guidance

Good Practice Advice

4.32 Historic England provide guidance and 'information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guide (PPG)'.⁶⁵

4.33 These notes include:

- GPA 1: The Historic Environment in Local Plans (2015);

⁶² Paragraph: 017 Reference ID: 18a-017-20140306

⁶³ Paragraph: 018 Reference ID: 18a-018-20140306

⁶⁴ Paragraph: 019 Reference ID: 18a-019-20140306

⁶⁵ Historic England Advice Notes: historicengland.org.uk/advice/planning/planning-system