



Appeal Decisions

Site visit made on 28 May 2024

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal A Ref: APP/U5360/W/23/3330357

103 Worship Street, Hackney, London EC2A 2DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Ordic Investments Limited against the decision of the Council of the London Borough of Hackney.
- The application Ref is 2022/2880.

The development proposed is described as: 'Change of use of the upper floors of 103 Worship Street from Use Class E (Commercial, Business and Service) and Class D1 (Pilates/Studio) to Use Class C3 (Dwellinghouse) for the creation of 4 no. residential units. Retention of commercial use at ground floor level. External alterations to rear windows.'

Appeal B Ref: APP/U5360/Y/23/3330377

103 Worship Street, Hackney, London EC2A 2DF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Ordic Investments Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/0139.
 - The works proposed are described as: 'Change of use of the upper floors of 103 Worship Street from Use Class E (Commercial, Business and Service) and Class D1 (Pilates/Studio) to Use Class C3 (Dwellinghouse) for the creation of 4 no. residential units. Retention of commercial use at ground floor level. External alterations to rear windows.'
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Decisions

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. The site and the proposed scheme are the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B). Although the legal regimes for the appeals are different, I have dealt with both together in this decision letter to avoid repetition.
3. The scheme relates to 103 Worship Street which, together with adjoining 105 Worship Street, forms a single grade II listed building¹ within the South Shoreditch Conservation Area (CA). Accordingly, in reaching my decisions, I have been mindful of my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

¹ List Entry Name: 103 and 105, Worship Street EC2; List Entry Number: 1265032

4. The description of the development and works in the heading is taken from the application form. Notwithstanding this, the Council determined the applications based on No 103 being last used as offices, whereas the appellant's evidence is unclear as to whether it was wholly or partly used as offices, or a yoga or pilates studio. The appellant's Market Summary Report states that the entirety of No 103 was formerly occupied by a pilates company. Having had regard to its external and internal signage, layout and mirrored walls, water fountains and changing rooms, I have determined the appeals on the basis that it operated primarily as a pilates studio. In any case, the main parties share the view that those uses fall within Class E of Part A, Schedule 2 of The Town and Country Planning (Use Classes) Order 1987 (UCO).
5. New drawings², a noise assessment and an energy statement accompany the appeals. Amongst other things, when compared with the drawings on which the Council made its decisions, the drawings show differences in the form of the existing building, alternate proposed changes to the building's façade and interior layout, modified proposed outdoor amenity space arrangements and alterations to a large wall towards the rear site boundary. One of the appellant's appeal documents sets out that the new drawings and evidence support revised applications. However, it is not clear from that or elsewhere in the documentation provided at the start of the appeals whether the new drawings and evidence are sought to be taken into account or submitted for information purposes only.
6. It is important that the scheme I consider is essentially that which has been considered by the Council and on which interested parties' views have been sought, as to do otherwise would be prejudicial to the positions of the Council and interested parties. Taken together, the implications of the new drawings and evidence are substantial, especially given the building's listing. While it was clarified shortly before my visit that the appellant wishes for the new information to be considered, at that point consultation on the appeals had ended. As such, I cannot be certain that interested parties made or chose not to make representations based on that information forming part of or supporting the scheme. Moreover, there may be interested parties who did not comment on the basis of being content with the scheme originally and thus would be unaware of the new information. Therefore, in the interests of fairness, I have not taken the new information into account.
7. The drawings do not accurately reflect the current form of No 103. Notably, there is no south facing window at ground floor level to the rear of the building, and many of the internal walls are not present or in alternate locations to those shown. For the sake of fairness, I have decided the appeals based on the scheme shown on the proposed drawings that the Council considered when it made its decisions. However, in doing so, I have had regard to the condition of the building as observed on site.
8. The National Planning Policy Framework (Framework) was revised in December 2023, after the applications had been determined. However, the main parties have been able to raise any implications of this during the appeal processes. Therefore, I have not sought further views regarding this matter.
9. Paragraph 200 of the Framework requires applicants to describe the significance of any heritage assets that may be affected by a scheme. It goes

² Drawing Nos: 100B; 101B; 105C; 106C; 120B; 121C; 130A; 160A; 165

on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a scheme on its significance when assessed using appropriate expertise. One of the Council's refusal reasons for the listed building consent application contends that the work undertaken is insufficient to enable a full assessment to take place. Whilst the written evidence produced is limited, I am satisfied that I have sufficient information on which to make reasoned decisions on the appeals.

10. In an attempt to address some of the Council's refusal reasons, a unilateral undertaking (UU) dated 11 June 2024 has been submitted. The main issues identified below have been framed accordingly. The appellant has indicated that the Council has no objections to the content of the UU but, if I were minded to allow Appeal A, I would nevertheless need to make sure that the Council was given an opportunity to comment on whether it is effective. However, as I am able to reach a conclusion on that appeal irrespective of the effectiveness of the UU, I have proceeded to make decisions on both appeals.

Main Issues

11. The main issues are:

- (i) whether or not the proposed development and works would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses, and preserve or enhance the character or appearance of the CA;
- (ii) whether or not the proposed development would provide a satisfactory standard of living accommodation in respect of internal space and privacy;
- (iii) the effect of the proposed development on the operations of nearby commercial venues, with regard to noise and disturbance;
- (iv) whether or not the proposed development would provide satisfactory waste and cycle storage arrangements;
- (v) the effect of the proposed development on the functions of the Central Activity Zone (CAZ) and Priority Office Areas (POAs);
- (vi) the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with regard to privacy; and
- (vii) whether or not the proposed development should be supported by, and if so the effect of, planning obligations relating to affordable housing, carbon mitigation and car-free housing.

12. The first main issue is applicable to both appeals, whereas the others relate to Appeal A only.

Reasons

Listed buildings and CA

13. The South Shoreditch Conservation Area Appraisal and Management Plan sets out that the CA has a long and distinguished association with the furniture and printing industries, which peaked in the mid-late 19th century. Its special interest and significance as a whole are derived from the area's industrial past,

which is distinguished by a mix of grand former retail and warehouse buildings lining wide and open main thoroughfares, in combination with lower scale buildings set in an irregular grid of smaller streets and lanes that provide a denser and more intimate streetscape. Worship Street is one of those smaller streets.

14. No 103 comprises four storeys plus a basement, whereas No 105 appears to consist of three storeys. The statutory list description indicates that the listed building dates from the 18th century, but with early-mid 19th century fronts and modern shops at ground floor level. Despite this, the shopfront at No 103 has traditional characteristics, including pilasters and a well-balanced and evenly proportioned single glazed and multi-paned window and stallriser. Alongside that is a recessed entrance and barrel-vaulted passageway, with a buff stock brick façade and traditional sliding sashes in stucco lined reveals and casement windows above. It also includes substantial two and three storey flat roof rear extensions, and its fourth storey is also seemingly the result of alterations. No 105 has broadly similar features including sashes, but it too has been subject to changes. Notably, its shopfront appears more modern and has two entrances, and its brick face is painted with banding.
15. The listed building has also clearly been significantly altered internally, with ostensibly modern partition walls throughout No 103. Nevertheless, the positions and thickness of some walls indicate that historic fabric remains at least partly intact, including a chimney rising through the older, front part of the building. Even though the interventions to Nos 103 and 105 are considerable, the listed building nonetheless retains a domestic scale and thus is a less common form of development in its prevailingly industrial context.
16. The listing also specifies that Nos 103 and 105 have group value with adjoining Nos 91 to 101, which form a grade II* listed building³ described as a row of shops with dwellings above, albeit constructed in 1862 as heavily lit work spaces. Amongst other things, these are comparable in scale to Nos 103 and 105, and are characterised by shopfronts with small parted windows and set back doors that complement the shopfront of No 103.
17. Insofar as relevant to the appeals, the special interest and significance of Nos 103 and 105 as a singular listed building derives in large part from its age, traditional features and materials, including the shopfront at No 103 and its commonality with Nos 91 to 101. These factors are underscored by its domestic scale in the context of the principally industrial townscape, and in providing variety it adds value to the character and appearance of the CA as a whole. Furthermore, as No 103 is one of two parts of the listed building, it contributes positively to the building's special interest and significance as a single entity.
18. The scheme would replace part of the shopfront window with a door. Although it would broadly reflect the window's characteristics, the drawings indicate that this would involve inserting a mullion and disrupt the proportions of the glazing and stallriser, with the door's panes and panels noticeably wider than the remaining window. This would undermine the traditional character of the shopfront. Notwithstanding this, the proposed external alterations would not otherwise be harmful, as these comprise modest alterations to the rear extensions, which have little architectural and historic interest.

³ List Entry Name: 91 to 101, Worship Street EC2; List Entry Number: 1235558

19. Internally, most of the partition walls are proposed to be removed from the extensions, which would not be harmful either. However, from the evidence before me, I cannot be certain that the partition walls in the older part of the building are wholly modern. Moreover, based on the position and thickness of the masonry, the walls to be removed at first and second floor level that are shown approximately in line with the rear walls of Nos 101 and 105 on the floor plans may form, or at least be in the position of, the rear wall of the older part of the building historically. The drawings also suggest that the chimney would be removed, which may also result in the loss of historic fabric. Additionally, those walls and the chimney are indicative of the configuration of the building historically. Their loss, combined with the proposed creation of new partitions that would straddle No 103's front and extended parts, would blur the legibility of the likely historic domestic layout. In these ways, the scheme would be detrimental to the building's special interest and significance.
20. It has been advanced that the proposed reversion to the original residential use of the listed building and the removal of the modern partitions and alterations to the rear would be beneficial. However, as the rear is of little architectural and historic interest, and my concerns identified regarding the older part of No 103 endure, I do not consider that these aspects of the scheme constitute enhancements or would offset the harmful impacts to the listed building.
21. Overall, the proposed development and works would fail to respect the detailing and likely historic layout and fabric of the listed building, which are of value to its special interest and significance as an entity. The scheme would thus fail to preserve the listed building and conflict with sections 16(2) and 66(1) of the Act. Similarly, the significance of the listed building would be harmed and so there would also be conflict with policy HC1 of the London Plan (LDNP), which require schemes to conserve the significance of heritage assets.
22. In respect of the CA specifically, the internal aspects of the scheme would not be readily perceptible from outside No 103 and, while the external elements would be evident in localised views, the scale of the scheme is such that there would be a negligible impact on the wider townscape within the CA. The scheme must be judged according to its effect on the CA as a whole and, in that context, it would not be so prominent that the CA would be harmed. Accordingly, the character and appearance of the CA would be preserved in alignment with section 72(1) of the Act, and its special interest and significance would not be adversely affected. Nevertheless, the harm to the listed building would remain.
23. Paragraph 205 of the Framework advises that when considering the impacts to the significance of a designated heritage asset, great weight should be given to the asset's conservation. Having regard to the scale and nature of the scheme, the harm to the listed building would be less than substantial in the terms of the Framework. Paragraph 208 of the Framework, and policy LP3 of the Hackney Local Plan (HLP) which echoes it, explain that this harm should be weighed against the public benefits of the scheme including, where appropriate, securing the asset's optimum viable use. I return to this matter later in this letter.

Standard of living accommodation

24. Policy D6 of the LDNP sets out that housing development should be of a high quality and meet minimum standards relating to internal space, amongst other

things. HLP policy LP17 reiterates the need for high quality housing that meets the LDNP's housing standards.

25. The scheme falls short of the minimum room size requirements in respect of a single bedroom in flat 1 and a double bedroom for flat 3, which would both be 0.5m² too small. Although the shortfalls are slight and flat 1 would far exceed the overall gross internal area standard for a two bedroom, three person dwelling, flat 3 only just meets the relevant gross internal area standard and would fail to do so if the double bedroom were appropriately sized. Moreover, even slight shortfalls are consequential in the context of minimum requirements. The proposed provision of outdoor amenity spaces does nothing to address this issue, with supporting text to LDNP policy D6 confirming that additional spaces are not a justification for failing to deliver the minimum standards.
26. The Council contends that other single bedrooms would be large enough for two bed spaces and should be assessed against and fail to meet the associated standards. Moreover, it argues that the corresponding flats should be considered as, and fail to meet the gross internal area standards for, higher occupancy dwellings. However, I have no compelling reasons to doubt the appellant's intentions to carry out the development as shown on the drawings and thus find no issues in these respects.
27. The Council also raises concerns regarding overlooking from the outdoor amenity spaces for flats 3 and 4 proposed on the rear extensions' flat roofs. A substantial portion of flat 3's amenity space would be overlooked from the amenity space and bedroom window of flat 4. I also note that several other windows would result in overlooking of the spaces, including second and third floor ones to the rear of No 105 and those serving an office building to the rear of the site. I am not satisfied that conditions would be able to suitably address these issues, as obscure glazing and fixing shut the bedroom window at flat 4 would adversely affect the occupier's outlook, and any landscaping or screening erected around the amenity spaces would need to be impractically high to limit overlooking from No 105 and the offices.
28. The appellant highlights that the accesses onto the flat roofs already exist. However, only a small part of the roof at second floor level is enclosed by railings and thus currently safe to use. Moreover, the one at third floor level is not enclosed at all and access to it is apparently only possible through a window. Additionally, neither appears to have had any formalised amenity function when No 103 was last in use. In contrast, the amenity spaces would have a specific purpose and be used far more frequently. As such, the existing scenario does not warrant the harmful impacts that would occur.
29. Consequently, the proposed development would not provide a satisfactory standard of living accommodation due to a lack of sufficient internal accommodation for flats 1 and 3 and overlooking of the outdoor amenity spaces for flats 3 and 4. It therefore conflicts with LDNP policy D6 and HLP policy LP17, the purposes of which have already been identified.

Noise and disturbance

30. The Queen of Hoxton extends to the rear of the site such that it would be close to No 103. It is described as a late night leisure, entertainment and music

venue. Another late night venue named Hijingo is on the opposite side of Worship Street.

31. LDNP policy D13 makes clear that new noise-sensitive development bears the responsibility for mitigating impacts from existing noise and other nuisance generating activities. The venues are plainly lively and could give rise to adverse impacts on the flats. In the absence of technical evidence and based on the site's proximity to the aforementioned venues, it is likely that the flats would be subject to significant levels of noise and disturbance. Without knowing the specific extent of the adverse impacts, it is impossible to ascertain whether satisfactory mitigation measures could be implemented. Moreover, the scope of mitigation is narrower than would otherwise be the case given the listing of the building. In that context, I am not satisfied that conditions to either require the provision of a noise assessment or mitigation such as secondary glazing would be appropriate, as it is unclear whether these would be capable of adequately addressing noise and disturbance impacts and how the special interest and significance of the listed building may be affected.
32. The appellant points out that there are already many residential properties in the immediate vicinity, and no evidence of complaints from them about the venues have been made to the Council. However, comprehensive details of the circumstances that led to the existing scenario have not been provided, it is unclear whether the neighbouring dwellings are subject to noise levels that would typically be considered acceptable by current standards and, in any event, I must be satisfied that the scheme before me is acceptable. An appeal decision⁴ has also been referred to regarding this main issue, but I have not been provided with full details of that case, which relates to a different site, scheme and administrative area, and is therefore not comparable to this scheme. As such, those matters do not lead me to alter my findings.
33. Based on what I have read and seen, the proposed development could lead to restrictions on the aforementioned commercial venues to reduce noise and disturbance impacts, putting their continued operations at risk. The scheme would therefore conflict with LDNP policy D13, insofar as it is described above.

Waste and cycle storage

34. Clear details regarding the storage and collection of waste and cycle storage have not been provided for the scheme. The pilates studio use is likely to have generated at least a similar amount of waste to that which would arise from the proposed remaining commercial space and the flats. However, the Council's waste department confirms that dwellings of the form proposed would typically be required to each have a wheelie bin and food caddy, and make use of separate recycling sacks. Separate commercial waste provision would be required in addition to this. The waste requirements in the existing and proposed scenarios are therefore not directly comparable. Furthermore, the main parties agree that six cycle spaces should be provided for the residential part of the scheme, and further spaces would be required for the commercial element to accord with the standards set out by LDNP policy T5.
35. The appellant contends that waste is and could continue to be stored beneath the external staircase that would lead to flat 1's outdoor amenity space, and that cycle storage could be provided to the rear of No 103. However, it has not

⁴ Appeal reference: APP/P0240/W/20/3260426

been demonstrated that there would be sufficient space to the rear of the building to provide for practical waste and cycle storage in combination, especially as part of the land would be used as amenity space for flat 1. Access arrangements for waste storage and collections and to the cycle storage for the commercial and residential occupiers are similarly unclear.

36. Accordingly, the proposed development would not provide satisfactory waste or cycle storage arrangements. It conflicts with LDNP policy T5 and HLP policies LP42 and LP57, which specify cycle provision requirements and that clear details should be provided in plans for the storage and collection of waste.

Functions of CAZ and POAs

37. The CAZ is identified by LDNP policy SD4 as an agglomeration and rich mix of specified strategic functions and local uses that should be promoted and enhanced, including offices as echoed by LDNP policy E1. Furthermore, LDNP policy SD5 sets out that residential development should not compromise the strategic functions of the CAZ. Notwithstanding this, policy SD4 makes clear that development plans should include locally sensitive policies to meet the objectives for the CAZ. This is addressed by the HLP, which also includes the site within the Shoreditch POA and, in turn, the boundary of the emerging Future Shoreditch Area Action Plan (AAP). Policy LP26 of the HLP explains that new employment floorspace in the CAZ and POAs should be maximised in line with HLP policy LP27, with office-led development supported specifically. Policy LP27 stipulates that development in POAs should be employment-led, primarily fall within a business use⁵, and that at least 60 percent of the floorspace is in business use as a whole within the AAP boundary.
38. The scheme proposes that only the ground floor and basement are retained in Class E. As the site was last used as a pilates studio, the scheme would not result in a loss of office floorspace. Further, that use does not obviously fall within one of the functions promoted within the CAZ. Conversely, as no particular use within Class E is specified, it is unclear whether the scheme would result in a commercial use that supports the CAZ objectives. Nonetheless, the scheme would conflict with HLP policies LP26 and LP27 as it would not be employment-led or primarily fall within a business use insofar as most of No 103 would be residential. It has also not been demonstrated that at least 60 percent of the floorspace within the AAP boundary would remain in business use. Consequently, the scheme also conflicts with LDNP policies SD4, SD5 and E1 when taken together, as it would compromise the CAZ as articulated by the HLP. Moreover, even if the site were in office use rather than a pilates studio, there would also be conflict with these policies.
39. The appellant claims that the site as a whole is not fit for commercial use by modern standards. This is supported by a detailed assessment of alleged shortcomings. Amongst these, accessibility is a clear constraint, with the staircases narrow and twisting, the floors often uneven and doorways tight. A few of the alleged factors, such as poor artificial lighting, would not be insurmountable with a reasonable amount of investment, but most alterations to the older part of No 103 would be constrained by the listing. Additionally, the scheme is supported by analysis of comparable alternative premises and which indicates there is an oversupply of commercial floorspace in the area.

⁵ Meaning a use within Class B1 as defined in the Schedule to the UCO as it was prior to changes made by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Compelling evidence also shows that the site has been vacant for more than two years despite proportionate marketing, which includes a summary of interest from potential occupiers and reasons for No 103 being discounted. I have no compelling reasons to doubt that the marketing was undertaken based on inappropriate terms and rates.

40. Drawing the above matters together, the prospects of the upper floors being occupied for commercial purposes, especially to an appropriate timescale, is limited. The scheme would nonetheless compromise the functions of the CAZ and the Shoreditch POA for the purposes of LDNP policies SD4, SD5 and E1 and HLP policies LP26 and LP27. However, having regard to my findings about the commercial prospects for the upper floors, these conflicts attract limited weight.

Living conditions for neighbours

41. The Council's objections regarding this main issue relate to the potential for the proposed outdoor amenity spaces for flats 3 and 4 and the external staircase to flat 1 to facilitate overlooking of residential properties to the east and west. Although no specific properties are mentioned by the Council, it is clear that the amenity spaces for flats 3 and 4 would at least facilitate direct views towards openings to a first floor projection that appears to the rear of Nos 99 and 101, and the former would also enable overlooking of a second floor window at No 105. However, it appears that there would be a reasonable prospect for suitably tall screening to be installed to address the impacts on neighbouring occupiers.
42. Therefore, the proposed development would not result in significant adverse impacts on the living conditions of the occupiers of neighbouring properties. In this respect, it accords with LDNP policy D6 and HLP policy LP2, which seek that housing is appropriate for its context.

Planning obligations

43. HLP policy LP19 requires the delivery of or a payment towards affordable housing for minor development, whereas HLP policy LP55 states that all development should seek to mitigate the impacts of climate change. The UU intends to deliver contributions of £200,000 for use by the Council towards affordable housing provision and £4,000 towards carbon offsetting projects in the borough. The appellant does not dispute the necessity of these payments, and these align with what the Council contends is required.
44. I have not been provided with the calculations that result in those figures, but from tables 2.1 and 8.1 of the S106 Planning Contributions Supplementary Planning Document (SPD) these seem to be based on £50,000 and £1,000 being payable per flat, for affordable housing and carbon offsetting respectively. In terms of affordable housing, my reading of the SPD is that £60,000 per unit is recommended for development within the area that the site is located in. However, it is clear from the SPD that there is a great requirement for affordable housing in the borough, representing 92 percent of housing need over the HLP period, and thus the affordable housing contribution put forward would still be beneficial. Additionally, there are no compelling reasons to question the Council's climate change objectives.

45. The site is within an area subject to parking restrictions and permits, and a Public Transport Accessibility Level 6b location. LDNP policy T6 makes clear that car-free development should be the starting point for all development in places that are well connected by public transport, while HLP policy LP45 requires all new development to be car-free. Having regard to these policies and the site's accessibility, car-free development is clearly necessary in this case to meet the development plan's sustainability aims. This is not disputed. The UU seeks to achieve this by preventing the residential occupiers from obtaining parking permits except in the case of disabled persons parking, which aligns with the Council's requirements.
46. For the above reasons, and on the basis that the UU is effective, there would be no conflict with HLP policies LP19, LP45 or LP55, and the planning obligations pass the tests set out by paragraph 57 of the Framework and the requirements of regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I also find no conflict with LDNP policies H4 and SI2 which refer to affordable housing broadly and minimising greenhouse gas emissions for major development.

Other Matters

47. The appellant contends that the provisions of Class MA of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 offers support for the scheme, but this is not the case as it excludes development that would affect listed buildings.
48. It has been put forward that the scheme would secure the listed building's future viability and otherwise it may fall into a state of disrepair. However, there is no firm evidence that this scheme would be the only means of addressing those matters nor that the building is or will soon be in notably deteriorating condition.
49. Notwithstanding this, there would be some public benefit in bringing No 103 into use, albeit the extent to which this would be the case for the CAZ would depend on the specific commercial use. I also note that the development plan and the Framework highlight the importance of small and medium sized sites to meeting housing needs and there would be public benefits from the scheme's delivery of housing in this highly accessible location. The contribution to affordable housing contribution is also a public benefit, particularly in the context of the borough's housing needs. While the other planning obligations address impacts which would otherwise undermine sustainability and environmental objectives and hence are neutral factors, there would be economic benefits during both construction and occupation of No 103, along with investment into the fabric of the listed building, setting aside the harm identified to it.
50. I note that Historic England was not consulted despite the site adjoining a grade II* listed building. However, I have not considered the potential implications of this further, as doing so would not affect the outcomes of the appeals in any event.

Planning Balance and Conclusions

51. Public benefits would arise from the scheme as identified above. However, due to its scale, the amount of housing proposed and the size of the affordable

housing contribution, the benefits would be modest overall. In contrast, even the less than substantial harm to the listed building as a designated heritage asset must carry great weight. Taken together, the public benefits are insufficient to outweigh the harm that would be caused to the listed building. The scheme therefore conflicts with Section 16 of the Framework and HLP policy LP3, which seek to conserve and enhance the historic environment.

52. The conflict with section 16(2) of the Act and the Framework is determinative for Appeal B. In respect of Appeal A, although I ascribe limited weight to the conflict with HLP policies LP26 and LP27 and LDNP policies SD4, SD5 and E1 as set out above, the harm arising from the scheme overall would be substantial. I conclude that the proposed development is contrary to the development plan taken as a whole, and material considerations do not indicate that a decision should be reached otherwise than in accordance with the development plan.

53. Accordingly, both appeals are dismissed.

Mark Philpott

INSPECTOR