

# LAND WEST OF THE MOORS, GREAT BENTLEY

## Heritage Impact Assessment

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## REPORT

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#### Prepared by:

**RPS**

Thomas Copp  
Director

#### Prepared for:

**Hills Building Group**

## EXECUTIVE SUMMARY

1. This Heritage Impact Assessment has been prepared to assess the impacts to the historic built environment arising from the proposed construction of a new dwelling located on land at The Moors, Great Bentley, Essex (the Site).
2. The Site comprises part of the garden to The Moors, a large detached dwelling constructed in the late 20th century. The Site also lies wholly within the Great Bentley Conservation Area, which was designated in 1969 and subject to later boundary amendments.
3. The proposals are for the construction of a single new dwelling, with access provided from the north. The dwelling will “infill” the existing gap between The Moors and Tudor House and have a frontage overlooking the green to the south. The proposals also include landscaping works and the construction of a new boundary wall to separate the Site from The Moors, together with a small, detached garage.
4. The significance of the conservation area is derived from its historic and architectural interest as a historic, agricultural settlement developed around a large village green. This provides a distinctive settlement pattern which has been retained by incremental development over the following centuries. The Site forms a peripheral element of the conservation area but, along with neighbouring development, conforms to this wider settlement pattern.
5. The proposed development of the Site will provide a simple, traditionally designed dwelling which will effectively infill an existing gap between two dwellings, maintaining the building line and wider settlement pattern. It will not affect any key views within the conservation area.
6. The development therefore conforms with the established character and appearance of the Great Bentley Conservation Area and will cause no harm to its significance. In accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the character and appearance of the conservation area will be preserved. Furthermore, the proposals comply with the relevant provisions of the NPPF, including paragraph 205 and with local plan policy PPL8. In particular, it will conform with the scale and design of the local area, provide appropriate materials and finishes, appropriate landscaping and respond to important views and the character of the open space in the conservation area.
7. This Heritage Impact Assessment meets the requirements of the NPPF and local planning policy and provides sufficient information and assessment to identify the potential impacts arising from the development of the Site on the historic built environment.

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# 1 INTRODUCTION

- 1.1 This Heritage Impact Assessment has been prepared to assess the impacts to the historic built environment arising from the proposed construction of a new dwelling located on land at The Moors, Great Bentley, Essex (the Site).
- 1.2 The Site comprises part of the garden to The Moors, a large detached dwelling constructed in the late 20<sup>th</sup> century. The Site also lies wholly within the Great Bentley Conservation Area, which was designated in 1969 and subject to later boundary amendments.



Figure 1: Site plan and proposed development.

- 1.3 The proposals are for the construction of a single new dwelling, with access provided from the north. The dwelling will “infill” the existing gap between The Moors and Tudor House and have a frontage overlooking the green to the south. The proposals also include landscaping works and the construction of a new boundary wall to separate the Site from The Moors, together with a small, detached garage.
- 1.4 The development will lead to changes within the Great Bentley Conservation Area and therefore has the potential to affect the significance of this designated heritage asset. The Site is considered to be sufficiently separated from nearby listed buildings to ensure that the significance of no listed buildings will be affected, by virtue of changes within their settings.
- 1.5 In accordance with paragraph 200 of the NPPF, this assessment has been prepared to describe the significance of the conservation area, assess any contribution made to this significance by the Site, and assess the impacts to this significance arising from the proposed development.
- 1.6 This report refers to the relevant legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 and both national and local planning policy. In addition, relevant

Historic England guidance has been consulted to inform the judgements made. The conclusions reached in this report are the result of detailed historic research, a walkover survey of the Site and publicly accessible locations in the surrounding area, map studies and the application of professional judgement.

- 1.7 The findings of this report are based on the known conditions at the time of writing and all findings and conclusions are time limited to no more than 3 years from the date of this report. All maps, plans and photographs are for illustrative purposes only.

## 2 LEGISLATIVE AND PLANNING POLICY FRAMEWORK

- 2.1 The current national legislative and planning policy system identifies, through the National Planning Policy Framework (NPPF), that applicants should consider the potential impact of development upon 'heritage assets'. This term includes: designated heritage assets which possess a statutory designation (for example listed buildings and conservation areas); and non-designated heritage assets, typically identified by Local Planning Authorities (LPAs) and incorporated into a Local List and/or recorded on the Historic Environment Record.

### Legislation

- 2.2 Where any development may affect certain designated heritage assets, there is a legislative framework to ensure proposed works are developed and considered with due regard to their impact on designated heritage assets. This extends from primary legislation under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.3 The relevant legislation in this case extends from section 66 of the 1990 Act which states that special regard must be given by the decision maker, in the exercise of planning functions, to the desirability of preserving or enhancing listed buildings and their setting.
- 2.4 The meaning and effect of these duties have been considered by the courts, including the Court of Appeal's decision in relation to Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137.
- 2.5 The Court agreed within the High Court's judgement that Parliament's intention in enacting section 66(1) was that decision makers should give '*considerable importance and weight*' to the desirability of preserving (i.e. keeping from harm) the setting of listed buildings.
- 2.6 Section 69(1) of the Act requires LPAs to '*determine areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*' and to designate them as conservation areas. Section 69(2) requires LPAs to review and, where necessary, amend those areas '*from time to time*'.
- 2.7 For development within a conservation area section 72 of the Act requires the decision maker to pay '*special attention [...] to the desirability of preserving or enhancing the character or appearance of that area*'. The duty to give special attention is considered commensurate with that under section 66(1) to give special regard, meaning that the decision maker must give considerable importance and weight to any such harm in the planning balance. However, unlike the parallel duty under section 66, there is no explicit protection for the setting of a conservation area.

### National Planning Policy

#### National Planning Policy Framework (Ministry of Housing, Communities and Local Government, December 2023)

- 2.8 The NPPF is the principal document that sets out the Government's planning policies for England and how these are expected to be applied.
- 2.9 It defines a heritage asset 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*'. This includes both designated and non-designated heritage assets.
- 2.10 Section 16: Conserving and Enhancing the Historic Environment relates to the conservation of heritage assets in the production of local plans and decision taking. It emphasises that heritage assets are '*an irreplaceable resource, and should be conserved in a manner appropriate to their significance*'.

- 2.11 For proposals that have the potential to affect the significance of a heritage asset, paragraph 200 requires applicants to identify and describe the significance of any heritage assets that may be affected, including any contribution made by their setting. The level of detail provided should be proportionate to the significance of the heritage assets affected. This is supported by paragraph 201, which requires LPAs to take this assessment into account when considering applications.
- 2.12 Under '*Considering potential impacts*' paragraph 199 states that '*great weight*' should be given to the conservation of designated heritage assets, irrespective of whether any potential impact equates to total loss, substantial harm or less than substantial harm to the significance of the heritage assets.
- 2.13 Paragraph 207 states that where a development will result in substantial harm to, or total loss of, the significance of a designated heritage asset, permission should be refused, unless this harm is necessary to achieve substantial public benefits, or a number of criteria are met. Where less than substantial harm is identified paragraph 208 requires this harm to be weighed against the public benefits of the proposed development.
- 2.14 Paragraph 209 states that where an application will affect the significance of a non-designated heritage asset, a balanced judgement is required, having regard to the scale of harm or loss and the significance of the heritage asset.
- 2.15 Paragraph 212 notes 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. It also states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset should be treated favourably.
- 2.16 Furthermore, paragraph 213 states that not all elements of a conservation area or World Heritage Site will necessarily contribute to its significance. When determining the impacts arising from the loss of a building or element that does positively contribute, consideration should be given to the relative significance of that building and the impact to the significance of the conservation area or World Heritage Site as a whole.

## National Guidance

### Planning Practice Guidance (DCLG)

- 2.17 The Planning Practice Guidance (PPG) has been adopted to aid the application of the NPPF. It reiterates that conservation of heritage assets in a manner appropriate to their significance is a core planning principle.
- 2.18 The PPG defines the different heritage interests as follows:
- archaeological interest: As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
  - architectural and artistic interest: These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
  - historic interest: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.



- 2.19 Key elements of the guidance relate to assessing harm. It states that substantial harm is a high bar that may not arise in many cases. It also states that while the level of harm will be at the discretion of the decision maker, generally substantial harm is a high test that will only arise where a development seriously affects a key element of an asset's special interest. It is the degree of harm, rather than the scale of development, that is to be assessed.

### **GPA2: Managing Significance in Decision-Taking in the Historic Environment (March 2015)**

- 2.20 This document provides advice on numerous ways in which decision making in the historic environment could be undertaken, emphasising that the first step for all applicants is to understand the significance of any affected heritage asset and the contribution of its setting to that significance. In line with the NPPF and PPG, the document states that early engagement and expert advice in considering and assessing the significance of heritage assets is encouraged. The advice suggests a structured, staged approach to the assembly and analysis of relevant information:

1. Understand the significance of the affected assets;
2. Understand the impact of the proposal on that significance;
3. Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;
4. Look for opportunities to better reveal or enhance significance;
5. Justify any harmful impacts in terms of the sustainable development objective of conserving significance balanced with the need for change; and
6. Offset negative impacts to significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

### **GPA3: The Setting of Heritage Assets (Second Edition; December 2017)**

- 2.21 This advice note focuses on the management of change within the setting of heritage assets. This document replaces GPA3: The Setting of Heritage Assets (March 2017) and Seeing History in the View (English Heritage, 2011) in order to aid practitioners with the implementation of national legislation, policies and guidance relating to the setting of heritage assets found in the 1990 Act, the NPPF and PPG. The guidance is largely a continuation of the philosophy and approach of the 2011 and 2015 documents and does not present a divergence in either the definition of setting or the way in which it should be assessed.
- 2.22 As with the NPPF the document defines setting 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'*. Setting is also described as being a separate term to curtilage, character and context. The guidance emphasises that setting is not a heritage asset, nor a heritage designation, and that its importance lies in what it contributes to the significance of the heritage asset, or the ability to appreciate that significance. It also states that elements of setting may make a positive, negative or neutral contribution to the significance of the heritage asset.
- 2.23 While setting is largely a visual term, with views considered to be an important consideration in any assessment of the contribution that setting makes to the significance of an asset, and thus the way in which an asset is experienced, setting also encompasses other environmental factors including noise, vibration and odour. Historical and cultural associations may also form part of the asset's setting, which can inform or enhance the significance of a heritage asset.
- 2.24 This document provides guidance on practical and proportionate decision making with regards to the management of change within the setting of heritage assets. It is stated that the protection of the setting of a heritage asset need not prevent change and that decisions relating to such issues

need to be based on the nature, extent and level of the significance of a heritage asset, further weighing up the potential public benefits associated with the proposals. It is further stated that changes within the setting of a heritage asset may have positive or neutral effects.

2.25 The document also states that the contribution made to the significance of heritage assets by their settings will vary depending on the nature of the heritage asset and its setting, and that different heritage assets may have different abilities to accommodate change without harming their significance. Setting should, therefore, be assessed on a case-by-case basis.

2.26 Historic England recommends using a series of detailed steps in order to assess the potential effects of a proposed development on significance of a heritage asset. The 5-step process is as follows:

1. Identify which heritage assets and their settings are affected;
2. Assess the degree to which these settings and views make a contribution to the significance of a heritage asset(s) or allow significance to be appreciated;
3. Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it;
4. Explore ways to maximise enhancement and avoid or minimise harm; and
5. Make and document the decision and monitor outcomes.

### **HEAN12: Statements of Heritage Significance: Analysing Significance in Heritage Assets (October 2019)**

2.27 This advice note provides information on how to assess the significance of a heritage asset. It also explores how this should be used as part of a staged approach to decision-making in which assessing significance precedes designing the proposal(s).

2.28 Historic England notes that the first stage in identifying the significance of a heritage asset is by understanding its form and history. This includes the historical development, an analysis of its surviving fabric and an analysis of the setting, including the contribution setting makes to the significance of a heritage asset.

2.29 To assess the significance of the heritage asset, Historic England advise to describe various interests. These follow the heritage interest identified in the NPPF and PPG and are: archaeological interest, architectural interest, artistic interest and historic interest.

### **Local Planning Policy**

2.30 In considering any planning application for development, the planning authority will be mindful of the framework set by government policy, in this instance the NPPF, by current Development Plan Policy and by other material considerations. The relevant local plan policy is included, in full, below.

#### **Tendring District Local Plan 2013-2033 and Beyond: Section 2**

2.31 Policy PPL8 states:

New development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:

- a. scale and design, particularly in relation to neighbouring buildings and spaces;
- b. materials and finishes, including boundary treatments appropriate to the context;
- c. hard and soft landscaping;
- d. the importance of spaces and trees to the character or appearance; and

e. any important views into, out of, or within the Conservation Area.

Proposals should be explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting).

Proposals for new development involving demolition within a designated Conservation Area must demonstrate why they would be acceptable, particularly in terms of the preservation and enhancement of any significance and impact upon the Conservation Area.

Where a proposal will cause harm to a Conservation Area, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

Within the District the Council keeps a record of conservation areas that are at risk of degradation. The Council will support proposals that protect and enhance the conservation areas at risk.

Development should conserve or enhance the significance of the registered parks and gardens (noting that significance may be harmed by development within the setting of an asset).

In collaboration with community groups and other interested parties, the Council will consider and support the designation of new Conservation Areas in line with the relevant criteria as set out within the NPPF and legislation. New Conservation Area Management Plans will be prepared in addition to updates to the existing Conservation Area Character Appraisals.

## 3 HISTORIC BUILT ENVIRONMENT APPRAISAL

### Introduction

- 3.1 The Site is located within the Great Bentley Conservation Area and the development has the potential to alter the character and appearance of this designated heritage asset. The Site is considered to be sufficiently separated from nearby listed buildings to ensure that there will be no impact to the significance of any individual listed buildings. Where relevant, consideration of the listed buildings in the local area is provided as part of the discussion of the conservation area provided below.
- 3.2 The Site is currently part of the large garden to The Moors, a detached dwelling constructed in the 1990s, with applied timber framing. The Site has been subject to numerous previous planning applications, including an approved application in 2019. Prior to this, it was subject of an upheld appeal in 2002. The principle of residential development within the Site is therefore well established.
- 3.3 An important matter in determining these earlier applications was the impact on the character, appearance and significance of the conservation area. This matter is discussed further below. This assessment has been informed by site visits to the site and surrounding area, a review of the Essex Historic Environment Record and the Great Bentley Conservation Area Character Appraisal and Management Plan (the Appraisal) prepared by Tendring District Council and Place Services in 2022.

### Historic Development

- 3.4 Great Bentley is centred on, and characterised by, the large village green. The Green was probably established in the medieval period and has dictated the settlement pattern in the local area from this time. Cartographic sources (see Figures 2-5 below) illustrate the gradual development and evolution of the settlement around this central space, with the road network also developed around it. The green would have performed a central economic role, as common grazing land, while it also housed a windmill, which is evident on the 1840 Tithe map.

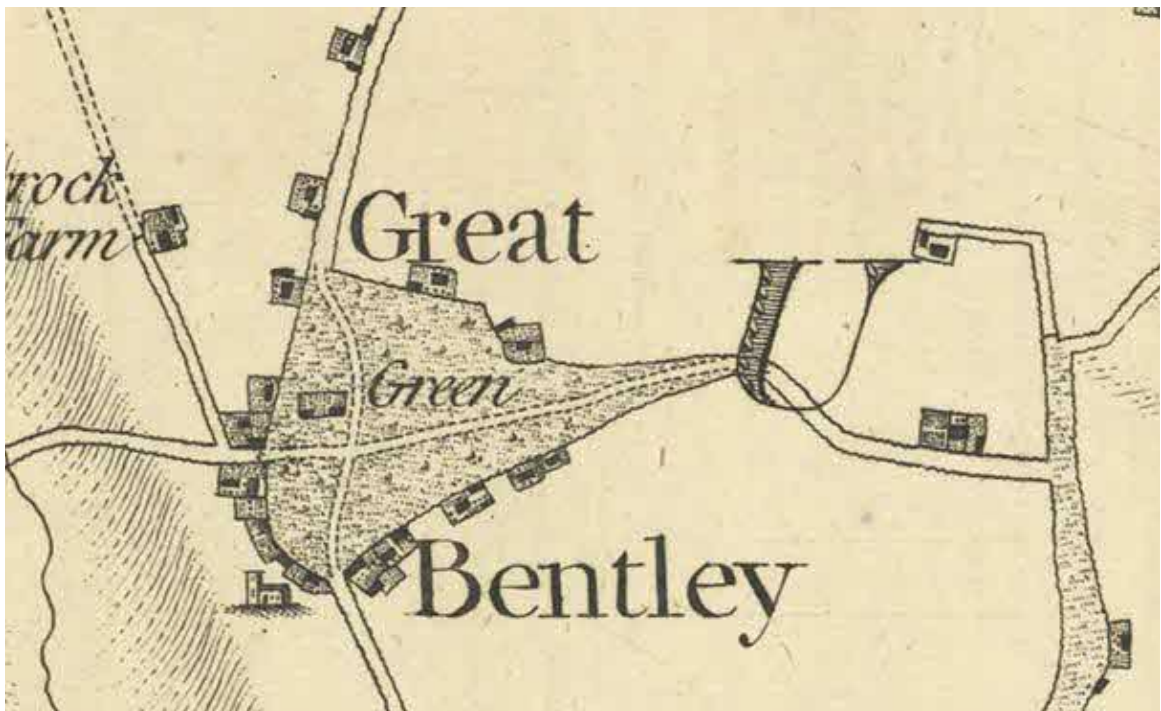


Figure 2: 1777 Chapman and Andrew map, showing the distinctive settlement pattern of Great Bentley.

- 3.5 The green illustrates the agricultural history and origins of the settlement and remains as a key, defining feature of the conservation area today. The Appraisal notes that it “*dominates this part of the Conservation Area, it being present in all key views and framing the buildings on its fringe. The verdant nature of the green with some planting to the north contributes to the rural character of the Conservation Area.*”<sup>1</sup>
- 3.6 The historic core of the settlement, which includes the 12<sup>th</sup> century, Grade I listed Church of St Mary, is located at the south-west corner of the green, while it is lined by “ribbon” development which dates from the 16<sup>th</sup> century to the 21<sup>st</sup> century. Generally, the oldest development is found closest to the church at the south-west corner at the confluence of Station Road and Plough Road. This area also includes the highest concentration of listed buildings, with ten of the eleven listed buildings within the conservation area found in this area.
- 3.7 The 1777 Chapman and Andrew map (Figure 2, above) is the first map to clearly show the distinctive development pattern of Great Bentley, with the central green traversed by two roads one running north-south and now known as Heckfords Road, and one running east-west and now known as Thorrington Road/Weeley Road, with sporadic development around it. Although the development is marked illustratively, the landmark Church of St Mary is shown, with most development clustered at this south-west corner. Development becomes more sporadic to the north and east.



Figure 3: 1840 Great Bentley Tithe map.

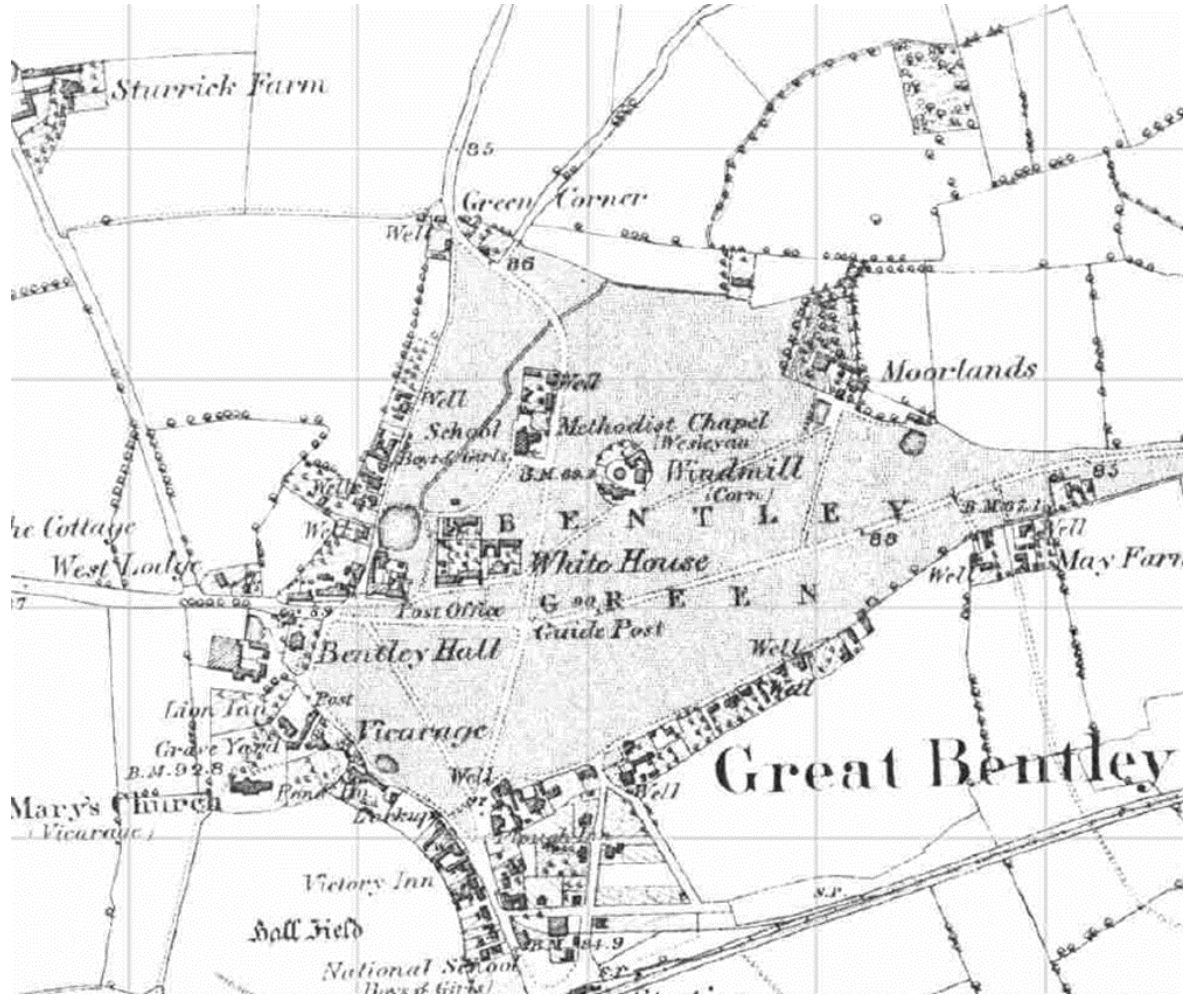
- 3.8 The 1840 Great Bentley tithe map and apportionment (Figure 3 above) provide a more detailed view of the settlement, which is still defined by the large green and surrounding development. A windmill is depicted in the centre of the green, which is otherwise undeveloped. At this time, the Site is

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<sup>1</sup> The Appraisal, p.27



recorded as part of a larger field parcel, identified as Barn Field. It is owned and occupied by John Sizer Junior, who also occupies the neighbouring farmhouse. The farmstead was known as Moorlands, with the farmhouse itself later redeveloped. The adjacent outbuildings were later demolished with this land now occupied by Tudor House. No state of cultivation is recorded for the Site, but it is assumed to be in either arable or pasture use and appears as enclosed agricultural land.



**Figure 4:** 1874 Ordnance Survey map. The windmill is here identified as milling corn, indicating the likely use of the surrounding arable land.

3.9 This settlement pattern was well established therefore by the 19<sup>th</sup> century, and the construction of the railway (shown on Figure 4 above) did not affect the wider settlement pattern. As illustrated by Figure 5 below, the 20<sup>th</sup> century has seen the gradual expansion of development within Great Bentley and within the conservation area. Development outside of the conservation area has included estate style development, typical of the 20<sup>th</sup> and 21<sup>st</sup> century residential development. However, the development within the conservation area has typically been infill development, lining the roads and retaining the distinct morphology of Great Bentley, together with the large open space of the green. The development typically fronts onto the green, which is a key public open space, now serving a recreational, rather than agricultural, function.



applied timber and render, to provide an approximate “neo-Tudor” character. They are of no architectural or historic interest but do conform to the general prevailing development pattern and the now established character of this part of the conservation area. Other dwellings within the area utilise simple, neo-Classical design motifs such as Moorlands (constructed in the early 20<sup>th</sup> century) and Greenvale, constructed in the mid 20<sup>th</sup> century. There is also sporadic development of simple, Modernist inspired properties.

3.14 The Appraisal also identifies key views within the conservation area<sup>2</sup>. It should be noted that no key views are identified from, or directly overlooking, the Site, although View 4 does lie close to the Site frontage. This reflects the peripheral role of the Site within the conservation area and emphasises the importance of the green as an open space, surrounded by built form, rather than the importance or quality of that built form.

3.15 The contribution of the Site to the significance of the conservation area therefore lies in its role as part of this later development, which is set more loosely around the green and which reflects the ongoing development of Great Bentley into the 20<sup>th</sup> century. The Site, as undeveloped land, is not visually prominent from within the conservation area and is largely sheltered by trees. Its previous approval for development also demonstrates that, in principle, it can be successfully developed, without causing harm to the significance of the conservation area.

3.16 The significance of the Great Bentley Conservation Area can be summarised as deriving from the following:

**Historic interest:** as a rural settlement, with medieval origins and a strong agricultural economy. This is displayed in the interaction between built form and open space, with the green remaining as a key feature within the conservation area today.

**Architectural interest:** the wealth of rural, vernacular dwellings which utilise traditional building materials and techniques and the morphology of the settlement, which is the result of gradual development over time, conforming to the medieval street layout and spatial arrangement.

3.17 The Site currently occupies part of a large garden associated with a late 20<sup>th</sup> century dwelling to the north of the green. It is not prominent in views within the conservation area and, besides conforming to the general settlement pattern of the area, provides no contribution to the significance of the conservation area.

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<sup>2</sup> See p.33; figure 27



## 4 PROPOSALS AND ASSESSMENT OF IMPACT

### Development Proposal

- 4.1 The proposal comprises the construction of a single, two-storey dwelling constructed in a traditional style. The building will have a symmetrical, three-bay frontage overlooking the green to the south, with a central entrance set within a stone portico. The building will be faced in red brick, with a tiled roof and provide a simple, neo-Georgian appearance.
- 4.2 The dwelling will be accessed from the north, reducing potential traffic on the unadopted track that currently provides access to The Moors. As with the neighbouring properties, there will be an area of hardstanding for parking/turning to the front of the property with a garage and large garden to the rear. The building line will be broadly consistent with the neighbouring properties with the existing boundary and frontage planting retained.

### Assessment of Impact

- 4.3 The proposal will present as a simple, infill development within the conservation area which will sit between two existing, late 20<sup>th</sup> century properties and conform to the general settlement pattern. This area is characterised by larger dwellings, with generous plots, which the proposal will retain, particularly given the landscaping to the frontage.
- 4.4 The overall settlement pattern, which is an integral feature of the conservation area, will be unchanged. The development proposal and Site will remain a peripheral component of the conservation area and will not affect the character, appearance or significance of the heritage asset. The architectural style of the building, which will be a simple, traditional design of two storeys, will accord with the gradual development of the Great Bentley Conservation Area through the 20<sup>th</sup> and 21<sup>st</sup> centuries.
- 4.5 The proposals will therefore respond to the distinctive qualities of the conservation area, retain its morphology and relationship between built form and open space, and provide an appropriate form of development which positively responds to the character of the conservation area. The proposal will have no impact on the architectural or historic interest of the conservation area, with no harm to its significance. The character and appearance of the conservation area will be preserved. In addition, the scale and design of the development represents a betterment when compared with the extant planning permission within the Site for the development of apartments.

## 5 CONCLUSION

- 5.1 This Heritage Impact Assessment has demonstrated that the proposed development of the Site has the potential to affect the significance of a single designated heritage asset, the Great Bentley Conservation Area.
- 5.2 The significance of the conservation area is derived from its historic and architectural interest as a historic, agricultural settlement developed around a large village green. This provides a distinctive settlement pattern which has been retained by incremental development over the following centuries. The Site forms a peripheral element of the conservation area but, along with neighbouring development, conforms to this wider settlement pattern.
- 5.3 The proposed development of the Site will provide a simple, traditionally designed dwelling which will effectively infill an existing gap between two dwellings, maintaining the building line and wider settlement pattern. It will not affect any key views within the conservation area.
- 5.4 The development therefore conforms with the established character and appearance of the Great Bentley Conservation Area and will cause no harm to its significance. In accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the character and appearance of the conservation area will be preserved. Furthermore, the proposals comply with the relevant provisions of the NPPF, including paragraph 205 and with local plan policy PPL8. In particular, it will conform with the scale and design of the local area, provide appropriate materials and finishes, appropriate landscaping and respond to important views and the character of the open space in the conservation area.
- 5.5 This Heritage Impact Assessment meets the requirements of the NPPF and local planning policy and provides sufficient information and assessment to identify the potential impacts arising from the development of the Site on the historic built environment.



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