

LAND AT DEANSGATE SOUTH, MANCHESTER

REBUTTAL PROOF OF EVIDENCE

HERITAGE RELATED MATTERS

PINS REFERENCE: APP/B4215/W/21/3287525

MCC PLANNING REFERENCE: 129406/FO/2021

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1.0 INTRODUCTION

- 1.1 This Rebuttal PoE comments on the evidence of Mr Paul Mason (PM) for Manchester City Council on design and historic environment matters.
- 1.2 I limit my comments to PM's discussion of the latter. Mr Colin Pullan for the Appellant has prepared a separate Rebuttal evidence on design matters. There is some overlap between these topics because the architectural quality and qualities of the proposals go to the assessment of setting impacts.
- 1.3 I begin this Proof by drawing out what I see are the main areas of agreement and disagreement as between us.
- 1.4 I then go on to comment on specific parts of his analysis.
- 1.5 I hope in this way to assist the Inspector by focusing the oral evidence which will be heard on this matter.
- 1.6 The absence of comment on any part of PM's evidence should not be taken as agreement to it. Other differences will be explored in evidence in the usual way.
- 1.7 This Rebuttal PoE is prepared under the same expert terms as my main PoE, and the concluding section of this report comprises an affirmation confirming I have understood the duties of a chartered planner presenting evidence to a planning inquiry.

2.0 MAIN AREAS OF AGREEMENT

- 2.1 As I read PM's PoE, our expert views differ on the following main points. I do not give specific citations because these points recur in his analysis (as to some extent they do in mine also).
- 2.2 We agree that the proposed, self-weathering steel cladding (Core-Ten trademark name) has an industrial quality and one which is at least consistent with the red brick facing which characterises the heritage assets (and which I will add is a characteristic material in the city). See his 6.16. We agree also that this material significantly contrasts with the cladding used in the Great Jackson Street Regeneration Area towers. See 6.11.
- 2.3 We agree that the detailing of the Deansgate South towers is of high quality.
- 2.4 We agree they offer a 'dramatic contrast to more traditional building styles and lower scale buildings to the north and east'. See 4.18.
- 2.5 And likewise, and by inference, that these high-rise buildings and the Beetham Tower (in the City Centre) comprise part of the setting of the assets under consideration.
- 2.6 I would go further and say that we also – and again by inference – do agree that in this particular urban context tall buildings can be an acceptable form of development in the setting of these and other assets.
- 2.7 We agree broadly on the significance of the Castlefield CA which is helpful in the absence of any published appraisal.
- 2.8 Likewise we agree the history and historic interest of the assets in question. There is no dispute on the facts or over the history of the area's historical development as illustrated in maps he and I reproduce and are taken from the HIA. See his 4.6 and following from page 29.
- 2.9 He makes no criticism of the published HIA, so as to allege it is incomplete or adopts an incorrect methodology.
- 2.10 Importantly, we also agree on the approach to such setting cases: namely, that the design qualities of a proposal are relevant to the assessment of impact along with the gross elements of design such as height, bulk and mass.
- 2.11 We agree the site in its current condition has at least some harmful townscape impact. He considers the site's condition to make a 'negligible adverse contribution' (5.74) to the setting of the CA. Negligible has no meaning in NPPF terms, and so I assume that this is a just an adverse contribution or a neutral one.
- 2.12 We agree (and it is a point in common with Mr Pullan) that the site comprises a prominent approach location.
- 2.13 As to the listed station, we agree that it 'maintains a strong presence in the townscape and has a significant group value with the surrounding railway viaduct and associated buildings in terms of its character, heritage, materials and design' and that this station is 'directly connected to the transport infrastructure [also historic]', as per his 5.29. I likewise agree the Atlas Bar is a non-designated asset associated with the station and listed viaduct behind. See his 5.52.
- 2.14 And we agree that the viaduct acts as a physical barrier between the station and the appeal site. See his 5.30.
- 2.15 We agree that the historic assets at issue are 'robust' (see his 4.33) which I take to mean 'strong' or 'vigorous'.

3.0 SHORT POINTS OF DISAGREEMENT

- 3.1 I do not agree, however, with the statement at the same paragraph cited above (4.33) that the area is 'dominated' by these robust assets. I consider the setting of the assets, including in the CA to be more mixed, particularly as a consequence of recent development.
- 3.2 I do not agree with the characterisation of the Beetham Tower as 'lightweight', see 4.21, because although it is a glazed structure it has a dark cast and its oversailing upper part gives it a strong and heavy quality. This building is visible widely in association with historic assets across the City centre.
- 3.3 I do not agree that the Congregational Chapel has a 'visual grouping' with the station. See his 5.74. There is a connection, for example, see his figure 63, page 126. But that image is a panoramic shot which creates a misleading impression of how one actually perceives these assets.
- 3.4 Furthermore, and significantly, the station ground and part of the viaduct to the left of the view is not in the Castlefield CA whereas the Chapel is. Additionally, and as agreed, the viaduct is a physical barrier that weakens any such connection. Thus, I think the group relationship alleged is overstated.
- 3.5 We disagree on the visual impact of the Great Jackson Street towers. He implies their effect is somehow neutral and that the proposed use of weathered steel necessarily increases the impact of the proposals (which he calls 'dominant' and which I do not accept). See his 6.16.
- 3.6 The GJS towers have a cladding that tends to reflect the sky at certain times of day and in certain conditions, but their scale and angled plan form and the sheer number of them comprise a strong statement that is widely visible. The materials contrast sharply with the red brick facing on the older buildings but that does not mean the architectural gesture is weak as demonstrated not least in his photographs pages 84 and 85.

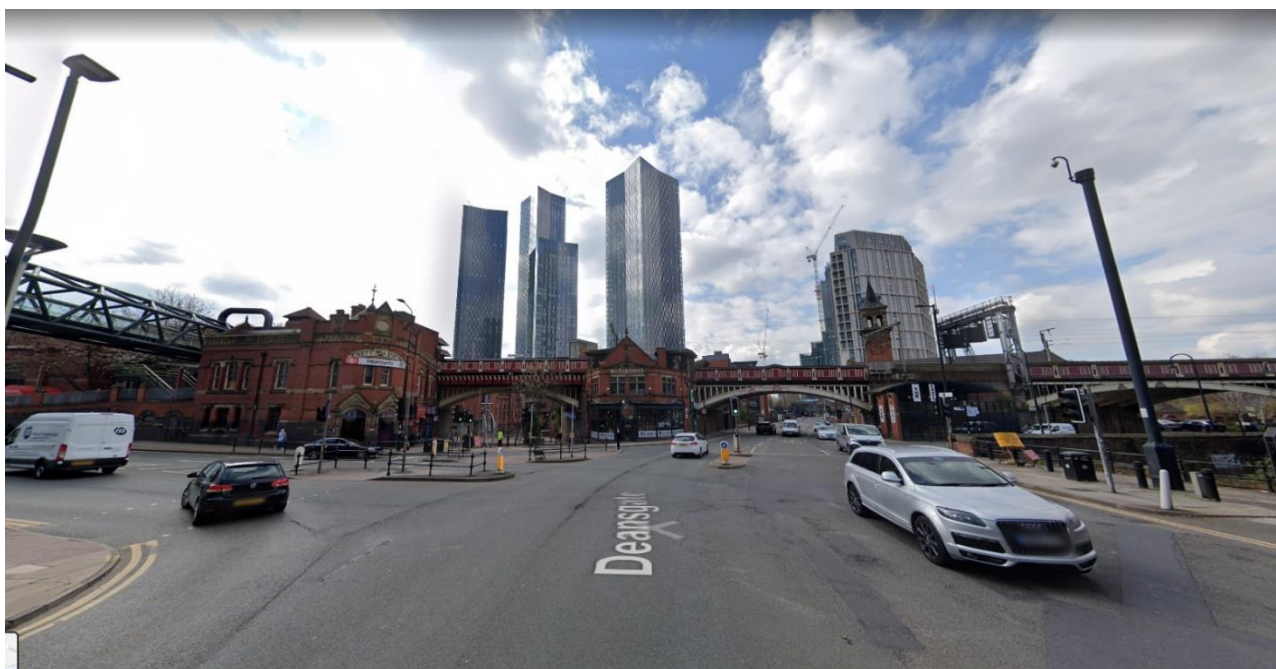


Figure 3.1 – Figure 63 from Paul Mason's Proof of Evidence.

4.0 APPROACH

4.1 At 3.27 PM identifies section 72 (1) of the PLBCAA 1990 as relevant to the facts of this case. It is not. That provision applies only to development in CAs, and the site is not in the Castlefield CA.

4.2 Understanding the degree of less than substantial harm is essential to striking the heritage balance as explained in the Planning Practice Guidance (2019) at paragraph 18:

'Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.'

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. 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 additions to historic buildings where those additions are inappropriate and harm the buildings' 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, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms 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). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 194).'

4.3 Also his setting assessment consistently identifies harm to 'historic interest'. 'Historic interest' is defined in the Planning Practice Guidance (2019) at paragraph 006 as:

'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.'

4.4 It is usually taken to refer to the intrinsic qualities of an asset. I do not think he can be suggesting that the proposals reduce or remove any of the intrinsic qualities of the several assets under discussion because this is a setting case.

4.5 And if that is right, then I cannot see how he gets to a major adverse LTSH (less than substantial harm) impact, the highest category of such an impact.

4.6 It is accepted that the category of LTSH is a range and stops at substantial harm. Thus, the degree of impact he identifies can only equate to harm that comes close to removing the special interest of the assets. It is hard to think of any asset whose significance is so wrapped up in its setting that proposals of this nature cause such a high degree of LTSH.

4.7 Identifying the level of LTSH is important for striking the balance, under paragraph 202 of the NPPF, assuming a decision maker finds countervailing benefits.

5.0 BRIDGEWATER CANAL OFFICES

- 5.1 At 6.81 PM notes a visual connection with the Middle Warehouse opposite, on the north side of Chester Road. I agree this is significant historically and visually, with the two mutually contributing to each other's setting and the appreciation of a shared significance.
- 5.2 However, I do not agree that there is a clear line of sight as between the former canal offices, 2-4 Chester Road, Castlegate, and the listed viaduct, across the site.
- 5.3 Thus, I consider the mark up applied to the photograph on page 122, figure 59 to be misleading. I accept, however, this is for the Inspector's judgment.
- 5.4 Whether this is a fair point or not, however, I do not understand the Council to be saying that the Appeal site should be developed within the height parameter set by this line. The previous consent for the development clearly exceeds that line, and the site falls within a zone identified for tall buildings anyway.
- 5.5 Therefore, I do not agree that the proposals interfere with any meaningful visual connection as between this listed building and the viaduct which would be harmed. See my evidence at CD-D5.
- 5.6 My view is that the architectural character of the former offices are best appreciated in a local context, to which the site is peripheral, and furthermore that the proposed development does not intrude. The main thing I notice looking at this listed building is the striking new development close to it.

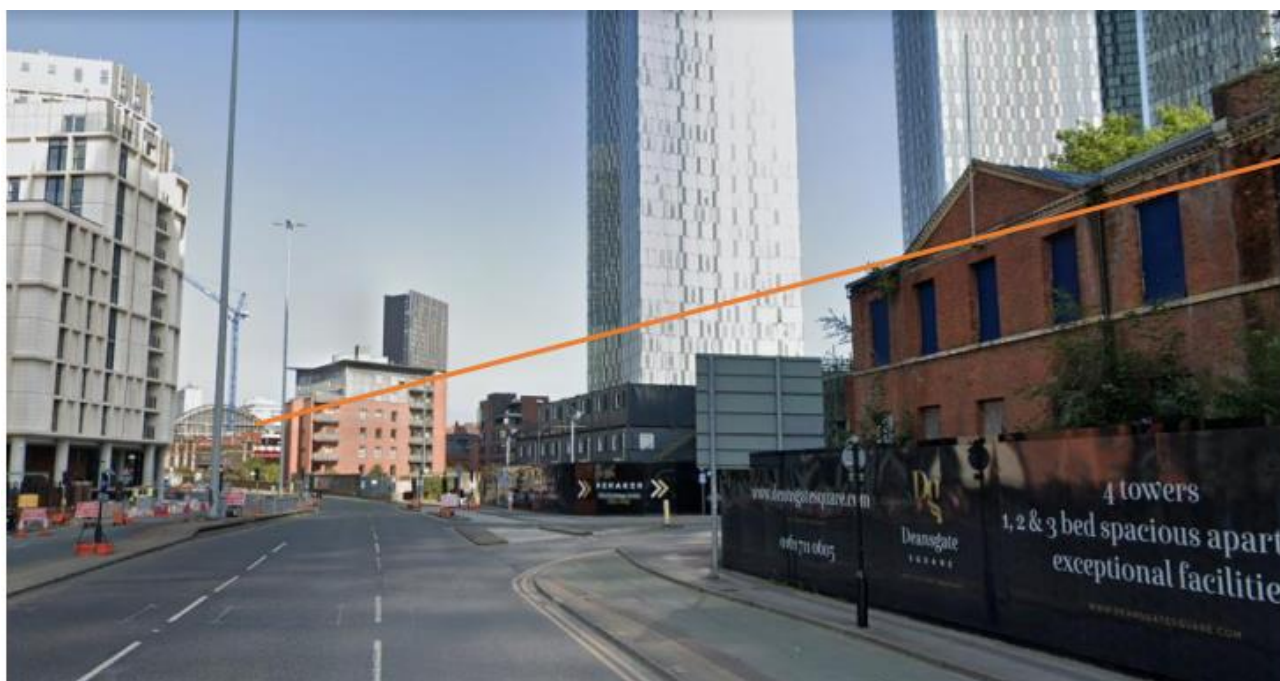


Figure 5.1 – Figure 59 from Paul Mason's Proof of Evidence.

6.0 THE FORMER CONGREGATIONAL CHAPEL

- 6.1 I make a similar point in relation to the identification of a significant chapel-view at PM's paragraph 6.91, figure 62 on page 126. This appears to be an incidental view across the site and one that would necessarily not be available on any sensible redevelopment scenario.
- 6.2 And in relation to his figure 63, same page, he identifies harm at a particular viewing position at which point the Chapel tower is completely backdropped by the new block of flats behind. This view demonstrates how the proposals will form part of a background group or layer of taller development seen beyond the viaduct which we agree is a clear boundary.
- 6.3 PM's analysis of setting impact relies in places on partial views of the chapel, see for example 6.94 and figure 64, page 127, from the Rochdale canal. This is an incidental view, where the tower is not seen in relation to the rest of the building. It is not a view the City Council requested the Applicant model insofar as I am aware and neither was the viewpoint at figure 62 either, and understandably in both instances.
- 6.4 Another setting criticism is illustrated in PM's figure (unnumbered) page 139. This is the rear elevation of the Chapel, with no real adornment and where the main façade is seen in the context of a car park. It is not, in my opinion, a sensitive viewing position. The point is made in the section on the CA, but it pertains really to the LB because the car park cannot be a particularly sensitive part of the CA.



Figure 6.1 – Figure 62 from Paul Mason's Proof of Evidence.



Figure 6.2 – Figure 64 from Paul Mason's Proof of Evidence.



Figure 6.3 – Unnumbered figure from Pau Mason's Proof of Evidence.

7.0 DEANS GATE SOUTH STATION

- 7.1 As noted above, we agree that the station is appreciated in relation to the Viaduct, the two reinforcing each other's significance and the appreciation of that. See PM's discussion at 6.74. The proposals do not interpose in that relationship, undermining the group value which is an important attribute. Furthermore, and as I observe in my PoE, the extensive and linear form of the viaduct is a strong one, robust (as agreed) and reinforced by its use.
- 7.2 I do not think that seeing a taller building behind from some but not all positions would cause any harm to our ability to appreciate the historic connection or the architectural interest of the two, particularly bearing in mind the present setting which is characterised by very tall and striking buildings that make a definite architectural statement.
- 7.3 This is not to say – and I do not anywhere say in my PoE – that the present towers cause harm justifying more (and in fairness PM does not assert the Appellant says that).
- 7.4 Rather it is a case of major change to setting, creating a new character that the Appeal proposals respond to without causing harm. My evidence concludes, in fact, that the complementary tonality of the cladding rebalances the townscape/heritage composition and is appropriate to the landmark nature of the site on an important historic approach route.

8.0 MANCHESTER SOUTH JUNCTION AND ALTRINCHAM RAILWAY VIADUCT

- 8.1 PM considers the aesthetic value of this asset is harmed by the proposals. I note here simply our agreement that the feature is 'robust', and therefore strong in itself visually having a definite quality and presence which is not harmed by a change in scale behind it, particularly bearing in mind the threshold the viaduct creates and the existing skyline setting behind.

9.0 CASTLEFIELD CONSERVATION AREA

- 9.1 On my reading of PM's treatment of this asset, the concerns relate back mainly to the Chapel, which is in the CA.
- 9.2 There is a different point made, however, in relation to the setting of the CA, comprising lower buildings including those other assets outside it. The harm to the CA in this instance – see his 6.103 for example – is said to arise by harm to low buildings in its setting.
- 9.3 I think the link asserted here is weak: harm to a setting element contributing to an asset's significance may or may not cause harm to the asset itself, and on the facts of this case I do not think the linkage can be made given the already striking contrast that exists as between tall buildings and the setting of the CA.
- 9.4 Therefore, my understanding of the Council's concerns in relation to the CA remains as it was when I wrote my PoE: the issue arises by reason of impact on the chapel which is in the CA and the part of the viaducts also in the CA, rather than on any other parts.
- 9.5 I draw this conclusion because apart from the one photograph already discussed (see view across the car park of the back of the Chapel, paragraph 6.108, page 139), PM does not produce any other views illustrating his concern.

10.0 NEW TALL BUILDINGS GUIDANCE FROM HISTORIC ENGLAND

- 10.1 This guidance (CD-F12), was published after exchange. It is more detailed than the previous edition, focusing mostly on process and approach.
- 10.2 The cover has a cropped image showing the tower of the Congregational Chapel in association with the edge of one of the towers. There is no commentary on this image.
- 10.3 One of the case studies treats another recent tower case in Manchester, on page 32.
- 10.4 The guidance cites the recent London Plan policy on tall buildings, D9, as comprising best policy practice and in line with that HE endorse the use of development plan allocations for tall buildings.
- 10.5 The guidance also contains advice on skyline composition or clustering as one way of managing the impact of height.
- 10.6 There is nothing of substance in the revised guidance which I consider relevant to the appeal.

11.0 SIGNED AFFIRMATION

11.1 I have prepared this expert report according to Part 35 of the Civil Procedure Rules and Practice Directions, in line with the RTPI Code of Conduct. Accordingly, I affirm:

- I understand that my duty as an expert is to the Inquiry and that my role is to assist the Inspector on matters within my expertise;
- I understand this duty overrides any obligation to the person from whom I have received my instructions;
- Consequently, this expert opinion has been prepared independently and is uninfluenced by the pressures of the case;
- And so accordingly I also confirm I am not paid under any contingency agreement;
- I have disclosed in this report all information that is within my knowledge and relevant to the opinions expressed in relation to my area of expertise;
- I have sought to assist the Inspector by providing an objective and unbiased opinion on the matters I have been instructed to consider and I have sought in this report to disclose all facts known to me as relevant, including those which might detract from my opinion; and
- I have restricted my opinion to matters within my area of expertise and where I have not been able to reach an opinion I have explained the reasons for this.

11.2 If, after I have produced this report, my views should change on any material (for example, on the basis of new information or in the event an omission is drawn to my attention), I will communicate that to all parties without delay and, when appropriate, to the Inspector.



Dr Chris Miele MRTPI IHBC

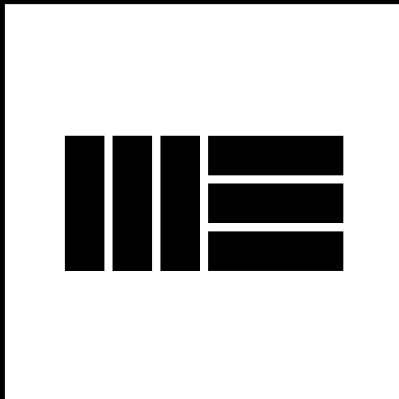
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