Deansgate, Manchester: renewal of planning permission and listed building consent in respect of land bounded by Blackfriars Street, Victoria Bridge Street, Deansgate and the River Irwell, and for works to Blackfriars Bridge and Victoria Bridge

1 This note relates to a planning permission and to listed building consents granted in respect of the redevelopment of land bounded by Blackfriars Street, Victoria Bridge Street, Deansgate and the River Irwell. These permissions and consents are as follows.

- 088133/F0/2008/C1: planning permission granted on 10 June 2009 for:

  Demolition of existing buildings and re-development of site to construct four buildings varying in height from: ground plus 10 storeys; to ground plus 35 storeys incorporating 248 residential units (Class C3) : a hotel (Class C1); offices (Class B1); retail (Class A1); financial and professional (Class A2); restaurant and cafe (Class A3); drinking establishment (Class A4); hot food take away (Class A5); and 599 basement car parking spaces set within fully accessible public realm including new public open spaces; new pedestrian connections and new riverside walkways and spaces: together with related highways, access and servicing works, landscaping and associated works.

- 088257/L0/2008/C1: listed building consent granted 11 June 2009 for:

  The placing of a new wall and balustrade against the structure and balustrade of Victoria Bridge to create a new at grade physical connection between Blackfriars Street and Victoria Bridge Street via a section of new riverside walkway associated with the concurrent application for redevelopment of land bounded by Blackfriars Street, Victoria Bridge Street, Deansgate and the River Irwell (Application No. 088133/F0/2008/C1)

- 088132/L0/2008/C1: listed building consent granted 11 June 2009 for:

  Removal of brick structure concealing part of Blackfriars Bridge facade, removal of two 1.8 metre sections of balustrade and making good remaining stonework in connection with the creation of a new at grade physical connection between Blackfriars Street and Victoria Bridge Street via a section of new riverside walkway associated with the concurrent application for redevelopment of land

bounded by Blackfriars Street, Victoria Bridge Street, Deansgate and the River Irwell (Application No. 088133/F0/2008/C1)

2 The purpose of the note is to confirm the continued compliance of the permitted scheme with national planning policy guidance relating to the historic built environment. Since the granting of the planning permission and listed building consents in 2009, the national planning policy guidance current at the time of determination – Planning Policy Guidance 15 – has been replaced first by Planning Policy Statement 5 'Planning for the Historic Environment', and subsequently by the National Planning Policy Framework.

3 KMHeritage prepared Chapter 13 of Environmental Statement relating to the development, dealing with the Historic Environment. KMHeritage also prepared a PPG15 statement[1], relating to the specific works to the listed Blackfriars Bridge and Victoria Bridge, and supporting the two listed building consents referred to above.

4 This note should be read in conjunction with the ES chapter and the PPG15 statement. Those documents provide the baseline information regarding the heritage assets that are affected by the permitted development, as well as an analysis of their heritage significance, and an assessment of the effect of the permitted development on that heritage significance. That information is not repeated here.

Planning Policy Guidance 15, Planning Policy Statement 5, and the NPPF

5 It is important to point out that though PPG15 has been replaced by further iterations of national planning policy guidance relating to the historic built environment, the essential principles and guidance contained in PPG15 are sustained in Chapter 12 of the NPPF, dealing with the historic environment. There has been no material shift in guidance or alteration in the manner in which the effect of development on the historic environment is assessed. Similarly, the manner in which heritage significance is analysed is effectively the same. The central concept of the 'special architectural and historic interest' of listed structures remains at the centre of the relevant legislation, the Planning (Listed Buildings and Conservation Areas) Act 1990, which remains in force. The analysis and assessments contained in our ES chapter and PPG15 statement thus remain as valid now as they did in 2008.

[1] *Land bounded by Blackfriars Street, Victoria Bridge Street, Deansgate and the River Irwell, Manchester: Works to Blackfriars Bridge and Victoria Bridge*, KMHeritage, October 2008

Chapter 12 of the NPPF

6 The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990. On Tuesday 27 March 2012, the Government published the new National Planning Policy Framework (NPPF), which replaced Planning Policy Statement 5: 'Planning for the Historic Environment' (PPS5) with immediate effect.

7 The NPPF says at Paragraph 128 that:

> *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.*

8 A description and analysis of the heritage significance of the Deansgate site, its historic context and the special architectural and historic interest of the two listed bridges is provided in the ES chapter and Planning Policy Guidance 15 statement referred to above..

9 At Paragraph 131, the NPPF says that:

> *In determining planning applications, local planning authorities should take account of:*
>
> - *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
> - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
> - *the desirability of new development making a positive contribution to local character and distinctiveness.*

10 Paragraph 132 advises local planning 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

11 The NPPF says at Paragraph 133:

> *Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary*

to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

12 Paragraph 134 says that '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 securing its optimum viable use.

13 The NPPF incorporates many of the essential concepts in the former Planning Policy Statement 5 'Planning for the Historic Environment'. PPS5 was accompanied by a 'Planning for the Historic Environment Practice Guide', published by English Heritage 'to help practitioners implement the policy, including the legislative requirements that underpin it'. The 'Guide' gives, at Paragraph 79, a number of 'potential heritage benefits that could weigh in favour of a proposed scheme' in addition to guidance on 'weighing-up' proposals in Paragraphs 76 to 78. These are that:

- It sustains or enhances the significance of a heritage asset and the contribution of its setting;
- It reduces or removes risks to a heritage asset;
- It secures the optimum viable use of a heritage asset in support of its long term conservation;
- It makes a positive contribution to economic vitality and sustainable communities;
- It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment;
- It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

14 Paragraph 111 of the Guide sets out the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 that local planning authorities when

making decisions must 'have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses' and 'pay special attention to the desirability of preserving or enhancing the character or appearance' of a conservation area.

Compliance with the NPPF

15 The permitted scheme for the Deansgate site clearly coincides with the National Planning Policy Framework's definition of sustainable development - it would evidently be positive in economic, social and environmental terms, and accords with the local development plan. It clearly 'conserve[s] heritage assets in a manner appropriate to their significance'.

16 Our ES chapter and Planning Policy Guidance 15 statement provided a detailed description and analysis of the significance of the development site and its heritage context, as required by Paragraph 128 of the National Planning Policy Framework.

17 In respect of Paragraph 131 of the NPPF, the permitted scheme for the Deansgate site can certainly be described as 'sustaining and enhancing the significance of heritage assets' by enhancing their settings, and the overall scheme contributes to sustainable communities by reinvigorating a moribund site, and thus enhancing the economic vitality of the listed buildings and conservation areas described at Paragraphs 3.21 to 3.23 of our Planning Policy Guidance 15 statement.

18 The permitted scheme for the Deansgate site very definitely strikes the balance suggested by Paragraph 132 of the NPPF – as shown in our ES chapter and Planning Policy Guidance 15 statement, it responds to the site and its context in a manner commensurate to the overall significance of that context. In overall terms, the impact of the scheme on heritage significance, when weighed against the heritage significance that is preserved and the benefits of the scheme in economic and social terms to the conservation area, is modest but positive.

19 The permitted scheme complies with Paragraph 133 of the NPPF. It does not lead to 'substantial harm to or total loss of significance of a designated heritage asset'. It also complies with Paragraph 134 for the reasons given in detail in our 2008 work – it cannot be considered as causing 'less than substantial harm'. The proposed scheme is a design that has been carefully considered with the character and appearance of the conservation areas and nearby listed buildings in mind. However, any 'less than substantial harm to the significance of a designated heritage asset' - i.e. the conservation areas or listed buildings - that can be ascribed to the scheme is greatly outweighed by the benefits generated by the scheme, as described in our 2008 work and in the Design & Access and planning statements that accompanied the applications.

20 The permitted scheme also does the relevant things that the 'Planning for the Historic Environment Practice Guide' urges in its Paragraph 79. For the reasons explained earlier, the proposed development 'makes a positive contribution to economic vitality and sustainable communities', and 'is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment'.

Conclusion

21 For these reasons, the conclusions of Chapter 13 of the ES and the PPG15 Statement remain as they were in the original submission, and the permission and consents granted in respect of the Deansgate development are compliant with current national planning policy guidance relating to the historic built environment.

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The author of this report is Kevin Murphy B.Arch MUBC RIBA IHBC. He was an Inspector of Historic Buildings in the London Region of English Heritage and dealt with a range of major projects involving listed buildings and conservation areas in London. Prior to this, he had been a conservation officer with the London Borough of Southwark, and was Head of Conservation and Design at Hackney Council between 1997 and 1999. He trained and worked as an architect, and has a specialist qualification in urban and building conservation. Kevin Murphy was included for a number of years on the Heritage Lottery Fund's Directory of Expert Advisers.