



Heritage Statement

Arch 77, Whitworth Street, Manchester

For:

The Arch Company Properties Limited

August 2025

Ref: 4477

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1 Introduction

- 1.1 This Heritage Statement has been prepared by Smith Jenkins Planning & Heritage on behalf of The Arch Company in support of Arch 77, Whitworth Street (hereafter referred to as ‘the Site’). The development proposals comprise:

“Change of use for an open Class E (Commercial, Businesses and Services) and drinking establishments with expanded food provision with associated access and parking, along with external and internal refurbishment works including façade treatments at Arch 77 Whitworth Street West, Manchester, M1 5WQ”

- 1.2 The Site has a Grade II listing status, derived from its location which forms part of the Manchester South Junction & Altrincham Railway Viaduct (NHLE: 1200837), constructed between 1846 and 1849. The Site is not located within a conservation area but is within the vicinity of other listed buildings.
- 1.3 A refusal of a previous scheme (Ref: 135325/LO/2022) at the Site noted that the submitted design “would not be in keeping with the style, appearance and architecture of the building resulting in an unduly harmful impact on the visual amenity and significance of the listed building in the street scene”. The street scene around the Site at the time of this refusal (February 2023) consisted of empty arches, but these have since been infilled during the redevelopment by HOME (Ref: 131993/LO/2021)
- 1.4 A Site visit was conducted by Smith Jenkins on 23rd October 2024.
- 1.5 Paragraph 207 of the National Planning Policy Framework (NPPF) 2024 sets out the information requirements for determining applications and states 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’.*¹
- 1.6 Section 2 of this report identifies the heritage assets which may be affected by the application proposals. Section 3 sets out the historic development of the Site and the surrounding area, whilst Section 4 provides statements of significance for the heritage assets identified within Section 2. These are relative to the scale, nature and effect of the proposed development. Section 5 provides an assessment of the application proposals on the significance of the identified heritage assets, based on national, regional and local policy and guidance. Section 6 provides a conclusion.
- 1.7 The statutory development plan in force in Manchester comprises the Manchester Core Strategy (MCS, adopted 2012) of the Manchester Unitary Development Plan (UDP).
- i) Manchester Core Strategy is the key planning document in Manchester and covers a period of 15 years from 2012 to 2027. It describes Manchester today and outlines the Council’s vision for Manchester in the future along with planning policies which will be used to deliver that vision.

¹ NPPF 2024

- ii) The MCS Vision is underpinned by a number of spatial objectives, in particular in relation to heritage impacts, the relevant policy is EN3, which states:
- iii) Policy EN3 - The Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance.

2 The Heritage Assets

2.1 A heritage asset is defined by the NPPF 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. It includes designated heritage assets and assets identified by the local planning authority (including local listing)'.*²

Designated Heritage Assets

2.2 A Designated Heritage Asset is described by the NPPF as:

*'A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation'.*³

2.3 Such assets are statutorily identified as having a level of heritage (architectural and/or historic) interest to justify designation. There are then particular procedures in planning decisions to ensure that their special interest is preserved or enhanced.

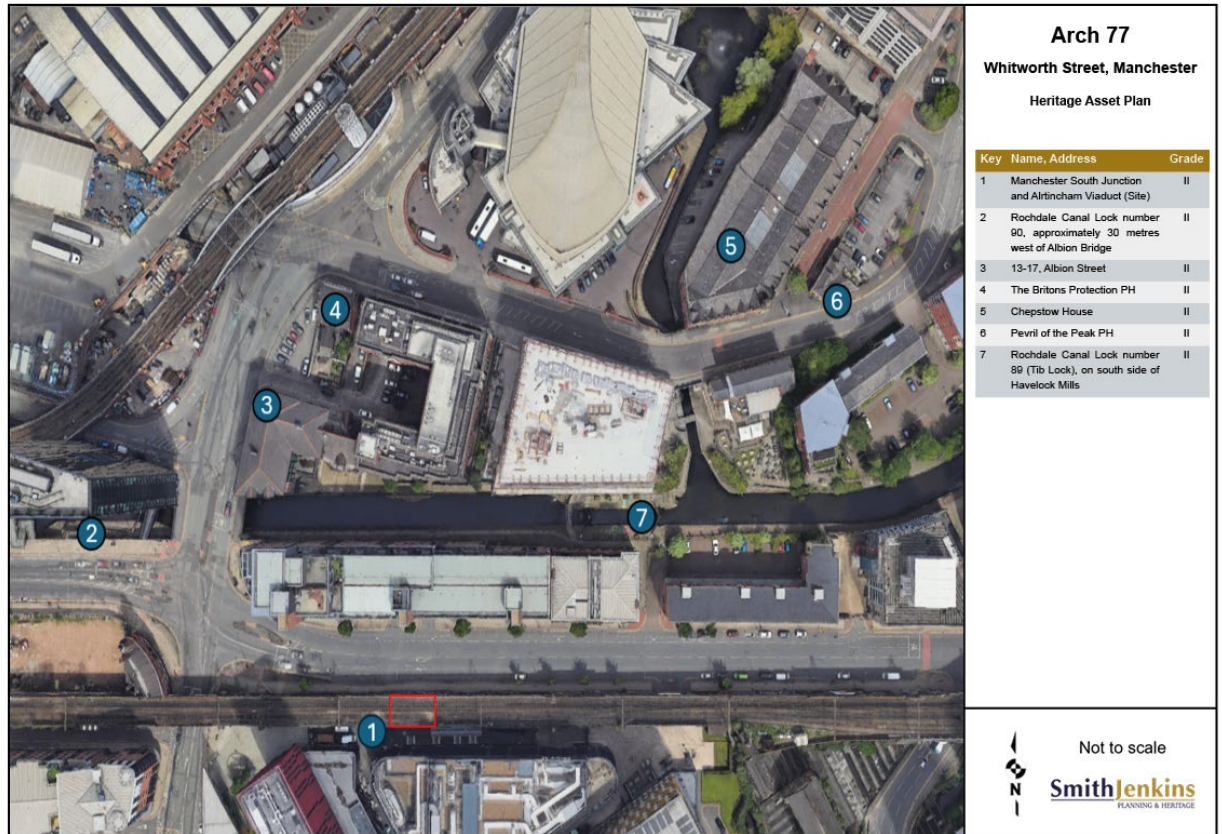
Listed Buildings

2.4 The Grade II listed Manchester South Junction and Altrincham Railway Viaduct (MSJARV) sits within the Site boundary. In addition to this, there are also several listed buildings in proximity to the Site. A scoping exercise was carried out to identify the heritage assets, as illustrated in Figure 1. However, due to limited visibility and/or the lack of a historic relationship between the assets and the Site, only the Manchester South Junction and Altrincham Railway Viaduct is within the scope of this assessment.

² NPPF (2024) Annex 2: Glossary

³ NPPF (2024) Annex 2: Glossary

Figure 1 – Heritage Asset Plan



3 Historic Development

- 3.1 The Site is located on Whitworth Street, in Manchester City Centre, within part of the Manchester South Junction and Altrincham Railway Viaduct.
- 3.2 Manchester is the archetypal industrial city, home of one of the earliest main line railways connecting Manchester and Liverpool in 1830, increasing the rate of industrialisation between the two cities, especially Manchester. The construction of railways in Manchester between the 1840s and 1910s came with challenges, such as right of ways and operating street-level traffic, resulting in large amounts of railway in Manchester having to be elevated, allowing traffic to pass underneath. For this reason, viaducts were constructed to carry the urban railways.



Figure 3.1. OS Map 1848 (Source – National Library of Scotland)

- 3.3 The 1848 Ordnance Survey (Figure 3.1) illustrates the Site's location within the Gaythorn industrial area, amongst Medlock Bridge Mill, Gaythorn Tannery, and Gaythorn Chemical Works. Albion Street and Oxford Street are clearly defined on the map, either side of the Site. There was a Coal Wharf and Gas Works to the east of the Site, next to Rochdale Canal, with the River Medlock meandering through to the south of the Site.

- 3.4 By 1891 (Figure 3.2), the railway is clearly visible within the City Centre and can be seen to the south of Rochdale canal, running along the newly developed, South Junction Street, to the east of Albion Street. Oxford Road Station can be seen to the east of the Site, built in 1849, acting as a city centre train station, alongside Store Street (1842), Manchester Victoria (1844), and Central Station (1880). Historic mapping from 1891 illustrates that the Gaythorn area was redeveloped and the Gas Works originally near Oxford Street were expanded towards Albion Street.



Figure 3.2. OS Map 1891 (Source – National Library of Scotland)

- 3.5 By 1909, Great Junction Street had been replaced with Whitworth Street, which runs to Oxford Street and eastwards, as illustrated in Figure 3.3. The Central and South Manchester tram network had been firmly established by the mid-1920s and can be seen in Figure 3.4 along Whitworth Street and Albion Street. The building plots between Rochdale Canal and the Viaduct are largely the same configuration as they are today. South of the railway, the area was still dominated by Gaythorn Gas Works, and to the east the Dunlop Rubber Works occupied a large site directly south of the Gas Works.



Figure 3.3. OS Map 1909 (Source – National Library of Scotland)

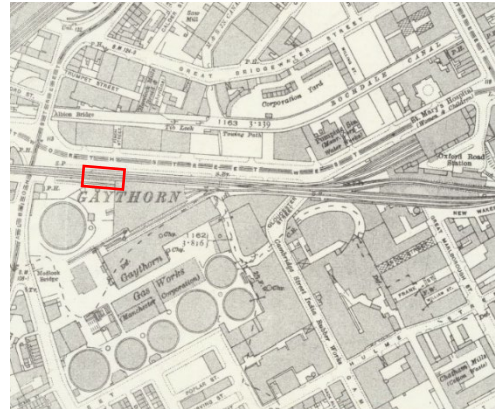


Figure 3.4. OS Map 1922 (Source – National Library of Scotland)

- 3.6 By 1956, the tram lines along Whitworth Street had been removed (Figure 3.5), and by 1967 the construction of Mancunian Way had begun, forming the southern part of the Manchester and Salford Inner Ring Road. The area around the Site changed very little up to the 1980's when the Central Manchester Development Corporation progressed the initial area regeneration and site clearance programmes, which became the precursor to the successful 'First Street' regeneration area with the HOME building created to the north of Gaythorn Gas Works.



Figure 3.5. OS Map 1956 (Source – National Library of Scotland)

- 3.7 Today, the industrial heritage of the area has been greatly reduced by modern development as illustrated in Figure 3.6. Dunlop Rubber Works to the south and the east has been redeveloped into residential units, while land north of the Site has been developed into the Hacienda apartments, and further north is the Bridgewater Concert Hall.



Figure 3.6. Ariel view 2024 (Source – Google)

- 3.8 In 2022 a number of planning applications (Ref: 131993/LO/2021 and 131992/FO/2021) were approved for the change of use of the railway arches to the east of the Site, to provide flexible use purposes for the arts, education and training, events, workshops and performance together with associated external alterations to facilitate the change of use of the structures.
- 3.9 Within the Officer's report of the LBC (Ref: 131993/LO/2021), it was reported that although harm was considered less than substantial to the Grade II listed viaduct, the public benefits included bringing the arches into a suitable and viable use.
- 3.10 The redevelopment by HOME, of the arches mentioned above has now altered the street scene in the immediate area around the Site introducing a new streetscape, illustrated in Figure 3.7 and 3.8.



Figure 3.7. Whitworth Street 2011 (the Site outline in red) (Source – Google)



Figure 3.8. Whitworth Street 2025 (the Site outline in red) (Source – Google)

4 Significance

Significance and Special Interest

- 4.1 The significance of a heritage asset is defined within the glossary of the NPPF as:

'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.⁴

- 4.2 Listed buildings are statutorily designated and, for the purposes of the NPPF, are designated heritage assets. Recognising this statutory designation, buildings must hold special architectural or historic interest. The Department of Culture, Media and Sport publish the *'Principles of Selection for Listed Buildings (2010)'* which is supported by thematic papers, *'Listing Selection Guides'*, based on building type, which give more detailed guidance.

Assessment

- 4.3 The following statements of significance for the identified heritage assets (set out in Section 2) are proportionate to the importance of the asset and the likely impact of the proposals.

⁴ NPPF (2024) Annex 2: Glossary

Arch 77

- 4.4 The Site lies within the Manchester South Junction & Altrincham Railway Viaduct which was built by the Manchester South Junction and Altrincham Railway Company. As such, it is considered as part of the Grade II listing and will be assessed for its significance.

Architectural Interest

Exterior

- 4.5 The architectural interest of the Site derives from its form as an arch within a 19th century viaduct. The later infill which has been introduced is of no architectural interest.
- 4.6 The Site is constructed of red brick with sections of blue brick, and cast-iron bridges. The arch was infilled in 1986 to accommodate an industrial unit, with a bricked up rear elevation (Figure 4.1) and a modern commercial frontage installed on the principal elevation (Figure 4.2). This modern infill sits within the arch, and is of no architectural interest. The pipe work to the rear elevation is understood to hold no structural support, and they are not water pipes, rather they were included at a later date as decoration and are of no significance.
- 4.7 The Site, and its connection with the viaduct illustrate an example of utilitarian architecture, with the use of brick illustrating the staple building material for the viaduct being based on a combination of available engineering technology, the costs of material extraction and transportation, and the structural requirements of the railway.



Figure 4.1. Rear elevation of Arch 77



Figure 4.2. Front elevation of Arch 77

Interior

- 4.8 The interior of the Site has two levels divided by a mezzanine floor. Both floors have modern fixtures and fittings, and historic fabric is hidden behind stud walls. A modern staircase leads to the lower floor. (Figure 4.3 and 4.4).



Figure 4.3. Upper floor of the Site



Figure 4.4. Lower floor of the Site

- 4.9 New rooms on the upper floor gives access to a WC and kitchenette. The arched roof is lined with corrugated metal.
- 4.10 To the rear of the lower floor is an iron door illustrated in Figure 4.5, which exits the arch, but is no longer in use. The front entrance is set back from street level, with stepped access.



Figure 4.5. Rear exit of the Site at lower level

Historic Interest

- 4.11 The historic interest of Arch 77 is derived from its connection to the Manchester South Junction and Altrincham Railway Viaduct, and ties to Manchester's industrial heritage. The Manchester South Junction & Altrincham Railway Viaduct was constructed between 1846-9 by David Bellhouse Jr. The line was one of Britain's earliest suburban railways and the first in Manchester.
- 4.12 In December 1986 (Ref: 027760), planning permission was granted for the alterations and use of the vacant railway arch as a wine bar and restaurant. Historic photography from 1964 (Figure 4.6) illustrates that other arches along Whitworth Street west had been refurbished for commercial and industrial use.



Figure 4.6 Whitworth Street 1964 (Source – Manchester Local Image Collection)

Setting

- 4.13 The immediate setting of the Site comprises Whitworth Street to the north and HOME/Tony Wilson Place to the south, with the Manchester South Junction and Altrincham Railway running across the top of the viaduct. Neighbouring arches to the Site are vacant, however beyond this, the redevelopment of the viaduct arches stretches eastwards towards Oxford Road Station. The immediate setting of the neighbouring arches makes a high contribution to the significance of the Site through a shared historic relationship as part of the listed viaduct. However, the immediate setting also consists of modern development which makes a neutral contribution to the significance of the Site, as modern development around First Street has replaced Gaythorn Gasworks. Modern development now encloses the Site, while the railway track above connects the Site to its industrial heritage. The redevelopment of the arches to the east of the Site, by HOME, has created a new vernacular for the arches in the immediate setting around the Site, as discussed in Section 3.

- 4.14 The extended setting of the Site consists the wider areas of Medlock to the south, Deansgate to the west, and Manchester Oxford Road Station to the east. Rochdale Canal is situated north of the Site but makes little contribution to the Site's significance due to the modern, Hacienda Apartments, positioned in-between. Medlock to the south, historically a gasworks and rubber works, has been redeveloped into arts venues, offices, and residential dwellings, with a high number of student accommodation blocks situated between Whitworth Street and Mancunian Way.
- 4.15 Modern development has enclosed the Site, and the industrial heritage sites of Gaythorn Gasworks are no longer present, while views of Rochdale Canal are interrupted. The extended setting makes a neutral contribution to the significance of the Site.

Summary of Significance

- 4.16 Arch 77/the Site gains its significance through its industrial heritage and impressive engineering feat of the curved arch, as part of the listed viaduct structure. The neighbouring arches to the Site make a high contribution due to the arches forming part of the historic viaduct. However, modern development around the Site and beyond makes a neutral contribution to its significance due to the erosion of Manchester's industrial sites within the area. The later infill of the Site in 1986 followed a trend of the re-use of vacant archways along Whitworth Street, and while considered part of the listed viaduct, the built fabric of the infill is of no significance. Instead, the significance is found in the shape of the arch, and the impressive curve which sits above the modern infill.

Manchester South Junction and Altrincham Railway Viaduct

- 4.17 Manchester South Junction and Altrincham Railway Viaduct (MSJARV) (Figure 4.7) was first listed on 6th June 1994 for its special architectural and historic interest (NHLE: 1200837).



Figure 4.7 Manchester South Junction and Altrincham Railway Viaduct

Architectural Interest

- 4.18 The architectural interest of Manchester South Junction and Altrincham Railway Viaduct is derived from its impressive one and three quarter mile long urban viaduct incorporating a series of well-detailed bridges, which include some highly decorative Gothic-style ironwork, while others are more classically detailed. The Irwell Bridge at the north-west end of the viaduct is of brick with two segmental arches, each of approximately 65ft span, with a central pier and cut-water. Rusticated stone voussoirs and pilaster strips exist to the central pier and abutments, and the parapet above the western arch incorporates cast-iron panelling.
- 4.19 The MSJARV incorporates 224 brick arches that average a span and height of around 30 feet. Many of the arches have since been infilled to create commercial premises, particularly those within the vicinity of Deansgate Station and Oxford Road Station. The largest arches are positioned between the run of railway between Oxford Road Station and Manchester Piccadilly, where the ground level is lower. Repairs have been carried out to some of the arches.
- 4.20 The entire viaduct incorporates a series of arched, cast-iron bridges designed by Edward Taylor Bellhouse, William Baker and William Cubitt, which cross various streets, the Rochdale Canal, and the Bridgewater Canal.

Historic Interest



Figure 4.8 Oxford Road Station, view from Manchester South Junction and Altrincham Railway Viaduct 1959 (Source – Manchester Local Image Collection)

- 4.21 The historic interest of MSJARV is derived from its age as a historic viaduct in Manchester, constructed between 1846-49 by David Bellhouse junior for the Manchester South Junction & Altrincham Railway Company (Figure 4.8). David Bellhouse was also responsible for laying the track, while several of the cast-iron bridges along the viaduct were built by his son, the engineer and iron-founder, Edward Taylor Bellhouse.
- 4.22 The Manchester South Junction and Altrincham Railway line is one of the country's earliest suburban railways and the first in Manchester. Initially originating as a joint venture between the Manchester & Birmingham Railway and the Sheffield, Ashton-under-Lyne & Manchester Railway, which operated London Road Station (now Manchester Piccadilly). The intention was to develop and extend current railway lines, that would be carried along the southern boundary of Manchester city centre along a viaduct which would join the Liverpool and Manchester Railway at Ordsall Lane in Salford, providing access to the lucrative port and city of Liverpool. The Manchester South Junction and Altrincham Railway Act received Royal Assent on 21st July 1845.

Setting

- 4.23 The immediate setting of the MSJARV Viaduct is that of the railway that runs across it, and the arches that vary in size, underneath the railway, along the southern part of Manchester City Centre. The immediate setting of the viaduct makes a high contribution to its significance due to it consisting of

the railway, arches and bridges which illustrate the industrial heritage of Manchester amongst modern development.

- 4.24 The extended setting of the MSJARV is that of the southern part of Manchester city centre, including the River Medlock and Rochdale Canal. Since the construction of the viaduct in 1849, development around the southern part of the city has resulted in a drastic change in the area. Tall buildings now dominate the area where the viaduct passes through Deansgate, while the New Medlock and First Street area is no longer the site of Gaythorn Gasworks and Dunlop Rubber Works having been redeveloped into the HOME arts complex, residential buildings, commercial units, and student accommodation. Due to widespread modern development across the southern part of the city centre, the extended setting of the viaduct makes a limited contribution to its significance.
- 4.25 The MSJARV holds a strong group value with neighbouring railway structures within the Greater Manchester area, including: two railway bridges which cross the River Irwell (Grade I listed stone bridge from 1830 and the Grade II listed girder bridge from 1869), the Grade II listed Castlefield Viaduct constructed around 1880, the Grade II listed stations of Manchester Oxford Road constructed 1958-60, and the Grade II listed former goods offices constructed 1850-60 and train shed at Manchester Piccadilly Station constructed around 1881.

Contribution of Site to Significance

- 4.26 The Site makes a high contribution to the significance of the MSJARV as one of the arches within the viaduct. While the Site is a historic extension of the heritage asset, the poor condition of the current infill within the arch has diminished the significance of the MSJARV.

Summary of Significance

- 4.27 The MSJARV is significant as a standing example of Manchester's industrial heritage, as well as part of the national history of British railways. The importance of the development of railways and viaducts made an important contribution to the world's first industrial city, allowing the transportation of goods from the vast amounts of mills and warehouses, resulting in its creation of wealth and social capital.

5 Assessment of Proposals

- 5.1 The heritage legal and planning policy relevant to the consideration of the application proposals set out in Appendix A of this report. This legal and policy context includes the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF as well as regional and local policy for the historic environment.
- 5.2 In accordance with paragraph 207 of the NPPF, the significance of the designated and non-designated heritage assets that may be affected by the application proposals have been set out in Section 4 of this report.
- 5.3 The NPPF requires local planning authorities to identify and assess significance of a heritage asset that may be affected by the proposals (paragraph 208). They should take the assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.
- 5.4 Account should be taken 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 viability, and the desirability of the new development making a positive contribution to local character and distinctiveness (paragraph 210).
- 5.5 When considering the impact of proposals on the significance of designated heritage assets, the NPPF requires (paragraph 212) that great weight should be given to their conservation and the more important the asset, the greater the weight should be. This is consistent with recent high court judgements (Barnwell Manor, Forge Fields) where great weight should be attached to the statutory duty.
- 5.6 Where a development proposal causes harm to the significance of designated heritage assets, this should either be treated as less than substantial (paragraph 208), or substantial (paragraph 214). In determining the level of harm, the relative significance of the element affected should be taken into account. Furthermore, local planning authorities are also encouraged to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance. According to paragraph 219, proposals that preserve those elements of setting the make a positive contribution to or better reveal the significance of a heritage asset should be treated favourably.
- 5.7 Paragraph 216 of the NPPF concerns the effect of an application on the significance of a non-designated heritage asset and should be taken into account when considering development proposals with a balanced judgement being required to have regard to the scale of any harm or loss against the significance of the asset.

The Proposals

- 5.8 The proposed development includes the external and internal refurbishment of Arch 77.

External

- 5.9 The existing brickwork detailing of the viaduct arch above the infill on the principal elevation has deteriorated due to water damage. This will be improved and repaired. The existing infill of the arch consists of a combination of masonry and curtain walling shopfronts, steel personnel doors with metal roller shutters and metal overhead shutter boxings to the inside of the shop fronts behind the glazing, none of this is of good quality or in good repair and will be removed. Generally, the Whitworth Street elevation appears dirty, due to graffiti, and the effects of pollution or water ingress/egress which has caused efflorescence and moss / lichen and vegetation growth. Some of the timber panels are broken or have fallen away. As discussed above in Section 4, this existing infill was introduced to the then vacant arch in 1986, and is of no architectural or historical significance.
- 5.10 As discussed above in Section 1, a refusal of a previous scheme (Ref: 135325/LO/2022) at the Site noted that the submitted design “would not be in keeping with the style, appearance and architecture of the building resulting in an unduly harmful impact on the visual amenity and significance of the listed building in the street scene”. The street scene around the Site at the time of this refusal (February 2023) consisted of empty arches, but these have since been infilled during the redevelopment by HOME (Ref: 131993/LO/2021). The previous refusal and comments by the officer has informed the proposals, which have been influenced by the style, appearance and architecture of the listed viaduct and neighbouring arches.
- 5.11 The development of the HOME arches has now provided a new street scene as discussed above in Section 3, which the proposed principal elevation of the Site reflects, with a setback frontage, and dark grey box framing to curtain walling. The existing principal elevation sits out of place on Whitworth Street next to the HOME arches, and the proposed design will instate a much improved frontage to the Site within the street scene.
- 5.12 The proposals would introduce a well-designed principal elevation, fronting Whitworth Street. The proposed principal elevation will add symmetry to the industrial unit, while highlighting the historic curve and form of the arch within the Grade II listed viaduct. The proposed principal elevation will retain the existing brickwork as shown in the submitted drawings, and introduce new curtain walling infill, flanked by Corten panels which would include doors. The elevation would be set back into the arch to ensure the depth and historic form of the arch can be appreciated within the street scene of Whitworth Street. The proposed development would improve the existing elevation, which currently detracts from and diminishes the significance of the listed viaduct.
- 5.13 The rear elevation is currently fitted with a number of pipe-like structures, however we understand these are not water pipes and provide no structural support to the arch. The proposed rear elevation would remove the current pipes and introduce a number of dark grey aluminium supply and extract louvres. The louvres will accommodate the flexibility of future use and ensure symmetry to the rear of the arch. The rear of the Site is not publicly accessible, and views are limited due to modern development.

Internal

- 5.14 The proposed development will seek to remove the modern partitions that are currently installed on the upper and lower ground floors of the Site, creating a useable open plan space on both levels, while retaining the existing mezzanine floor.
- 5.15 The existing internal layout is later infill to the historic arch, which consists of modern partitions, a modern staircase and modern mezzanine floor to facilitate its use as an industrial unit. The existing Site is in a poor state of repair and could be improved through refurbishment.
- 5.16 The internal proposals seek to install a new staircase in the same location as the existing to facilitate a better flow and use of the two floors. The proposals include partition walling to sit around the new staircase.

Impact of Application Proposals

Arch 77 – part of the Manchester South Junction and Altrincham Railway Viaduct (Grade II listed building)

- 5.17 The application proposals involve the external and internal redevelopment of the current archway, which currently houses modern infill in a poor state of repair. The proposals will provide a well-designed unit within the arch, which highlights the existing curve, and is a continuation of modern arch development seen east of the Site, which has created a new vernacular in the immediate area along Whitworth Street.
- 5.18 The proposed development will improve the arch, and provide a much needed refurbishment to the existing infill unit, which given its poor condition, currently detracts from the architectural features of the listed viaduct. There will be no loss of original fabric and the arch will still be legible, and better appreciated through the inset design of the principal elevation, thereby preserving its significance.

Manchester South Junction and Altrincham Railway Viaduct (Grade II listed building)

- 5.19 The proposed development will provide a refreshed, well-designed, principal elevation to the existing infill in the Grade II listed viaduct, which will follow the design recently installed in a number of arches as part of the HOME arches development, as discussed above in Section 3. This will reflect the new vernacular which has been established in this immediate area along Whitworth Street.
- 5.20 The proposed principal elevation will be set back into the arch, allowing for a greater appreciation of the engineered curve which is so famously associated with the South Junction and Altrincham Railway Viaduct.
- 5.21 The proposed development will preserve the significance of the wider viaduct, which consist of a varied mix of open arches, and infill development in varying levels of condition.

Considerations against Legislation and Policy

Statutory Duties

- 5.22 The Planning (Listed Buildings and Conservation Areas) Act 1990 place a duty upon the decision maker in determining applications to 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.
- 5.23 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the decision maker in determining applications for planning permission to have special regard to the desirability of preserving the character and appearance of conservation areas.
- 5.24 This assessment has identified the significance of the designated heritage assets which could be affected by the application proposals and concludes that the application proposals will preserve the significance of the surrounding listed viaduct.

NPPF (2024)

- 5.25 The significance of the heritage asset, as required by paragraph 207 of the NPPF, has been set out in Section 4 of this report. The conservation of heritage assets has, in line with paragraph 212 of the NPPF been given great weight. In accordance with paragraph 210 of the NPPF, the application proposals preserve the significance of the surrounding listed buildings.
- 5.26 The conservation of heritage assets has, in line with paragraph 212 of the NPPF, been given great weight and provides an opportunity for new development to better reveal the significance of the surrounding heritage assets. The application proposals are in accordance with the NPPF.

Local Policy

- 5.27 The proposals are in accordance of with Policies EN3 and CC9 of Manchester's Local Development Framework: Core Strategy Development Plan (adopted 11th July 2012).

6 Conclusion

- 6.1 In accordance with paragraph 207 of the NPPF, the significance of the designated assets which have the potential to be affected by the application proposals have been described in this Statement. A clear understanding and appreciation of the significance of the heritage asset has informed the evolution of the proposals. The proposed development will preserve the significance of the listed viaduct. It is important to note the public benefits of bring the building back into use and contributing to the social and economic vitality of the immediate area. The proposed development will greatly improve the curb appeal of the existing unit, which currently detracts from Arch 77 and its designated neighbours.
- 6.2 The application proposals are therefore in accordance with the statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF (2024) and relevant regional and local policy and guidance, including Manchester's Core Strategy Development Plan (2012).

Appendix A: Heritage Planning Policy Context

Legislation

Planning (Listed Building and Conservation Areas) Act 1990

Legislation regarding buildings and areas of special architectural and historic interest is contained within the Planning (Listed Buildings and Conservation Areas) Act 1990.

The relevant legislation in this case extends from Section 16 of the 1990 Act which states that in considering applications for listed building consent, the local planning authority shall have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 further states that special regard must be given by the authority in the exercise of planning functions to the desirability of preserving or enhancing Listed Buildings and their setting.

According to Section 69 of the Act a Conservation Area is an “area of special architectural or historic interest the character and the appearance of which is desirable to preserve or enhance”. It is the duty of Local Authorities to designate such areas and to use their legal powers to safeguard and enhance the special qualities of these areas within the framework of controlled and positive management of change.

Section 69 further states that it shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly. Adding, The Secretary of State may from time to time determine that any part of a local planning authority’s area which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if he so determines, he may designate that part as a conservation area.

Further to this Section 72 of the 1990 Act states that in exercising all planning functions, local planning authorities must have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Further provisions are detailed in Section 74 of the Act.

Recent case law⁵ has confirmed that Parliament’s intention in enacting Section 66 (1) was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings, where “preserve” means “to do no harm”. This duty must be borne in mind when considering any harm that may accrue and the balancing of such harm against public benefits as required by national planning policy. This can also logically be applied to the statutory tests in respect of conservation areas.

National Planning Policy

National Planning Policy Framework (NPPF) December 2024

The National Planning Policy Framework (NPPF) was published on the 12th of December 2024 and sets out the Government’s planning policies for England and how these are expected to be applied. It has purposefully been

⁵ Barnwell Manor Wind Energy Limited and (1) East Northamptonshire District Council (2) Historic England (3) National Trust (4) The Secretary of State for Communities and Local Governments, Case No: C1/2013/0843, 18th February 2014

created to provide a framework within which local people and Local Planning Authorities (LPAs) can produce their own distinctive Local and Neighbourhood Plans which reflect the needs and priorities of their communities.

When determining Planning Applications, the NPPF directs LPAs to apply the approach of presumption in favour of sustainable development; the 'golden thread' which is expected to run through the plan-making and decision-taking activities. It should be noted however, that this is expected to apply except where this conflicts with other policies combined within the NPPF, inclusive of those covering the protection of designated heritage assets, as set out in paragraph 11 of the NPPF. Within section 12 of the NPPF, 'Achieving well-designed and beautiful places', Paragraphs 131 to 141, reinforce the importance of good design in achieving sustainable development by ensuring the creation of inclusive and high-quality places. This section of the NPPF affirms the need for new design to function well and add to the quality of the area in which it is built; establish a strong sense of place; and respond to local character and history, reflecting the built identity of the surrounding area.

Section 16, 'Conserving and Enhancing the Historic Environment', Paragraphs 202-221, relate to developments that have an effect upon the historic environment. These paragraphs provide the guidance to which local authorities need to refer when setting out a strategy for the conservation and enjoyment of the historic environment in their Local Plans. This should be a positive strategy for the conservation and enjoyment of the historic environment and should include heritage assets which are most at risk through neglect, decay or other threats. It is also noted that heritage assets should be conserved in a manner appropriate to their significance.

The NPPF advises local authorities to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment. These considerations should be taken into account when determining planning applications:

- The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation;
- The wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring;
- The desirability of new development in making a positive contribution to local character and distinctiveness;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 204 of the NPPF states that when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

In order to determine applications for development, Paragraph 207 of the NPPF states that LPAs should require applicants to describe the significance of the heritage assets affected and the contribution made by their setting. Adding that the level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance.

According to Paragraph 208, LPAs should also identify and assess the significance of a heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.

Paragraph 209 adds that where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraphs 210 to 221 consider the impact of a proposed development upon the significance of a heritage asset. Paragraph 212 emphasises that when a new development is proposed, great weight should be given to the asset's conservation and that the more important the asset, the greater this weight should be. It is noted within this paragraph that significance can be harmed or lost through the alteration or destruction of the heritage asset or by development within its setting.

Paragraph 215 advises that where a development will cause 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.

Paragraph 216 notes that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Adding, that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 217 stipulates that local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

In addition, Paragraph 219 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. Adding, 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.

Paragraph 220 importantly clarifies that not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Adding, loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

The NPPF therefore continues the philosophy of that upheld in PPS5 in moving away from narrow or prescriptive attitudes towards development within the historic environment, towards intelligent, imaginative and sustainable approaches to managing change. English Heritage (now Historic England) defined this new approach, now reflected in the NPPF, as 'constructive conservation'. This is defined as 'a positive and collaborative approach to conservation that focuses on actively managing change...the aim is to recognise and reinforce the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment.' (Constructive Conservation in Practice, English Heritage, 2009).

National Guidance

Planning Practice Guidance (PPG) 2019

Planning Practice Guidance (PPG) was introduced by the Government as a web-based resource on 6th March 2014 and is updated regularly, with the most recent update on 23rd July 2019. The PPG is intended to provide more detailed guidance and information with regard to the implementation of national policy set out in the NPPF.

It reiterates that conservation of heritage assets in a manner appropriate to their significance is a core planning principle. It also states, conservation is an active process of maintenance and managing change, requiring a

flexible and thoughtful approach. Furthermore, it highlights that neglect and decay of heritage assets is best addressed through ensuring they remain in active use that is consistent with their conservation.

Importantly, the guidance states that if complete, or partial loss of a heritage asset is justified, the aim should then be to capture and record the evidence of the asset's significance and make the interpretation publicly available.

Key elements of the guidance relate to assessing harm. It states, an important consideration should be whether the proposed works adversely affect a key element of the heritage asset's special architectural or historic interest. Adding, it is the degree of harm, rather than the scale of development that is to be assessed. The level of 'substantial harm' is stated to be a high bar that may not arise in many cases. Essentially, whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the NPPF.

Importantly, it is stated harm may arise from works to the asset or from development within its setting. Setting is defined as the surroundings in which an asset is experienced and may be more extensive than the curtilage. A thorough assessment of the impact of proposals upon setting needs to take into account, and be proportionate to, the significance of the heritage asset and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The PPG makes clear that the delivery of development within the setting of heritage assets has the potential to make a positive contribution to, or better reveal, the significance of that asset.

Finally, the PPG provides in depth guidance on the importance of World Heritage Sites, why they are importance and the contribution setting makes to their Outstanding Universal Value. The PPG also provides guidance on the approaches that should be taken to assess the impact of development on the Outstanding Universal Value of World Heritage Sites.

Historic England Guidance - Overview

On the 25th March 2015 Historic England (formerly English Heritage) withdrew the PPS5 Practice Guide. This document has been replaced with three Good Practice Advice in Planning Notes (GPAs), 'GPA1: Local Plan Making' (Published 25th March 2015), 'GPA2: Managing significance in Decision-Taking in the historic Environment' (Published 27th March 2015) and 'GPA3: The Setting of Heritage Assets (December 2017).

- 1.1. The GPAs provide supporting guidance relating to good conservation practice. The documents particularly focus on the how good practice can be achieved through the principles included within national policy and guidance. As such, the GPAs provide information on good practice to assist LPAs, planning and other consultants, owners, applicants and other interested parties when implementing policy found within the NPPF and PPG relating to the historic environment.

In addition to these documents, Historic England has published several core Advice Notes (HEAs) which provide detailed and practical advice on how national policy and guidance is implemented. These documents include; 'HEAN1: Conservation Area Appraisal, Designation and Management (Second Edition, February 2019)', 'HEAN2: Making Changes to Heritage Assets' (25th February 2016) and 'HEAN3: The Historic Environment and Site Allocations in Local Plans' (30th October 2015). In addition to these 'HEAN4: Tall Buildings' (March 2022), 'HEAN7: Local Heritage Listing: Identifying and Conserving Local Heritage (Second Edition, January 2021), 'HEAN10: Listed Buildings and Curtilage' (21st February 2018), 'HEAN12: Statements of Heritage Significance' (October 2019), and

HEAN13 . Collectively, these Advice Notes provide further information and guidance in respect of managing the historic environment and development within it.

Historic England Good Practice Advice Note 1 (GPA1): The Historic Environment in Local Plans (March 2015)

This document stresses the importance of formulating Local Plans that are based on up-to-date and relevant evidence in relation to the economic, social and environmental characteristics and prospects of an area, including the historic environment, as set out by the NPPF. The document provides advice on how information in respect of the local historic environment can be gathered, emphasising the importance of not only setting out known sites, but in understanding their value (i.e. significance). This evidence should be used to define a positive strategy for the historic environment and the formulation of a plan for the maintenance and use of heritage assets and for the delivery of development, including within their setting, that will afford appropriate protection for the asset(s) and make a positive contribution to local character and distinctiveness.

Furthermore, the Local Plan can assist in ensuring that site allocations avoid harming the significance of heritage assets and their settings, whilst providing the opportunity to ‘inform the nature of allocations so development responds and reflects local character’.

Further information is given relating to cumulative impact, 106 agreements, stating ‘to support the delivery of the Plan’s heritage strategy it may be considered appropriate to include reference to the role of Section 106 agreements in relation to heritage assets, particularly those at risk.’ It also advises on how the heritage policies within Local Plans should identify areas that are appropriate for development as well as defining specific Development Management Policies for the historic environment. It also suggests that a heritage Supplementary Planning Document (SPD) can be a useful tool to amplify and elaborate on the delivery of the positive heritage strategy in the Local Plan.

Historic England Good Practice Advice Note 2 (GPA2): Managing Significance in Decision-Taking in the Historic Environment (March 2015)

This document provides advice on the numerous ways in which decision-taking in the historic environment can 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 its significance. In line with the NPPF and PPG, this document states that early engagement and expert advice in considering and assessing the significance of heritage assets is encouraged, stating that ‘development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect.’

The advice suggests a structured staged approach to the assembly and analysis of relevant information, this is as follows:

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 and the need for change; and

6. Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

The advice reiterates that heritage assets may be affected by direct physical change or by change in their setting. Assessment of the nature, extent and importance of the significance of a heritage asset and the contribution of its setting at an early stage can assist the planning process resulting in informed decision-taking.

This document sets out the recommended steps for assessing significance and the impact of development proposals upon a heritage asset, including examining the asset and its setting and analysing local policies and information sources. In assessing the impact of a development proposal on the significance of a heritage asset the document emphasises that the cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change.

Crucially, the nature and importance of the significance that is affected will dictate the proportionate response to assessing that change, its justification, mitigation and any recording which may be necessary. This document also provides guidance in respect of neglect and unauthorised works.

Historic England Good Practice Advice Note (GPA3): The Setting of Heritage Assets (December 2017)

This is used to understand the surroundings of a heritage asset which may contribute to its significance. It aids practitioners with the implementation of national policies and guidance relating to the historic environment found within the NPPF and PPG, once again advocating a stepped approach to assessment.

It amalgamates 'Seeing the History in the View' (2011) and 'Setting of Heritage Assets' (2015) forming one succinct document which focuses on the management of change within the setting of heritage assets.

The guidance is largely a continuation of the philosophy and approach of the previous documents, albeit now with a greater emphasis on the contribution that views to and from heritage assets make to their significance. It reaffirms that setting should be understood as the way in which an asset is experienced.

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. It also states that elements of setting may make a positive, negative or neutral contribution to the significance of the heritage asset.

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, setting, and thus the way in which an asset is experienced, can also be affected by other environmental factors including noise, vibration and odour, while setting may also incorporate perceptual and associational attributes pertaining to the asset's surroundings.

This document provides guidance on practical and proportionate decision making with regards to the management of proposed development and the setting of heritage assets. It identifies 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, as well as further weighing up the potential public benefits associated with the proposals. It clarifies that changes within the setting of a heritage asset may have positive or neutral effects.

It highlights 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 within their settings without harming the significance of the asset and therefore setting

should be assessed on a case-by-case basis. Although not prescriptive in setting out how this assessment should be carried out, noting that any approach should be demonstrably compliant with legislation, national policies and objectives, Historic England recommend using a '5-step process' in order to assess the potential impact of a proposed development on the setting and significance of a heritage asset, with this 5-step process similar to that utilised in earlier guidance:

Step 1: Identify which heritage assets and their settings are affected

Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it

Step 4: Explore ways to maximise enhancement and avoid or minimise harm

Step 5: Make and document the decision and monitor outcomes

Historic England Advice Note 2 (HEAN2): Making Changes to Heritage Assets (February 2016)

The purpose of this document is to provide information in respect of the repair, restoration and alterations to heritage assets. It promotes guidance for both LPAs, consultants, owners, applicants and other interested parties in order to promote well-informed and collaborative conservation.

The best way to conserve a building is to keep it in use, or to find an appropriate new use. This document states that 'an unreasonable, inflexible approach will prevent action that could give a building new life...A reasonable proportionate approach to owners' needs is therefore essential'. Whilst this is the case, the limits imposed by the significance of individual elements are an important consideration, especially when considering an asset's compatibility with Building Regulations and the Equality Act. As such, it is good practice for LPAs to consider imaginative ways of avoiding such conflict.

This document provides information relating to proposed change to a heritage asset, which are characterised as:

- Repair;
- Restoration;
- Addition and alteration, either singly or in combination; and
- Works for research alone.

Historic England Advice Note 10 (HEAN10): Listed Buildings and Curtilage

HE10: Listed Buildings and Curtilage provides advice on assessing whether a building has a curtilage and what that curtilage might/may include. It provides hypothetical examples to assist in that assessment and is based on current legislative provisions in the Planning (Listed Building and Conservation Areas) Act 1990 and consideration of listed buildings and curtilage in legal cases.

In general terms, the guidance defines the curtilage of a building (the principal listed building) as any area of land and other buildings that are around and associated with that principal building. It sets out that the courts have

stated that there are three key factors to be taken into account in assessing whether a structure, building or object falls within the curtilage of a listed building:

- The physical layout of the listed building and structure;
- Their ownership, both historically and at the date of listing;
- The use or function of the relevant buildings, again both historically and at the date of listing.

It is important to note that the law (Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990) states that listed buildings identified on the National Heritage List for England also includes any ancillary objects or structures within the curtilage of the building, which forms part of the land and has done so since before 1st July 1948. Ultimately, it will be for the Local Planning Authority to reach a conclusion as to whether or not buildings are within a particular curtilage, and ultimately a matter for the courts to determine if that decision is thought unreasonable.

Historic England Advice Note 12 (HEAN12): Statements of Heritage Significance (October 2019)

HEA12: Statements of Heritage Significance covers the National Planning Policy Framework requirement for applicants for heritage and other consents to describe heritage significance to help local planning authorities to make decisions on the impact of proposals for change to heritage assets.

The document states that understanding the significance of heritage assets, in advance of developing proposals for their buildings and sites, enables owners and applicants to receive effective, consistent and timely decisions. It explores the assessment of significance of heritage assets as part of a staged approach to decision-making in which assessing significance precedes designing the proposal(s).

Historic England Advice Note 16 (HEAN 16): Listed Building Consent (June 2021)

HE16: Listed Building Consent provides advice on how to judge whether proposals require listed building consent and how to make informed applications for this. It also advises on what works are likely to need listed building consent or not, and provides guidance on submitting successful applications.

The note emphasises the importance of understanding the significance of a listed building and where it gains its special interest, and recommends the assistance of heritage professionals to increase the likelihood of a successful listed building consent application, as well as utilising contractors who have experience with historic buildings to carry out works.

It provides a reminder of the relevant policies that are laid out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 7,8 and 9), the NPPF and the PPG. The note's 'Annex 1' provides examples of common scenarios involving proposals of works to a listed building, and advises as to whether or not these would require listed building consent. Additionally, a table of potential proposed works is laid out with guidance as to what would not require an application for listed building consent and what exceptions there are likely to be.

Local Policy

Manchester Core Strategy Development Plan (Adopted 11th July 2012)

Policy CC9: Design and Heritage

Design of new buildings will need to be the highest standard in terms of appearance and function. The standards and guidance explained in other LDF policies should be the basis for the approach to design, with particular attention to be given to the City Centre context and character.

Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

The Council will support high density and mixed-use development in the City Centre, but developers must recognise the specific design challenges that must be overcome to ensure complementarity of function and form. New development must support the range of uses the Council expects in the City Centre and contribute to a coherent and integrated physical

Policy EN3: Heritage

Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.