Heritage Statement

24a St John Street, Manchester, M3 4DJ

On behalf of St John's Building

Date: 07/06/2024 | Pegasus Ref: 24-1391_R001v1_HT_MAN_SB

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Contents.

1. Introduction 5
2. Proposed Development 6
3. Methodology 7

    Sources 7
    Site Visit 7
    Assessment Methodology 7

4. Site Development and Planning History 9

    Site Development / Map Regression 9
    Planning History 16

5. Policy Framework 17

    Legislation 17
    National Planning Policy Guidance 17
    The Development Plan 17

6. The Historic Environment & Statement of Significance 18
7. Assessment of Impacts 24
8. Conclusions 29

Appendices contents.

Appendix 1: Assessment Methodology 30

Assessment of significance 30
Setting and significance 31
Assessing change through alteration to setting 31
Levels of significance 32
Grading significance 33
Assessment of harm 34
Benefits 35

Appendix 2: Legislative Framework 37
Appendix 3: National Policy Guidance 38

The National Planning Policy Framework (December 2023) 38
National Planning Practice Guidance 42

Appendix 4: Relevant Development Plan Policies 44
Appendix 5: List Entry 24a and 26 St John Street. 46

Plates:

Plate 1: Site Location Plan. 5
Plate 2: Tinker's plan, 1772, with site location shown. 9
Plate 3: Swire's plan, 1824, with site location shown. 9
Plate 4: Ordnance Survey map, 1851, with site location shown. 10
Plate 5: Ordnance Survey map, 1891, with site location shown. 10
Plate 6: Ordnance Survey map, 1922, with site location shown. 11
Plate 7: Ordnance Survey map, 1934, with site location shown. 11
Plate 8: Aerial image of the application site taken in 1932 (Source: Manchester Libraries). 12
Plate 9: Aerial image of the application site taken in 1934 (Source: Historic England Ref: EPW045993). 13
Plate 10: Aerial image of the application site taken in 1948 (Source: Historic England Ref: EAW016000). 14
Plate 11: Aerial image of the application site in 2023. 15
Plate 12: No.24a on St John's Street – highlighted. 18
Plate 13: The extent of No.24a and No.26 St John Street, with location of the proposed alterations circled. 19
Plate 14: The visible join in the brickwork between No.24 and No.26. 19
Plate 15: The 1930s steel windows to the stairwell. 20
Plate 16: The modern open well staircase with reclaimed newel post. 20
Plate 17: The modern open well staircase with reclaimed newel post. 21
Plate 18: The location of the proposed lift. 26
Plate 19: The area of the proposed ramp. 26
Plate 20: The modern partition that will be removed and relocated 27
Plate 21: The modern partition and fire door that will be removed and relocated, and the steps that would be covered by the ramp. 27
Plate 22: The position of the relocated fire door and partition. 28

1. Introduction

1.1. Pegasus Group have been commissioned by St Johns Buildings to prepare a Built Heritage Statement to consider the proposed internal alterations at No.24a St John's Street, Manchester, M3 4DJ as shown on the Site Location Plan provided at Plate 1.

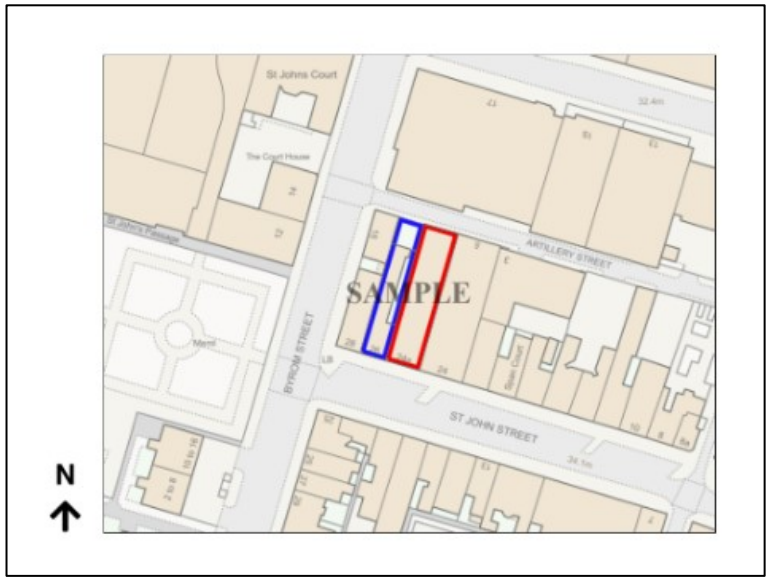


Plate 1: Site Location Plan.

1.2. The application site is a Grade II Listed Building and is within the setting of several other Listed Buildings, as well as being located within the St John Street Conservation Area.

1.3. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 200 of the Government's *National Planning Policy Framework* (the *NPPF*) which requires:

"...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".[1]

1.4. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraphs 205 to 209 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.

1.5. As required by paragraph 200 of the *NPPF*, the detail and assessment in this Report is considered to be "*proportionate to the assets' importance*".[2]

[1] Department for Levelling Up, Housing and Communities (DLUHC), *National Planning Policy Framework (NPPF)* (London, December 2023), para. 200.

[2] DLUHC, *NPPF*, para. 200.

2. Proposed Development

2.1. The application seeks Listed Building Consent for proposed internal modifications to the existing office accommodation to improve accessibility between the ground and first floor at 24A St John's Street.

2.2. The works comprise:

Lift

- The installation of a free-standing lift within the open stairwell with associated motor. Lift colour: RAL9016 Traffic White.
- The affixing of the lift to the ground floor concrete slab and two L-shaped brackets on the underside of the bulkhead at the landing.
- The removal of the modern balusters of the staircase at the first-floor landing to allow for access to lift.
- Installation of Miniature Circuit Breaker (MCB) in cupboard under the staircase, which houses the electricity meters for the building.
- 10mm hole to be made in wall of cupboard under the stairs for power cable to the lift.

Ramp at first floor

- Installation of timber ramp over the existing steps.
- Relocation of existing fire door and stud wall.

2.3. The proposals are detailed on the following plans which form the application package and which this assessment considers:

Drawing No.	Description
A1-100	Ground Floor Lift Proposal
A1 101	First Floor Lift Proposal
A1-102	First Floor Ramp Elevation
A1-105	Lift Front Elevation
90 027 N	Building Requirements
-	Artico Public Lift Access Details

2.4. ***Section 7*** of this Report presents an analysis of the impact of the proposed development on identified heritage assets discussed in ***Section 6.***

3. Methodology

3.1. The aims of this Report are to assess the significance of the Listed Building and to identify any harm or benefit to it which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

Sources

3.2. The following key sources have been consulted as part of this assessment:

- The National Heritage List for England for information on designated heritage assets;
- Historic maps available online;
- Aerial photographs available online via Historic England's Aerial Photo Explorer and Britain from Above;
- Manchester City Council Library and Local Image Collection;
- Old photographs accessible via the Historic England Architectural Red Box Collection;
- Google Earth satellite imagery; and
- Pozzoni 2010, Historic Building Report for St Johns Buildings

Site Visit

3.3. A site visit was undertaken by a Heritage Consultant from Pegasus Group on the 11th of June 2024 during which the building, fabric and its significance were assessed.

Assessment Methodology

3.4. Full details of the assessment methodology used in the preparation of this Report are provided within ***Appendix 1***. However, for clarity, this methodology has been informed by the following:

- *Historic Environment Good Practice Advice in Planning: 2 - Managing Significance in Decision-Taking in the Historic Environment (*hereafter *GPA:2)*;[3]
- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) - The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter *GPA:3*);[4]

[3] Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (GPA:2)* (2nd edition, Swindon, July 2015).

[4] Historic England, *Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (GPA:3)* (2nd edition, Swindon, December 2017).

- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter *HEAN:12*);[5] and

- *Conservation Principles: Polices and Guidance for the Sustainable Management of the Historic Environment*.[6]

[5] Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (HEAN:12)* (Swindon, October 2019).

[6] English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

4. Site Development and Planning History

Site Development / Map Regression

4.1. The land between Deansgate and the River Irwell began to be developed after the Irwell was made navigable up to as far as Quay Street in 1736.

4.2. It is unknown exactly when St John Street was laid out, but it was most likely constructed to provide access to St John's Church (demolished) which was built in 1769, from which it takes its name. The street, and buildings at the corner of St Johns Street with Byron Street, adjacent to the site are clearly shown on Tinker's plan of 1772 (Plate 2)

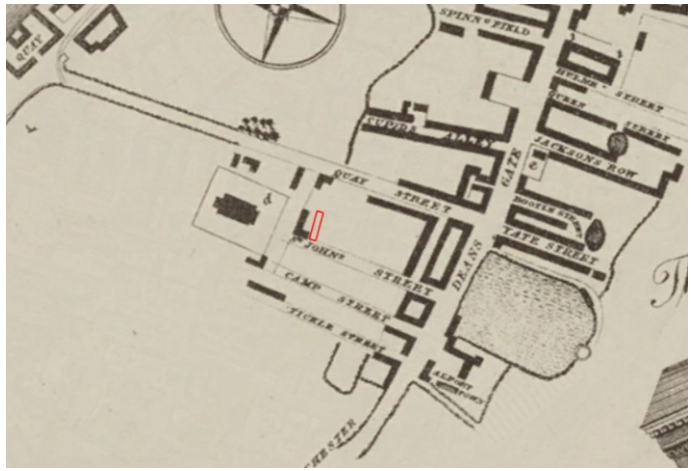


Plate 2: Tinker's plan, 1772, with site location shown.

4.3. By the early 19th century, the north side of St John Street had been developed further, as well as many of the surrounding streets with warehouses and houses, although the application site remained a vacant site. Artillery Street at the rear of the site had also been laid out by 1824 (Plate 3).



Plate 3: Swire's plan, 1824, with site location shown.

4.4. The historic maps and appearance of the buildings suggest that St John Street was not a 'planned' development i.e., laid out by one builder or developer to strict design rules, instead it appears that the plots were taken up piecemeal and built speculatively, which was a common approach in the 18th and early 19th century.

4.5. The Ordnance Survey map published in 1851 (Plate 4) shows the application site in detail, either as a garden, or more likely a driveway accessed from Artillery Street, the circular features might have been carriage turning circles. At the front of the site is a small extension to the adjacent building that encompassed half the site frontage to the street.

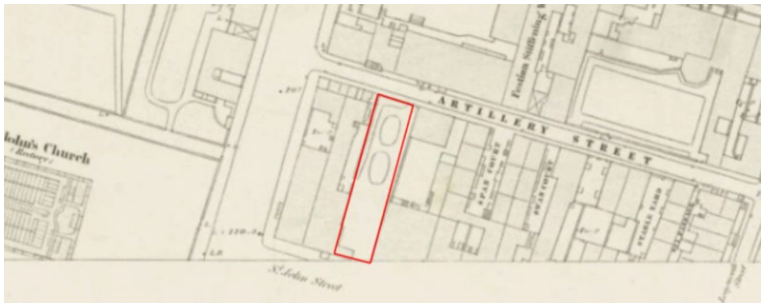


Plate 4: Ordnance Survey map, 1851, with site location shown.

4.6. The Ordnance Survey map published in 1891 (Plate 5) show the use of the neighbouring buildings to the site, being the Coroner's Court and Royal Eye Hospital. These uses likely account for the application site being undeveloped and functioned as a drive / service / delivery area for either or both buildings.

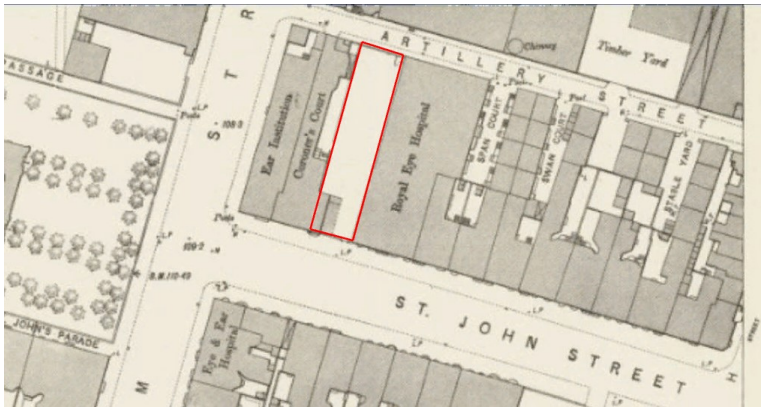


Plate 5: Ordnance Survey map, 1891, with site location shown.

4.7. The Ordnance Survey map published in 1922 (Plate 6) shows the front of the site had been developed with a building that extended across its full width, completing the street frontage. The 1921 does not record a property at the site, making it likely that the building was an extension to the neighbouring building.



Plate 6: Ordnance Survey map, 1922, with site location shown.

4.8. The Ordnance Survey map published in 1934 (Plate 7) shows no further change at the site, but the neighbouring eye hospital had now become a warehouse.

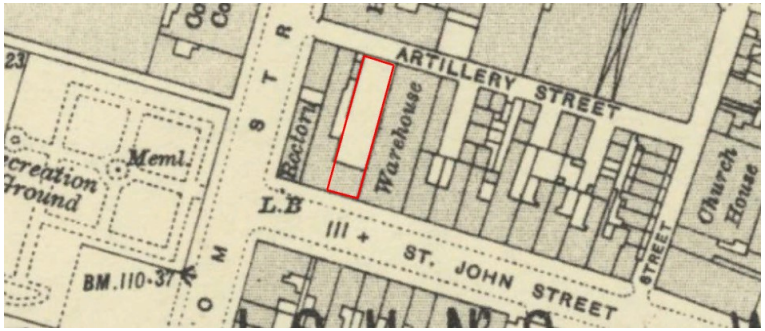


Plate 7: Ordnance Survey map, 1934, with site location shown.

4.9. Aerial images taken in 1932 and 1934 (Plate 8 and Plate 9) shows St John's Street and the site. The building at the site depicted on the 1922 and 1934 Ordnance Survey maps is clearly a single storey extension to the adjacent building. The front elevation appears to include two large doors, perhaps to allow vehicles to access the yard to the rear.



Plate 8: Aerial image of the application site taken in 1932 (Source: Manchester Libraries).

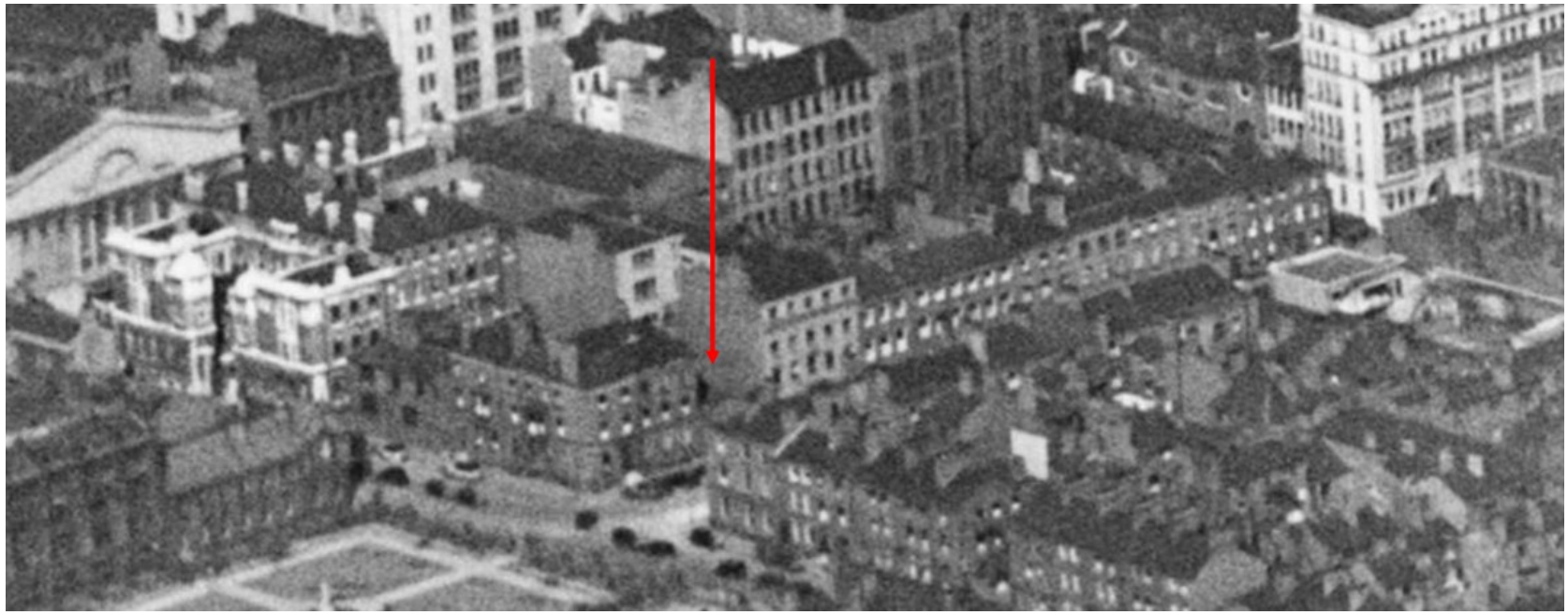


Plate 9: Aerial image of the application site taken in 1934 (Source: Historic England Ref: EPW045993).

4.10. A Heritage Statement prepared in 2010[7] stated that the *"city archivist holds plans dated 1937 for the construction of No. 24a"* (the application site). An aerial photograph taken in 1948 (Plate 10) shows a building at the site that is clearly 3 storey and 4 bays wide and is evidently the building that stands at the site today.

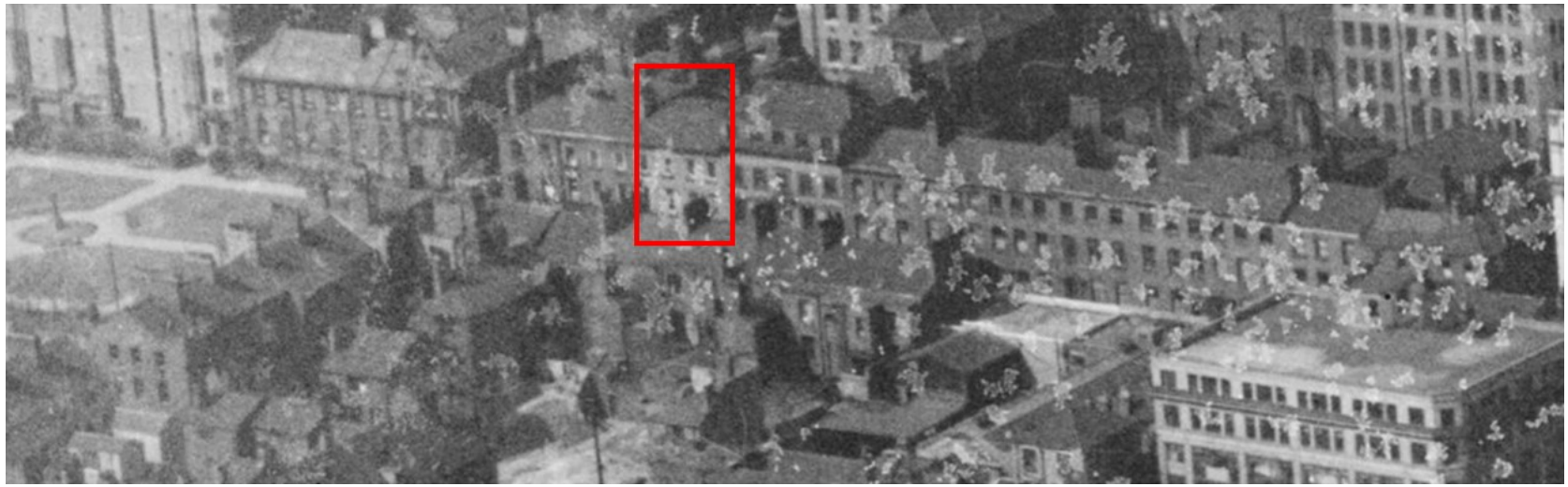


Plate 10: Aerial image of the application site taken in 1948 (Source: Historic England Ref: EAW016000).

[7] Pozzoni, October 2010. St Johns Buildings. Historic Buildings Report

4.11. Since the construction of the building in 1937, later mapping shows no further notable changes at the site, although the planning history reveals several phases of internal alterations have taken place.



Plate 11: Aerial image of the application site in 2023.

Planning History

4.12. A search of the online records held at Manchester City Council and the list provided in the Heritage Statement prepared in 2010[8] identifies the following relevant planning or Listed Building Consent applications.

Property No.	Planning Reference	Description	Decision	Date of Decision
No.24a	051134/LO/CITY/96	Listed building consent, extension at second floor level rear of offices	Granted	17 July 1997
	048087/LO/CITY/1/95	Various internal alterations including removal of lift and shaft and installation of new staircase[9]	Granted	22 August 1995
	047811/FU/CITY/1/95	Change of use medical consultancy rooms and general offices to legal consultancy rooms	Granted	21 July 1995
Nos. 24a-28	130077/LO/2021	LBC for internal alterations.	Granted	8 June 2021
	129613/FO/2021	Planning permission for reinstatement of subdivision to office accommodation	Granted	8 June 2021
	094678/LO/2010/C1	LBC alterations for internal and external works	Granted	3 February 2011

[8] Pozzoni, October 2010. St Johns Buildings. Historic Buildings Report

[9] A request has been made to Manchester City Council for a copy of these plans, but no reply has been received at the time of writing this report.

5. Policy Framework

Legislation

5.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.[10]

5.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.[11]

5.3. Full details of the relevant legislation are provided in ***Appendix 2***.

National Planning Policy Guidance

5.4. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework* (*NPPF*), an updated version of which was published in December 2023. The *NPPF* is also supplemented by the national *Planning Policy Guidance* (*PPG*) which comprises a full and consolidated review of planning practice guidance documents to be read alongside the *NPPF* and which contains a section related to the Historic Environment.[12]

5.5. Full details of the relevant national policy guidance is provided within ***Appendix 3***.

The Development Plan

5.6. Applications for Listed Building Consent within Manchester City Centre are currently considered against the policy and guidance set out within the Core Strategy, which was adopted 11th July 2012, as well as the Places for Everyone Joint Development Plan Document, adopted 21st March 2024.

5.7. Details of the policy specific relevant to the application proposals are provided within ***Appendix 4***.

[10] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.
[11] UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).
[12] Department for Levelling Up, Housing and Communities (DLUHC), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment.

6. The Historic Environment & Statement of Significance

6.1. This Section provides an assessment of elements of the historic environment that have the potential to be impacted upon by the proposed development.

6.2. As set out in ***Section 1***, the site comprises a Grade II Listed Building in the St Johns Conservation Area and within the setting of several other Listed Buildings .

6.3. However, the application proposals are for internal alterations only and as such other heritage assets, including the Conservation Area have been excluded from further assessment and only No.24a and No26 St John Street, which is the Listed Building affected by the proposals, will be described in this section.



Plate 12: No.24a on St John's Street – highlighted.

24a and 26 St John Street

6.4. Nos 24a and 26 St John Street was added to the National List at Grade II on the 2nd of October 1974 (NHLE 1254468). The List Entry describes the building as follows:

"GV II

Pair of town houses, now off ices. Late C18; altered. Brown brick in Flemish bond (facade of 24A apparently rebuilt); roof not visible. Double-depth plan, each house single-fronted, with back extensions. Three storeys over cellars, 7 bays, with plinth, 1st-floor sill-band, plain frieze and moulded cornice. Round-headed doorways in the4th and 5th bays, with open-pedimented Tuscan doorcases, panelled doors and semi-circular fanlights; 12- and9-pane sashed windows with exposed boxes, raised sills and flat-arched heads, that at the left end of the 1st floor with a shaped pediment and the one above with a cornice. Ridge chimneys. Rear and interior not inspected. Forms part of terrace on north side of street."

6.5. A full copy of the List Entry is provided at **Appendix 5**

6.6. The division between Nos. 24a and 26 are shown in Plate 13.

6.7. Both buildings are in use as barrister's chambers.



Plate 13: The extent of No.24a and No.26 St John Street, with location of the proposed alterations circled.

No24a

6.8. Section 4 above has described the development of the site and it is proven that No.24a was constructed in 1937, and thereby is not an 18th-century townhouse as described in the List description.

6.9. The building is designed to appear as an 18th-century townhouse, but examination of the external elevation reveals that it is built in stretcher bond, unlike the Flemish bond seen with No. 26, and tying in with the 1930s elevation is clearly evident (Plate 14).



Plate 14: The visible join in the brickwork between No.24 and No.26.

6.10. The historic photograph from 1932 in Plate 8 also confirms that the pair of entrance doors were constructed at the same time and were designed to match examples found further along the terrace towards Deansgate.

6.11. No.24a has no basement, and the ground floor is at street level. Consequently, there are new steps up to the ground floor level of No 26, where cross connections have been formed. The building is of load bearing masonry construction with external cavity walls, and concrete floors. Windows within the stairwell are steel, consistent with those common in the 1930s (Plate 15).



Plate 15: The 1930s steel windows to the stairwell.

6.12. Internally it appears attempt was made to replicate 18th-century detailing with architraves, complete with paterae to corners, and skirting, although not of the scale expected in principal areas with an original 18th-century building.

6.13. The open well, open string staircase is also an attempt to replicate detailing of 18th-century town houses, although other than the ground floor newel post, all fabric, including the turned mirror balustrades is modern fabric, which according to the 2010 heritage statement[13]were installed following the removal of a previous lift that occupied the open well (Plate 16 and Plate 17).



Plate 16: The modern open well staircase with reclaimed newel post.

13

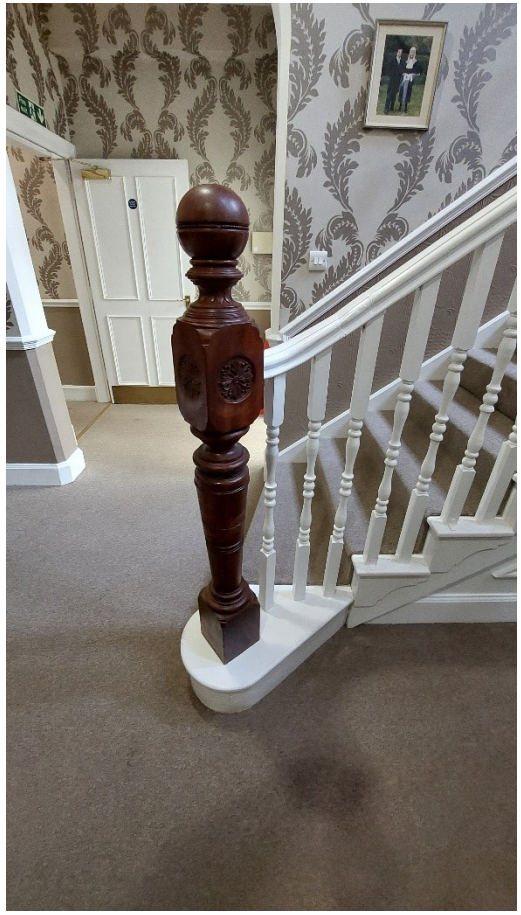


Plate 17: The modern open well staircase with reclaimed newel post.

6.14. The newel post is likely to be original from the 1930s, or have been reclaimed, possibly from elsewhere in the terrace as it is very similar in design, but smaller in scale to the ground floor newel in No.28. although its style is more common to the 19th century than the 18th or early 20th century.

6.15. The cupboard beneath the staircase houses the electricity meters and has been constructed around the ball drop finial of the modern stairs indicating that is likely a later addition. The cupboard, like the staircase and other joinery features has attempted to replicate 18th-century design but the panelling comprises crudely oversized profile moulding, that matches that on the modern staircase.

6.16. Internally, alterations were carried out following the grant of Consent in 1995 when No. 24a and No.26 merged to form one barristers' chamber. These works included the breaking through of the party wall to form a common reception area. A lift was removed from the centre of the staircase, which was consequently provided with new banisters, as shown in Plate 16 and Plate 17. A connecting staircase was introduced at first floor level and alterations were made to rooflights and some minor alterations to internal walls.[14]

6.17. Further alterations were made following the granting of Consent in 2010 for internal and external works associated with providing improved office accommodation on the ground floor (application reference 094678/LO/2010/C1). This included the

[14] Pozzoni, October 2010. St Johns Buildings. Historic Buildings Report

removal of internal walls, creation of glazed partitions, insertion of suspended ceilings and installation of air conditioning units within the rear internal courtyard.

No.26

6.18. No.26 comprises the other half of the Listed Building and is a genuine 18th-century town house with well-proportioned frontage, constructed with Flemish bond brickwork. The original entrance door was on the side elevation, prior to the construction of No.24a and accounts for the location of the original stair and hallway (see Plate 13).

6.19. Unlike No.24a this building has a cellar, and the ground, first, and second floor retain much of their original layout, with some modification, and preservation of original joinery to several rooms.

Statement of Significance

6.20. The Grade II Listing of the building highlights it is a heritage asset of the less than the highest significance as defined by the NPPF.

6.21. However, it must be recognised that the **List Description entry is factually incorrect** in that No.24a is not an 18th-century town house with a rebuilt frontage. It is in fact a building entirely built in 1937 in the style of an 18th-century townhouse, as evidenced in Section 4 of this report.

6.22. The error is understandable as at the date of Listing the interior was not examined and it is unlikely that any detailed historical research was undertaken into the history or development of the street and building.

6.23. Whilst No. 26 is an 18th-century townhouse and is considered to comply with the Principles of Selection for Listed Buildings [15] and the Listing Selection Guide for town houses[16], No. 24a is not.

6.24. No.24a is simply a reasonably good copy of an 18th-century townhouse, externally and internally, but it is not historic fabric. Fewer town houses built after 1850 are selected for Listing for the following reason:

"There are sound reasons for progressively greater selection after this date: survivals become more numerous; designs, construction, and fittings become more standardised, and thus architectural and decorative achievement is not always evident."[17]

6.25. No.24a as a building built in 1937 does not reflect the modern styles of the period, i.e. Art Deco, or the Moderne, internally or externally, from which special interest might be derived, but is simply a pastiche, neo-Georgian building. With regards to the selection for Listing of modern housing in the neo-Georgian style Historic England state:

"Neo-Georgian and historicist houses formed another strand in early twentieth-century domestic architecture. Aiming for dignity and restraint, the

[15] DCMS. 2018. Principles of Selection for Listed Buildings.
[16] Historic England, 2017. Domestic 2: Town Houses Listing Selection Guide
[17] Historic England, 2017. Domestic 2: Town Houses Listing Selection Guide. Pg. 18

results are often deliberately understated. Often possessing a formal, symmetrical, front, they may be carefully planned around generous staircase halls with considered circulation routes from room to room. Key considerations will be architectural quality; inventiveness; degree of survival; and decorative flair. The best examples will also enjoy a strong relationship with their grounds."[18]

6.26. No.24a does not exhibit an architectural quality, inventiveness or decorative flair to warrant consideration as a building of special interest from the 20th century. Thereby the heritage significance of No.26 and 24a St John's Street is principally embodied in the architectural interest of No.26, being formerly an 18th-century townhouse that retains its original external appearance to St John's Street, and some original fabric internally. The significance of No.24a is far less and is only derived from the contribution it makes to the architectural interest of the street scene and the grouping of original 18th-century town houses adjacent, including No.26.

6.27. This significance of the external elevations to St John's Street as being a principal reason for the Listing is confirmed by the Group Value (GV) status of the Listing. Group Value is defined as:

"The extent to which the exterior of the building contributes to the architectural or historic interest of any group of buildings of which it forms part, generally known as group value. The Secretary of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. squares, terraces or model villages) or where there is a historical functional relationship between the buildings. Sometimes group value will be achieved through a co-location of diverse buildings of different types and dates."[19]

6.28. This statement of significance, with regard to No.24a, concurs with the conclusions made in the previous, independent heritage statement prepared in 2010, which also suggested that *"if a de-listing was applied for, the façade could also arguably be relisted, similar to 15a (Byron Street), as part of a group.*[20]

6.29. Overall, the special interest of the Listed Building resides in No.26, and it is only the street elevation of No.24a that holds any interest through its contribution to the street terrace via group value.

[18] Historic England, 2017. Domestic 4: Modern Houses and Housing Listing Selection Guide. Pg.18.

[19] DCMS. 2018. Principles of Selection for Listed Buildings. Pg. 5..

[20] Pozzoni, October 2010. St Johns Buildings. Historic Buildings Report. Pg. 26

7. Assessment of Impacts

7.1. This Section addresses the heritage planning issues that warrant consideration in the determination of the application for Listed Building Consent in line with the proposals set out within ***Section 3*** of this Report.

7.2. As detailed above, the *Planning and Compulsory Purchase Act (2004)* requires that applications for Listed Building Consent are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The policy guidance set out within the *NPPF* is considered to be a material consideration which attracts significant weight in the decision-making process.

7.3. The statutory requirement set out in Section 16 (2) of the Act relates to the consideration of applications for Listed Building Consent and states that:

"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."[21]

7.4. In addition, the *NPPF* states that the impact of development proposals should be considered against the particular significance of heritage assets, such as Listed Buildings.

7.5. It is also important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "*substantial harm*" or "*less than substantial harm*" to the identified designated heritage assets, in the context of paragraphs 207 and 208 of the *NPPF*.[22] With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 209 of the *NPPF*.[23]

7.6. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.[24]

7.7. The guidance set out within the *PPG* also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development, which is to be assessed.[25] In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

"...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."[26]

[21] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16(2).
[22] DLUHC, *NPPF*, paras. 207 and 208.
[23] DLUHC, *NPPF*, para. 209.
[24] DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).
[25] DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).
[26] EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

General Objective of the Proposals and the Equality Act 2010.

7.8. No.24a is a commercial building in use as barrister chambers. The proposals are to provide access to the upper floors for existing staff with disabilities and for visitors.

7.9. The Equality Act 2010 ensures that premises cannot discriminate on the basis of disability and the Equality Act Statutory Code of Practice: Services, Public Functions and Associations states:

"Where there is a physical barrier, the service provider's aim should be to make its services accessible to disabled people and, in particular, to provide access to a service as close as it is reasonably possible to get to the standard normally offered to the public at large. When considering which option to adopt, service providers must balance and compare the alternatives in light of the policy of the Act, which is, as far as is reasonably practicable, to approximate the access enjoyed by disabled persons to that enjoyed by the rest of the public."[27]

7.10. Whilst the Equality Act does not override the need to obtain Listed Building Consent, it is a material consideration in decision making to avoid discrimination.

Installation of the Lift

7.11. The proposed lift is understood to be in the position of a former lift which had Consent to be removed in 1995.

7.12. Section 4 and 6 of this Report has demonstrated that the building, including its interior, was built in 1937 and the staircase and understairs cupboard are all modern fabric, but were built to emulate 18th-century design. The staircase and cupboard are not considered to be of special architectural or historical interest and as such the installation of a free-standing lift will have no detrimental impact on significance.

7.13. The existing balusters to the staircase are all modern, having been installed following the removal of the previous lift. The removal of a section of balusters and handrail at the first floor will thereby not result in the removal of any historic fabric of significance. The newel post at the ground floor will be retained.

7.14. The installation of the circuit board in the cupboard and small diameter hole for the power cable to the lift will also not result in the alteration of any historic fabric of interest.

7.15. The proposed lift will be a visible addition to the space but will be coloured white and could also be easily removed at a future time if desired.

7.16. Overall, the installation of a lift within the stairwell of No.24a, is preferable to using the stairwell of No.26 which

[27] Equality Act 2010 Statutory Code of Practice: Services, Public Functions and Associations, 2011, page 106, 7.58

is part of an 18th-century layout, with higher significance. There will be no harm to the special interest of the Listed Building from the installation of the lift.



Plate 18: The location of the proposed lift.

The first-floor ramp

7.17. As part of providing a level access throughout the first floor, the existing corridor steps require replacement with a ramp. This will be achieved by installing a ramp over the steps and installing a safety handrail.

7.18. The existing modern fire door and stud wall will be removed and relocated to enable the ramp to be installed. The corridor where the door would be relocated also comprises an area of modern fabric only.

7.19. The proposals affect modern fabric and is contained within No.24a only and as such no fabric of special interest will be affected. Overall, there will be no harm to the special interest of the Listed Building resulting from the installation of the ramp.



Plate 19: The area of the proposed ramp.

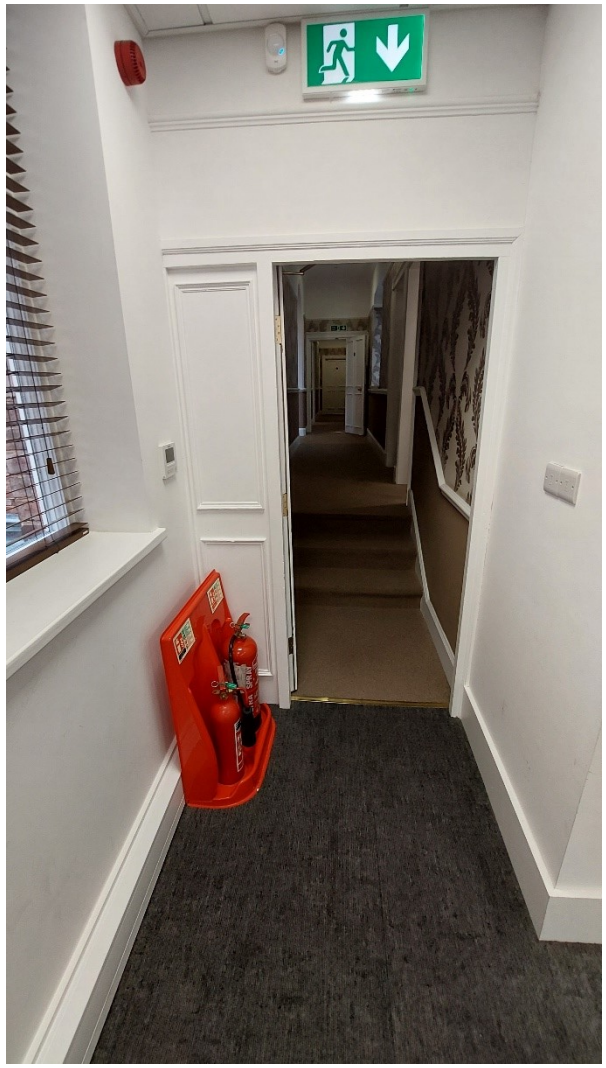


Plate 20: The modern partition that will be removed and relocated



Plate 21: The modern partition and fire door that will be removed and relocated, and the steps that would be covered by the ramp.



Plate 22: The position of the relocated fire door and partition.

Summary

7.20. The proposed works are all contained within No.24a which is part of the Listed Building that was constructed in 1937. The chosen locations are preferable than making changes to No.26 which is of greater significance. The proposed location of the lift is within an area of a former lift.

7.21. The proposed works do not affect any historic fabric of special interest and thereby no harm will arise to the Listed Building. Furthermore, the proposed works are entirely reversible should there be a desire to remove them later.

7.22. The purpose of the proposals is a significant consideration and enables the business to further comply with the Equalities Act 2010 for the benefit of staff and visitors. Historic England recognises this in their guidance and states:

"everyone should be able to enjoy easy and inclusive access to the historic environment. Removing the barriers to access can allow many more people to use and benefit from the historic environment, and if done sensitively need not compromise the ability of future generations to do the same."[28]

7.23. The proposed works have been designed in consideration of the significance of the building, recognising that No.24a is not an original 18th-century townhouse, and have been sensitively designed.

[28] Historic England June 2015. Easy Access to Historic Buildings. 2nd ed. Pg.2

8. Conclusions

8.1. This Assessment has identified that No.24a is not an original 18th-century townhouse, nor has its elevation to St John Street simply been rebuilt. In fact, the building was not constructed until 1937 and thereby there is an error in the List Description. Its significance is thereby contained in its street elevation and contributes to the group value of the terrace and No.26. No.26 is however an 18th-century former townhouse and as such holds a greater degree of special historic and architectural interest.

8.2. The proposed works are all contained within No.24a with the chosen locations being preferable than making changes to No.26 which is of greater significance. The proposed location of the lift is also within an area of a former lift.

8.3. The proposed works do not affect any historic fabric of special interest and thereby no harm will arise to the Listed Building. Furthermore, the proposed works are entirely reversible should there be a desire to remove them later.

8.4. The purpose of the proposals is a significant consideration in the determination of the application and will enable the business at the building to further comply with the Equalities Act 2010 for the benefit of staff and visitors.

8.5. Overall, when considering the modern age of the building and its lack of significance internally, the proposals comply with the duty of the Planning (Listed Buildings and Conservation Areas) Act 1990, local plan policy and policies contained in Section 16 of the NPPF. Furthermore, decisions should not be discriminatory and in this case the proposals will enable the building to further comply with the Equality Act 2010.

Appendix 1: Assessment Methodology

Assessment of significance

In the *NPPF*, heritage significance is defined as:

> ***"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."***[29]

Historic England's *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.[30]

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.[31] These essentially cover the heritage 'interests' given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.[32]

The *PPG* provides further information on the interests it identifies:

- ***Archaeological interest:*** *As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.*

- ***Architectural and artistic interest:*** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.

- ***Historic interest*:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.[33]

[29] DLUHC, *NPPF*, Annex 2.
[30] Historic England, *GPA:2*.
[31] Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see idem pp. 28–32.
[32] DLUHC, *NPPF*, *Annex 2*; DLUHC, *PPG, paragraph 006, reference ID: 18a-006-20190723*.
[33] DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

Significance results from a combination of any, some, or all of the interests described above.

Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report. [34]

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the NPPF:

> ***"Significance derives not only from a heritage asset's physical presence, but also from its setting."*** [35]

Setting is defined as:

> ***"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*** [36]

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of "*what matters and why*". [37]

In *GPA:3*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at

[34] Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).
[35] DLUHC, *NPPF*, Annex 2.
[36] DLUHC, *NPPF*, Annex 2.
[37] Historic England, *GPA:3*, pp. 8, 11.

paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

> ***Paragraph 25 – "But – again in the particular context of visual effects – I said that if "a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape" (paragraph 56)".***
>
> ***Paragraph 26 – "This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building's setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, "the historic relationship between places". Historic England's advice in GPA3 was broadly to the same effect."*** [38]

Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the *NPPF* and the *PPG*, three levels of significance are identified:

- **Designated heritage assets of the highest significance,** as identified in paragraph 206 of the NPPF, comprising Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 72 of the NPPF;[39]

- **Designated heritage assets of less than the highest significance,** as identified in paragraph 206 of the NPPF, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);[40] and

[38] Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697, paras. 25 and 26.
[39] DLUHC, *NPPF*, para. 206 and fn. 72.
[40] DLUHC, *NPPF*, para. 206.

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as "*buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets*".[41]

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

Grading significance

There is no definitive grading system for assessing or categorising significance outside of the categories of Designated Heritage Assets and Non-Designated Heritage Assets, specifically with regards to the relative significance of different parts of an asset.

ICOMOS guidance recognises that a degree of professional judgement is required when defining significance:

> ***"…the value of heritage attributes is assessed in relation to statutory designations, international or national, and priorities or recommendations set out in national research agendas, and ascribed values. Professional judgement is then used to determine the importance of the resource. Whilst this method should be used as objectively as possible, qualitative assessment using professional judgement is inevitably involved."***[42]

This assessment of significance adopts the following grading system:

- **Highest significance:** Parts or elements of a heritage asset, or its setting, that are of particular interest and are fundamental components of its archaeological, architectural, aesthetic or historic interest, and form a significant part of the reason for designation or its identification as a heritage asset. These are the areas or elements of the asset that are most likely to warrant retention, preservation or restoration.

- **Moderate significance:** Parts or elements of the heritage asset, or its setting, that are of some interest but make only a modest contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that might warrant retention but are capable of greater adaption and alteration due to their lesser relative significance.

- **Low or no significance:** Parts or elements of the heritage asset, or its setting, that make an insignificant, or relatively insignificant contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be

[41] DLUHC, *PPG*, paragraph 039, reference ID: 18a-039-20190723.

[42] International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* (Paris, January 2011), paras. 4-10.

- areas or elements of the asset that can be removed, replaced or altered due to their minimal or lack of significance and are areas and elements that have potential for restoration or enhancement through new work.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighing exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would "*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*";[43] and

- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the *PPG* states:

> ***"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."***[44]

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the *NPPF* requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, "*preserving*" means doing "*no harm*".[45]

Preservation does not mean no change, it specifically means no harm. *GPA:2* states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*".[46] Thus, change is accepted in Historic England's guidance as part of the evolution of

[43] Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.
[44] DLUHC, *PPG*, paragraph 018, reference ID: 18a-018-20190723.
[45] R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).
[46] Historic England, *GPA:2*, p. 9.

the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above. Fundamental to this methodology is a consideration of "*what matters and why*".[47] Of particular relevance is the checklist given on page 13 of *GPA:3*.[48]

It should be noted that this key document also states:

> ***"Setting is not itself a heritage asset, nor a heritage designation…"***[49]

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA:3* states that:

> ***"Conserving or enhancing heritage assets by taking their settings into account need not prevent change".***[50]

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.[51]

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, and hence the significance, of the assets concerned.

As detailed further in ***Appendix 3*** the *NPPF* (at Paragraphs 207 and 208) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.[52]

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 207 to 209.[53]

The *PPG* provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:

> ***"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a***

[47] Historic England, *GPA:3*, p. 8.
[48] Historic England, *GPA:3*, p. 13.
[49] Historic England, *GPA:3*, p. 4.
[50] Historic England, *GPA 3.*, p. 8.
[51] Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.
[52] DLUHC, *NPPF,* paras. 207 and 208.
[53] Including - Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor [2020] EWHC 2292 (Admin); DLUHC, *NPPF,* paras. 207 and 209.

private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation."***[54]

Any "*heritage benefits*" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

[54] DLUHC, *PPG*, paragraph 020, reference ID: 18a-020-20190723.

Appendix 2: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.[55] It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 16 (2) of the Act relates to the consideration of applications for Listed Building Consent and states that:

> ***"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."***[56]

[55] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

[56] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16(2).

Appendix 3: National Policy Guidance

The National Planning Policy Framework (December 2023)

National policy and guidance is set out in the Government's *National Planning Policy Framework* (*NPPF*) published in December 2023. This replaced and updated the previous *NPPF* (September 2023). The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The *NPPF* sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

> ***"Plans and decisions should apply a presumption in favour of sustainable development.***
>
> ***For plan-making this means that:***
>
> ***a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
>
> ***b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
>
> ***i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting***

the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

a. approving development proposals that accord with an up-to-date development plan without delay; or

b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."[57]

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

> ***"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change."***[58] (our emphasis)

The *NPPF* continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in 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)."***[59]

[57] DLUHC, *NPPF*, para. 11.
[58] DLUHC, *NPPF*, para. 11, fn. 7.
[59] DLUHC, *NPPF*, Annex 2.

The NPPF goes on to define a Designated Heritage Asset as a:

> ***"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."***[60]

As set out above, significance is also defined 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. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."***[61]

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 201 that:

> ***"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."***[62]

Paragraph 203 goes on to state that:

> ***"In determining planning applications, local planning authorities should take account of:***
>
> ***a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
>
> ***b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
>
> ***c. the desirability of new development making a positive contribution to local character and distinctiveness."***[63]

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 205 and 206 are relevant and read as follows:

> ***"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). This is irrespective of whether any potential harm amounts to***

[60] DLUHC, *NPPF*, Annex 2.
[61] DLUHC, *NPPF*, Annex 2.
[62] DLUHC, *NPPF*, para. 201.
[63] DLUHC, *NPPF*, para. 203.

substantial harm, total loss or less than substantial harm to its significance."[64]

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."[65]

Section b) of paragraph 206, which describes assets of the highest significance, also includes footnote 72 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 207 reads as follows:

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

a. the nature of the heritage asset prevents all reasonable uses of the site; and

b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d. the harm or loss is outweighed by the benefit of bringing the site back into use."[66]

Paragraph 208 goes on to state:

"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, where appropriate, securing its optimum viable use."[67]

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 212 that:

[64] DLUHC, *NPPF*, para. 205.
[65] DLUHC, *NPPF*, para. 206.
[66] DLUHC, *NPPF*, para. 207.
[67] DLUHC, *NPPF*, para. 208.

"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. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."[68]

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities (DLUHC)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of 'significance' in decision taking is important and states:

"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."[69]

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"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

[68] DLUHC, *NPPF*, para 212.

[69] DLUHC, *PPG*, paragraph 007, reference ID: 18a-007-20190723.

still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their 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."[70] (our emphasis)

[70] DLUHC, *PPG*, paragraph 018, reference ID: 18a-018-20190723.

Appendix 4: Relevant Development Plan Policies

Planning applications within Manchester City Centre are currently considered against the policy and guidance set out within the Core Strategy, which was adopted 11th July 2012, as well as the Places for Everyone Joint Development Plan Document, adopted 21st March 2024.

The following policy from the Core Strategy is relevant to the historic environment:

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. ***(This paragraph has now been superseded by Policy JP-P2 of the Development Plan).***

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

The following policy from the Development Plan is relevant to the historic environment:

Policy JP-P2: Heritage

"We will proactively manage and work with partners to positively conserve, sustain and enhance our historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct character, identity and sense of place. Local Plans will set out the key elements which contribute to the district's identity, character and distinctiveness and which should be the priority for conserving and enhancing in the future and demonstrate a clear understanding of the historic environment and the heritage values of sites, buildings or areas and their relationship with their surroundings. This knowledge should be used to inform the positive management and integration of our heritage by:

1. Setting out a clear vision that recognises and embeds the role of heritage in place-making;

2. Ensuring that the heritage significance of a site or area is considered in accordance with national planning policy in the planning and design process and opportunities for interpretation and local engagement are optimised;

3. Integrating the conservation and enhancement of heritage assets and their settings, with creative contextual architectural responses that contribute to their significance and sense of place;

4. Delivering positive benefits that sustain and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing; and

5. Exploring opportunities to reduce greenhouse gas emissions that restoration of historic buildings offer.

Particular consideration will be given to ensure that the significance of key elements of the historic environment which contribute to Greater Manchester's distinctive identity and sense of place are protected from harm. These include historic town centres, places of worship, historic transport routes including the canal network, industrial buildings and structures including textile mills, farmsteads and other sites, buildings, and areas of identified archaeological, architectural, artistic and/or historic value.

Development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy. Where heritage assets have been identified as being at risk, Local Plans should identify specific opportunities for them to contribute to regeneration and placemaking, and they should set out strategies for their repair and re-use. Development proposals which will help safeguard the significance of and secure a sustainable future for Greater Manchester's heritage at risk will be supported in principle, provided they are not contrary to national policy or other policies in the development plan.

Proposals should be informed, as necessary, by the findings and recommendations of the appropriate heritage assessment(s) in the development plan evidence base and/or any updated heritage assessment submitted as part of the planning application process."

Appendix 5: List Entry 24a and 26 St John Street.

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1254468

Date first listed: 02-Oct-1974

List Entry Name: 24A AND 26, ST JOHN STREET

Statutory Address 1: 24A AND 26, ST JOHN STREET

The scope of legal protection for listed buildings This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

Location

Statutory Address: 24A AND 26, ST JOHN STREET

The building or site itself may lie within the boundary of more than one authority.

District: Manchester (Metropolitan Authority)

Parish: Non Civil Parish

National Grid Reference: SJ 83386 97945

Details

MANCHESTER

SJ8397NW ST JOHN STREET 698-1/30/404 (North side) 03/10/74 Nos.24A AND 26

GV II

Pair of town houses, now offices. Late C18; altered. Brown brick in Flemish bond (facade of 24A apparently rebuilt); roof not visible. Double-depth plan, each house single-fronted, with back extensions. Three storeys over cellars, 7 bays, with plinth, 1st-floor sill-band, plain frieze and moulded cornice. Round-headed doorways in the 4th and 5th bays, with open-pedimented Tuscan doorcases, panelled doors and semi-circular fanlights; 12- and 9-pane sashed windows with exposed boxes, raised sills and flat-arched heads, that at the left end of the 1st floor with a shaped pediment and the one above with a cornice. Ridge chimneys. Rear and interior not inspected. Forms part of terrace on north side of street.

Listing NGR: SJ8338697945

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 457304

Legacy System: LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



End of official list entry

Planning (Listed Buildings and Conservation Areas) Act 1990
Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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