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35 King Street, Manchester, M2 7AT

Heritage Impact Assessment Addendum



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# 1.0 Introduction

## 1.1 Introduction

Donald Insall Associates was commissioned in February 2023 to assist in the preparation of proposals for the refurbishment of 35 King Street, Manchester, M2 7AT, to enable a bespoke retail use. The investigation comprised historical research, using both primary and secondary material, and a site inspection to establish the significance of the building which informed now consented works as follows:

138607/FO/2023 and  
138608/LO/2023:

Internal alterations to subdivide the property into three separate retail units and internal and external alterations to the front elevation and rear elevation.

139242/FO/2024 and  
139243/LO/2024:

Internal and external alterations to the property including the rooftop terrace and use of existing ancillary terrace including for occasional events (Class E).

This Addendum report should be read in conjunction with the detailed Heritage Impact Assessments prepared in support of the above applications which provide an illustrated history of the site and building and site survey findings. The significance of the building laid out in those reports is repeated here within Section 2 whilst the specific constraints for this site are outlined below. Section 3 provides a justification of the works now proposed according to the relevant legislation, planning policy and guidance.

## 1.2 The Building, its Legal Status and Policy Context

35 King Street is a Grade II-listed building (formerly II\*) located in the St Ann's Square Conservation Area in Manchester. Internal alterations to a listed building generally require listed building consent. The statutory list description of the listed building is included in Appendix I. Extracts from the relevant legislation and planning policy documents are in Appendix II and summarised below:

### 1.2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Section 16 of the Act imposes a statutory duty upon local planning authorities with the aim to protect the special interest of a listed building.

### 1.2.2 The Local Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan applicable to the building comprises the Manchester Core Strategy 2012-2027 (2012) and saved policies in the Unitary Development Plan (UDP - 1995) which require that proposed works preserve or enhance the historic environment, avoiding adverse impact on the special interest of listed buildings (UDP Policy 19).

### 1.2.3 The National Planning Policy Framework (2023)

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework (2023) will effectively result in a decision-maker complying with its statutory duties. The Framework forms a material consideration for the purposes of section 38(6). At the heart of the Framework is '*a presumption in favour of sustainable development*' and there are also specific policies relating to the historic environment.

The Framework requires that proposals for change give 'great weight' to the conservation of heritage assets (paragraph 205), that harm to the significance of heritage assets requires 'clear and convincing justification' (206), and that such harm is outweighed by public benefits. Harm is to be categorised as substantial (207) or less than substantial (208).

## 2.0 Assessment of Significance

### 4.1 Introduction

The purpose of this section is to provide an assessment of significance of 35 King Street so that the proposals for change to the building are fully informed as to its significance and so that the effect of the proposals on that significance can be evaluated. The assessment begins with a general summary of the building's history and significance; then the various elements of the building are assessed according to a sliding scale of significance, reflecting the extent to which they contribute to the listed building's special architectural and historical interest. This assessment responds to the requirement of the National Planning Policy Framework to 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. The NPPF defines significance as;

*'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological (potential to yield evidence about the past), architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.*

### 4.2 Assessment of Significance

35 King Street, listed Grade II (downgraded from II\* in the 1990s given the lack of surviving interior elements) dates to the early Georgian period (1730s) and was built as a dwelling for Dr Peter Mainwaring, a prominent local physician, with whom it has historic interest. It was constructed within the area around St Ann's Church, itself built in 1709, forming part the earliest expansion of Manchester outside its medieval core and a key piece of Georgian urban planning, initially taking the form of an affluent domestic and commercial area.

The overarching form of the property as a Georgian house is evident through its external structure, use of red brick, and simple elegant architectural styling with emphasis on the regular and repetitious use of stone detailing to the frontage. It is further evident through the general orientation of the internal layout which is a specific example of a Georgian double-pile plan that, despite alteration including creation and blocking of apertures and links between rooms, is legible through the retention of four individual rooms and circulation spaces to each floor. Lacking, however, is indication of the original uses of each room, but evidence has been sourced for its 19<sup>th</sup> century banking use that highlights later alteration to, for example, the flow between rooms.

It has, however, undergone significant alteration and reuse throughout its history. Initially, its conversion to banking premises reflects the important evolution of the area away from its domestic origins from the late-18<sup>th</sup> into the early-19<sup>th</sup> centuries, and through retaining this use into the late-20<sup>th</sup> century it draws historic

interest through its association with a range of local and national banking groups beginning with Jones & Co in the 18<sup>th</sup> century.

The lack of documentary evidence for the earlier evolution of the building's internal plan form means it is largely impossible to assign aspects of the building to specific phases of development, other than, for example, the surviving stone porch at no.37 which was purpose-built for banking use and shown on a mid-19<sup>th</sup> century plan. However, it is highly likely alterations to the interior plan form were undertaken at this time, and the Regency character of the sash window in G.05 evidence part of the alterations of this period.

The 20<sup>th</sup> century entailed ad-hoc changes, including insertion of new windows, followed by significant internal alteration particularly through its conversion to retail in the late 20<sup>th</sup> century, reflecting again the commercial importance of the King Street area. The building gradually became enveloped by built form, losing its earlier flanking wings, and enclosing the return and rear elevations necessitating alteration to elements including the front boundary wall and railings. Its continued retail use in the latter 20<sup>th</sup> and early 21<sup>st</sup> centuries included substantial internal alteration both to the fixtures and finishes as well as structural changes, including insertion of concrete floors and beams.

Given this evolution the building has the following values:

**Aesthetic:** despite significant later alteration, the building is a key example of early Georgian architectural design, displaying an elegant simplicity to its frontage. Later alterations, including insertion of sash windows, has

nonetheless respected its architectural design to a degree that its domestic character is highly legible despite over 250 years of commercial use. This contrasts, positively, with the more ornate 19<sup>th</sup> century purpose-built commercial buildings in its vicinity.

**Historic:** the property illustrates the evolution of this part of Manchester across the breadth and scope of its history and provides evidence of the area's origins incorporating both commercial and domestic use, followed by its later evolution into a commercial, financial, and retail hub. Similarly, it has historic interest for its association with Peter Mainwaring, a significant and influential local figure, as well as a succession of local and national bankers, including the Bank of England. The largely retained cellular plan form arranged as a double pile plan, provides evidence of Georgian spatial planning and how buildings of the period were inhabited. The limited remaining elements of historic plasterwork and joinery illustrate the evolution of interior design tastes including, for example, the insertion of Regency window detailing in G.05.

**Evidential:** there is a lack of evidence for the building's earlier evolution and as such it provides the primary resource for interpretation of its origins. It has a complex internal development with an earlier cellular layout altered through changes to openings, circulation pattern and complicated by later decorative additions. As such the building has evidential value by providing the opportunity

to interpret, through investigation, the evolution of space to suit its occupants and distinct uses.

**Communal:** the building has been in public use (for banking and then retail) for most of its history and as such has an important part to play in the vibrancy of this part of the city. This is undermined, however, given its current vacancy.

This special interest is manifest in the fabric and plan form of the building, which has the following hierarchy of significance.

Of the **highest significance** are elements of the building that illustrate its origins as a Georgian domestic dwelling including:

- External domestic building form, detailing and materiality including the retention of the simple and elegant architectural composition, the use of red brick and stone dressings across the principal facades, specifically the window and door architraves, steps, and parapet detailing. Chimneys have been lowered, but likely incorporate earlier brick.
- The front boundary railings and wall, though changes to its course are evident following demolition of the flanking wings.
- The sash window moulding to G.05, which could represent an early Georgian architrave adapted in the 19<sup>th</sup> century Regency period. The second-floor sashes may also date from this period.

- The legibility of the double pile plan form despite alteration to the circulation pattern, with the retention of the central hallway with four principal front and rear rooms.
- Retained mouldings to the hallway (G.01), considered to be specifically the wainscoting and arch detail only.
- Brick vaulted ceiling to the basement, which is the only visible indication of the earlier form at that level.

Of **high significance** are elements illustrating its later conversion to banking and continued use as such through the Victorian period including:

- The Regency sash window mouldings to F.05.
- The retained banking porch to No.37.
- The Victorian doorway, though it could be earlier.

Of **low significance** are early 20<sup>th</sup> century alterations that nonetheless continue the building's overarching Georgian character including:

- The sash windows to the ground and first floor as 20<sup>th</sup> century additions that nonetheless underpin the important Georgian character of the building. The glass, furthermore, has a shimmer which indicates it may be early 20<sup>th</sup> century drawn glass.

Of **neutral significance**, neither contributing to nor detracting from the significance of the whole are:

- Flooring throughout the building including the parquet, mosaic tiles and floorboards. Whilst they are generally good-quality, and may be historic in themselves as reclaimed materials (with some intrinsic interest), they are later additions to the building. Similarly, the cornices, including that to the hallway are reasonably well-detailed, though could be improved.
- The roof slates, as later insertions but generally preserving the overarching historic aesthetic of the property.

**Factors which detract** from the building's significance relate primarily to works that have obscured historic elements or proportions to both the exterior and interior, undermined its architectural quality, or represent a general decline of condition in certain areas including:

- The modern retail frontage to St Ann's Place and the flanking wings. In themselves these are reasonable pieces of design, but in the specific context of the building have both involved the loss of earlier wings and enclose principal elevations from view.
- General visual accretions to the frontage, including several modern signage brackets across the façade.
- The condition of the boundary wall, with build-up of algae to its base.

- The poor-quality finishes to the second floor (S.04 and S.05), the complete lack of any finishes to S.02 / S.03 and the general condition and underuse of this floor.
- Suspended ceilings throughout the building, which impact the proportion of the rooms and sit awkwardly with elements including window architraves.
- Inappropriate finishes including glazed tiles to F.04 and branded wallpaper to the stairwell.
- Blocked fireplaces, including to rooms G.02 and F.02.
- Modern retail shelving, particularly where it builds out the walls and envelops chimney breasts, and associated mouldings.
- The quality of modern joinery in several locations including the stairwell, and poor-quality fire surrounds (particularly in G.02). The condition of the modern risers and treads to the stairwell, with a deliberately shabby chic aesthetic, and lack of consistency to the paint detailing also detract.
- Large openings in the rear wall into the modern retail unit, exacerbated by insertion of internal light tubing.
- Modern accretions including lighting rails and vent grilles to the ceilings.
- Modern sash window mouldings. Whilst they appear historic, on further inspection they do not suit the character of the property and aspects such as the shutters (and lack of shutter boxes) are misaligned and incorrectly hung.
- Blocking of historic apertures, particularly the links between the stairwell and rear rooms, which confuses legibility of the earlier plan. The second floor has been particularly impacted by partition and opening (e.g., between S.01 and S.05 which does much to undermine legibility of the hallway, exacerbated by blocking the doorway to the stairwell).
- The casement windows to the second-floor frontage. The modern sash windows to the return elevations are generally neutral from the exterior, given their lack of visibility and overarching appearance, but the modern opening system evident to the interior undermines the space.
- Based on the 2010 proposal it is likely the substructure is concrete slab and beams. This has been confirmed through the opening up works which have shown that the original timber floor structure and lath and plaster ceilings have been removed.

## 3.0 Impact Assessment

### 3.1 Description of the Proposals and their Impact on the Listed Building

This application seeks to amend the approved proposals for the second floor to reduce the width of the rear roof terrace area to the footprint of the existing decked portion rather than to span full width. Associated with this the doorway to be widened is now required to be on the east side rather than the west as approved; otherwise the proposals remain as approved including new timber floor finishes and frameless glass balustrade and the cutback of the poor-quality glass covering. As such the impact on the significance of the listed building would remain as consented with a very low level (negligible) of 'less than substantial' harm brought about through the removal of an isolated section of brickwork which would be outweighed by the considered repair of the historic fabric, part removal of intrusive elements such as the glass staircore, rationalisation of the frontage, and enhancements to the general aesthetic of the terrace area.

### 3.2 Justification and Conclusion

The structural works proposed are in the modern eastern retail wing and in terms of impact on the historic townhouse this is limited to minor openings in its external wall which are considered to have a negligible impact on its significance overall. As such, the proposals would sustain the significance of the listed building in accordance with paragraph 203 of the National Planning Policy Framework and meet the statutory duty of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the special architectural and historic interest of the listed building. The proposals would also accord with relevant policies in the Local Development Framework including Policy 19 of the Unitary Development Plan (1995) in that alteration has no adverse effect on the architectural or historic character of the building.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan applicable to the building comprises **The Core Strategy (2012)** and saved policies from the **Unitary Development Plan (1995)**. **Policy EN3 Heritage in the Core Strategy** establishes a presumption in favour of 'development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the city centre' and that 'proposals which enable the re-use of heritage assets will be encouraged where they are considered

consistent with the significance of the heritage asset'. Similarly, **Policy 19 Listed Buildings of the UDP** indicates the 'council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings'...provided 'in its opinion, there would be an adverse effect on its architectural historic character'.

The proposed minor amendments to the second floor roof terrace bring about no additional harm than those previously consented which seek to ensure reuse of the building in the longer-term with an approach that balances its interest with usability through managed change. Whilst elements of the proposals, would lead to 'less than substantial' harm, weighing this harm with public benefits is a key factor in the **NPPF**. As noted above, the courts have previously held that a decision-maker that properly works its way through the relevant paragraphs of the NPPF will typically have satisfied its statutory duties under the **Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990** (see *Mordue v Secretary of State for Communities and Local Government* (2015)). Paragraph 205 of the NPPF makes clear that great weight should be given to the conservation of designated heritage assets, irrespective of whether the harm amounts to 'substantial' harm, 'total loss' or 'less than substantial' harm to its significance. Paragraph 208 of the NPPF states that any 'less than substantial' harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

It is considered that the 'less than substantial' harm resulting from the proposals both as consented and which form the basis of this amendment application would be outweighed by the degree to which the proposals would directly lead to heritage-focused public benefits. Specifically, this includes the overarching benefit of securing its longer-term use underpinned by removal of low-quality modern joinery, creation of a higher-quality aesthetic, reinstatement of plan form, active use of all floors, enhancement of the roof terrace, enabling appreciation of the rear of the building and views out to St Ann's Church, and key areas of repair, such as the windows and railings.

It is therefore the conclusion of this report that the proposals would meet the statutory duties of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the policy requirements of the Local Plan and the tests for sustainable development outlined in the NPPF insofar as they relate to the historic environment.

# Appendix I - Statutory List Description

## 35 and 37 King Street and attached railings

Grade II listed building

Date first listed: 25 February 1952

Listing NGR: SJ8379798316

(Formerly Listed as: National Westminster Bank and attached railings, previously Listed as: KING STREET (North side) Nos.35 AND 37 (Odd) District Bank)

Range of shops and attached railings, formerly town house, later converted and extended to form bank premises. 1736, converted to bank c.1788, extended late C19, and remodelled late C20. C18 work in red brick laid to Flemish bond, with sandstone dressings and a hipped, slated roof with side wall chimneys. C19 work in ashlar sandstone, and late C20 additions in steel and glass.

PLAN: double depth centre block of five bays, flanked by two-storeyed replacements for the former flanking wings. To the right of the right hand replacement wing, a single storeyed flat-roofed porch, now overbuilt by late C20 development.

FRONT (south) ELEVATION: the centre block is symmetrical, with stone basement and moulded eaves cornice with blocking course; segmental headed basement windows with triple keystones, and basement area protected by railings on a stone plinth. Central doorway, approached by flight of three steps with pedimented architrave, panelled door and plain overlight. Glazing bar sash windows to all floors, those to the upper floor smaller than those below, all with moulded architraves and triple keystones. Ground floor

windows have raised cills. Late C20 wings to either side are substantially glass fronted with slender metal posts and a broad metal fascia which aligns with the cornice of the attached porch to the right. This projects beyond the earlier building line, with pilasters supporting a frieze and a rusticated semi-circular arch below a deep cornice supported on console brackets. The frieze bears the lettering 'BANK'.

INTERIOR: completely remodelled to form shop units, but with compartments respecting the spatial arrangement of the former plan. Original fixtures retained in entrance hall and to front window openings, including doors, plasterwork and window shutters.

HISTORY: the house was built for a Dr Peter Waring, and was used as banking premises from c.1788. Much internal remodelling took place in several major phases, the most recent in the 1990s.

A substantial and finely detailed early C18 town house, which despite internal remodelling retains much early fabric, and which continues to make a major contribution to the richly-varied street scape of central Manchester.

# Appendix II - Planning Policy and Guidance

## Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment - Section 16 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.

### Local Policy

#### **Unitary Development Plan for the City of Manchester (1995)**

The Unitary Development Plan for the City of Manchester (the UDP) was adopted by the Council in 1995 as the statutory document that set out guidelines for all development in Manchester and provided a framework from which to base decisions about planning applications. Although the UDP has been superseded the following policies were retained and remain extant.

#### **19. Listed Buildings**

DC19.1 In determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

- a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;
- b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
- c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;
- d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;
- e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
- f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

## Manchester Local Plan. Core Strategy Development Plan Document (2012)

### *Policy EN 3: 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. Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

### National Policy

#### **National Planning Policy Framework**

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (December 2023). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

Paragraph 7 of the Framework states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and that, at a very high level, 'the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'.

At paragraph 8, the document expands on this as follows:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives:

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

and notes at paragraph 10:

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

With regard to the significance of a heritage asset, the framework contains the following policies:

*201. 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.*

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 203 of the NPPF identifies the following criteria in relation to this:

- 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*

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 205 the framework states the following:

*...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 substantial harm, total loss or less than substantial harm to its significance.*

The Framework goes on to state at paragraph 206 that:

*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.*

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 207 of the NPPF states that:

*...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*

With regard to 'less than substantial harm' to the significance of a designated heritage asset, paragraph 208 of the NPPF states the following;

*282. 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.*

### **Other Relevant Policy Documents**

*Historic England: Historic Environment Good Practice Advice in Planning (March 2015)*

*Historic England: Conservation Principles and Assessment (2008)*

*National Planning Practice Guidance (2019)*

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