

Heritage Statement

1-3 Piccadilly, Manchester, M1 1LZ

On behalf of Starbucks Coffee Company

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Contents.

1. Introduction.....	4
2. Proposed Development.....	6
3. Site Development and Planning History	8
Site Development / Map Regression.....	8
Planning History	14
4. Methodology.....	15
Site Visit	15
Photographs	15
Assessment Methodology	15
5. Policy Framework	17
National Planning Policy Guidance	17
The Development Plan.....	17
6. The Historic Environment and Statement of Significance	18
1 Piccadilly (Starbucks Coffee Company).....	18
7. Assessment of Impacts	23
8. Conclusions	26

Appendices contents.

Appendix 1: Assessment Methodology	27
Assessment of significance	27
Setting and significance	28
Assessing change through alteration to setting.....	28
Levels of significance	29
Grading significance.....	30
Assessment of harm	31
Benefits	32
Appendix 2: Legislative Framework	34
Appendix 3: National Policy Guidance	36
The National Planning Policy Framework (July 2021).....	36
National Planning Practice Guidance.....	40
Appendix 4: Relevant Development Plan Policies.....	42
Appendix 5: List Entry	46



Plates:

Plate 1: Site location plan.	4
Plate 2: GOAD fire insurance plan, 1886.	8
Plate 3: Detail of the building – GOAD fire insurance plan, 1886.	8
Plate 4: Ordnance Survey map, 1891.	9
Plate 5: Extract from Slater's Manchester and Salford Directory of 1895.	9
Plate 6: Extract from Slater's Manchester and Salford Directory of 1903.	10
Plate 7: The building in 1903. Source: Manchester Libraries, ref: m03938.	10
Plate 8: The Tib Street elevation in 1911. Source: Manchester Libraries, ref: m77364.	11
Plate 9: The building in 1932. Source: Historic England, ref: EPW038597.	11
Plate 10: The building in 1959. Source: Manchester Libraries, ref: m05870.	12
Plate 11: The building, c.1990s prior to Starbucks occupying the building.	13
Plate 12: 1–3 Piccadilly.	19
Plate 13: The basement, with iron columns and cornice.	20
Plate 14: The ground floor.	20
Plate 15: The first floor.	21
Plate 16: General views of the second to fourth floors.	21
Plate 17: The existing wordmarks to the fascia.	24

1. Introduction

- 1.1. Pegasus Group have been commissioned by Starbucks Coffee Company to prepare a Built Heritage Statement to consider the proposed alterations at 1-3 Piccadilly, Manchester, M1 1LZ, as shown on the Site Location Plan provided at Plate 1.

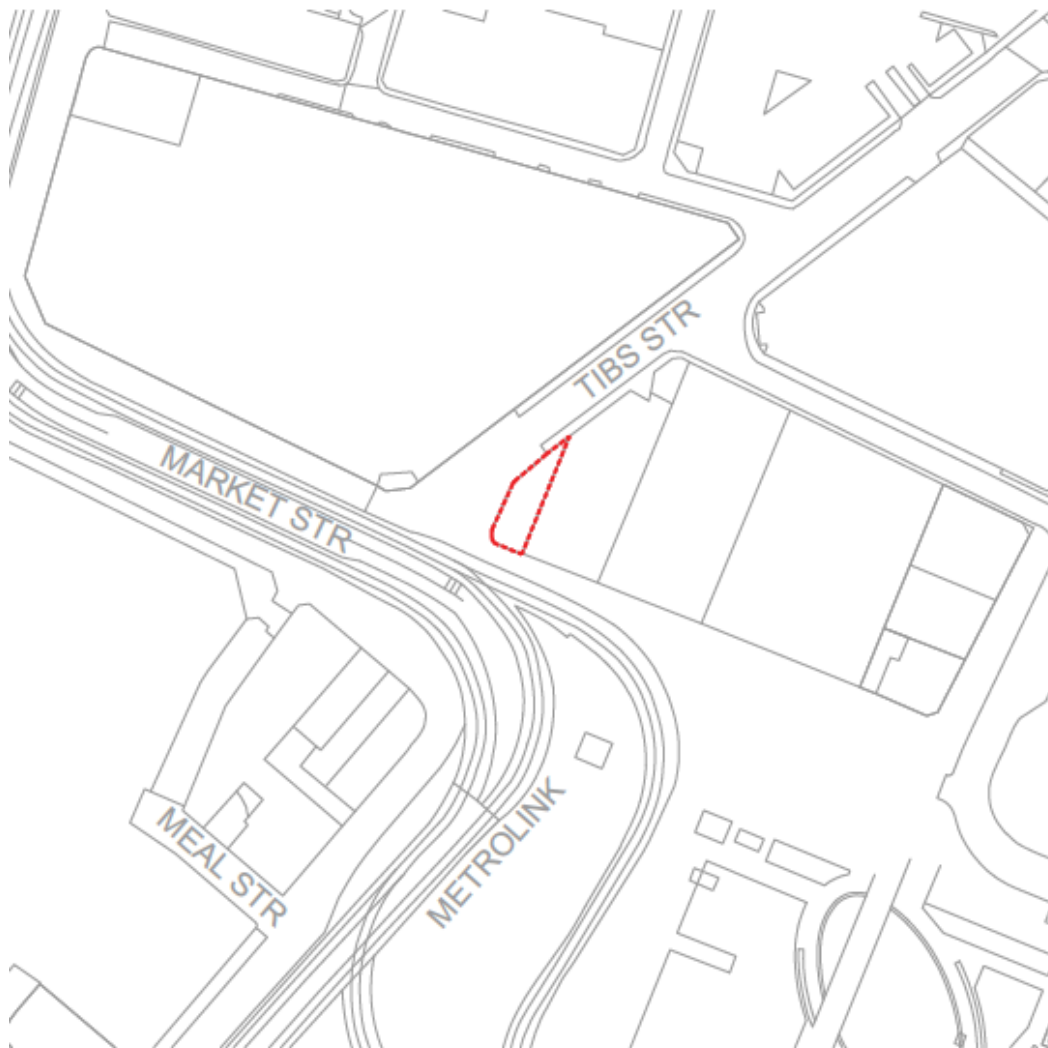


Plate 1: Site location plan.

- 1.2. 1-3 Piccadilly, Manchester, is a Grade II Listed Building dating from 1879 and is located within the Smithfield Conservation Area. The building is also within the setting of the Grade II Listed Rylands Building (formerly Debenhams), and several buildings that contribute positively to the character and appearance of the Conservation Area.
- 1.3. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 194 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 199 to 203 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 194 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, July 2021), para. 194.

² DLUHC, *NPPF*, para. 194.

2. Proposed Development

- 2.1. The application seeks Listed Building Consent for alterations to the shopfront and signage, and internal alterations at 1-3 Piccadilly, Manchester. The proposals are part of making the premises a "take-out" only coffee shop.
- 2.2. The proposals are detailed on the following plans which form the application package and which this assessment considers:

Description	Drawing No.
Location & Block Plan	100
Existing Exterior Elevations	A-2000
Exterior Elevations – Demolition	A-2001
Proposed Exterior Elevations	A-2002
Basement, Ground & First Floor Demolition Plans	I-1101
Proposed Interior Floor Plan	I-1103
Proposed Interior Door Schedule	I-1104
Proposed FF & E Plan & Schedules	I-1105
Proposed Reflected Ceiling Plan	I-1108
Proposed Floor Finish Plan	I-1109
Proposed Wall Finish Plan	I-1111
Proposed Interior Elevations	I-2101
Proposed Interior Elevations	I-2012
Proposed Interior Elevations	I-2013
Proposed Design Details	I-5002B
Proposed Design Details	I-5002C



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

3. Site Development and Planning History

Site Development / Map Regression

- 3.1. No.1-3 Piccadilly was built in 1879 and is clearly shown on the GOAD fire insurance plans of 1886.

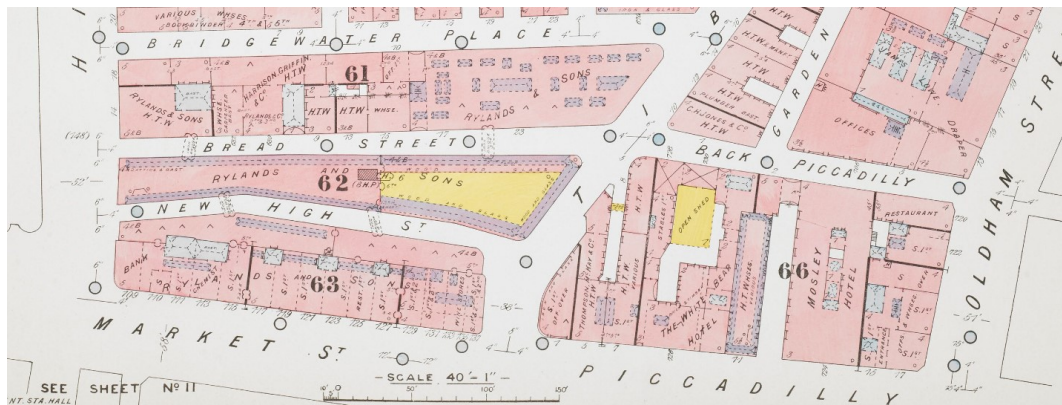


Plate 2: GOAD fire insurance plan, 1886.

- 3.2. The GOAD plan shows that at that time, it was a shop with offices above and its elevation to Tib Street was constructed from iron and glass, being nearly all glass, with a brick party wall to number 5 (Plate 3 and Plate 3).

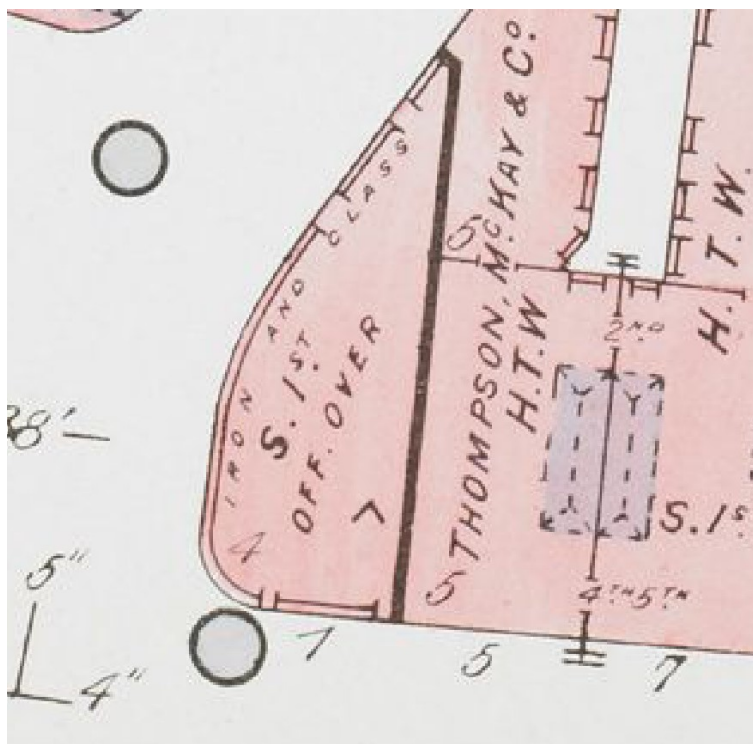


Plate 3: Detail of the building – GOAD fire insurance plan, 1886.

- 3.3. The Ordnance Survey map published in 1891 shows the building occupying the same footprint, but squared projections to the Tib Street and Piccadilly elevations suggest external blinds / canopies were attached to the façade of the building.



Plate 4: Ordnance Survey map, 1891.

- 3.4. Slater's Manchester and Salford Directory of 1895 lists the building being occupied by Owen's Bazaar, a retail unit, and with chambers (offices) above (Plate 5).

ker	Piccadilly.
cyer	<i>Continuation of Market street to</i>
ailer	<i>London road.</i>
	K 8, L 8, 9 & 10, M 10.
	1 Owen's Bazaar, Limited, portmantuan,
	&c. dealers
eman	LONGFORD CHAMBERS.
le.)	1 Womersley & Smith, accountants
aler	1 Royal National Lifeboat Institution
er	(Manchester branch)
maker	1 Royal National Lifeboat Institution
	(North of England District)
orker	1 Lifeboat Saturday Fund
driver	1 Manchester Sunday School Union—
chanic	A. P. Smith, secretary
er	Crown Accident Insurance Co. Lim—
	W. P. Wilkinson, district manager
	PICCADILLY—continued.
er	5A Swain Richard & Co. manufacturers
er	7 Mead T. Seymour & Co. tea dealers
tailer	7 Clarke Richard & Co. manufacturers
oper	7 Turner, Rutherford & Co. (Hewick),
	hoslery manufacturers
ia dealer	7 Robinson S. H. & Co. agents
manufacturer	7 Watt Richd. & Co. merchants
	7A WHITE BEAR YARD.
	Stubbs George, hairdresser

Plate 5: Extract from Slater's Manchester and Salford Directory of 1895.

- 3.5. The street directory from 1903 shows that the retail unit had changed hands to become a boot shop, whilst the upper floors remained offices (Plate 6).

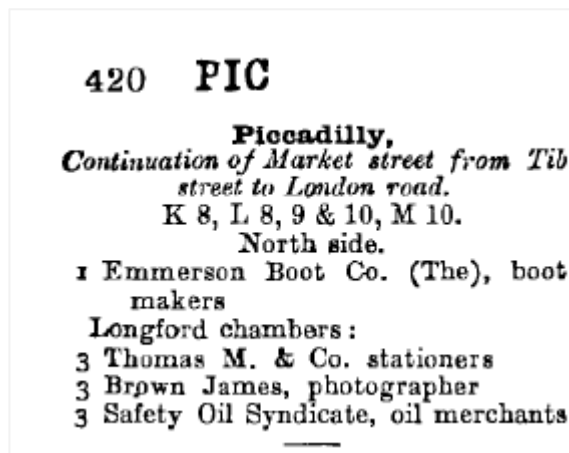


Plate 6: Extract from Slater's Manchester and Salford Directory of 1903.

- 3.6. A photograph from the same year shows the boot shop and offices above. The shop front has a Brilliant Sign Co. glass fascia sign and large plate glass windows, and what appears to be glass painted transom lights. The metal frames of awnings can be seen without their fabric. Between the first and second floors is large, painted, probably wooden, free-cut lettering signage (Plate 7).



Plate 7: The building in 1903. Source: Manchester Libraries, ref: m03938.

- 3.7. A photograph from 1911 shows the Tib Street elevation. The fascia sign had now been replaced with a painted sign and the detail of shopfront mullions and stallrisers shown more clearly (Plate 8).



Plate 8: The Tib Street elevation in 1911. Source: Manchester Libraries, ref: m77364.

- 3.8. Aerial images from 1932 show the awnings to the shop front, as well as the Rylands Warehouse (latterly Debenhams department store) which was built in the same year, 1932 (Plate 9).



Plate 9: The building in 1932. Source: Historic England, ref: EPW038597.

- 3.9. By 1959 the shop had changed hands (to be John Collier, a clothes retailer) and the fascia signage had been replaced. The glazed corner of the shopfront had also been removed to create an entrance at the corner of Market Place and Tib Street leaving the columns exposed (Plate 10).



Plate 10: The building in 1959. Source: Manchester Libraries, ref: m05870.

- 3.10. The planning history for the site reveals that in 1982, Listed Building Consent was granted for a new shopfront and internal fittings (see application ref: F16800/LB), and again in 2000 (see application ref: 058510/FO/CITY1/00), at which time the building was in use as a coffee shop (Plate 11).



Plate 11: The building, c.1990s prior to Starbucks occupying the building.

Planning History

- 3.11. The application site has an extensive planning history detailing alterations, including alterations to the shopfront and signage, thus demonstrating that the ground floor especially has been altered several times. This is demonstrated by the following applications:

Planning Reference No,	Description	Decision	Date of Decision.
F16800/LB	LISTED BUILDING CONSENT Construction of a new shopfront and internal shopfittings.	Granted	Wed 06 Jan 1982
O29793	Alterations to shop front	Granted	Wed 06 Jan 1982
O58510/FO/CITY1/00	Installation of new shopfront	Granted	Fri 19 May 2000
113414/FO/2016	The installation of a roller shutter.	Granted	Thu 13 Oct 2016

4. Methodology

- 4.1. The aims of this Report are to assess the significance of the heritage resource within the site/study area, to assess any contribution that the site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.
- 4.2. This assessment considers built heritage.

Sources

- 4.3. The following key sources have been consulted as part of this assessment:
- The Historic Environment Record (HER) accessed via Heritage Gateway for information on the recorded heritage resource in the vicinity of the site;
 - 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;
 - The Manchester Archives online catalogue;
 - Old photographs accessible via the Historic England Architectural Red Box Collection; and
 - Google Earth satellite imagery.

Site Visit

- 4.4. A site visit was undertaken by a Heritage Consultant from Pegasus Group on the 27th June 2023, during which the site and its surrounds were assessed.

Photographs

- 4.5. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the site or development proposals, nor do they conform to any standard or guidance i.e., the Landscape Institute Technical Guidance Note 06/19. However, the photographs included are intended to be an honest representation and are taken without the use of a zoom lens or edited, unless stated in the description or caption.

Assessment Methodology

- 4.6. 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
- Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (hereafter HEAN:12);⁵ and
- Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment.⁶

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).

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).

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.⁷
- 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.⁸
- 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 July 2021. 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.⁹ The *PPG* also contains the *National Design Guide*.¹⁰
- 5.5. Full details of the relevant national policy guidance is provided within **Appendix 3**.

The Development Plan

- 5.6. Applications for Planning Permission and Listed Building Consent within Manchester are currently considered against the policy and guidance set out within the Manchester Core Strategy and Development Plan Document, adopted 11th July 2012 and extant Unitary Development Plan (UPD) policies.
- 5.7. Details of the policy specific relevant to the application proposals are provided within **Appendix 4**.

⁷ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁸ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

⁹ 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>.

¹⁰ Department for Levelling Up, Housing and Communities (DLUHC), *National Design Guide* (London, January 2021).

6. The Historic Environment and Statement of Significance

- 6.1. The following Section provides an assessment of elements of the historic environment that have the potential to be impacted upon by the proposed development.
- 6.2. Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.3. It is however widely accepted (paragraph 207 of the *NPPF*) that not all parts of a heritage asset will necessarily be of equal significance.¹¹ In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of the asset. Significance can be derived from many elements, including the historic fabric of a building or elements of its surrounds.
- 6.4. As set out in Section 1, the site comprises a Grade II Listed Building and whilst the building is within the Smithfield Conservation Area and setting of other heritage assets, it is considered that the nature of the proposals are such that they are unlikely to affect the significance of any other assets aside from the host building, and thereby this assessment will focus on the significance of the Listed Building, No. 1 Piccadilly only (the application site).

1 Piccadilly (Starbucks Coffee Company)

- 6.5. No.1 Piccadilly was added to the National List at Grade II on the 3rd October 1974 (NHLE 1246874). The List Entry describes the building as follows:

"GV II

Shop. 1879, by James Lynde; altered. Probably cast-iron framed, with cladding of wood and stucco, slate roof. Irregular plan on narrow corner site, curved at the corner and then canted back to Tib Street. Eclectic style with Aesthetic Movement elements. Four storeys and attic, one bay to Piccadilly, curved corner bay, and 6-bay return to Tib Street canted in the centre; iron columns and cornice to ground floor (altered shop fronts, with deep C20 fascia board perhaps concealing original features); upper floors galleried, divided into bays by short iron columns with stiff-leaf caps, each bay containing a 4-light canted bay window (curved at the corner), and each floor a panelled frieze and cornice with brackets between the bays; steeply-pitched roof with pedimented 2-light dormers (a tiered pediment to that over the Piccadilly facade), and at the corner an extruded circular turret with 3-light window and slated spirelet."

- 6.6. A full copy of the List Entry is included at **Appendix 5**.

¹¹ DLUHC, *NPPF*, para. 207.

6.7. The building is attributed to James G Lynde (1815–1883) and James H Lynde (1843–1919). James G Lynde was the City Surveyor of Manchester from 1857 to 1879 and on leaving the post joined his son, James H Lynde, in partnership.¹²¹³

6.8. Pevsner's Architectural Guide to Manchester describes the building as follows:

"No.1 Piccadilly, by J. Lynde of 1879, a jolly incident on the corner of Tib Street with corner turret and upper bays articulated by short iron columns framing canted windows. It is the only one of his iron-framed buildings to survive."¹⁴

6.9. **Exterior:** the external appearance of the building is summarised by the List Description entry above but the first, second, third and fourth (attic) floors appear largely original. The ground floor however has been altered several times (see Section 3) and none of the original shopfront or fascia has survived or is visible.



Plate 12: 1–3 Piccadilly.

6.10. **Interior – Basement:** the basement is accessed via a modern staircase and comprises a staff area with modern partitioning to form store areas, modern floor coverings, and ventilation ducting. The iron support columns, ceiling beams and cornicing are all likely to be original.

¹²<https://manchestervictorianarchitects.org.uk/architects/james-gasgoigne-lynde> accessed 26.06.23

¹³<https://manchestervictorianarchitects.org.uk/architects/james-henry-lynde> accessed 26.06.23

¹⁴ Hartwell, C. 2002. Pevsner Architectural Guide to Manchester. Yale University Press: London. Pg. 190.



Plate 13: The basement, with iron columns and cornice.

- 6.11. **Interior – ground Floor:** The ground floor comprises the serving area of the coffee shop and the customer entrance. The finishes and appearance of this space are modern, with modern floor coverings, tiling, ventilation ducting, and glazing. The only surviving historic fabric within this space is the cornice to the ceiling and the iron support columns.



Plate 14: The ground floor.

- 6.12. **Interior – first floor:** The first floor is accessed via a modern staircase and comprises a customer seating area. The finishes and appearance of this space are modern, with modern floor and wall coverings, air conditioning units, and glazing. The only surviving historic fabric within this space is the cornice to the ceiling, the iron support columns, and the windows.



Plate 15: The first floor.

- 6.13. **Interior – second to fourth floor:** These floors do not form part of the proposals and are unused but are accessed via a 19th-century staircase. The floors comprise former offices and retain several original features, including ornate pediments to two doors; cornices; a fireplace; floorboards; skirting boards; iron columns; the remains of late 19th/early 20th-century washrooms and tiling; and windows.



Plate 16: General views of the second to fourth floors.

Statement of Significance

- 6.14. 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*.¹⁵
- 6.15. The heritage significance of the building is principally embodied in its physical fabric which comprises its **architectural interest**. Highest significance is attributed to its external appearance and architectural details, especially to the first and fourth floors where its original external fabric and appearance has survived the best. The continued

¹⁵ DLUHC, *NPPF*, para. 200.

changes to the ground floor shop front throughout the 20th and 21st centuries have eroded its architectural interest, and it is considered to be of low-moderate architectural significance.

- 6.16. Internally the highest significance is attributed to the iron column support structure which reflects the "modern" construction method of the 19th century and is understood to be the only surviving example in Manchester by the architect. However, significance is not equal across all floors internally. A low level of significance can only be assigned to the basement and ground floors due to the minimal survival of historic fabric. The first floor has a low to moderate degree of significance, primarily due to the 19th century staircase leading to the third floor still surviving.
- 6.17. Historic interest is attributed to its association with a known local architect, James Lynde, and how the building reflects the social and economic change this part of Manchester witnessed from the mid to late 19th century, changing from a residential to a significant commercial centre.
- 6.18. The setting of the building also contributes to its significance, although the significance derived from the setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its "*setting*") which are considered to contribute to its heritage significance comprise:
- Market Street, Tib Street, and Piccadilly, from where the architecture and detail of the building can be best appreciated.
- 6.19. No information has been identified that indicates that the building was historically associated with other buildings in its vicinity and architecturally it is a 'one-off'. Thereby the contribution to its significance via its setting is limited.

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 2** of this Report.
- 7.2. As detailed above, the *Planning and Compulsory Purchase Act (2004)* requires that applications for Planning Permission, including those 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 *Planning (Listed Buildings and Conservation Areas) Act 1990* confirms that special regard should be given to the preservation of the special historic and architectural interest of Listed Buildings.
- 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 201 and 202 of the *NPPF*.¹⁶ With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 203 of the *NPPF*.¹⁷
- 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.¹⁸
- 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.¹⁹ 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."***²⁰
- 7.8. This Section will consider the proposed works and assess their impact, whether that be harmful or beneficial to the significance identified above.

¹⁶ DLUHC, *NPPF*, paras. 201 and 202.

¹⁷ DLUHC, *NPPF*, para. 203.

¹⁸ DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

¹⁹ DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

²⁰ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

External works

- 7.9. **Wordmarks:** 3no. existing "STARBUCKS COFFEE" wordmarks are to be removed and 2no. "STARBUCKS" wordmarks are to be installed on the fascia board. The overall change to the appearance of the building is minimal but the works will have no harmful impact on its special interest.



Plate 17: The existing wordmarks to the fascia.

- 7.10. **Colour:** The shopfront and fascia will be painted Quartz Grey (RAL 7039), replacing the existing black/charcoal colour. This change to a lighter shade will still retain a traditional colour scheme and maintain a recessive appearance. The overall change to the appearance of the building is minimal but the works will have no harmful impact on its special interest.

Internal works

- 7.11. **Basement:** The proposed works to the basement comprise the removal of modern fittings, primarily wire rack shelving. This work is unlikely to warrant Listed Building Consent and in any case, it will have no harmful impact on the special interest of the building.
- 7.12. **Ground floor:** The proposed works to the ground floor comprise the removal of the modern bar/serving counter and associated fixtures. The modern partition walls and doors and WC will also be removed. New stud walls and doors to create stores and separate the customer areas from staff/back of house area will be erected. These will subdivide the space but will not be visible from outside due to the blank shop windows to this part of the building and is easily reversible work. No harm shall arise the special interest from this alteration.
- 7.13. The proposed bar / serving counter will replace the existing one, together with a new back wall against the party wall, this will be battened off the wall and hold the wood-slatted feature wall. This will have no harmful impact to the special interest of the building and again is easily reversible work.
- 7.14. The existing flooring and wall finishes are modern, and the floors are proposed to be re-tiled, and the walls and ceilings re-painted in new colours. This will have no harmful impact to the special interest of the building.
- 7.15. A digital display board is proposed to be installed behind the window adjacent to the entrance door. This will be affixed to the modern tiled floor and have no harmful impact to the special interest of the building.
- 7.16. Overall, the interior of the ground floor is largely modern, except for the iron columns and cornices which will be retained. The works will result in a change to the internal appearance and layout, but this will have no harmful impact on its special interest.



- 7.17. **First floor:** The proposed works at the first floor comprise the removal of all furniture and cleaning of the space. This work does not require Listed Building Consent and will result in no harmful impact on the special interest of the building.

8. Conclusions

- 8.1. 1-3 Piccadilly is a Grade II Listed Building that was built in 1879 and has been variously altered, especially the shopfront, and internally at the ground floor and basement. The special interest of the building is primarily derived from its iron frame construction and its external appearance, especially the upper floors. Internally, interest beyond just the iron columns and cornices, is only found at the first to the fourth floors, where a greater amount of historic fabric survives.
- 8.2. The building has been in commercial use since it was built and has witnessed continual change and alteration reflecting the need of businesses that occupied it, and as such the ground floor and basement is largely modern in appearance and materials. The proposals are minor alterations to enable the existing space to function as a "take-out" only coffee shop and will result in an investment in its décor and fittings.
- 8.3. The proposals will not result in any harm to the elements of the building that contribute to its special interest and thereby the building and its special architectural and historic interest will be preserved. The proposals will also have no harmful impact on the surrounding Conservation Area or any Listed Buildings in its vicinity.
- 8.4. and thereby the proposals are considered to comply with the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990; the policies of the Local Plan; and those contained in Section 16 of the NPPF.

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.”²¹

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.²²

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*.²³ These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.²⁴

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.²⁵

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

²¹ DLUHC, *NPPF*, pp. 71–72.

²² Historic England, *GPA:2*.

²³ 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.

²⁴ DLUHC, *NPPF*, p. 71; DLUHC, *PPG*, Annex 2.

²⁵ DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

The most-recently issued 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.²⁶

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.”²⁷

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.”²⁸

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*”.²⁹

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.

²⁶ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019).

²⁷ DLUHC, *NPPF*, p. 72.

²⁸ DLUHC, *NPPF*, p. 71.

²⁹ Historic England, *GPA:3*, pp. 8, 11.

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 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.”³⁰

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 200 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 68 of the *NPPF*;³¹
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the *NPPF*, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);³² and

³⁰ *Catesby Estates Ltd. V. Steer* [2018] EWCA Civ 1697, paras. 25 and 26.

³¹ *DLUHC, NPPF*, para. 200 and fn. 68.

³² *DLUHC, NPPF*, para. 200.

- **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”*.³³

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.”*³⁴

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 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.

³³ DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

³⁴ International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* (Paris, January 2011), paras. 4-10.

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/weighting 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"*,³⁵ 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."³⁶

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".³⁷

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"*.³⁸ Thus, change is accepted in Historic England's guidance as part of the evolution of 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.

³⁵ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁶ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

³⁷ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

³⁸ Historic England, GPA:2, p. 9.

Fundamental to this methodology is a consideration of “*what matters and why*”.³⁹ Of particular relevance is the checklist given on page 13 of *GPA:3*.⁴⁰

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”⁴¹

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”.⁴²

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.⁴³

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 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.⁴⁴

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 to 203.⁴⁵

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 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.

³⁹ Historic England, *GPA:3*, p. 8.

⁴⁰ Historic England, *GPA:3*, p. 13.

⁴¹ Historic England, *GPA:3*, p. 4.

⁴² Historic England, *GPA 3*, p. 8.

⁴³ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

⁴⁴ *DLUHC, NPPF*, paras. 201 and 202.

⁴⁵ 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. 201 and 203.



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.*⁴⁶

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.

⁴⁶ MHCLG, 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.⁴⁷ 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.”⁴⁸

Section 66(1) of the Act goes on to state that:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.”⁴⁹

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”⁵⁰

A judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 202 of the current, revised NPPF, see **Appendix 3**, this is in keeping with the requirements of the 1990 Act.⁵¹

With regards to development within Conservation Areas, Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”⁵²

⁴⁷ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁴⁸ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16(2).

⁴⁹ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

⁵⁰ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁵¹ Jones v Mordue [2015] EWCA Civ 1243.

⁵² UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).



Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations Area) Act 1990*, 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.⁵³

⁵³ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 3: National Policy Guidance

The National Planning Policy Framework (July 2021)

National policy and guidance is set out in the Government's *National Planning Policy Framework* (NPPF) published in July 2021. This replaced and updated the previous NPPF 2019. 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.”⁵⁴**

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 180) 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 68); and areas at risk of flooding or coastal change.”⁵⁵ (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).”⁵⁶

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

⁵⁴ DLUHC, NPPF, para. 11.

⁵⁵ DLUHC, NPPF, para. 11, fn. 7.

⁵⁶ DLUHC, NPPF, p. 67.

“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”⁵⁷

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.”⁵⁸

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 195 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.”⁵⁹

Paragraph 197 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.”⁶⁰***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 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 substantial harm, total loss or less than substantial harm to its significance.”⁶¹

⁵⁷ DLUHC, NPPF, p. 66.

⁵⁸ DLUHC, NPPF, pp. 71–72.

⁵⁹ DLUHC, NPPF, para. 195.

⁶⁰ DLUHC, NPPF, para. 197.

⁶¹ DLUHC, NPPF, para. 199.

“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.”⁶²***

Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 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 201 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.”⁶³***

Paragraph 202 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.”⁶⁴

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

⁶² DLUHC, NPPF, para. 200.

⁶³ DLUHC, NPPF, para. 201.

⁶⁴ DLUHC, NPPF, para. 202.

“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.”⁶⁵

Paragraph 207 goes on to recognise that “not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance” and with regard to the potential harm from a proposed development states:

“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”⁶⁶ (our emphasis)

With regards to non-designated heritage assets, paragraph 203 of NPPF states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”⁶⁷

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

⁶⁵ DLUHC, NPPF, para 206.

⁶⁶ DLUHC, NPPF, para. 207.

⁶⁷ DLUHC, NPPF, para. 203.

significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”⁶⁸

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 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.”⁶⁹ (our emphasis)

⁶⁸ DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723.

⁶⁹ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

Appendix 4: Relevant Development Plan Policies

Applications for Planning Permission and Listed Building Consent where relevant, within Manchester are currently considered against the policy and guidance set out within the [Manchester Core Strategy and Development Plan Document](#), adopted 11th July 2012 and extant Unitary Development Plan (UPD) policies.

Policy CC 9 sets out the Local Planning Authority's objective for the City Centre Development Strategy for design and heritage and reads as follows:

Policy CC 9 Design and Heritage

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

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

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

Policy EN3 of the Core Strategy and Development Plan Document relates to heritage and reads as follows:

Policy EN3 – Heritage

"Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre."

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains."

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

Saved UPD policy DC18.1 relates to Conservation Areas and reads as follows:

Policy DC18.1

"The Council will give particularly careful consideration to development proposals within Conservation Areas.

a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

i) the relationship of new structures to neighbouring buildings and spaces;

ii) the effect of major changes to the appearance of existing buildings;

iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);

iv) the effect of signs and advertisements;

v) any further guidance on specific areas which has been approved by the Council.

b. The Council will not normally grant outline planning permission for development within Conservation Areas.

c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.

d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.

e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas."

Saved UDP policy DC19.1 relates to Listed Buildings and reads as follows:

Policy 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."

Saved UDP policy DC14.5 relates to Shop Fronts and Related Signs on Listed Buildings and in Conservation Areas and reads as follows:

Policy DC14.5

"The Advertisement Regulations require that applications for shop signs be considered only in the interests of amenity and public safety. In determining such applications, the Council will adopt the following policies:

A. In the interests of amenity,

a. signs should not normally be positioned other than at fascia level; b. signs should respect the architectural form of buildings and shop frontages;

c. where no obvious fascia level exists, signs above shopfronts should be in keeping with the scale of the frontage of the building and in particular should not fill the gap between ground floor shop windows and first floor windows;

d. projecting box signs, or any other type of sign which projects significantly beyond the shopfront, should line up with the associated fascia board. Where this is not the case, such proposals will not be permitted;

e. the Council will normally permit only one projecting box sign for each shop unit. On listed buildings and on buildings within Conservation Areas, signs consisting of individually mounted letters will be preferred to box fascia signs;

f. fixed canopies mounted above fascia level or which obscure the fascia or shopfront will not normally be permitted, unless within a structural opening;

g. long canopies which ignore the architectural form of frontages will not normally be permitted.

B. In the interests of public safety, h. any sign which is detrimental to the safety of pedestrians or motorists will be refused;

i. all canopies, blinds and awnings should provide a minimum clearance of 2.3 metres above the footpath.

Saved UDP policy DC15.2 relates to Shop Fronts and relates to Advertisements, Hoardings and Posters and architectural interest and reads as follows:

Policy DC15.2

"In assessing the interests of amenity and safety the Council will take account of the following criteria:

a. developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use;

b. they should be in scale with the locality and relate properly to the site on which they stand;

c. they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;

d. a proposal which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted.



Appendix 5: List Entry

1, PICCADILLY

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1246874

Date first listed: 03-Oct-1974

Statutory Address 1: 1, PICCADILLY

Location

Statutory Address: 1, PICCADILLY

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 84299 98380

Details

MANCHESTER

SJ8498SW PICCADILLY 698-1/28/280 (North side) 03/10/74 No.1

GV II

Shop. 1879, by James Lynde; altered. Probably cast-iron framed, with cladding of wood and stucco, slate roof. Irregular plan on narrow corner site, curved at the corner and then canted back to Tib Street. Eclectic style with Aesthetic Movement elements. Four storeys and attic, one bay to Piccadilly, curved corner bay, and 6-bay return to Tib Street canted in the centre; iron columns and cornice to ground floor (altered shop fronts, with deep C20 fascia board perhaps concealing original features); upper floors galleried, divided into bays by short iron columns with stiff-leaf caps, each bay containing a 4-light canted bay window (curved at the corner), and each floor a panelled frieze and cornice with brackets between the bays; steeply-pitched roof with pedimented 2-light dormers (a tiered pediment to that over the Piccadilly facade), and at the corner an extruded circular turret with 3-light window and slated spirelet.

Listing NGR: SJ8429998380

Legacy

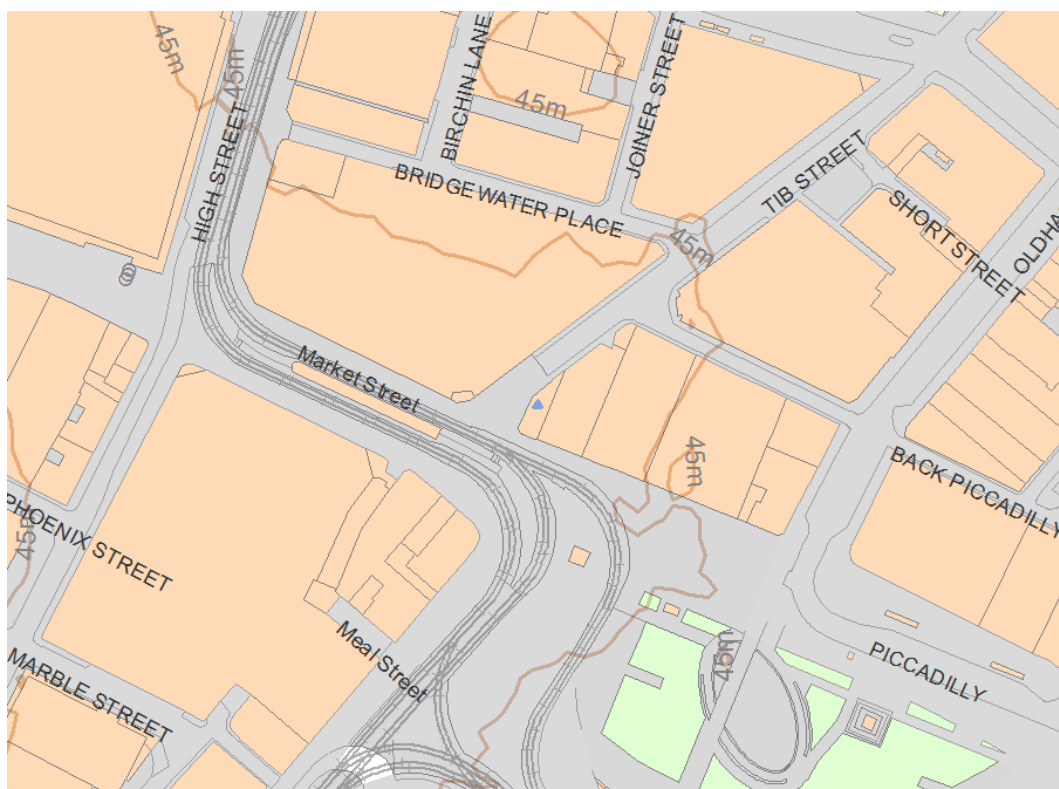
The contents of this record have been generated from a legacy data system.

Legacy System number: 455651

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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