
Heritage Statement

The Ivy, 2 St Helens Square, York, YO1 8QP

REF: P21-3452

DATE: 10th November 2021

Introduction

1. Pegasus Group is instructed by Troia (UK) Restaurants Ltd. to prepare applications for Planning Permission and Listed Building Consent for proposals to reinstate the original entrance doors on the site and to reconfigure the existing modern internal lobby at The Ivy, 2 St Helens Square, York.
2. The building in which the site is located is Grade II Listed and falls within the boundaries of York's Central Historic Core Conservation Area; however, based on the planning history of the site, including a previous application to reinstate the doors, it is considered proportionate that this Heritage Statement only addresses the impact upon the Listed Building, particularly given the principle of reinstatement of the original doors has been accepted, and required by Officers, and the new proposals relate to the interior only.
3. This Built Heritage Statement 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."
4. In order to inform an assessment of the acceptability of the scheme in relation to impacts to 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 to significance through changes to setting.

Methodology

5. The following assessment has been informed by *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*¹ (henceforth referred to as *GPA 2: Managing Significance*) and English Heritage's Conservation Principles.²

¹ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

² English Heritage, 2008, *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

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6. In order to relate to key policy, the following levels of harm may potentially be identified when assessing potential impacts of development on heritage assets, including harm resulting from a change in setting:
 - **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013³ 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';
 - **Less than substantial harm.** Harm of a lesser level that that defined above; and
 - **No harm** (preservation). A High Court Judgement of 2014 is relevant to this⁴, in which it was held that with regard to preserving the setting of Listed building or preserving the character and appearance of a Conservation Area, preserving means doing no harm.
7. Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*". 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.
8. With specific regard to the content of this assessment, Paragraph 194 of the National Planning Policy Framework 2021 states:

"...The level of detail should be proportionate to an assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance..." (our emphasis)
9. Full details of the methodology adopted are provided at **Appendix 1.**

Planning Policy Context

10. The site falls within the Grade II Listed Nos. 2-8 St Helens Square and 2 Davygate.
11. Legislation relating to the 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.
12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In considering whether to grant planning permission [or permission in principle] for development which affects a listed

³ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

⁴ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle.

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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."

13. In addition to the statutory presumption set out above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
14. Planning applications within the centre of York are currently decided in accordance with the policies set out within the City of York Draft Development Control Local Plan, dated April 2005. It should, however, be noted that the City of York Council website states that the City of York Draft Development Control Local Plan has not been formally adopted, although the policies are still used by the Council as the basis for development management decisions and are a material consideration in the planning process.
15. The relevant policy to the proposals is as follows:

"Policy HE4: Listed Buildings

With regard to listed buildings, consent will only be granted for the following types of development where there is no adverse effect on the character, appearance or setting of the building:

 - *development in the immediate vicinity of listed buildings;*
 - *demolition;*
 - *internal or external alterations;*
 - *change of use;*
 - *erection of satellite antenna."*
16. The new Local Plan is currently in the process of Examination by Independent Planning Inspectors following Submission of the Local Plan to the Secretary of State for Housing, Communities and Local Government on 25th May 2018.
17. In this context, where local plan policy was adopted well before the NPPF, and does not allow for the weighing of harm against public benefit for designated heritage assets (as set out within paragraph 202 of the NPPF) or a balanced judgement with regards to harm to non-designated heritage assets (see NPPF paragraph 203) then local planning policies would be considered to be overly restrictive compared to the NPPF, thus limiting the weight they may be given in the decision-making process.
18. In this case, although Policy HE4 is relevant to the application proposals, it was adopted well before the inception of the NPPF, and as so the weight which can be attributed to it will be determined by its consistency with the policy guidance set out within the NPPF. Since the above policy does not allow for a balanced judgement to be undertaken by the decision maker, stating that consent will only be granted where there is no adverse effect, the policy is not considered to reflect the guidance within

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the NPPF and therefore considered to be out of date. Thus, the weight which can be attached to it in the decision-making process is limited.

19. Within the Delegated Report for a previous refusal on the site (LPA Ref: 18/00282/LBC), officers agreed with this assessment, stating:

"The Development Control Local Plan was approved for development control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited except where in accordance with the content of the NPPF."

20. Nonetheless, the relevant policy within the Publication Draft York Local Plan 2018 reads as follows:

"Policy D5: Listed Buildings

Proposals affecting a Listed Building or its setting will be supported where they:

i. preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and

ii. help secure a sustainable future for a building at risk;

iii. are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.

Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm its significance.

Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposals. Substantial harm or total loss of a Listed Building will be permitted only where it can be demonstrated that the proposals would bring substantial public benefits."

21. The above policy, whilst considered to be generally compliant with the guidance set out within the NPPF, as it allows for a balanced decision to be made, can however only be attributed very limited weight in the decision making process as it has not been examined and the policy could be subject to change.

22. Officers also note the limited weight which can be attached to this policy, stating at Paragraph 4.5 of the previous delegated report for 18/00282/LBC that:

"The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation."

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23. Details of the full policy context are provided at **Appendix 2**.

The Site

24. No. 2 St Helen’s Square is the corner unit of the designed ‘set piece’ of Nos. 2-8 (even) St Helen’s Square and No. 2 Davygate, and forms the southwest corner of St Helen’s Square, an area of 18th century designed town planning, although the site itself dates from the 20th-century.



Plate 1: Application site when viewed from the northwest.

25. St Helen’s Square was created in 1745 as part of the ‘civic improvement’ of the centre of York, which by the 18th century had become densely built up. The Square was originally a triangular piece of land used as the churchyard for St. Helen’s Church until the land was required to provide easier access between Davygate and Blake Street. The churchyard was moved to a piece of land off Davygate and the first iteration of St. Helen’s Square was laid out.
26. The street pattern and townscape of this 1745 composition is detailed on the large scale map of York dating to 1852, which also details further 19th century alterations to the Square and its built form. Such works included the construction of the Grade II listed Yorkshire Insurance Company building (1846-47) on the northern side and the Grade II* Listed St Helen’s Church to the east which was reconstructed in 1857 following the publication of the Map. Despite such alterations, the 18th century Grade I Listed Mansion House (1723-25) remained dominant at the western end of the Square, as it still does today.

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Plate 2: Extract from Map of York, 1852.

27. The 1852 Map depicted the southern side of St Helen's Square as defined by a number of buildings, the largest building of which is located on the corner of Blake Street and St. Helen's Square, annotated as The York Hotel.
28. The building partially on the site of the existing No.2 St. Helen's Square was the premises of Walter Winspear, a 'fancy goods' dealer. A photograph of the premises taken in 1928 prior to its demolition, depicts a building of an early to mid 19th century date.

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Plate 3: Premises of Walter Winspear in 1928 prior to demolition viewed from the junction of Lendal and St Helens Square (Ref: y_11308 (c) City of York Council).

29. This building and the southern side of St Helen's Square as a whole (as shown on the 1852 Map) were demolished in 1929, in order to facilitate further alterations to the townscape, including enlarging the Square and creation of the regular layout which exists today.
30. Nos. 2-8 (even) St Helen's Square and No. 2 Davygate, as existing, were constructed in 1929 as part of these works. These buildings were constructed set back from the previous building line, opening up St. Helen's Square and creating a much more accommodating and accessible space. This enlarging of the Square also opened up views between Mansion House and St. Helen's Church.

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31. A review of the 1:2500 Ordnance Survey Map of 1931, demonstrates that the corner unit of No. 2 St Helen's Square was in operation as a bank at this date, with this its assumed designed purpose.

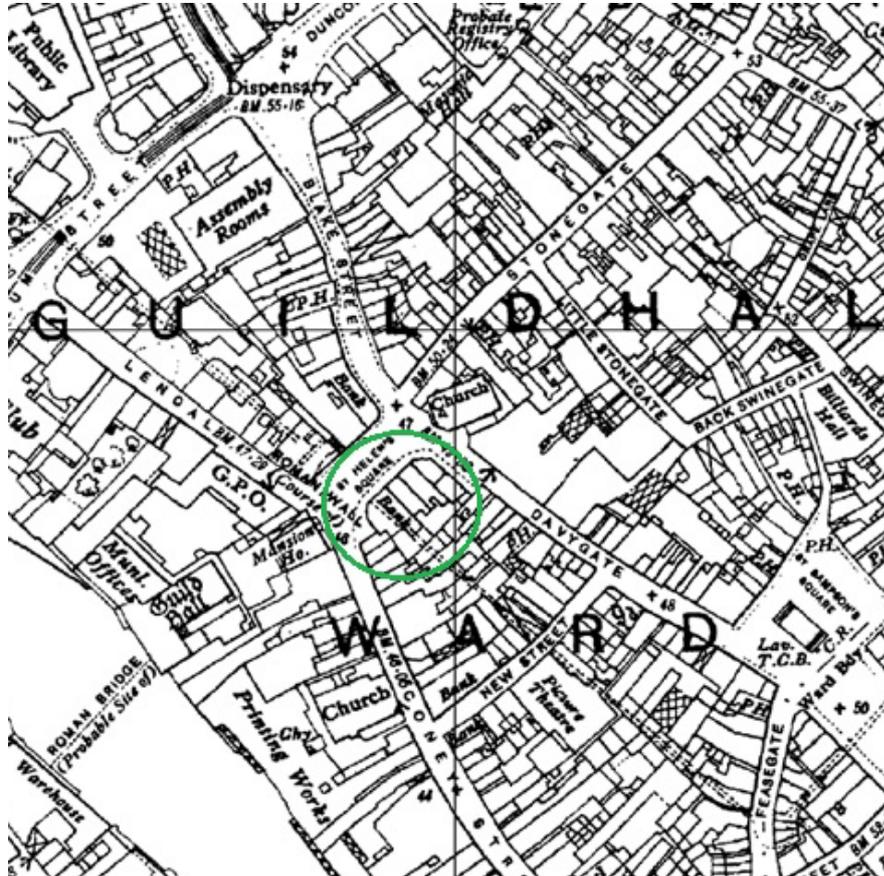


Plate 4: Extract of 1931 Map (site shown in green).

32. This use continued until the late 1990s when the unit was converted for retail use. The unit was converted to a restaurant following the grant of Planning Permission and Listed Building Consent in July 2017 and it is in this use which the building remains today. The planning history for the site details that the internal elements of the unit had undergone substantial change associated with the various uses permitted within the building.
33. With regard to the wider surrounds, the general street pattern and townscape of the immediate surrounds of St Helen's Square has remained largely unchanged since the 1920s reconfiguration.

Relevant Planning History

34. As mentioned, the site has had a previous application for the reinstatement of the original entrance doors. Prior to this were applications relating to the renovation and restoration of the site in connection with its change of use from a shop to a restaurant in July 2017 (LPA Refs: 17/00914/LBC and 17/00910/FUL). A further application for

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Listed Building Consent for amendments to the approved internal refurbishment scheme was approved in December 2017 (LPA Ref: 17/02422/LBC). With these applications, the principle of an internal lobby was accepted. The most recently approved lobby drawings can be found in **Appendix 3**.

Appendix 3: Approved Lobby Drawings (17/02422/LBC)

35. A further application for Planning Permission was approved on 29th June 2018 for the installation of a glazed screen in addition to the reinstatement of the original doors, which had been removed without consent (LPA Ref: 18/00460/FUL).

Appendix 4: 18/00460/FUL Decision Notice and Delegated Report

36. At the same time, the associated application for Listed Building Consent (LPA Ref: 18/00282/LBC) was refused for the following single reason:

"The introduction of a new internal glazed screen behind the entrance doors would appear as an anomalous modern addition. The glass used for the screen would have a reflective quality which, together with the door handle and additional manifestations that would be likely to be required, would draw further attention. In this respect it is considered that the screen would be at odds with the historic character of the building and as such would not preserve the character of the building as one of special architectural or historic interest. As a result it would cause harm to the heritage asset and be in conflict with paragraph 132 of the NPPF, policy D5 of the Publication Draft York Local Plan 2018 and policy HE4 of the City of York Council Development Control Local Plan 2005."

37. The decision was appealed and later dismissed by the Inspector, who stated:

"12. The proposal is of a modern design and would use frameless sheets of glazing in order to avoid the need for additional framing which may be bulky. It would be a simple and transparent feature, with the hinges and door handle being the only solid features. It would be set into the existing lobby which is itself a modern feature which has been granted listed building consent twice by the Council as part of the original scheme to convert and refurbish the building and the subsequently amended proposal. As such, the use of modern glazed features around the entrance of the building has been accepted. However, the proposal would introduce an additional modern glazed feature immediately adjacent to the threshold.

13. The screen would be set only approximately 0.8 metres inside the building behind the original timber doors which are to be reinstated. It is my understanding that the timber doors would be kept open during opening hours. As a consequence of the location of the screen, the external of the building would be physically unaltered. However, the proposed works would complicate the

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access arrangements and draw further attention to the recent alterations around the entrance to the building. Although the alterations that have taken place to date have been accepted by the Council, the siting and design of the glazed screen in this appeal proposal would be visible from the outside of the building where it would be visually prominent and have a reflective quality which would detract from the retained historic door and access. The effect of the works would be in part mitigated by the recessed nature of the glazing and retention of the reinstatement of the timber doors, but any additional reflection would draw further unwanted attention to the intrusive modern addition to the detriment of the special architectural and historic interest the building."

38. The Inspector concluded that the harm caused would not be outweighed by public benefits.

Appendix 5: 18/00282/LBC Inspector's Decision

39. It is however noted that the current proposals are materially different to those previously refused and relate to the **reconfiguration of the previously approved internal lobby**, in association with the reinstatement of the original doors.

Heritage Assets

Grade II Listed Nos. 2-8 St Helens Square and 2 Davygate

40. The building which incorporates numbers 2, 4, 6 and 8 St Helens Square and 2 Davygate, was first Listed on 14th March 1997 at Grade II, with the following List description:

"Bank, restaurant, shops and offices. 1929-30. By TP Bennett. MATERIALS: red brick in Flemish bond and sandstone ashlar, with ashlar dressings; shopfronts of ashlar with bronze window frames: parapet of brick panels, broken by balustraded lengths, between piers of brick or ashlar, with moulded stone coping. Roof of Westmorland slates, hipped at each end, with brick stacks, and pilastraded octagonal cupola with lead ogee cap, surmounted by wrought-iron finial and weathervane, in centre. EXTERIOR: 3-storeys; 9 bays to St Helen's Square, 9 bays to Davygate, 4 bays to Coney Street, and tripartite curved corner bays. Upper floors to St Helen's Square articulated by giant Ionic pilasters, the centre bay treated as frontispiece with coupled columns and pilasters supporting plain frieze and moulded modillion cornice which breaks forward over outer bays, and broken central pediment with garlanded cartouche of York City arms in tympanum. Shopfronts of plain pilasters with moulded bases and capitals, and broad fascia beneath moulded cornice on triglyph brackets. No.2 has panelled double doors in corner bay, in architrave of slender pilaster jambs beneath fluted frieze and moulded cornice, and pediment formed of volutes and palmette; overlight divided by squat pilasters with

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palmette bases. Similar door at left end. Small-pane fixed light windows made tripartite by pilasters beneath fluted friezes and moulded cornices, and transom lights divided as door overlights; risers of moulded raised panelling between fluted pilaster strips. Shopfront to No.4 altered. Entrance to Nos 6 and 8 in Davygate return is glazed open metalwork panel of geometric design in brass surround, with glass and bronze canopy above. Subsidiary glass door to St Helen's Square front, at right end of plate glass windows with top panels of coloured glass: lower part of windows protected by balustrade of open metalwork panels similar to that in main door. Coloured glass panels in canopy and window heads are leaded and of abstracted leaf trail design. Shopfront returns on Davygate front and incorporates service passage gate and screen of square section railings at left end. Frontispiece on St Helen's Square has tripartite sash windows on first and second floors. First floor window has keyed Gibbs surround beneath moulded cornice on consoles; second floor centre window is radial-glazed in round-arched keyed and eared architrave, with moulded sill over shaped apron. Elsewhere first floor windows generally are 18-pane sashes with flat arches of gauged brick; on second floor 12-pane sashes with tiled sills over raised brick aprons. In corner bays and some others, first floor windows have triple-keyed architraves with broken pedimented hoods on scrolled consoles, and second floor windows with moulded stone sills over moulded aprons. INTERIORS: not inspected."

41. The full List Entry can be found in **Appendix 6**.
42. The ground floor shop front of No. 2 comprises six principal bays divided by stone pilasters, with moulded capitals. These large bays are further divided by intricate bronze pilasters, with the bronze detailing extending to the window surrounds, door surrounds and fanlights. Above the pilasters is a plain stone frieze/fascia, topped with a simple, fluted cornice. The upper part of the pilasters include carved corbels which extend into the frieze.
43. The principal entrance, and that to which the proposal relates, is at the corner of the unit and originally included panelled doubled doors (which this application seeks to reinstate), with a similar, but less ornate version of the doors located within the side entrance.
44. The upper floors feature exposed red brick work, with carved stone detailing. Of particular note are the carved columns of the bay and where the first floor of the unit extends to the include the frontispiece. These areas incorporate ornate detailing such as the carved stone window surrounds.
45. It is widely accepted (paragraph 207 of the NPPF) that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of the asset as a whole. It is therefore key to understand the significance of any asset which may potentially be affected by development proposals in order to understand the

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scope for and acceptability of change. Significance can be derived from many elements, including the historic fabric of a building, the layout of space or the land use associated with a building or an area.

46. As part of a Grade II Listed Building, No. 2 St Helen's Square (in conjunction with Nos. 4-8 (even) and No. 2 Davygate) is classified as a designated heritage asset of less than the highest significance in the terms of the NPPF.
47. The heritage significance of the asset is primarily derived from the architectural and historic interest of its physical fabric. This is principally embodied in the architectural and artistic and historic interest of the fabric of the building as part of the designed town planning of St Helen's Square in the 1920s, and in particular its external composition.
48. Due to the interior works which have been undertaken in the late 20th and 21st century to accommodate changing standards and uses, little of historic or architectural interest now remains to the interior of No. 2 St Helen's Square, with such areas of interest now limited to the window units, minor elements of cornicing and the vaults in the basement, albeit the unit was subject to an extensive programme of restoration during the recently undertaken conversion works which reversed many of the previous unsympathetic works and restored the remaining original features.
49. The lack of internal detailing of interest was noted at Paragraph 4.6 of the pre-application response received from York City Council regarding the original conversion scheme in 2017. It stated:

"Internally, there are possibly some remnants of a cornice, but otherwise the interior, of the viewable ground floor at least, appears to have been modernised."
50. An entrance lobby was later approved on two occasions and given its modern origins and materiality, is considered to make a neutral contribution to the Listed Building.

Assessment of Impact

51. The proposals include the following:
 - Removal of the unlawful glazed entrance door unit;
 - Reinstatement of the original timber double doors to the front of the property (renewal of expired Planning Permission 18/00460/FUL);
 - Reconfiguration of the internal lobby to reduce its size and change the position of the internal door; and
 - Installation of a screen between the reception table and restaurant seating.
52. Firstly, the unlawful glazed entrance door unit will be removed to allow for the reinstatement of the original doors. These were previously installed without the

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benefit of Listed Building Consent and thus will rectify the previous unlawful works, of which the Council are aware, and require.

53. The discussions about the removal of the original doors and the installation of a glazed door unit related to the opening of the doors during trading hours to comply with building regulations and the subsequent welfare of the staff member who is positioned within the lobby. Within the Delegated Report for both the approval for Planning Permission and the refusal of Listed Building Consent for the glazed screen, the officer stated:

"3.3 The applicant indicates that the panelled doors must be held open during trading hours to comply with building regulations. This is not disputed by ourselves. An internal lobby offers affords further protection from the elements. [...]"

3.4 There is in addition the matter of the welfare of the "meeter and greeter" who is required by the operator to stand within the lobby, but this could be addressed, as indicated in my original consultation response, by allowing them to stand within the trading area, instead of in the lobby."

54. The proposals which are the subject of this application have been designed to follow this guidance previously provided by officers.
55. As discussed, the lobby itself, in addition to the floor finishes, is a recent addition to the property, having been installed following the grant of the relevant permissions in 2017. The size of the lobby will be reduced and the new partition would join with the pier to the righthand side of the main entrance (when viewed internally). The connection of the lobby with this pier will ensure that the original window to the side of the entrance would not be subdivided in any way. This new partition would contain the new door to the lobby whilst the previous position of the door will be replaced by a partition. The depth of the lobby would remain as it currently is, so there will be no undue attention drawn to the modern feature, as was stated to be the issue with the proposed glazed screen in the dismissed appeal.
56. The only potential impact on historic fabric would relate to the new connection with the original building; however, this would be extremely minimal and only relate to the joining of the partition with the wall, like existing. It is therefore considered that this minimal fixing would not result in any impact upon the significance of the Listed Building.
57. As part of the lobby reconfiguration, there will be associated changes to the floor finishes and relocation of the existing heater to be positioned above the new door. These minor changes to the modern decoration would again result in no negative impacts.
58. The reception table will be located within the main body of the restaurant and divided from diners by a proposed glazed screen 1250mm in height, the appearance of which will be analogous with the approved décor found throughout the interior of the restaurant. The height of the screen will allow for continued views across and through

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the space, ensuring that the proportions of the space are appreciated as they are now. The screen will be fixed into the floor, but no historic floor finishes have been identified on the site previously. The recent conversion application also included the application of new floor finishes. Therefore, the proposed screen will have no negative impacts on the significance of the Listed Building.

59. In summary, no negative impacts to the significance of the Listed Building have been identified in relation to these proposals.

Summary Conclusions

60. With reference to the levels of harm in the NPPF, the proposals will result in 'no harm' to the significance of the Grade II Listed Nos. 2-8 St Helens Square and 2 Davygate. The proposals will therefore satisfy the statutory requirement set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals will also satisfy relevant local policies.

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Appendix 1 – Methodology

Assessing 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."⁵

Historic England's Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2⁶ (hereafter 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.

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.⁷ These essentially cover the heritage 'interests' given in the glossary of the NPPF⁸ and the online Planning Practice Guidance on the Historic Environment⁹ (hereafter 'PPG') which are archaeological, architectural and artistic and historic.

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*

⁵ MHCLG, *NPPF*, pp. 71-72.

⁶ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2nd edition, Swindon, July 2015).

⁷ English Heritage, *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.

⁸ MHCLG, *NPPF*, p. 71.

⁹ Ministry of Housing Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

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."¹⁰*

Significance results from a combination of any, some or all of the interests described above. The most-recently issued guidance on assessing heritage significance, Historic England's *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12*,¹¹ advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Report.

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."¹²

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."¹³

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 *The Setting of Heritage Assets: Historic Environment Good Practice Advice in*

¹⁰ MHCLG, PPG, paragraph 006, reference ID: 18a-006-20190723.

¹¹ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

¹² MHCLG, NPPF, p. 72.

¹³ MHCLG, NPPF, p. 71.

*Planning Note 3*¹⁴ (henceforth referred to as 'GPA 3'), particularly the checklist given on page 11. This advocates the clear articulation of "what matters and why".¹⁵

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

Step 3 is to assess the effect of the proposed development on the significance of the asset(s).

Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that 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)¹⁶:

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."

¹⁴ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017).

¹⁵ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017), p. 8.

¹⁶ *Catesby Estates Ltd. V. Steer* [2018] EWCA Civ 1697, para. 25 and 26.

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;
- **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); and
- **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”.¹⁷

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

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 order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

¹⁷ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

- **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";¹⁸ 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."¹⁹

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 of the spectrum and upper end of the less than substantial harm 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. As such, harm to such assets is articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. 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'.²⁰

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*".²¹ 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. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, fundamental to the methodology set out in this document is stating "*what matters and why*". Of particular relevance is the checklist given on page 13 of GPA 3.

¹⁸ *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin), para. 25.

¹⁹ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

²⁰ *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

²¹ Historic England, GPA 2, p. 9.

It should be noted that this key document also states that:

"Setting is not itself a heritage asset, nor a heritage designation..."²²

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values 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".²³

Additionally, it is also important to note that, as clarified in the Court of Appeal, 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.²⁴

Benefits

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

As detailed further in Section 6, 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.

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 and 202. 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.

Examples of heritage benefits may include:

²² Historic England, GPA 3, p. 4.

²³ Historic England, GPA 3., p. 8.

²⁴ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

-
- *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.*²⁵

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.

²⁵ MHCLG, *PPG*, paragraph 020, reference ID: 18a-020-20190723.

Appendix 2 – Planning Policy

Notwithstanding the statutory presumption 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 are determined in accordance with the Development Plan unless material considerations indicate otherwise.

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."²⁶

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."²⁷ (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.

²⁶ MHCLG, *NPPF*, para. 11.

²⁷ MHCLG, *NPPF*, para. 11, fn.7.

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)."*²⁸

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

*"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."*²⁹ (our emphasis)

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."*³⁰

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."*³¹

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;*

²⁸ MHCLG, NPPF, p. 67.

²⁹ MHCLG, NPPF, p. 66.

³⁰ MHCLG, NPPF, pp. 71-72.

³¹ MHCLG, NPPF, para. 195.

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.*³²

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."*³³

"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."*³⁴

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

³² MHCLG, NPPF, para. 197.

³³ MHCLG, NPPF, para. 199.

³⁴ MHCLG, NPPF, para. 200.

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.”³⁵

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.”³⁶

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

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. 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.”³⁷

Paragraph 207 goes on to recognise that “not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance”³⁸ 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.”³⁹ (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

³⁵ MHCLG, *NPPF*, para. 201.

³⁶ MHCLG, *NPPF*, para. 202.

³⁷ MHCLG, *NPPF*, para. 206.

³⁸ MHCLG, *NPPF*, para. 207.

³⁹ *Ibid.*

required having regard to the scale of any harm or loss and the significance of the heritage asset.”⁴⁰

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 Guidance

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

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

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

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals”⁴¹

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”⁴².

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

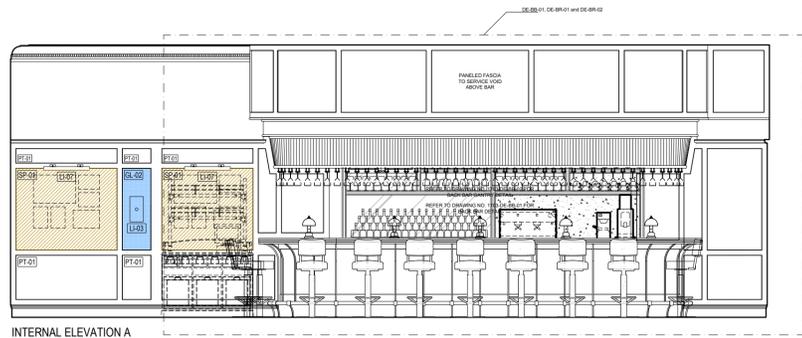
⁴⁰ MHCLG, NPPF, para. 203.

⁴¹ MHCLG, Planning Practice Guidance, paragraph 007 (ID: 18a-007/20190723 revision date 23.07.2019)

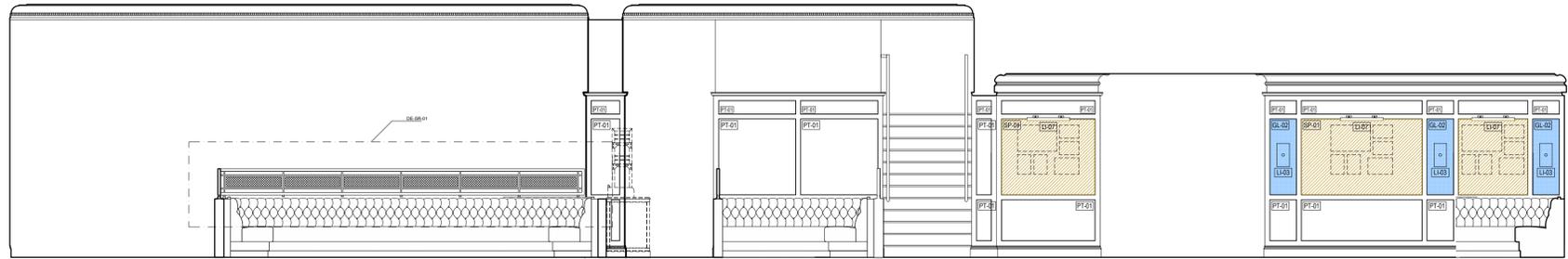
⁴² MHCLG, Planning Practice Guidance, paragraph 018 (ID: 18a-018-20190723 revision date 23.07.2019)

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"

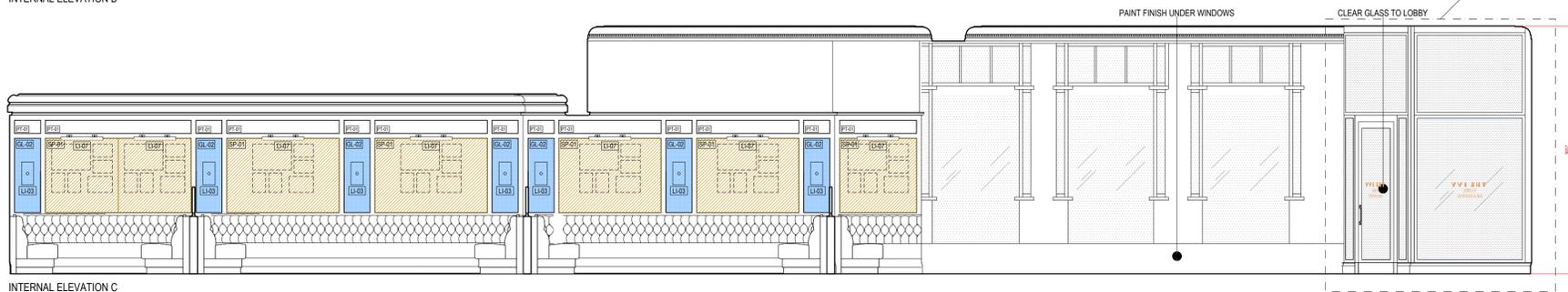
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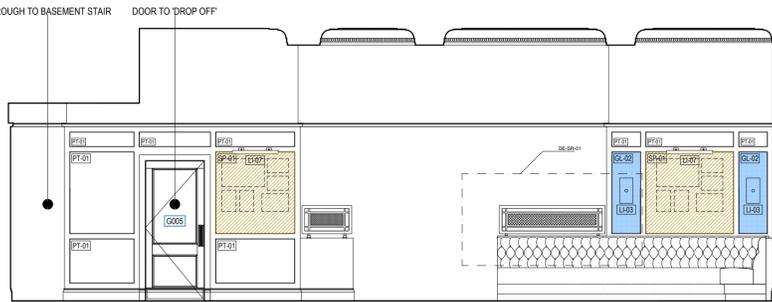
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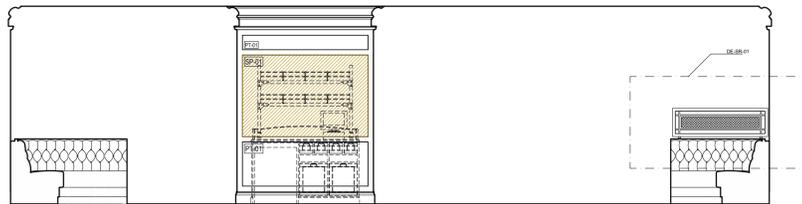
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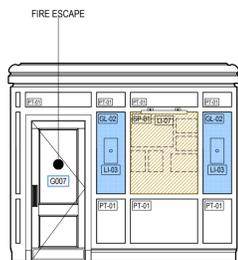
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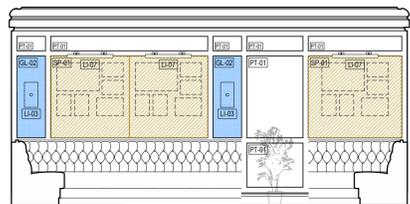
INTERNAL ELEVATION D



INTERNAL ELEVATION F



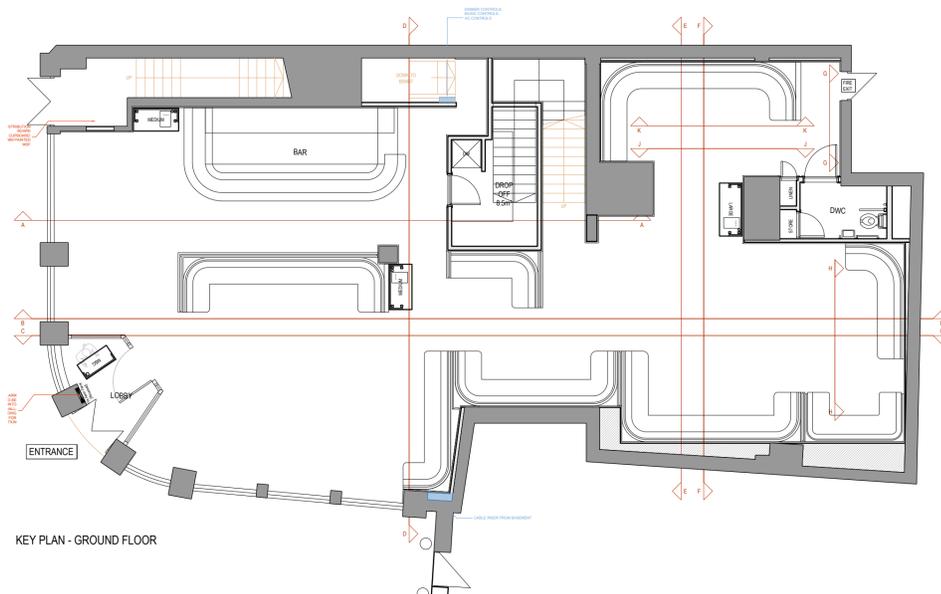
INTERNAL ELEVATION G



INTERNAL ELEVATION H

RELEVANT SCHEDULE REFERENCES:

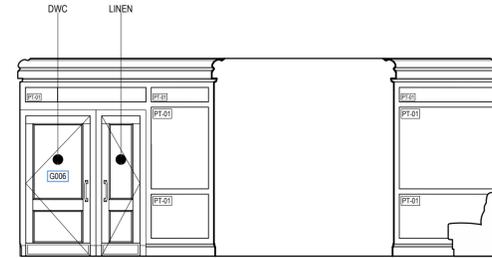
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SKIRTING	PT-02
CEILING	PT-03
GLASS:	
ENTRANCE LOBBY	CLEAR FLOAT GLASS
MIRROR INSERTS	GL-02
SPECIAL FINISHES:	
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SILK BAR FRONT	SP-02
LIGHTING:	
WALL LIGHTS	LI-03
PICTURE LIGHTS	LI-07



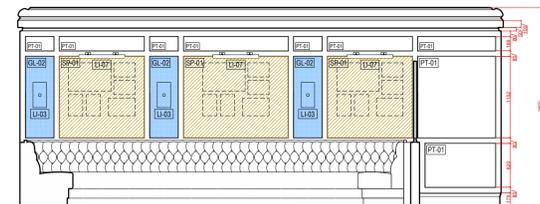
KEY PLAN - GROUND FLOOR

WALL FINISHES:

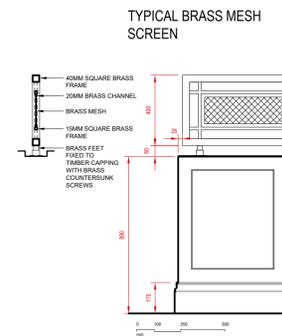
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ANTIQUE MIRROR INSERT	GL-02
SEEDY DIAMOND GLASS	GL-03
CLEAR GLASS	GL-04
UNHATCHED WALLS ARE TO BE PAINTED	PT-02
EXISTING GLAZING TO SHIFFRONT	GL-05



INTERNAL ELEVATION J



INTERNAL ELEVATION K



A	20.06.17	DAF	IF	AMENDED FOLLOWING REVIEW COMMENTS
B	12.07.17	DAF	IF	AMENDED FOLLOWING COST REVIEW COMMENTS
C	17.07.17	DAF	IF	AMENDED FOLLOWING COMMENTS FROM PLANNING/CONSERVATION OFFICER
D	19.07.17	DAF	IF	AMENDED FOLLOWING COMMENTS FROM PLANNING CONSULTANT
E	21.08.17	DAF	IF	SUSPENDED CEILING OMITTED

TENDER / SITE



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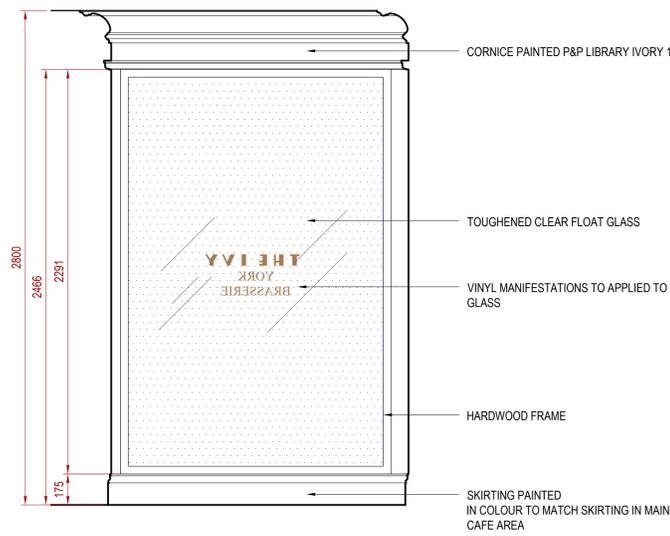
project
The Ivy York

drawing
Room Elevations:
Main Cafe Area

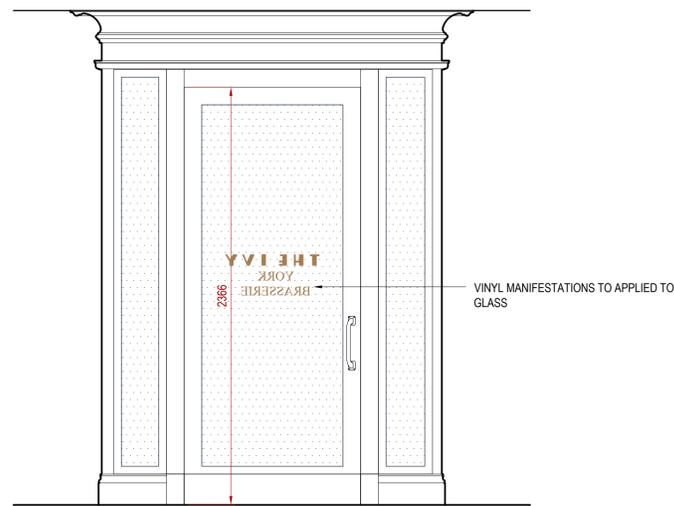
as Proposed
drawing number 1703 -RE- CF-01 revision E

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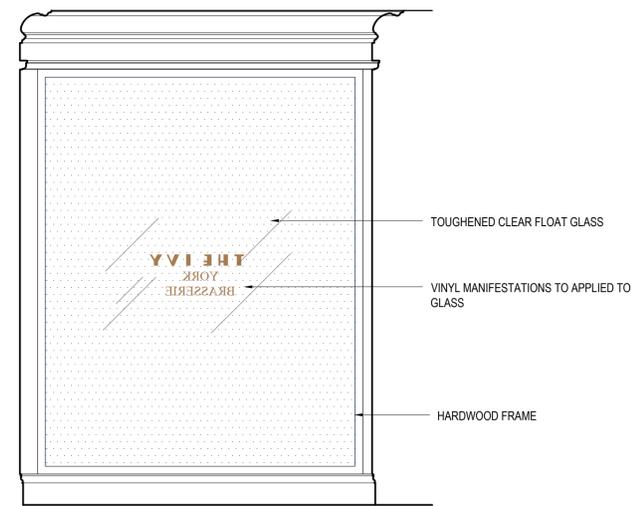
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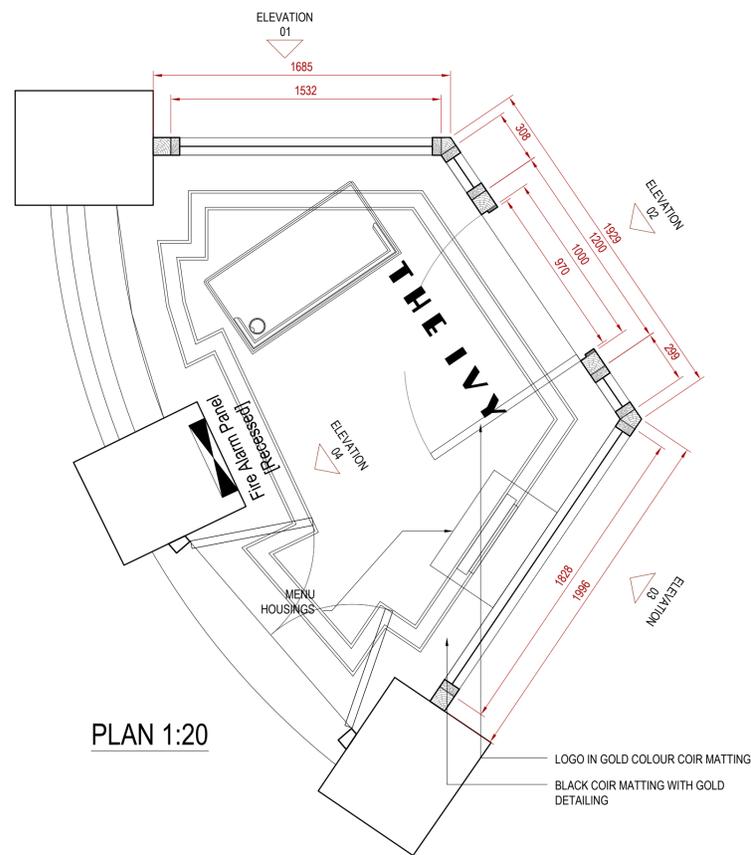
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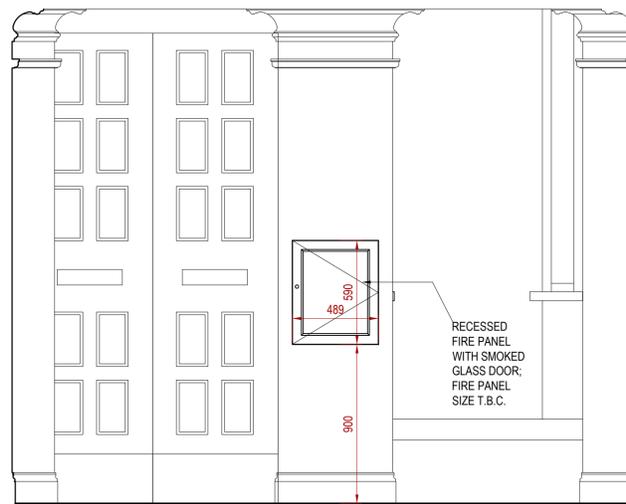
ELEVATION 02 1:20



ELEVATION 03 1:20



PLAN 1:20



ELEVATION 04 1:20



A	15.06.17	DAF	IF	AMENDED FOLLOWING COMMENTS FROM PLANNING CONSULTANT
B	05.07.17	DAF	IF	AMENDED FOLLOWING COMMENTS FROM PLANNING/CONSERVATION OFFICER
C	17.07.17	DAF	IF	AMENDED FOLLOWING COMMENTS FROM PLANNING/CONSERVATION OFFICER
D	19.07.17	DAF	IF	AMENDED FOLLOWING COMMENTS FROM PLANNING CONSULTANT

TENDER / SITE

WE MAKE IT HAPPEN
Design & Build Ltd

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status	TENDER / SITE
scale	size
1:20	A1
project	'The Ivy' York
drawing	
Details:	
Lobby:	
	Main Entrance Lobby and Cloak Cupboard
drawing number	revision
1703 -DE- LB-01	D

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**Appendix 4 – 18/00460/FUL Decision Notice and
Delegated Report**



Approve Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:

Mr Alex Robinson
Pegasus Group
Pegasus Planning Group Ltd
Querns Business Centre
Whitworth Road
Cirencester
GL7 1RT

Application at: The Ivy 2 St Helens Square York YO1 8QP
For: Reinstatement and refurbishment of original front entrance doors
By: Troia (UK) Restaurants Ltd,
Application Ref No: 18/00460/FUL
Application Received on: 5 March 2018

CONDITIONS OF APPROVAL:

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted documents:

1703A-DE-ED-01D

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

Date:29 June 2018



M.Slater
Assistant Director for Planning and Public
Protection

FOR RIGHTS OF APPEAL, SEE OVERLEAF

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

A revised plan was secured which indicates that the original doors will be reinstated on the building within their original frames.

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory.

Appeals to the Secretary of State

- . If you are aggrieved by the decision of the City Council to attach conditions to the grant of planning permission, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- . If you want to appeal, then you must do so within SIX months of the date of this. You must use a form which you can get from The Planning Inspectorate, at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (tel: 0303 444 5433) or which can be downloaded from their web site (<https://www.gov.uk/appeal-planning-inspectorate>).
- . The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- . The Secretary of State need not consider an appeal if it seems to him that the City Council could not have granted planning permission for the proposed development, or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.
- . In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

Purchase Notices

- . If either the City Council or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- . In these circumstances, the owner may serve a purchase notice on the City Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- . In certain circumstances, compensation may be claimed from the City Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- . These circumstances are set out in Section 120 and related provisions of the Town and Country Planning Act 1990.

Note

This permission does not absolve you from the need to obtain approval under the Building Regulations, or to obtain approval under any other Bye-Laws, Local Acts, Orders, Regulations and statutory provision in force, and no part of the proposed development should be commenced until such further approval has been obtained.

DELEGATED REPORT

Date:
Team: Major and Commercial Team

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 18/00460/FUL
Application at: The Ivy 2 St Helens Square York YO1 8QP
For: Reinstatement and refurbishment of original front entrance doors
By: Troia (UK) Restaurants Ltd
Application Type: Full Application
Target Date: 14 May 2018
Recommendation: Approve

1.0 PROPOSAL

SITE

1.1 This commercial property is located within the Central Historic Core conservation area and within the retail heart of the city centre.

PROPOSAL

1.2 The application was originally for retrospective planning permission for an outward opening door that had replaced original double entrance doors at the main entrance. The scheme has been revised following officer and York Civic Trust objections to the work that had been carried out without consent and the application now seeks consent for reinstatement and refurbishment of the original timber front doors. A separate application for listed building consent has been submitted which includes the installation of an additional glazed panel door within the entrance lobby. As these works are internal to the building, they are not considered as part of this application for planning permission.

SITE HISTORY

1.3 Planning permission and listed building consent were granted for internal and external alterations and change of use from shop to restaurant at the premises in July 2017 (CYC ref: 17/00914/LBC and 17/00910/FUL). The consents have been implemented.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Shopping

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core CONF

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2; 2 St Helens Square York 0594

2.2 Policies:

CYGP1
Design

CYHE3
Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development

3.1 The revised scheme proposes reinstatement of the panelled entrance doors which have been removed without listed building consent, and the construction of a glazed screen within the existing lobby. A door within the screen would open outwards.

3.2 The reinstatement of the panelled doors to their original position, hung from the corresponding door frames, is welcomed by DCSD. We object to the construction of the internal screen. Whilst the applicant highlights the transparent quality of the proposed construction, the glass used for the screen would nevertheless have a reflective quality which would draw attention. In the event that the door is indeed fully glazed, building regulations may require a manifestation, which would draw further attention, as would the door handle illustrated on the latest drawings. The screen would appear as an anomalous modern addition, at odds with the historic character of the building and as such would not preserve the character of the building as one of special architectural or historic interest. The harm to the significance of the listed building would be less than substantial.

3.3 The applicant indicates that the panelled doors must be held open during trading hours to comply with building regulations. This is not disputed by ourselves. An internal lobby offers further protection from the elements. The applicant states that the arrangement would meet the operational requirement of the operators, but

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does not indicate in writing exactly what they are. A recent phone conversation with the agents indicates that the operators had not foreseen that a draught might blow in when the lobby door is open, but this is no different to any other dining premises with a similar arrangement in the city, or indeed to any of the premises without an internal lobby. Indeed, other food premises have addressed the issue with the strategic positioning of non-intrusive furnishings or screens within the trading area.

3.4 There is in addition the matter of the welfare of the "meeter and greeter" who is required by the operator to stand within the lobby, but this could be addressed, as indicated in my original consultation response, by allowing them to stand within the trading area, instead of in the lobby. In any event, the advantages which would be offered by allowing the construction of the lobby would not outweigh the harm to the character of the building as one of special architectural or historic interest. For avoidance of doubt, the indication that the harm is "less than substantial" does not indicate that there is no harm, or that consent should be granted, but instead indicates that the appropriate judgement should be made as indicated in the NPPF, taking into account the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the great weight the NPPF indicates should be given to the asset's conservation.

3.5 Note that the proposal drawing suggests that this solution was discussed at a site meeting on 15/9/2017. It was not, the unauthorised works which have resulted in the applicant's current proposal not having been reported to our enforcement team until 24th January 2018.

Network Management

3.6 We are unable to support the opening of doors onto the highway. Much as we sympathise with staff members of a restaurant being exposed to the elements, we are concerned from a highways point of view for the safety of members of the public using the highway having a door swung into them or obstructing their right of passage, when passing the establishment in this busy pedestrian location. The applicant may wish to set the doors back and remodel the lobby within the curtilage of their building to suit the requirements their staff, Building Regulations, and section 153 of the Highways Act. They may wish to include a secondary lobby, should they not be able to change the external door.

EXTERNAL

York Civic Trust

3.7 The property is Grade II Listed and located in the York Central Historic Core Conservation Area. It is in close proximity to a range of Grade II and Grade II* properties. The building was constructed in 1929-1930 to the designs of nationally renowned architect and public servant Sir Thomas Penberthy Bennett. Its erection

corresponds to the interwar redevelopment of the Helen's Square, which is today highly valued due to its architecture, historic properties, open spatial qualities and elegant street furniture. Having previously removed our objection to the alterations to facilitate change of use from shop to restaurant at 2 St Helen's Square (17/00914/LBC), the Trust is extremely disappointed that historic fabric in the form of the central doors has been removed and replaced without planning permission. This is unacceptable and we would urge City of York Council to enforce the reinstatement of these doors immediately as a matter of principle, and in advance of considering the alternative replacement doors in this application

4.0 APPRAISAL

KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact upon the character and appearance of the building and the conservation area.

LEGISLATIVE BACKGROUND

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, March 2012 (NPPF). This sets out the overarching roles for the planning.

4.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a Local Planning Authorities, in the exercise of its planning function with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. This duty means that when deciding whether harm to a conservation area is outweighed by the advantages of a proposed development, the LPA should give particular weight to the desirability of avoiding such harm. There is a "strong presumption" against the grant of permission in such cases. The process is one of planning judgment but it must be informed by that need to give special weight to maintaining the conservation area.

POLICY CONTEXT

National Planning Policy Framework

4.4 Central Government guidance is contained in the National Planning Policy Framework, March 2012 (NPPF). This sets out the overarching roles for the planning system. In Paragraph 7 it says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 advises a presumption in favour of sustainable development is at the heart of the Framework. There is, however, a footnote to paragraph 14 which contains restrictions where this presumption does not apply and the restrictions include designated heritage assets such as listed buildings and conservation areas. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and conserving heritage assets.

4.5 Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use

City of York Pre-Publication Draft Local Plan 2018

4.6 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. The following policies advise that development proposals will be supported where, inter alia, they:

- Policy D4:Conservation Areas - conserve and enhance the special character and appearance of the conservation area
- Policy D5:Listed Buildings - preserve the special architectural or historic interest of listed buildings

Development Control Local Plan 2005

4.7 The Development Control Local Plan was approved for development control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. The relevant Local Plan Policies are GP1, HE2 and HE4. Policy GP1

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requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area. Policy HE2 advises that development in conservation areas must respect adjacent buildings and be of a design that is compatible with the character of the area and neighbouring buildings. Policy HE4 states that with regard to listed buildings, consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the building.

ASSESSMENT

4.8 The original scheme was retrospective and related to a single part glazed door that had been installed in the entrance following removal of the original pair of solid timber doors. Following discussions the applicants have altered the scheme to one that involves the reinstallation of the original timber doors within their original framing and it is now considered to be acceptable.

Legislative and NPPF Policy Compliance

4.19 It is considered that the re-instatement of the original doors would preserve the character and appearance of the conservation area, its setting and its special architectural and historic features. Therefore in approving this application the Local Planning Authority considers it will have properly exercised its duty under Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.10 In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of this listed building and putting it to a viable use consistent with its conservation, as required by Paragraph 131 of the NPPF. They have also considered the impact it would have on the significance of the conservation area and listed building, as required by Paragraph 132 of the NPPF, and have judged that there will be no harm. As it is considered there will be no harm, there is no need to weigh the proposal against the public benefits as outlined in Paragraph 134 of the NPPF.

5.0 CONCLUSION

5.1 It is considered that the proposal would respect the special historic and architectural interest of the building and the character of the conservation area. They comply with national planning guidance, as contained in the National Planning Policy Framework, Publication Draft York Local Plan 2018 and City of York Council Development Control Local Plan 2005. It is considered that planning consent should be granted

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted documents:

1703A-DE-ED-01D

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

A revised plan was secured which indicates that the original doors will be reinstated on the building within their original frames .

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory.

Contact details:

Author: David Johnson Development Management Assistant

Tel No: 01904 551665

Appendix 5 – 18/00282/LBC Inspector's Decision



Appeal Decision

Site visit made on 14 May 2019

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2019

Appeal Ref: APP/C2741/Y/19/3220972

2 St Helens Square, York YO1 8QP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Troia (UK) Restaurants Ltd against the decision of City of York Council.
 - The application Ref: 18/00282/LBC, dated 9 February 2018, was refused by notice dated 24 July 2018.
 - The works proposed are reinstatement of original entrance doors and insertion of glazed entrance screen.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In addition, when considering whether to grant listed building consent I have had special regard to the provisions of section 16(2) of the Act.
3. The description of the proposal has changed since the application was submitted since the original entrance doors are now proposed to be reinstated rather than replaced.

Planning Policy

4. The City of York Draft Local Plan Incorporating the 4th set of changes Development Control Local Plan (the DCLP) was approved for development control purposes in April 2005. It does not form part of the statutory development plan. In addition, The Publication Draft York Local Plan 2018 (the Draft Plan) was submitted for examination in May 2018 but does not form part of the statutory development plan because it has not yet been through the examination process.
5. Neither Policy D5 of the Draft plan nor Policy H4 of the DCLP forms part of an adopted development plan and consequently their weight is limited except where they are in accordance with the National Planning Policy Framework (the Framework). Policy HE4 was adopted by the Council for development control purposes before the inception of the Framework. Since the policy does not allow for a balanced judgement to be carried out by the decision-maker, stating only that consent will be granted where there is no adverse effect, the policy

does not accord with guidance within the Framework. Therefore, little weight can be attributed to it in the determination of this appeal.

Main Issue

6. The main issues are whether the proposal would preserve a Grade II listed building, 2 St Helens Square, York, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the York Central Historic Core Conservation Area.

Reasons

7. I understand that the renovation and restoration of the property has been approved under previous planning permission and listed building consents¹. The current proposal is for some alterations to the entrance lobby arrangements. Planning permission for the reinstatement of the original doors was approved in June 2018. The works to the lobby are the insertion of a new frameless glazed screen with a door which would be set back behind the reinstated original doors within the previously constructed internal lobby area.
8. The building was listed in March 1997 and is a corner unit of a group of buildings known as 2-8 St Helens Square and 2 Davygate constructed between 1929 and 1930. The building forms the south-west corner of St Helen's Square, which is an area of eighteenth century designed urban layout. The square was created in 1745 as part of the improvement of central York. The original building along with others along the southern side of the square were demolished in 1929 to allow for further alterations to the townscape, including enlarging the square.
9. The appeal building is constructed of red brick with Flemish bond and sandstone ashlar with ashlar dressings, shopfronts of ashlar with bronze window frames. The ground floor shop front of No 2 has six principle bays which are sub-divided by bronze pilasters with bronze detailed window surrounds, including the doors and fanlights. It had panelled wooden doors within the corner bay before they were removed (proposed to be replaced as part of the current scheme) in an architrave of slender pilaster jambs beneath a fluted frieze and moulded cornice. There is a similar but less ornate door at the left end of the building which forms a side entrance.
10. The appeal site is currently used as a restaurant/brasserie and although the original external composition and key historic and architectural features are still visible, most of the historic internal layout and internal features have been removed. As such, the significance of the heritage asset is mainly gained from the historic and architectural interest of its physical fabric. This is principally held in its role as being an integral part of the planned 1920s St Helen's Square and its key external architectural features.
11. A significant amount of internal works have been carried out in the building during the late twentieth century and in more recent years. There is little remaining of architectural and historic interest inside the property other than the windows, some cornicing and also the vaults in the basement. The reason for refusal relates solely to internal works, specifically the effect of the new internal glazed screen. However, the relationship between internal alterations

¹ LPA references 17/00910/FUL, 17/00914/LBC and 17/02422/LBC

and the external appearance of the building is also a significant issue in determining this appeal.

12. The proposal is of a modern design and would use frameless sheets of glazing in order to avoid the need for additional framing which may be bulky. It would be a simple and transparent feature, with the hinges and door handle being the only solid features. It would be set into the existing lobby which is itself a modern feature which has been granted listed building consent twice by the Council as part of the original scheme to convert and refurbish the building and the subsequently amended proposal. As such, the use of modern glazed features around the entrance of the building has been accepted. However, the proposal would introduce an additional modern glazed feature immediately adjacent to the threshold.
13. The screen would be set only approximately 0.8 metres inside the building behind the original timber doors which are to be reinstated. It is my understanding that the timber doors would be kept open during opening hours. As a consequence of the location of the screen, the external of the building would be physically unaltered. However, the proposed works would complicate the access arrangements and draw further attention to the recent alterations around the entrance to the building. Although the alterations that have taken place to date have been accepted by the Council, the siting and design of the glazed screen in this appeal proposal would be visible from the outside of the building where it would be visually prominent and have a reflective quality which would detract from the retained historic door and access. The effect of the works would be in part mitigated by the recessed nature of the glazing and retention of the reinstatement of the timber doors, but any additional reflection would draw further unwanted attention to the intrusive modern addition to the detriment of the special architectural and historic interest the building.
14. The appellant has suggested that a condition could be used to require a transparent anti-glare film to be applied to the glass to reduce any possibility of reflection. However, in this particular case the application of such a film may actually draw additional attention to the glazing and appear as a poor quality after thought. As such, a condition would not satisfactorily mitigate any harm.
15. The proposed door handle would be a relatively slender linear feature. The hinges and handle would not be overly large or prominent but given their proximity to the entrance to the building they would be clearly visible and add to the obtrusive appearance of the modern alien feature. The Council has cited additional manifestations that would be likely to be required and would draw attention to the proposed modern addition. However, I have based my decision on the scheme before me and there is no indication from the appellant that it is intended to install any additional markings on the glazing. I therefore find that the proposal would fail to preserve the special interest of the listed building. I therefore find that the proposal would fail to preserve the special interest of the listed building.
16. The building is located in the Central York Historic Core Conservation Area. As such, in determining this appeal and in accordance with section 72 of the Act I have had regard to the desirability of preserving or enhancing the character or appearance of the conservation area. Due to the position of the proposal immediately adjacent to the main entrance into the building it would be visible from public views. Given the harm to the historic and architectural interest of

the building, it cannot reasonably be argued that the works would preserve or enhance the character or appearance of the Conservation Area. As such, I conclude that the proposal would fail to preserve the character and appearance of the conservation area.

17. Paragraph 193 of the Framework advises that when considering the impact on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the poor relationship to the visually significant corner bay of the listed building, I find the harm, in the terms of the Framework, to be less than substantial in this instance but nevertheless they are of considerable importance and weight.
18. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because the arrangements would meet the operational requirements of the business, but it is not entirely clear what these are. I understand that the proposal would provide some protection from outside weather conditions and in particular wind that may blow into the premises. It would also benefit the welfare of the member of staff who works in the lobby. However, these benefits would not outweigh the harm to the historic and architectural merit of the building.
19. Given the above and in the absence of any significant public benefits, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. As such, it conflicts with the requirements of the Act, paragraph 192 of the Framework and would also conflict with Policy D5 of the Draft Plan and Policy HE4 of the DCLP.

Other Matters

20. The appellant contends that the proposal is an entirely reversible intervention. However, in determining this appeal I have taken account of the details of the proposal and its effect on the listed building and any of the key features that it possesses. Whilst the proposal may be reversible there would be an immediate harmful effect on the special interest of the building. Moreover, there is no suggestion that it would be a temporary measure.
21. Whilst frameless glazing within listed buildings may be acceptable in some circumstances and thereby be seen as established practice each case must be judged on its own merits as I have done here. In the circumstances of this appeal proposal I have found harm to the special architectural and historic features of the building.

Conclusions

22. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

A A Phillips

INSPECTOR

Appendix 6 – List Entry Description

Heritage Category: Listed Building
Grade: II
List Entry Number: 1256795
Date first listed: 14-Mar-1997
Statutory Address: 2, DAVYGATE
Statutory Address: 2-8, ST HELENS SQUARE
District: York (Unitary Authority)
Parish: Non Civil Parish
National Grid Reference: SE 60186 51934

Details:

YORK

SE6051NW ST HELEN'S SQUARE 1112-1/28/936 (South East side) Nos.2-8 (Even)

GV II

Includes: No.2 DAVYGATE. Bank, restaurant, shops and offices. 1929-30. By TP Bennett. MATERIALS: red brick in Flemish bond and sandstone ashlar, with ashlar dressings; shopfronts of ashlar with bronze window frames: parapet of brick panels, broken by balustraded lengths, between piers of brick or ashlar, with moulded stone coping. Roof of Westmorland slates, hipped at each end, with brick stacks, and pilastrated octagonal cupola with lead ogee cap, surmounted by wrought-iron finial and weathervane, in centre. EXTERIOR: 3-storeys; 9 bays to St Helen's Square, 9 bays to Davygate, 4 bays to Coney Street, and tripartite curved corner bays. Upper floors to St Helen's Square articulated by giant Ionic pilasters, the centre bay treated as frontispiece with coupled columns and pilasters supporting plain frieze and moulded modillion cornice which breaks forward over outer bays, and broken central pediment with garlanded cartouche of York City arms in tympanum. Shopfronts of plain pilasters with moulded bases and capitals, and broad fascia beneath moulded cornice on triglyph brackets. No.2 has panelled double doors in corner bay, in architrave of slender pilaster jambs beneath fluted frieze and moulded cornice, and pediment formed of volutes and palmette; overlight divided by squat pilasters with palmette bases. Similar door at left end. Small-pane fixed light windows made tripartite by pilasters beneath fluted friezes and moulded cornices, and transom lights divided as door overlights; risers of moulded raised panelling between fluted pilaster strips. Shopfront to No.4 altered. Entrance to Nos 6 and 8 in Davygate return is glazed open metalwork panel of geometric design in brass surround, with glass and bronze canopy above. Subsidiary glass door to St Helen's Square front, at right end of plate glass windows with top panels of coloured glass: lower part of windows protected by balustrade of open metalwork panels similar to that in main door. Coloured glass panels in canopy and window heads are leaded and of abstracted leaf trail design. Shopfront returns on Davygate front and incorporates service passage gate and screen of square section railings at left end. Frontispiece on St Helen's Square has tripartite sash windows on first and second floors. First floor window has keyed Gibbs surround beneath moulded cornice on consoles; second floor centre window is radial-glazed in round-arched keyed and eared architrave, with moulded sill over shaped apron. Elsewhere first floor windows generally are 18-pane sashes with flat arches of gauged brick; on second floor 12-pane sashes with tiled sills over raised brick aprons. In corner bays and some others, first floor windows have triple-keyed architraves with broken pedimented hoods on scrolled consoles, and second floor windows with moulded stone sills over moulded aprons.

INTERIORS: not inspected. (Bartholomew City Guides: Hutchinson J and Palliser DM: York: Edinburgh: 1980-: 157;).

Listing NGR: SE6018651934

Legacy System number: 464553

Legacy System: LBS
